

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD
SEPTEMBER 20, 2022, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Jay Thomas, Kent Shelton, Matt Quinney, Trish Hatch, Ammon Allen, George Winn, and McKenna Marchant

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Rob Wall, Ray McCandless, Mark Forsythe, Julie Davis, Paul Coates

The pre-meeting was called to order by Jay Thomas. City Attorney Rob Wall provided training on the topic of procedure and the standards spectrum in decision making.

The meeting was called to order at 6:09 p.m.

1. Approve Minutes from September 6, 2022

MOTION: Trish Hatch moved to approve the Minutes from September 6, 2022. The motion was seconded by Matt Quinney and passed 7-0 in favor.

2. Jones Landing Building 1; 6835 West 9800 South; Site Plan with review of street-facing bay doors and Major Subdivision Plat (2 lots on 62 acres); M-1 Zone; Gardner Company/Ben Seastrand (applicant) [#27360, 27362; parcel 26-10-100-006]

MOTION: Matt Quinney moved to continue Jones Landing Building 1 to the October 4, 2022, Planning Commission Meeting. The motion was seconded by McKenna Marchant and passed 7-0 in favor.

3. Truck Ranch; 9204 South 5600 West; Preliminary Site Plan, Preliminary Subdivision Plat (5 lots on 19.81 acres, and Conditional Use Permit for Motor Vehicle Sales and Service (Used); SC-3 Zone; Truck Ranch/Jadon Wagner (applicant) [#28362, 27915; parcel 26-02-426-003]

Jadon Wagner, applicant and owner of Truck Ranch, said the site is approximately 20 acres. Sixteen acres will be used for an auto mall and the remaining property will be used as flex retail space. Truck Ranch has multiple locations and sells primarily trucks. The proposed location will be their headquarters and will also have a large service department for all types of vehicles. They feel that there is an opportunity for an underserved demographic in this area that has little to no dealerships. The RDA study found that only 8% of West Jordan residents are purchasing vehicles within West Jordan. He said that the location on the freeway has a good opportunity for a successful business. The flex retail will have some food/beverage uses and other types of retail, which will be on lot 2.

Larry Gardner noted that Paul Coates, who represents the West Jordan Redevelopment Agency, was also in attendance. The West Jordan RDA owns the subject property. He reviewed the surrounding land uses. The 5-lot subdivision plat includes an area along 5600 West that requires dedication to the city. The Truck Ranch lot is 8 acres in size, and the proposed building is 76,557 square feet and is

surrounded with parking that will be used mostly for vehicles for sale. Mr. Gardner showed the elevations that include relief and windows to make an attractive automotive-themed building. A conditional use permit for used vehicle sales in the SC-3 zone is also being considered. Conditions that are intended to mitigate any detrimental impacts to the area were recommended by staff based on this property being a gateway into the city from the Mountain View Corridor.

Larry Gardner explained that staff has identified three reasonably anticipated detrimental effects of the proposed use (numbered 4, 5, and 6 in the Staff Report) and three conditions (also numbered 4, 5, and 6 in the Staff Report) that relate to mitigating the anticipated detrimental effects:

- **Detrimental Effect:** Stacks of vehicle parts, tires, batteries, oil, and other fluids outside, which are unsightly, and which lead to mosquito issues (because of water contained in the tires) and other potential dangers.
Mitigating Condition: Mr. Gardner identified that not permitting this type of outdoor storage is the most appropriate condition to impose to mitigate this detrimental effect.
- **Detrimental Effect:** Outdoor painting of vehicles and/or parts [paint could affect the air quality and neighboring property owners].
Mitigating Condition: Only allow painting in an approved indoor painting/spray booth.
- **Detrimental Effect:** Vehicle repair and upgrades, which can affect the noise in and look of the neighborhood.
Mitigating Condition: Require that all vehicle repair and upgrades take place inside an approved building.

Staff recommended approval of the Preliminary Site Plan, Preliminary Subdivision Plat and Conditional Use Permit; [Motor vehicle sales and service, used] for Truck Ranch; 9204 South 5600 West in the SC-3 Zone.

Site Plan Requirements of Approval

1. The development shall meet all requirements of the Engineering and Fire departments.
2. All outstanding preliminary application redline corrections shall be corrected to staff's satisfaction prior to final site plan application submittal.
3. An approved preliminary site plan shall remain valid for one year following the date of the approval.
4. The proposed development shall meet all applicable 2009 City Code requirements.

Subdivision Requirements of Approval

1. All outstanding preliminary application redline corrections shall be corrected to staff's satisfaction prior to final subdivision application submittal.
2. The preliminary subdivision plat must meet all requirements of Engineering and Fire Departments.
3. The preliminary subdivision plat shall meet all applicable 2009 City Code requirements.
4. The preliminary subdivision plat shall meet all applicable Zoning Ordinance requirements.

5. The preliminary subdivision approval shall remain valid for one year following the date of approval (14-3-8).

Conditional Use Permit approved subject to the following:

1. Comply with all objective standards applicable to the proposed use, including also the following existing law:
 - The use and business activities shall follow the definition of section 13-2-3 “Motor Vehicle Sales and Service.”
 - Business operations and equipment shall comply with all noise regulations of the Salt Lake County Health Department, continuously.
 - The business shall comply with all requirements of 2009 West Jordan City Code.
2. Mitigate the three anticipated detrimental effects as follows:
 - **Detrimental Effect:** Stacks of vehicle parts, tires, batteries, oil, and other fluids outside, which are unsightly, and which lead to mosquito issues (because of water contained in the tires) and other potential dangers.
Mitigating Condition: Outdoor storage of new or used vehicle parts, tires, batteries, oil, and other motor vehicle fluids is not permitted.
 - **Detrimental Effect:** Outdoor painting of vehicles and/or parts [paint could affect the air quality and neighboring property owners].
Mitigating Condition: Painting of vehicles and/or parts shall only be allowed in an approved indoor painting booth.
 - **Detrimental Effect:** Vehicle repair and upgrades, which can affect the noise in and look of the neighborhood.
Mitigating Condition: All vehicle repair/upgrades shall take place inside an approved building.

George Winn said that only two handicapped spaces are provided, and he asked if that meets the code.

Larry Gardner said that the building department will verify that requirement with the building permit, but most of the parking stalls will hold cars for sale.

McKenna Marchant asked if the RDA is delegating any funds to the business and if there is an RDA plan in place.

Paul Coates said the Redevelopment Agency is not providing any funds. The property was purchased by the RDA years ago for this specific purpose. This will be a purchase agreement with the RDA and once the specific conditions of the agreement are met then the property will be sold. Truck Ranch will be installing a lot of improvements prior to the sale.

Jay Thomas opened the public hearing.

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

George Winn referred to pages 152 and 153 of the draft General Plan regarding gross retail sales and per capita gross retail sales in West Jordan. These figures lag way behind other cities, and he felt that this business represents a tremendous opportunity to increase gross retail sales.

Kent Shelton was also in support of the application.

McKenna Marchant was also in support, especially knowing that it matches what the RDA wants to achieve. She appreciated the efforts made to bring this business to West Jordan.

Jay Thomas was in support of bringing more auto sales into West Jordan that will generate revenue.

Trish Hatch agreed that it had been said over the years that West Jordan needs more auto sales.

Ammon Allen said upon reading the staff report, he felt that staff very logically and well set out the findings and he is comfortable in saying that he would have made the same findings.

MOTION: Ammon Allen moved, based on the information and findings discussed and requirements of approval set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Site Plan for Truck Ranch; 9204 South 5600 West; Truck Ranch/Jadon Wagner (applicant). The motion was seconded by Matt Quinney and passed 7-0 in favor.

MOTION: Ammon Allen moved, based on the information and findings and requirements of approval set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Subdivision Plat for Truck Ranch; 9204 South 5600 West; Truck Ranch/Jadon Wagner (applicant). The motion was seconded by Matt Quinney and passed 7-0 in favor.

MOTION: Ammon Allen moved, based on the information and findings and conditions of approval set forth in the staff report and upon the evidence and explanations received today, to approve the Conditional Use Permit for Motor Vehicle Sales and Service (Used) for Truck Ranch; 9204 South 5600 West; Truck Ranch/Jadon Wagner (applicant). The motion was seconded by Matt Quinney and passed 7-0 in favor.

4. Comprehensive General Plan – Discuss and provide input regarding the 2022 West Jordan Comprehensive General Plan Update; City-wide applicability; City of West Jordan (applicant)

Ray McCandless shared the history and process this document had gone through with the General Plan Committee. They met more than 20 times in regular meetings beginning in 2020. Three subcommittees were established in early 2021 assigned to review certain elements of the plan. Initially staff made recommendations to the General Plan Committee on the overall plan. As the General Plan Committee suggested changes, including the subcommittees, those changed were made on the document. The draft that is before the Planning Commission tonight is a culmination of all of the recommendations. A lot of

time and work had been spent on each of the chapters within the plan. It is now up to the Planning Commission to decide how they want to review the document. Staff recommended that they could review a few of the easier chapters tonight and take other chapters at future meetings. Staff appreciated all of the time and work that was expended by the General Plan Committee in bringing this document forward.

Jay Thomas agreed that there had been hours and hours of hard work by the Committee and staff, and he appreciated all who participated.

Ray McCandless said the old plan was divided into goals, policies, and implementation measures. The General Plan Committee wanted those things to be consolidated and more manageable. They took out the goals that had already been attained by the city as well as any that were duplicated. They then created new goals. 'Goals' will be renamed to 'Guiding Principles' as recommended by the Planning Commission. They are working on placing the goals into a hierarchy with subsequent related goals falling under that.

Ammon Allen liked how the goals are set up at the end of each chapter, he stated that he had some corrections that will be given to staff, which are mostly grammatical and would not change the overall content of the document.

Introduction

This section was reworked to be clearer. It also talks about the survey and open houses. The 2012 Plan only mentions the capital facilities plan and the electrical plan. However, many other plans that support the General Plan are now referenced in order to tie them all together. The Committee wanted to keep this document a high-level, visionary document, so specifics are left within each supporting plan document.

There were no changes from the Planning Commission.

Population and Demographics

This section was updated with information from the 2020 Census and 2019 American Communities Survey. West Jordan is now the 3rd largest city in Utah. Ethnic distribution has changed somewhat with the largest growth being the Hispanic population. Median family income is a little higher than Salt Lake County, but per capita income is a little less because West Jordan has a larger family size.

There were no changes from the Planning Commission.

Housing

Updates to this chapter include numbers from the 2020 Census, American Community Survey, and city building permit records. The introduction addresses challenges we have seen in housing affordability and availability. Housing inventory with single and multi-family numbers were updated and show a steady increase from the first half of the past decade. The Balanced Housing ordinance most likely influenced the trends shown with multi-family permits. A new section for Accessory Dwelling Units describes both internal and external units. When the report was originally composed, there were not many ADU applications, but more and more walkout basement permits are coming in, which trigger the ADU permits. However, it is difficult to always know when an ADU is in place.

A rental license is required in order for an ADU to be approved. West Jordan will have to start reporting ADU numbers next year to the state relating to moderate-income housing issues. However, there is a large percentage that are not licensed and tracked.

There was a discussion regarding enforcement of illegal ADU's. A 2-week courtesy notice asks the property owner to come into compliance by obtaining a rental license. If that does not occur, then an official notice of violation is sent with another two weeks to comply. After that, the issue proceeds to the Administrative Law Judge.

Mark Forsythe said survey results from 2021 relevant to housing and multi-family, density, small lot subdivisions, and preferred type of housing were added to this section. There were no questions related to housing affordability on the survey, but respondents were asked to rank priorities from which affordable housing came in at 3 or 4.

McKenna Marchant said at the time of the survey her focus was on increased home values, but now that she has grown in her profession and experience, and based on the current market, more people are focused on housing affordability. She felt that prioritizing multi-family and small lot subdivisions is important in an effort to provide affordable housing.

Mark Forsythe said home prices grew steadily in the decade but then began an upward trend in 2015 when home prices nearly doubled by 2020. They also looked at trends by zip code. The east side had the highest price increases, but the lowest starting prices. The west side had the lowest rise in costs but a higher starting price. Regarding rental housing rates, over half of renters pay more than 30% on rent. Housing stock is relatively new in West Jordan. Much of the vacant land in West Jordan has been master planned. Household size and composition has changed from the previous general plan. In 2012 the majority of households were married with kids and now it is either married couples with no kids or a household of non-related individuals. Even with the increase in housing stock, demand still outweighs supply.

Kent Shelton felt that there would be at least 50% of people in the category of married with children if you consider common-law marriages.

George Winn said the report indicates average household size is projected to drop to 2.9 by 2050. He thought it would be interesting to see what happens over the next decades with the trend for extended family members living together due to the rise in housing prices.

McKenna Marchant thanked everyone involved for their hard work on the general plan. She said that Goal #6 should have a high priority, which will make evaluating the need for a better mix of housing and zoning types possible.

Mark Forsythe said the goals are being reorganized into categories, so Goal 6 could be bumped up in the hierarchy within that subcategory.

Trish Hatch agreed with Commissioner Marchant's comments.

George Winn recognized the need for multi-family dwellings in the community, but there are a lot of people looking for larger lots and larger houses that are not near multi-family. He thought that large amounts of multi-family make a community less desirable.

McKenna Marchant said the beauty of the Planning Commission is that they get to consider the different zones and densities and decide where it is appropriate for larger lots and where it is more appropriate for density near economic development areas and TOD's. That type of housing is great for people who want to get into home ownership.

Matt Quinney agreed with the comments for more density.

Ammon Allen said the important thing is variety, which will allow for multi-family in appropriate locations and variety will also allow us to maintain traditional, larger lots. He asked how much land in West Jordan is still available for development that is not already under a development plan.

Larry Gardner said it could be 1500 acres, but most of that may be within the Southwest Quadrant, so unless annexation in the Oquirrh mountains occurs, property is running out.

McKenna Marchant asked how much of West Jordan is located within an RDA that will be redeveloped for housing.

Larry Gardner said they will bring that information to them at the next meeting.

McKenna Marchant echoed Commissioner Allen's sentiment that the city should have variety in the zoning and locations, which will bring more economic development, different housing types, and more diversity.

Ray McCandless said there are several goals in the general plan that encourage variety.

Ammon Allen said he would like to see a subgoal on Goal 10 for ADUs to determine what the current inventory is.

McKenna Marchant said there are also homes that are set up to have an ADU but aren't currently being used as one. She referred to Policy Two Goal 5 and did not want the city to compromise architectural standards, because builders will build for the market and make cost adjustments where necessary. We shouldn't compromise on something that is already in place, understanding that those things can play a marginal portion in affordability. She would love to see more of the diversity that is in Daybreak instead of a large development with only two or three variations throughout. That may be a price increase for the developer, but it would add diversity, beautification, and less of a cookie-cutter appearance.

Trish Hatch felt that the current requirement for brick or stone on a home's corner side is unnecessary because it is just an increased expense when quality product could still be used to achieve a nice look. She thought that those standards could be amended in some ways.

McKenna Marchant felt that no matter what side is facing the street it should be beautiful, which in turn makes a more beautiful and cohesive city. She said that Goal 6 should be higher, and she loved Goal 7.

Referring to Policy Four Goal 1 she said that Ogden City implements housing revitalization standards and provides funds for beautification of some older historic homes.

Larry Gardner said West Jordan expends a considerable amount of CDBG money on income qualified residents for making homes safe to live in, but it is not so much for aesthetics.

Historic Preservation

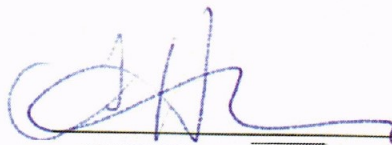
West Jordan has only two historic sites because it is a newer community compared to some in the Salt Lake Valley. However, as the city grows older, more properties will become eligible for historic preservation. This section was reviewed by the State Historic Preservation office to ensure that the terminology was up to date.

Ammon Allen requested that photos in the plan be identified.

Ray McCandless said a few more chapters will be presented at the next meeting, and they will continue on until all of the chapters are reviewed.

MOTION: Matt Quinney moved to adjourn.

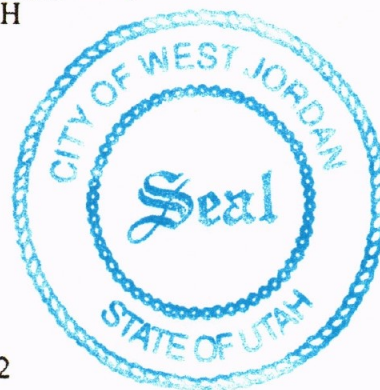
The meeting adjourned at 7:24 p.m.


TRISH HATCH
Vice Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development Department

Approved this 4 day of October, 2022



Least
Subjective

Most
Subjective

Objective Standards

Clear in State law or City Code;
little room for interpretation

*"Garage doors shall not
comprise more than fifty percent
(50%) of the ground floor street
facing linear building frontage;
alleys are exempt from this
standard."*

Discretion Standards

Subject to Council Interpretation
or Discretion

*"Maximum height of buildings
and structures in Planned
Residential Zones shall be
established by the City Council
through approval of the Master
Development Plan. Where
feasible, lower height and
intensity of buildings, uses or
impacts shall be arranged
around the boundaries of the
development."*

If the element or requirement
conforms with the objective
standard, the element may not
be used as a reason to deny an
application.

If the City Code properly
identifies these type standards,
they can have binding effect
similar to objective standards.

Aspirations; Intent

Statement of goals or intent from
City Code or General Plan;
subject to many
interpretations/opinions

*"The intent of planned
developments (PC or PRD) is to:
1. Create more attractive and
more desirable environments in
the City;
2. Allow a variety of uses and
structures;"*

Opinions may be considered in
a Legislative setting; however,
decision must articulate
reasons. "Because the public
does not want the development"
is not a reason.

Public Clamor

Opinion; most subjective

*"The increased traffic will
increase accidents and make
pedestrian travel in front of the
school and library more
dangerous"*

Basis for Administrative decisions

Breadth of decision-maker discretion

Basis for Legislative decisions

Conditional Use Review Standards

State Law: 10-9a-507 Conditional uses. (Effective 5/5/2021)

(1)

(a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses **that require compliance with objective standards set forth in an applicable ordinance.**

(b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2)

(a)

(i) A land use authority **shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.**

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require **elimination** of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are **stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.**

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority **may deny the conditional use.**

(3) A land use authority's decision to approve or deny conditional use is an **administrative land use decision.**

(4) A legislative body shall classify any use **that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.**

Presumption: The presumption is that a conditional use should be allowed since the ordinance would not provide for a use if the use were not deemed desirable in the first instance.