

RECEIVED BY  
JUN 01 2015  
City Recorder's Office

To the West Valley City Planning Commission & West Valley City Council:

Re: the proposed General Plan change (GPZ-1-2015) and Zone Change (ZT-3-2015)

(Parcel # 2106401004)

We are concerned that such a drastic change to zoning and lot and home sizes would even be considered, much less pushed through by the City Council. We attended the council meeting of May 9, 2015 to voice our concerns. We felt dismissed by the responses of Council members and the City Manager.

We attended the Planning Commission meeting of May 10, 2015 and were pleased with how the planning commission listened to those with concerns who presented information against the application. I obtained a CD copy of the meeting and listened twice more to those comments.

ZT-3-2015:

Under the new A2 zoning and the proposed zoning rules my 6 1/3 acres would not be allowed to be divided between our posterity without losing the Agriculture zoning. My wife and I have worked many years for this property and the possibility of literally dividing the estate among our heirs. Now it seems that possibility will be revoked by fiat of the Council & City Manager. The drastic change to city zoning will have unintended consequences that cascade beyond the 132 listed parcels of land.

GPZ-1-2015:

The Planning Commission meeting of May 10, 2015 was very informative. Many attendees in the business of planning, building and sales voiced their concerns. Consider the projections of Mr. Farnsworth, experienced in the industry, that the Residential Estates plan would devalue properties between 35 and 50% depending on property size and configuration. I repeat that we have invested years of hard effort in our small acreage that is now threatened by the Council and City Manager with a devaluation of up to half its worth. The Council claims this move will actually increase the value of our property by increasing the scarcity of lots. Would the Council be willing to put half the value of their investments and estates in escrow pending the outcome of their gamble? Would they gamble so with the investment accounts of City employees?

In the Ivory Homes section of Daybreak (South Jordan), lot sizes vary from 4,200 to 6,600 square feet (a mix of smaller lots according to Envision Utah standards). Even given the

Daybreak philosophy of maintaining 50% open space, this converts to a raw size of 8,400 to 13,200 square feet per lot (a mix of mid to large lots).

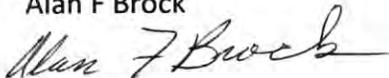
The recently built Maple Meadows Estates adjacent to our property is an example of very nice homes built on mid-sized lots. Four photographs appear on the attached sheet. The Estates comprise 34 lots: 24 from 8-9,000 sf, 6 from 9-10,000 sf, 1 from 10-11,000 sf, 2 from 11-12,000 sf and the largest at 13,470 square feet. These are nice homes mostly on the smaller of the mid-size lot range. Only the largest lot would be considered a "Large Lot". Most buyers today do not want larger lots. Nice homes, yes, but not larger lots.

We had the opportunity to meet with two City Council members. Both of them listened politely but did not seem open to compromise. If the Council insists on an area of 15,000+ square foot lots, this needs to be limited to 20+ acre pieces where the size allows sufficient flexibility to accommodate the large lots. The area beyond U-111 has just begun to develop. This seems an ideal area to either preserve large lots or preserve a balance of open habitat and smaller lots.

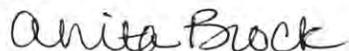
The architectural standards should be addressed regionally. I would suggest that a committee representing West Valley, West Jordan, South Jordan and South Salt Lake identify areas built 5, 10, 20 and 30 years ago and study which areas / homes have preserved their value, and why. We also cannot be the only community asking this question. What is the national consensus of professionals?

With this and other information you have, we encourage you to deny application GPZ-1-2015 and ZT-3-2015 as submitted by the City Council and City Manager Pyle.

Alan F Brock



Anita Brock



Maple Meadows Estates

Lot 30 8080 sq ft



Lot 33 8080 sq ft



Maple Meadows Estates

Lot 32 8080 sq ft



Lot 29 8080 sq ft



1001 0808 2008 2008



1001 0808 2008 2008



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1001 0808 2008 2008

# THE CHRISTENSEN GROUP PLLC

May 21, 2015

West Valley City Recorder  
3600 Constitution Blvd  
West Valley City, Utah 84119

RECEIVED BY  
MAY 26 2015  
City Recorder's Office

Re: Rezoning Matter

Dear City Recorder:

I represent Douglas Glen Brock of 3940 South 5200 West and am in receipt of the correspondence dated April 27, 2015. Further, I attended both the city council and planning commission meetings last week. On behalf of my client, Douglas Glen Brock, I submit our strong opposition to Application No. ZT-3-2015 (the "Rezoning").

At both meetings, there was unanimous voicing against the Rezoning. Substantial discussion was had about the water usage issues of the larger lot sizes under the Rezoning. Multiple developers and craftsman also were in unanimous agreement that the building requirements rendered development under the Rezoning financially untenable. Multiple individuals also discussed how the Rezoning greatly diminished their property values by making their land no longer attractive to developers.

There are at least two issues that need further investigation. First, at the Planning Commission meeting, there was a realtor who spoke. She stated that she had done some research and found that the City of West Valley owned developable land outside of the Rezoning area. If true, this sounds as if further research needs to be done to ensure there is no diminution in value of residents' property for the benefit of the City. I am sure you can appreciate how serious this matter could become.

In addition, another person at the Planning Commission spoke on an issue that I too have. When the City noticed the meeting, it sent notice to the property owners that are directly inside the Rezoning area. However, Section 7-5-101(3) states that all "[p]roperty within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M." In other words, not only are property owners within the official Rezoning area impacted by this change but ALL residents of

12903 S 300 E  
Draper, Utah 84020  
801-878-7872  
Fax: 801-878-7892

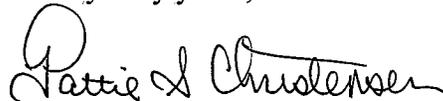
pchristensen@pattiechristensen.com

West Valley City have suffered a severe and demonstrable loss in their property value because of their complete inability, under the new regulations, to rezone their property into the many now existing zones. Because this change is statutory, the Planning Commission, and City Council for that matter, would not be able to act otherwise. Hence, it is clear as a matter of law that all property owners within the City would need to be notified of the proposed Rezoning as they will all be impacted thereby.

One of the individuals who spoke at the Planning Commission meeting was able to determine the actual diminution of value of the properties directly within the Rezoning area at between 35% and 50%. As my client is within the Rezoning area and his property is his retirement plan, we will expect compensation should the Rezoning pass.

If you have any questions, please call.

Very truly yours,

A handwritten signature in cursive script that reads "Pattie S. Christensen". The signature is written in black ink and is positioned above the typed name.

Pattie S. Christensen, Esq.

May 19, 2015

West Valley City Planning Commission  
3600 Constitution Blvd. Suite 240  
West Valley City, Utah 84119

To: Members of the Planning Commission

I am sending this letter in response to the proposed zone change from "A" to "A-2" and the devastating affect it will have on our 15.7 acres of ground which is located on the west side of 2700 West and about 4200 South.

I attended last weeks Planning Commission Meeting where the city proposed the above noted zone change. How the parcels were selected for this change is hard to understand especially as it affects our property. My comments are specifically related to our property and not the overall proposals being made at this time.

Approximately 4 years ago the present owners of this property were involved with UDOT in the sale of a parcel of property for the new freeway to be built some time in the future. As part of sale we traded for the 15.7 acres which we now own. Since that time there have been several builder-developers present offers to purchase the property. We had entered into a contract which was subject to their due diligence to make sure that a project could be approved and developed. The first purchase contract with extensions of time lasted for one and one half years. We learned that the Kearns Improvement District sewer line that serviced this property needed to be upgraded before any new development took place in the area. During this time contacts with the city by the proposed developer and our representative, Eric Bishop, took place but finally it was determined by the developer that the cost of upgrading the sewer line under I-215 was to high and without a solution at this time they chose to look at other properties. Since that time we have had other offers with a possible solution pending on the sewer problem. Just prior to the moratorium, we were working on an offer from Bach Homes but before the offer was finalized the moratorium went into effect and the offer was put on hold for 6 months. As soon as the moratorium ended we again began working with Bach Homes until we received notification of the possible zone change. There is a large commercial building under construction on property that had been owned by American Express in Taylorsville City and is located on the east side of 2700 West. The sewer problem was resolved along with the approval for the construction of this building and we now have access to sewer our property and could proceed with the sale and development of this property. I have gone into detail about what has transpired in regards to this property to let it be know that we have been actively persuing the development of this property because it seems some in the city thought we were not doing anything with this property. During this time Eric Bishop has had contact with staff many times regarding our property.

This property as identified on the county records as Parcel No.16-28-331-015. To the south west are either older apartments or town homes. Adjoining our property to the west and north are older single family homes on smaller lots. East of the property across 2700 West are several UDOT Buildings and to the south is a UDOT driving Range. The county has appraised this

property for tax purposes at \$4,045,000.00 with taxes at \$66,000.00 per year. The proposed zone change would essentially make this property worthless because no one would want to build up scale housing at this location based upon the type and condition of the surrounding properties. This property was used as a borrow pit for the construction many years ago and considerable work needs to be done in order to build on this site also making a single family housing development of 15000 square foot lot or 2 acres cost prohibitive.

The owners of this parcel of property request that the proposed zone change to "A-2" not take place thereby making it possible that after several years of attempting to solve the sewer problems we could now proceed with the sale and development.

Sincerely



Gordon Casey

representing all property owners

2885 So. Main St.  
S.L.C. Utah 84115  
801-360-1020

**From:** James Defa <[jimdefa@gmail.com](mailto:jimdefa@gmail.com)>  
**Date:** May 19, 2015 at 11:01:52 AM MDT  
**To:** Steve Pastorik <[steve.pastorik@wvc-ut.gov](mailto:steve.pastorik@wvc-ut.gov)>  
**Subject: Objection to ZT-3-2015 and GPZ-1-2015**

Steve

I am not sure the process, but I want to make sure I am on record with my objection to the implementation of these two zoning applications as they are currently written. It is my opinion both of these changes will have the net affect of significantly reduceing the value of our property located on 6400 West.

Thanks for your help in the past.

Jim Defa



Thu 5/7/2015 7:13 AM  
**Steve Lehman**  
**Rezone Input**

To Nichole Camac

**i** You forwarded this message on 5/7/2015 9:30 AM.

Nichole,

I spoke with a Carol Ferguson who lives in Reunion Woods regarding the rezoning application.

She wanted it known that she is not opposed to the larger lots, but believes the home sizes and values are too great for people who want their children to live in the City.

I told her I would add her name to the list.

Steve Lehman, AICP  
Current Planning Manager  
Planning and Zoning Division  
Community and Economic Development Department  
West Valley City  
3600 Constitution Blvd, #220  
West Valley City, UT 84119  
963-3311 Office  
963-3559 Fax

West Valley City Planning and Zoning

**I am writing to object to the zoning applications listed below.**

Application No. ZT-3-2015

Application No. GPZ-1-2015

By allowing the city to rezone our families private property severally impacts the financial future for the property that has been in the family for over 51 years. I do not feel that the City has taken into consideration the impact it would have on the owners and their financial ability to care for elderly parents who reside on the properties. My father is on a fixed income, with health concerns. I feel the rezoning only limits what we, as a family would receive if the property has to be sold to provide the best care for him. I feel our family's farm has served the community and we as owners of that farm would like the ability to decide on the legacy that is left behind in the West Valley community. Your rezoning takes away our families decision to decide on that legacy.

Overall, I feel the amendment that would allow this to take place is not in the best interest of the citizens of neither West Valley City nor the property owners. Please reconsider your decision.

Sincerely,

Charlotte Brock Smith

Received  
APR 30 2015

*Brock Smith*

To whom it may concern,

My name is Curtis Harris I own the property located at 5764 W Parkway Blvd. Parcel # 1423400038. I am writing to request that my parcel be excluded from the proposed zone changes. The proposal is changing my property from A to A2. I do not believe this is a good idea because of the following reasons.

1. The adjoining property East of my property is zoned commercial.
2. The adjoining property North of my property is zoned commercial apartments.
3. The mountain view corridor is proposed to run along the West side of my property.
4. 2700 S. (Parkway Blvd) runs along the South side of my property. This is a very busy road.
5. By changing the zoning I will not be able to sell 1 acre to potential commercial buyers.
6. I can not visualize anyone will want to build a nice home being surrounded by what I have listed above.

Thanks for taking this under consideration. If you have any questions I can be reached at 801-755-2303.

Thank you

A handwritten signature in blue ink, appearing to read 'Curtis Harris', with a long horizontal flourish extending to the right.

Curtis Harris

West Valley City Planning and Zoning Commission

To Whom It May Concern,

I am writing in response to the following zoning application requests, No. ZT-3-2015 and No. GPZ-1-2015.

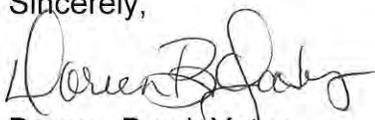
I have several concerns that I would like to have considered. Rezoning the property located at 3940 South 5200 West, would cause a financial hardship on the property owner due to the loss of property value if rezoned. He has farmed the property for many years, not to mention all the young people he has employed and taught the value of hard work with his produce business over the years. Through all these years he has retained the property for his retirement/medical care. Due to the rezoning he would face a major financial loss of which would impact the medical care he receives as he endures his current health challenges.

Additionally, the trend in new home building is not for bigger lots with large houses on them, but actually smaller lots with large houses on them. Most new home buyers are looking for smaller lots with less landscaping to have to maintain, which actually makes sense considering our historical and current water shortage. We should all be thinking of ways to conserve water and smaller lots is definitely a move in the right direction.

Looking to make the future bright for the property owners, the community and also West Valley City, I would encourage you to consider these concerns along with others whom have voiced concerns about the negative impact this rezoning would have on the property owners. With only about 3% of undeveloped property left in West Valley City, the property owners should be applauded not penalized for their willingness to hold onto their property and desire to have a say in how it is developed and not told how they will develop it.

I appreciate that you are willing to listen to our concerns and look forward with my father to the future and the desires he has for his property as you allow him to determine the best development for his property when that becomes necessary.

Sincerely,

  
Doreen Brock Yates

MAY 07 2015

BA

Dear Steve and Members of the Planning Commission,

I write in regards of the above-referenced property and the owners thereof. The subject property is currently 3.34 acres and zoned Agricultural. A boundary line adjustment has been prepared and will be filed shortly that will reduce the size of the lot. The size of the remaining parcel will remain at around 3 acres. As a representative of the Owners of this land, we request that the zone for this parcel remain unchanged.

Following are points of discussion regarding this specific parcel with concern of the City's goals:

- The lot already has a home on it and changing the zoning to a minimum 2-acre lot size would not allow the parcel to be subdivided for an overall net increase of larger homes within the City. If the lot size was more than 4 acres then the zone change would allow the land to be subdivided into the city-desired larger lot size.
- The City would not realize increased taxed revenue if additional home(s) are not allowed to be built when subdivided into one acre parcels.

Following are points of concern from the Owner's side:

- A zone change will limit potential future subdividing of this parcel.
- A boundary line adjustment will be filed shortly that will reduce the size of the remaining parcel.
- The land is currently on the market to be sold and a zone change will affect the value of the land.

Please feel free to contact me directly at [evanfo@yahoo.com](mailto:evanfo@yahoo.com) or 7753971282.

Thanks,  
Evan Fonger

To the West Valley City Planning Commission & West Valley City Council:

Regarding the proposed Master Plan change and rezone affecting our agricultural property:

The adjacent Maple Meadows Estates property was developed with enhanced architecture requirements on mostly 8,000 square foot lots (the minimum size). It appears to have met its goal of giving residents a place to move up without moving out of the City. Given this apparent success on 8,000-13,000 square foot lots, we question whether there is sufficient value in rezoning to 'Residential Estates' such a tiny island of infill surrounded by such vastly smaller lots.

A neighbor on a 9,500 square foot corner lot of the Maple Meadows Estates subdivision is pleased with his 1,750 sf home. He moved into this stucco home from less than half a mile away when the new neighborhood was built. He considers the lot size to be ample. When asked if he would have preferred a larger lot, he exclaimed that the lawn area was already excessive.

Our dry climate will be a continuing challenge to an increasingly urban community. Large lots with extensive landscaping requirements seem to fly in the face of concerns about limited water resources, conservation and potential rationing. Rather than creating an irrigated park in every backyard, why not create a park near every neighborhood and minimize the irrigated land in each yard? While little original habitat exists within the boundaries of the City, a preference for native or xeric landscaping should be clearly stated in City standards. The City should encourage the planting of native habitat species such as rabbitbrush, penstemon, milkweed & Lewis flax in xeric plantings. The City has a chance to make an important dual statement regarding water use and urban habitat if it so chooses.

It also seems plainly unfair to put the requirement of all-large lot and all-large homes on the few remaining developable pieces of land. It seems better and fairer to require a minimum lot and house size similar to adjacent properties, with a certain percentage of 'enhanced' lot and house sizes, or some other balanced approach. Regarding the small islands of potential infill development, this current proposal feels ten to twenty years too late.

We certainly agree with the concept of building quality homes for families. We hope future homes built in the remaining space in our community will be considered permanent homes and not 'starter' homes. But the 'estate' approach as described feels misguided. We look forward to attending the meetings and learning some of the reasons for pursuing this approach. We also hope that our voice will be heard and that reason will prevail.



Fred Brock  
4411 W 4415 S  
West Valley City  
84120

Community & Economic Development Dept.  
3600 Constitution Blvd  
WVC UT 84119-3720

To whom it may concern:

In response to the letter dated April 27, 2015 we voice the following concerns. These concerns involve the property located at 3940 South 5200 West.

Rezoning will severely restrict the current property owner's ability to develop the land in the way he chooses. It also restricts to whom he can sell the property. One thought of the property owner was an upscale senior retirement community. The proposed rezoning eliminates that possibility.

The rezoning could have a negative impact on the sale value of the property, while benefiting the developer whose infrastructure costs would be significantly reduced. This seems to harm the interests of the long time resident of West Valley City/Hunter, and is advantageous only to the developer.

Sincerely,

*John & Jackie Betts*

John & Jackie Betts  
3920 S 5200 W  
WVC UT 84120

*Paul*  
APR 30 2015  
*Paul*

May 12, 2015

Kim & Sharlene Henderson  
4207 and 4209 W 3550 S  
West Valley City UT 84120-3207

RECEIVED BY  
MAY 12 2015  
City Recorder's Office

Re: Objections to Application No. ZT-3-2015 to create the "Residential Estate" zone and No. GPZ-1-2015 to change the zoning and general plan designations of certain property to "A" or "A-2".

- A thorough hearing on the rezone of our property was just made in June 2014. At that time our zoning was changed from R-4 to RM (Mixed Use).
- We were very cooperative, compromising with the developer as well as the Planning Commission to keep our options open. We felt that we were given a fair and just hearing.
- We "gifted" property to the developer to the east so he could build his units.
- We granted an easement in the south-east corner for children to cross to get to the elementary school.
- Our property is a small piece which is surrounded by R-4 to R-1-8 and Commercial properties. \*See Map\*
- Our plan has always been to use it for investment property when we are ready to move on. Changing our zoning to single residential is financially unfair to our family.
- RM zoning allows us more options such as less dense multi-family apartments (up to 12 units per acre), offices, retail, daycare/pre-school services, or special need facilities (senior living, etc.).
- The City's plan is to limit the number of apartments. It is possible that the apartments to the north will someday be developed commercially which would significantly reduce the number of apartments in the area.

In conclusion, we would like you to stand by the decision that was made less than one year ago. We are requesting that you look at our situation individually and remove us from the list of property owners.



4400 West

3500 South

Z-2-2013 Petition by WEST VALLEY CITY requesting a **zone change** from R-4 (residential multi-family) to R-1-8 (single family residential, minimum lot size 8,000 square feet). The property is located at 4207 and 4209 3550 S on 2.5 acres. (Staff- Steve Pastorik at 801-963-3545)

May 12, 2015

**VIA EMAIL AND HAND DELIVERY:**

West Valley City Planning Commission  
C/O West Valley City Recorder  
3600 South Constitution Blvd.  
West Valley City, UT 84119

*Re:* Objection to Ordinance Text Change Application No. ZT-3-2015 and General Plan and Zoning Amendment Application No. GPZ-1-2015 submitted by West Valley City (the “City”) to the West Valley City Planning Commission (the “Commission”).

Dear West Valley Planning Commission:

Our firm represents Thomas J. and Jayleen H. Giovengo and Giovengo Properties, LLC (collectively, the “Giovengos”). We are writing in response to the letter and materials dated April 27, 2015 sent by City officials to the Giovengos regarding Ordinance Text Change Application No. ZT-3-2015 and General Plan and Zoning Amendment Application No. GPZ-1-2015 (each an “Application”, and collectively, the “Applications”). The Applications were submitted by the City’s staff (i.e., Mr. Steve Pastorik on behalf of the City, the “Staff”) to the Commission. The Applications do not make an reference to the impetus for the Staff’s Applications, nor do they suggest that Staff solicited any input from the numerous property owners affected by the Applications prior to their submission. We are writing to express the Giovengos’ opposition and objection to the text and zoning changes sought pursuant to the Applications and the inclusion of the Giovengo Parcel (defined below) in the proposed zone changes. We are also writing to inform the Commission as to the procedural deficiencies and significant lack of due diligence evidenced on the face of the Applications and the materials submitted by the Staff in support thereof.

**I. The Commission Should Deny the Applications Because the Staff Failed to Satisfy the Procedural Requirements Established by the City for Zone Change Applications.**

The Applications, submitted by the Staff to the Commission on April 15, 2015, seek the Commission’s recommendation to amend the City’s General Plan and Zoning Ordinance to create a new A-2 zone “identical to the A and A-1 zones in all respect and requirement, except for the minimum lot size.”<sup>1</sup> The proposed minimum lot size for the A-2 zone is 2 acres per lot.<sup>2</sup> The Applications also request the Commission’s recommendation to rezone 132 separate parcels within the City (collectively, the “Affected Parcels”), including an approximately 14.5 acre parcel owned by the Giovengos (the “Giovengo Parcel”), from their current zoning to A and A-2.

The City’s published application form for general plan and zoning amendments establishes clear requirements for such applications. Under the title “APPLICATION REQUIREMENTS” (the

<sup>1</sup> See Application No. ZT-3-2015.

<sup>2</sup> See Application No. ZT-3-2015.



“**Application Requirements**”), the City mandates that “[t]he current property owner **must be the applicant** but may designate an authorized agent to act in his behalf”.<sup>3</sup> It is clear from the Applications that, except for a single approximately two acre parcel, the City neither owns the Affected Parcels nor has the consent of, let alone authority to act for, the owners of the Affected Parcels in seeking the recommendations sought by the Applications.

In fact, the Application Requirements require applicants to submit “[a] document verifying [their] proof of ownership” and the “legal description” of the property(ies) in question, with the comment that “[a]pplications with incomplete or inadequate information will not be accepted.”<sup>4</sup> The Applications fail to include any documents verifying that the City owns any of the Affected Parcels (although the City does purport to own one of the 138 Affected Parcels), nor do they include the legal descriptions of the Affected Parcels.

That a City must abide by its mandatory ordinances is well settled in Utah law.<sup>5</sup> Pursuant to its ordinances, the City has promulgated a process and form for general plan and zoning amendments that is mandatory in its terms. The Applications should be denied because the Staff has failed to meet the mandatory procedural requirements established by the City for the Applications to even be accepted for review by the Commission. For these reasons, the Applications should be rejected by the Commission as inappropriate, incomplete and non-compliant with the City’s mandated process.

**II. The Commission Should Deny the Applications Because the Applications Fail to Provide Adequate Substantial Justification for the Changes Requested.**

In addition to the procedural deficiencies identified above, the Staff fails to properly answer the queries posed on the application form. Namely, “What is the justification for the requested text changes [to the ordinance]?”<sup>6</sup> and “For what reason(s) do you suggest the change [to the general plan and zoning ordinance]?”<sup>7</sup> Pursuant to the instructions set forth on the applicable forms, question number 5 on the application form reads more specifically, as follows:

5. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:
- adopted goals and policies as expressed in West Valley City’s General Plan
  - adjacent land uses -population served -transportation impacts
  - public facilities (water, sewer, storm water, parks, schools, etc.)
  - the type of use requested and reasons why this use should be on this site

The more information provided, the better the potential for understanding the applicant’s point of view. The Planning Commission will consider all information available in making their recommendation to the City Council.

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<sup>3</sup> See West Valley City Community & Economic Development Department, General Plan and Zoning Amendment Application, available at <http://www.wvc-ut.gov/DocumentCenter/View/731>.

<sup>4</sup> See *id.*

<sup>5</sup> See, e.g. § 10-9A-509(2).

<sup>6</sup> See West Valley City Community & Economic Development Department, Ordinance Text Change Application, available at <http://www.wvc-ut.gov/DocumentCenter/View/738>

<sup>7</sup> See General Plan and Zoning Amendment application, *supra* n.3.

In response to question number 5, and every other question posed on the application form, the Staff simply stated, "See Attached". Although "see attached" is not per se impermissible, it does in fact require that substantive materials be *actually* attached thereto. The Applications are void of any reasonable justification, study, report, or item demonstrating that responsible due diligence was conducted by the Staff before submitting the Applications, let alone materials meeting the substantive requirement set forth on the form of application that "there **must** be *significant, compelling evidence submitted* which would justify a change."<sup>8</sup>

**A. Although materials were attached to the Applications, those materials do not include any facts, studies, reports, or other due diligence materials justifying a change to the City's three-year-old General Plan Update.**

The Applications were not included in the April 27<sup>th</sup> letter sent to the Giovangos and other owners of the Affected Parcels, nor were they provided online via the Commission's Agenda for the May 13<sup>th</sup> meeting. In order to more thoroughly review the Applications and any materials attached thereto, we submitted a GRAMA Request for Records on behalf of the Giovangos on May 5, 2015 requesting "any and all exhibits, schedules, and any and all materials submitted with the Applications." In response to our request, Mr. Pastorik provided the materials submitted with the Applications (the "**Exhibits to the Applications**"), which are attached as **Exhibit "A"** hereto. The Exhibits to the Applications include: the proposed text changes to the zoning ordinance; a spreadsheet containing a brief description of the Affected Parcels, their record owners, parcel number and other information but no legal descriptions; an aerial map and plat map highlighting the Affected Parcels; a colored map titled "Value of Single Family Homes in Salt Lake County, 2011," likely taken from the University of Utah's David Eccles School of Business Bureau of Economic and Business Research report (the "**U of U Report**"); and a bulleted list titled "Talking Points for Housing Standards" (the "**Talking Points**"), which is a document that was likely created by Mr. Pastorik for the public hearing on Wednesday, May 13, 2015.<sup>9</sup> The Applications and the Exhibits to the Applications are void of any staff report, impact study, economic study, feasibility study, or any other study or due diligence of any kind discussing the potential impact (if any) on the Affected Parcels, public facilities, adjacent land uses, transportation impacts, or the population served.

**B. The Talking Points represent unsubstantiated opinion void of any evidence demonstrating any actual demand for the type of housing proposed.**

The only document in the Exhibits to Applications that attempts to justify the recommendations sought by the Applications is the Talking Points document. According to the Talking Points, there is only 3% of the City's total geographic area left for residential use within the City. Moreover, while acknowledging that 22% of all single-family homes in the City are on lots over 10,000 square feet, heavy emphasis is laid on the fact that the City should "continue to concentrate on improving housing opportunities for higher income households" and that the City should have the goal of providing a "[v]ariety of housing for people of all different...incomes." Assuming, for sake of argument, that the various factual assertions in the Talking Points are accurate, the Talking Points fail to identify any correlating facts or data suggesting that actual market demand exists for high-end estate homes on two acre lots in the City, either

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<sup>8</sup> See *id.*

<sup>9</sup> See Talking Points for Housing Standards, as contained in the Application Exhibits, found in Exhibit "A" attached hereto.

generally or specifically with respect to any of the Affected Parcels. Accordingly, the Talking Points (and all other Exhibits to the Applications) fail to provide “significant, compelling evidence” that an A-2 zone is necessary, and if necessary in theory, that any of the Affected Parcels should be re-zoned to the A and A-2 zone designations, particularly on a parcel-by-parcel basis.

In this regard, we note that the City’s current zoning ordinances *already allow* for larger lot development, as evidenced by the ordinance itself (i.e. the zoning ordinance establishes minimum lot sizes for single family residential zones, not maximums) and the U of U Report cited in the Talking Points, applicable pages of which have been included in **Exhibit “B”** attached hereto.<sup>10</sup> In fact, the U of U Report indicates that the City has the third largest median lot size in the County; larger than Salt Lake City, West Jordan and Taylorsville. The U of U report further notes that the City already “allow[s] a wide range of residential densities, [and] in actual practice approved densities show that, in fact, high density single-family development may be limited.”<sup>11</sup> The U of U Report also demonstrates that assessed home values likely have far more to do with geographic proximity to the east bench of the Salt Lake Valley and to the relatively recent development of communities like South Jordan. Similarly, both the City’s “Vision 2020” and “Vision 2030” General Plans include data, findings, and goals that the City needs medium- to high-density zones to accommodate the increasing growth of the City and the trends in Salt Lake County focusing on “more flexib[le] Planned Unit Developments... which permit[] smaller lot sizes with a larger amount of community-shared open space”.<sup>12</sup> For example, the city’s Vision 2020 General Plan states:

[U]sing the Wasatch Front’s Regional Council 2020 population prediction, a density of 5-6 units/acre **will be needed** to ensure all [City] residents are able to find adequate housing. This would indicate that the single family home on an 8,000-10,000 square foot lot should be supplemented with more dense housing alternatives.<sup>13</sup>

Building on those principles, the City’s revised Vision 2030 General Plan Update also notes that there is a “growing interest in walkable neighborhoods”<sup>14</sup> and that the City should encourage “density near transit stations... [to provide] some residents and families the opportunity to meet their daily needs without having to constantly rely on a private automobile”.<sup>15</sup> The Applications are in direct contravention of these articulated plans, objectives and goals and fail to recognize the current realities of project urban growth and its attendant demands in the coming decades.

In short, without regard to the economic impacts on the owners of the Affected Parcels, the Applications advance a City promulgated *Field of Dreams* that dictates the development of large lots on the Affected Parcels to accommodate an undemonstrated market demand for such lots. Moreover, the Applications make no effort to discuss the appropriateness of such large-lot zoning or market demand on a parcel by parcel basis. Such broad brushed speculation should not be countenanced by the City, let alone advanced on the City’s own initiative and against the will of the owners of the Affected Parcels. Because the Applications fail to demonstrate an actual demand for the large lot zoning they seek to impose on the

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<sup>10</sup> See University of Utah Report, pages 19-22, which are attached to Exhibit “C” hereto.

<sup>11</sup> See *id.*

<sup>12</sup> See West Valley City General Plan: Vision 2020, page 29.

<sup>13</sup> See *id.* page 44-45.

<sup>14</sup> See West Valley City General Plan: Vision 2030, page 12.

<sup>15</sup> See *id.* page 28.

Giovangos and the other owners of the Affected Parcels, the Applications fail to provide the compelling justification required by the Application Requirements.

**C. The Giovengo Parcel is identified in the City's General Plan Update as appropriate for medium to high-density, and absent compelling justification should remain as such.**

Pursuant to the City's Vision 2030 General Plan Update, the Giovengo Parcel (located at approximately 3800-3900 South 5600 West) is located within an "opportunity area" known as "5600 West and the Mountain View Corridor",<sup>16</sup> and as such, has been specifically designated from "3670 South to 3855 South" to be zoned "a residential office mixed use zone...on the west side of the street" and from "3855 South to 4100 South" to be zoned "small lot residential on the west side of 5600 West to approximately 3965 South"—both higher-density zones than the proposed A-2 zone advanced by the Applications. The zoning recommended by the Vision 2030 General Plan should not be modified without substantial justification, and considering the failure of the Applications to include "significant, compelling evidence...which would justify a change," the Applications should be denied with respect to the Giovengo Parcel specifically.

**III. Conclusion**

For the reasons stated herein, the Giovangos respectfully request that the Commission reject the Applications for substantive consideration by reason of the failure of the Applications to satisfy the City's own procedural requirements for such Applications. If the Commission elects to consider the Applications on a substantive basis, we ask the Commission to recommend denial of the Applications and exclude the Giovengo Parcel from any rezoning because the Applications fail to meet the substantive burdens required of the applicant—namely, the submission of "significant, compelling evidence . . . which would justify a change."

Even if the Commission or the City does not view the requirements set forth in the application forms as binding on the City, the Giovengo's respectfully submit that the Commission should seriously consider whether changes as significant as those proposed by the Applications should receive a positive recommendation without the benefit of the analysis and substantive justification required of every other applicant that comes before the Commission. For the Giovangos, and we suspect a large number of the other owners, the Affected Parcels represent, as applicable, the most significant asset they have in their personal portfolios. To have the value of those assets so significantly affected by an unsubstantiated and poorly reasoned proposal would belie the trust the citizens of your City place in you.

Very truly yours,



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PARR BROWN GEE & LOVELESS  
Robert A. McConnell, Esq.

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<sup>16</sup> See *id.* page 34.

**EXHIBIT "A"**  
**TO**  
**LETTER TO WEST VALLEY CITY PLANNING COMMISSION**

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*Exhibits to Applications*

*(see attached)*



### General Plan and Zoning Amendment Application

for property located at:

SEE ATTACHED LIST

FEE: \$700.00 + \$50.00 for each acre over 10

Date APRIL 15, 2015

Application # GPZ-1-2015

\* Property Owner SEE ATTACHED LIST Phone \_\_\_\_\_

Mailing Address SEE ATTACHED LIST Zip \_\_\_\_\_

Developer/Agent WEST VALLEY CITY (STEVE PASTORIK) Phone 801-963-3282

Mailing Address 3600 S CONSTITUTION BLVD. WVC, UT Zip 84119

E-mail Address STEVE.PASTORIK@WVC-UT.GOV

LEGAL DESCRIPTION: Please Attach

TOTAL AREA - Acres or Square Feet: SEE ATTACHED LIST Parcel (sidwell) # SEE ATTACHED LIST

Please attach a letter addressing the following. Plans required by Planning and Zoning must be submitted digitally as well as on 24 inch x 36 inch paper::

- 1. What is the current West Valley City General Plan classification?
  - 2. What is the current West Valley City Zoning classification?
  - 3. What is the requested change to the General Plan classification?
  - 4. What is the requested change to the Zoning classification?
- } SEE ATTACHED LIST
5. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:
- adopted goals and policies as expressed in West Valley City's General Plan
  - adjacent land uses SEE ATTACHED
  - population served
  - transportation impacts
  - public facilities (water, sewer, storm water, parks, schools, etc.)
  - the type of use requested and reasons why this use should be on this site

The more information provided, the better the potential for understanding the applicant's point of view. The Planning Commission will consider all information available in making their recommendation to the City Council.

\* Current property owner must sign application (see back/next page)

01/12/20099

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1422351004	2.08	CONNIE & DARRELL DAVIS	2557 S 7200 W	MAGNA	UT	84044-1462	2557 S 7200 W	A	A-2	Large Lot Residential	Large Lot Residential
1423300011	2.36	MARTIN, ALICE	4646 W 5215 S	KEARNS	UT	84118-5736	6002 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423300012	11.71	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6501 W 2575 S	A-1	A-2	Rural Residential	Rural Residential
1423300013	4.91	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6901 W 2609 S	A-1	A-2	Rural Residential	Rural Residential
1423300017	21.19	DRP MANAGEMENT, INC ET AL	2885 S MAIN ST	SALT LAKE CITY	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423400038	2.92	HARRIS, CURTIS	5764 W PARKWAY BLVD	WEST VALLEY	UT	84128-1139	5764 W PARKWAY BLVD	A	A-2	Medium Density Residential	Large Lot Residential
1423400044	44.43	ICO MULTIFAMILY HOLDINGS, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	5886 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1424400008	5.60	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	5139 S ENGLAND CT	M	A-2	Mixed Use	Large Lot Residential
1424451002	16.14	SUBURBAN LAND RESERVE, INC.	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2819 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424451003	3.38	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2549 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424476003	13.67	SUBURBAN LAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2722 S CORPORATE PARK DR	M	A-2	Mixed Use	Large Lot Residential
1425226026	14.02	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2856 S CORPORATE PARK DR	R-1-8	A-2	Mixed Use	Large Lot Residential
1426101007	11.31	DRP MANAGEMENT & RINDLESBACH, KEN W	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127027	6.21	TONY & KAREN JACKETTA	2794 S 6100 W	WEST VALLEY	UT	84128-1192	6087 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127029	7.65	HARDCASTLE, ROSALIE J	10551 S HIGHLINE CIR	SOUTH JORDAN	UT	84095-8679	6087 W PARKWAY BLVD	A	A-2	Rural Residential	Rural Residential
1426201005	29.14	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5901 W PARKWAY BLVD	R-1-10	A-2	Low Density Residential	Large Lot Residential
1427100007	4.85	MANSFIELD, THOMAS M	2753 S 7200 W	MAGNA	UT	84044-1427	7148 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100008	2.12	JAY R & NORMA L NICHOLS	7140 W 2820 S	WEST VALLEY	UT	84128	7140 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100009	2.10	JENSEN, STEVE R	7128 W 2820 S	WEST VALLEY	UT	84128	7128 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100014	2.47	MINGSISOUAPHANH, DOUANGPHANETH	6994 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6994 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100015	2.26	GROW, CHRISTINE C	5018 W CHERY VIEW DR	WEST VALLEY	UT	84120-5706	6980 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100016	2.92	MILLER, MICHAEL G	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6960 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100020	2.99	LLOYD K & SANDRA H MULLINS	6870 W 2820 S	WEST VALLEY	UT	84128	6870 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100025	2.15	DAVID & CINDY McCLEVE	3183 S GEORGE PL	MAGNA	UT	84044-2162	7026 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100028	2.15	WILKIN, PAUL G	6810 W 2820 S	WEST VALLEY	UT	84128	6844 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100029	2.13	HOUSTON, WESLEY L	7088 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	6824 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100030	2.07	JOHN R & NANCY LINDSLEY	7060 W 2820 S	WEST VALLEY	UT	84128	7060 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100031	2.07	JOHN R & NANCY LINDSLEY	7060 W 2820 S	WEST VALLEY	UT	84128	7060 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100032	2.02	VERL L & ROBERT W MEADS	6924 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6924 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100033	2.03	MICHAEL A & KAREN J STARKS	6924 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6924 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100035	2.10	LARRY K & JOAN S NEWMAN	6940 W 2820 S	WEST VALLEY	UT	84128	6940 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100036	2.03	ALLEN R & NANCY M LLOYD	6910 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6910 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100037	3.11	SMITH, BLAINE D	6888 W PARKWAY BLVD	WEST VALLEY	UT	84128-1161	6888 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100041	2.21	WAT LAO SALT LAKE BUDDHARAM INC	7010 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7010 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427101001	6.83	CORP OF PB OF CH IC OF LDS	50 E NORTHTEMPLE # FL-22	SALT LAKE CITY	UT	84150	6977 W PARKWAY BLVD	A	A-2	Large Lot Residential	Large Lot Residential
1427200017	5.03	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6645 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200018	4.20	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6609 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200030	2.45	ELAYNE S & JAY D WILLIAMS	6776 W PARKWAY BLVD	WEST VALLEY	UT	84128-1159	6776 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226001	2.77	NATHAN & CARRIE JENSEN	6594 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6594 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226002	2.05	THOMAS C & KAREN J COON	6520 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6520 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226005	3.77	KETCHUM, JOHN C	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128	6490 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427476002	4.73	KETCHUM, LAWRENCE B	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128-2410	6426 W PARKWAY BLVD	A	A-2	Low Density Residential	Large Lot Residential
1427476013	4.62	CURTIS D & LORRAINE HAVILAND	3348 S 6400 W	WEST VALLEY	UT	84128-1333	3348 S 6400 W	A	A-2	Low Density Residential	Large Lot Residential

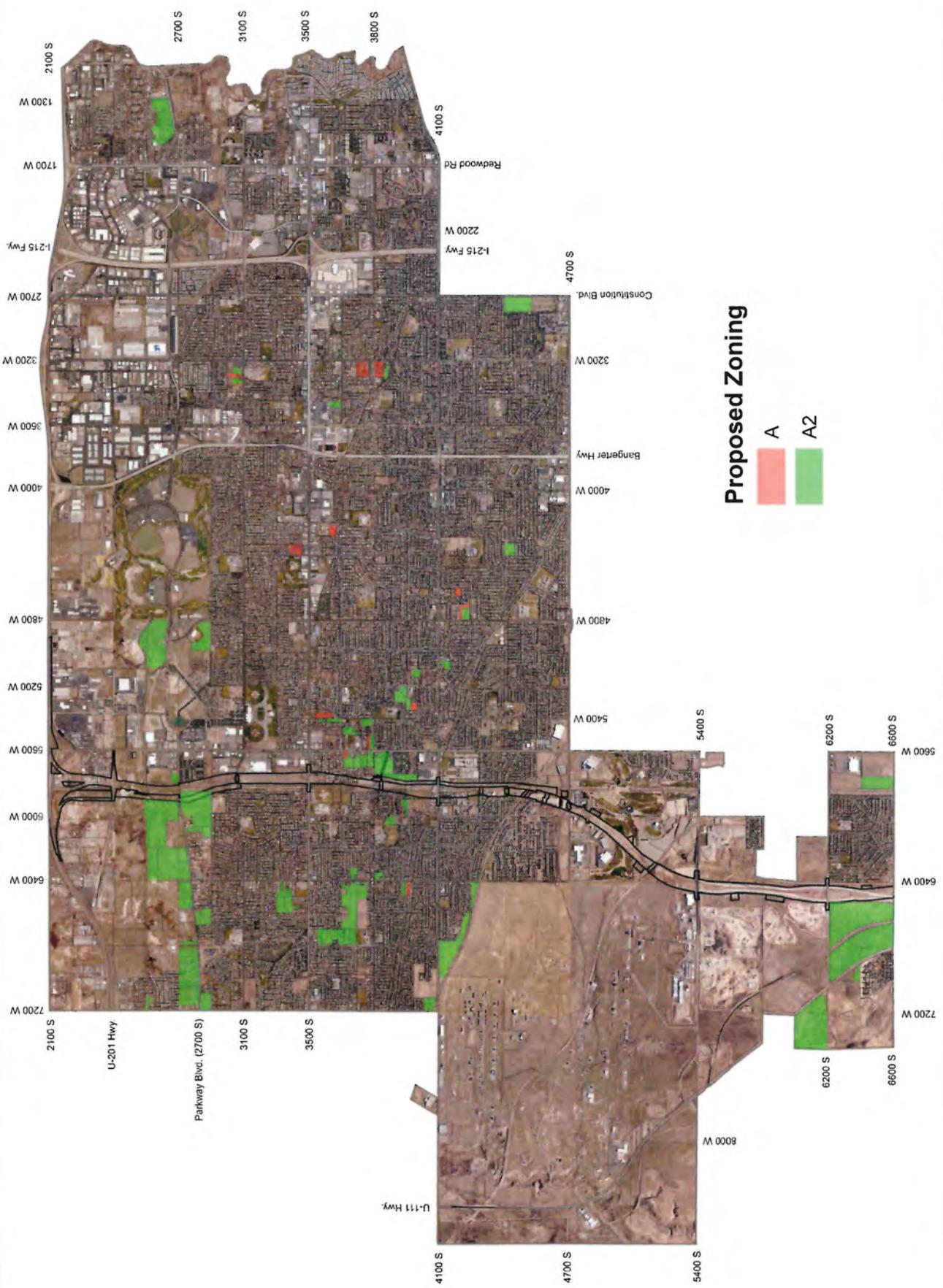
Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1427476027	5.80	L THAD & JUDITH M BANSARTER	3306 S 6800 W	WEST VALLEY	UT	84128-1333	3318 S 6536 W	A	A-2	Low Density Residential	Large Lot Residential
1434201004	2.79	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3539 S 6800 W	A	A-2	Large Lot Residential	Large Lot Residential
1434201023	2.52	J THOMAS & JUDY PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3525 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201024	2.85	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201026	7.23	FEULNER, VERLYNN	PO BOX 701497	WEST VALLEY	UT	84128-1497	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251008	2.90	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251009	3.26	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434276045	5.27	MILDRED L & RIMOLDI DEFA	905 S MILITARY DR	SALT LAKE CITY	UT	84108-1325	3764 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276049	6.28	SDF PROPERTIES, LLC	2201 W 700 S	LEHI	UT	84043	3754 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276062	6.37	NEWTON INVESTMENTS, LLC	PO BOX 587	SALT LAKE CITY	UT	84020	3702 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276064	11.08	SDF PROPERTIES, LLC	3665 S 6580 W	WEST VALLEY	UT	84128-2461	3668 S 6580 W	A	A-2	Low Density Residential	Large Lot Residential
1434354008	3.01	STEWART, DONALD J	4053 S 7200 W	WEST VALLEY	UT	84044-2633	4053 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434354009	2.18	CITY OF WEST VALLEY	3600 S CONSTITUTION BLVD	WEST VALLEY	UT	84119-3700	4063 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434430010	2.03	JAMIE D & MARIE F WHITMORE	3940 S 6400 W	WEST VALLEY	UT	84128-7004	3940 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1434430011	1.44	JOHN W & LINDA L MAODOCKS	3950 S 6400 W	WEST VALLEY	UT	84128-7004	3950 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1434430014	0.85	WAYMAN, ROBERT L	5914 W ZINA CIR	WEST VALLEY	UT	84128-2669	3984 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1435151044	2.62	SHORES, SANDRA K	3701 S 6400 W	WEST VALLEY	UT	84128-3537	3701 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435279037	2.94	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3722 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279042	3.99	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3784 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279057	0.90	EVAN T & MARLENE L DONEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1435279058	4.50	EVANS T & MARLENE DONEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435279061	3.35	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	3732 S 5600 W	R-1-10	A-2	Residential Office	Large Lot Residential
1435301028	2.37	BILLIE N & SHIRLEY E BURKE	3801 S 8400 W	WEST VALLEY	UT	84128-7002	3801 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435326035	3.11	EUGENE & PATRICIA A WILKINS	3206 E BONVIEW DR	SALT LAKE CITY	UT	84109-3704	3876 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1435403026	2.46	ROBINSON, RANDY E, ET AL	10301 S 2840 W	SOUTH JORDAN	UT	84095-3101	3971 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1435427013	7.32	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5734 W 3980 S	A	A-2	Low Density Residential	Large Lot Residential
1435428014	14.56	GIOVENGO PROPERTIES, LLC	2804 E 1190 S	ST GEORGE	UT	84790	3846 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1436126003	3.00	E VERN & MABLE R BREEZE	3555 S 5450 W	WEST VALLEY	UT	84120-2725	3555 S 5450 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1436126004	1.91	CAROLYN & ALLAN B JONES	2608 S LINCOLN ST	SALT LAKE CITY	UT	84106-2216	5385 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436151012	1.38	HARPER, MICHAEL C	3775 S 5600 W	WEST VALLEY	UT	84120-2737	3775 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1436151013	2.31	PECK, MARIA I	3795 S 5600 W	WEST VALLEY	UT	84120-2737	3795 S 5600 W	R-1-8	A-2	Residential Office	Large Lot Residential
1436151015	3.64	EVANS, GUILA A	3716 S 5450 W	WEST VALLEY	UT	84120-2730	3702 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436152004	3.24	FRED R & ELIZABETH E FONGER	3791 S 5450 W	WEST VALLEY	UT	84120-2729	3755 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436328032	8.78	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	A	A-2	Low Density Residential	Large Lot Residential
1436377012	1.05	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1436377023	0.78	REDD, STEWART	5278 W 3990 S	WEST VALLEY	UT	84120-4430	5278 W 3990 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436451071	2.54	CORP OF PB OF CH JC OF LDS	50 E NORTHTEMPLE ST #2225	SALT LAKE CITY	UT	84150-0022	5065 W JANETTE AVE	A	A-2	Low Density Residential	Large Lot Residential
1522457005	5.82	TONGAN UNITED METHODIST CHURCH OF SALT LAKE	PO BOX 271026	SALT LAKE CITY	UT	84117-1026	1485 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522457008	7.33	CITADEL COMMUNICATIONS CORP	434 W BEARCAT DR	SOUTH SALT LAKE	UT	84115-2520	1493 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476016	3.89	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1415 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476018	3.88	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1401 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476020	8.60	LATTER DAY CHURCH OF CHRIST	53 W ANGELO AVE	SOUTH SALT LAKE	UT	84115-3719	1363 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1529276009	0.65	DUTTON, SPENCER	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3324 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1529276015	2.10	BRUNDLE, DAVID W	3264 W 3100 S	WEST VALLEY	UT	84119-1718	3264 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1529276020	2.12	DUTSON, SPENCER E	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3336 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
1529276030	1.83	NELDON R & JOYCE SOMMERS	3278 W 3100 S	WEST VALLEY	UT	84119-1718	3278 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451011	0.94	R TODD & VICKI L INMANN	5242 W CHESTER RD	WEST VALLEY	UT	84120-7909	3455 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451013	0.96	YU RENTAL PROPERTIES III, LLC,	14846 S MANILLA DR	DRAPER	UT	84020-5186	3451 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451029	0.59	KUN CHA & HYOK HWAN O	8686 S 2200 W	WEST JORDAN	UT	84088-9344	4358 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451030	0.54	AGUILAR, ZENAN	3692 S SUNNYVALE DR	WEST VALLEY	UT	84120-3125	4344 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451035	0.53	NGUYEN, ANH	3723 W SPRINGS WATER DR	WEST VALLEY	UT	84120-3365	4340 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451037	0.59	YU RENTAL PROPERTIES III, LLC	14846 S MANILLA DR	DRAPER	UT	84020-5186	4368 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1531204014	0.84	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4207 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1531204042	1.73	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4209 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1532270066	2.78	ENGEL, DANNY LEE	3610 S 3440 W	WEST VALLEY	UT	84119-2574	3470 W 3650 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
1532278034	1.15	NEWMAN, ALFRED J	3724 S 3200 W	WEST VALLEY	UT	84119-3536	3724 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278035	1.14	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3732 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278037	0.61	IVORY DEVELOPMENT, LLC	978 E WOODDAK LN	MURRAY	UT	84117-7265	3750 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278038	0.66	BARNEY, MARGARET	976 E KENSINGTON AVE	SALT LAKE CITY	UT	84105-2314	3760 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278039	0.58	QUIJANO, UBALDO O	3764 S 3200 W	WEST VALLEY	UT	84119-3536	3764 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278050	0.99	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3736 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278053	1.02	JUSTIN & JAMIE AAGARD	3282 W 3800 S	WEST VALLEY	UT	84119-4429	3282 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427006	0.85	DANIEL L & JANNIFER D MCLAUGHLIN	1134 CAMAS ST	BLACKFOOT	ID	83221	3303 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427007	0.87	TOD L & S. JT BUCKNER	3287 W 3800 S	WEST VALLEY	UT	84119-4428	3287 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427008	0.88	CLAUSON, VERNON G	1818 PRIMROSE DR	NAMPA	ID	83686-9588	3271 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427009	0.66	CARLOS I AMAYA & MARIA C JOYA	3255 W 3800 S	WEST VALLEY	UT	84119-4428	3255 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427013	2.15	DALLAS & HEIDI ROBERTS JT	3876 S 3200 W	SALT LAKE CITY	UT	84116-3325	3876 S 3200 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1532427014	0.69	BRADFORD, BRYAN C	3816 S 3200 W	WEST VALLEY	UT	84119-4433	3816 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427015	0.78	MARTINEZ, ROSA R	3826 S 3200 W	WEST VALLEY	UT	84119-4433	3826 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427022	1.10	STEVEN G & MARIA L WILLIAMSON	2476 W 7420 S	WEST JORDAN	UT	84084-3135	3237 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
2001203017	2.45	RUSHTON, LEWIS J III	5077 W 4100 S	WEST VALLEY	UT	84120-4750	5057 W 4100 S	A	A-2	Low Density Residential	Large Lot Residential
20104000094002	31.14	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	MINNEAPOLIS	MN	55344-3720	4798 S 6400 W	A	A-2	Heavy Manufacturing	Large Lot Residential
2015351002	11.75	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344-3720	6152 S U-111 HWY	A	A-2	Light Manufacturing	Large Lot Residential
2016400023	43.46	ALLIANT TECHSYSTEMS, INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344	6002 S UONE ELEVEN HWY	A	A-2	Light Manufacturing	Large Lot Residential
20221260024001	61.66	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	7011 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
2022127001	2.97	ALPHA COMMUNICATIONS SITES INC	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6594 S UONE ELEVEN HWY	A-1	A-2	Commercial Light Manufacturing	Large Lot Residential
2022176001	5.85	ALMA E & ETHEL B RUSHTON FAMILY PARTNERSHIP	5491 W 4100 S	WEST VALLEY	UT	84120-4627	6420 S U-111 HWY	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
20232000104001	66.38	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	6511 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
20232000204001	14.57	PROPERTY RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151	6500 S 5600 W	RM	A-2	Mixed Use	Large Lot Residential
2104329015	15.64	DON R PARKER PROPERTIES LLC	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115-3545	4500 S CONSTITUTION BLVD	A	A-2	Residential Office	Non-Retail Commercial
2106104005	0.54	CONDIE PROPERTIES LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4732 W 4175 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104018	3.38	CONDIE PROPERTIES LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4221 S 4800 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
2106104027	1.94	CONDIE, G PHILLIPS	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104028	1.11	CONDIE PROPERTIES, LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104039	0.92	CONDIE PROPERTIES, LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4195 S 4800 W	R-1-8	A	Low Density Residential	Large Lot Residential
2106401004	5.02	ANITA E & ALAN F BROCK	4411 W 4415 S	WEST VALLEY	UT	84120-5012	4435 S 4400 W	A	A-2	Low Density Residential	Large Lot Residential



**Proposed Zoning**

- A
- A2



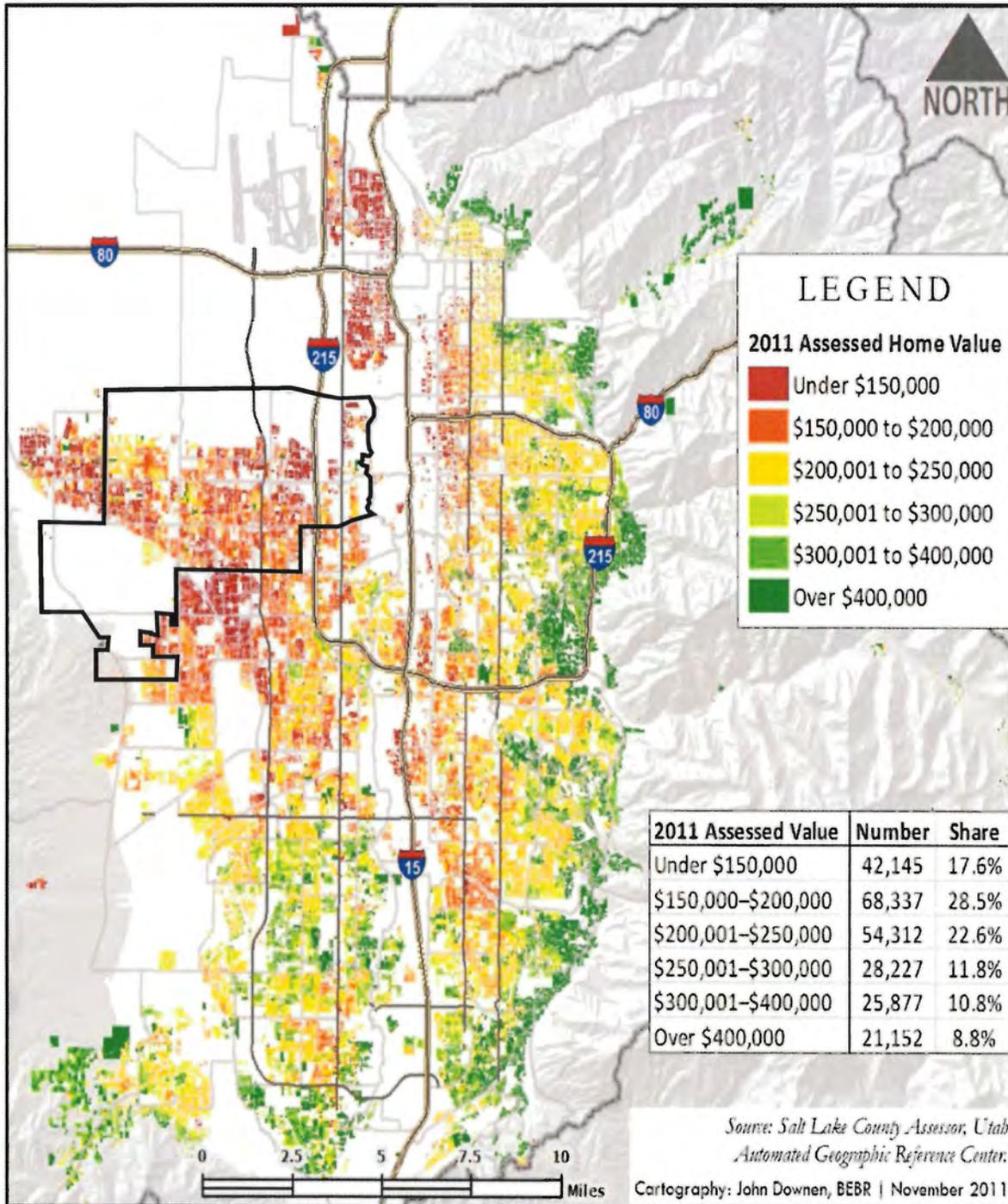
**Proposed Zoning**

- A
- A2

Map coordinates and street names:

- Vertical (Left): 2100 S, 2700 S, 3100 S, 3500 S, 3800 S
- Vertical (Right): 4100 S, 4700 S
- Horizontal (Top): 1300 W, 1700 W, 2700 W, 3200 W, 3600 W, 4000 W, 4800 W, 5200 W, 5600 W, 6000 W, 6400 W, 7200 W
- Horizontal (Bottom): 2100 S, 2700 S, 3100 S, 3500 S, 4100 S, 4700 S, 5400 S, 6200 S, 6600 S
- Major Roads: U-201 Hwy, Parkway Blvd. (2700 S), U-111 Hwy, Redwood Rd, I-215 Fwy, Constitution Blvd., Bangert Hwy, 8000 W

Value of Single Family Homes in Salt Lake County, 2011



### Talking Points for Housing Standards

- Of the 27,000 single family homes in the City, only 22% are on lots that are 10,000 SF or larger and less than 10% are on lots that are 12,000 SF or larger.
- Over half (56%) of all single family homes in the City were built prior to the City's incorporation in 1980. Following incorporation, 12% were built in the 1980's, 17% during the 1990's, 13% during the 2000's and about 2% since 2010.
- There are about 750 acres of property in the City that are planned for residential use, vacant and not currently entitled for residential development. This amount represents only 3% of the total area within the City.
- According to the U.S. Census Bureau, the 2013 median value of owner-occupied units in Salt Lake County (\$232,100) was 36% higher than the median value in West Valley City (\$170,100).
- According to the U.S. Census Bureau, the City has a wide variety of housing options, especially when compared with other cities within Salt Lake County as seen in the table below.

Housing Type	West Valley City % of Total Housing Units	Draper % of Total Housing Units	South Jordan % of Total Housing Units	Sandy % of Total Housing Units
Single family detached	66.1%	76.1%	79.1%	79.3%
Townhomes	5.2%	10.7%	8.7%	4.3%
Duplexes	4.1%	0.7%	0.6%	1.1%
Apartments/condos	18.7%	12.3%	11.3%	12.5%
Mobile homes	6.0%	0.1%	0.2%	2.7%

- According to the Regional Analysis of Impediments to Fair Housing Choice for Salt Lake County prepared by the Bureau of Economic and Business Research, West Valley City has 11 percent of the households within Salt Lake County but only 1.1% of the homes priced above \$250,000. A home priced at \$250,000 or more is affordable to those households with at least a median income level. The same analysis recommended that the City "continue to concentrate on improving housing opportunities for higher income households." Census data shows that the 2013 median income in Salt Lake County is \$60,555. According to the same Census data, nearly 30% of West Valley households earn \$75,000 or more, which is well in excess of the median. In other words, 30% of West Valley households (about 11,000) could afford a home priced well above \$250,000. Assuming the remaining 750 acres of land developed at a density of 2.5 units/acre with homes priced over \$250,000, the result would be 1,875 homes.
- Nearly 14% of all of the tax credit rental units within Salt Lake County are located in West Valley City. This percentage is substantially higher than other municipalities like Taylorsville (3.6%), Murray (6.7%), Sandy (2.4%) and Draper (0.9%).
- Over half of all housing units within West Valley City are affordable to moderate income households (those earning 80% of the County median income).
- The City's General Plan includes the goal of providing "a variety of housing for people of different ages, incomes and ethnicities." Even with the great strides we've made as a city, it's clear that we have a gap in our goal of providing housing for all. Given the relatively little land remaining, we need to seize the opportunity to provide higher end housing.



## Ordinance Text Change Application

FEE: \$250.00

Date APRIL 15, 2015

Application # ZT-3-2015

Name WEST VALLEY CITY (STEVE PASTORIK) Phone 801-963-3282

Mailing Address 3600 S CONSTITUTION BLVD. WVC, UT Zip 84119

E-mail Address STEVE.PASTORIK@WVC-UT.GOV

1. Which Ordinance do you wish to change?

SEE ATTACHED

2. What does the current text suggest or require?

SEE ATTACHED

3. What is the proposed text change?

SEE ATTACHED

4. What is the justification for the requested text change?

SEE ATTACHED

\*Please attach another page if you need more room

Amendments—Highlights indicate new language.

7-6-200a AGRICULTURAL ZONE-2 (THE “A-2” ZONE)

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE (“RE ZONE”)

7-6-601. PURPOSE.

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

7-6-602. PERMITTED USES.

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

- (1) Agriculture
- (2) Community Uses
- (3) Home occupations – Minor, as defined in Title 7, Chapter 8.
- (4) Household pets
- (5) Signs (see Title 11 - Sign Ordinance)
- (6) Single-family dwellings
- (7) Temporary non-residential buildings
- (8) Uses customarily accessory to listed permitted uses

7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

- (1) Public utility installations (except lines and rights-of-way)
- (2) Home occupations – Major, as defined in Title 7, Chapter 8.
- (3) Planned unit developments that meet the requirements of 7-6-611.

7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS

- (1) The minimum lot size in the RE Zone is 15,000 square feet, except as provided in Section 7-6-611 of this Title.
- (2) The minimum frontage in the RE Zone is 100' wide.

- (3) The minimum front yard setback in the RE Zone is 30'. The minimum side yard setbacks in the RE Zone are 10'. Minimum side yard setbacks for corner lots are 20'.
- (4) The minimum rear yard setback in the RE Zone is 30'.
- (5) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10' for Accessory Buildings.

7-6-605. RE ZONE MINIMUM HOUSING STANDARDS. Each single family dwelling shall meet the following standards:

- (1) Ramblers shall be a minimum of 2,000 square feet and multi-level dwellings shall be a minimum of 3,000 square feet.
- (2) 100% brick exteriors are required. Stone accents are permitted.
- (3) Lots with double frontage adjacent to a street with 80 feet or more of Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.
- (4) Laminated architectural shingles are required.
- (5) A minimum roof pitch of 6:12 is required.
- (6) A 3 car garage is required, except that a 2 car garage is permissible when there is a 20' side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished.
- (7) Primary buildings must be designed and built with no more than two and one half stories above grade. Accessory buildings must be designed and built with no more than one story above grade.

7-6-606. HEIGHT RESTRICTIONS.

Primary buildings must be 30' or less in height. Accessory buildings must be 20' or less in height.

7-6-607. LANDSCAPING STANDARDS

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping. All parkstrips and property between the 6' masonry walls and sidewalks shall be landscaped. Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-607 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

7-6-608. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-610 and 7-6-611.

7-6-609. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

7-6-610. SUBDIVISION STANDARDS.

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (7) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

#### 7-6-611. PLANNED UNIT DEVELOPMENT ("PUD") STANDARDS

The minimum lot size in an RE Zone may be reduced to 12,000 square feet for PUDs provided the following standards are met:

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
- (7) A minimum of 20% of the total PUD development is required for common open space.
- (8) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8' wide parkstrips; and narrow street widths.
- (9) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (10) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

- (11) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

#### **7-5-101. ZONING AMENDMENTS.**

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

#### **7-6-101. ESTABLISHMENT OF ZONES.**

For the purpose of this Title, the City is divided into 23 classes of zones as follows:

Agricultural Zone:

A

A-1

A-2

Residential Zones:

RE Zone

R-1-4

R-1-6

#### **7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.**

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.

(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.

(3) Except as otherwise set forth in the RE Zone, the following design criteria shall be required:

#### **7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.**

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)

(P=Permitted;  
C=Conditional;  
X=Not Permitted)

**Zone**

	<b>Wall Mount</b>	<b>Roof Mount</b>	<b>Monopole (&lt; 2' wide)</b>	<b>Co-Located Tower</b>
A	P	P	C	C
A-1,A-2	P	P	C	C
C-1	C	C	X	X
C-2	C	C	C	C
C-3	C	C	C	C
B/RP	C	C	C	C
M			P	

**EXHIBIT "B"**  
**TO**  
**LETTER TO WEST VALLEY CITY PLANNING COMMISSION**

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*Excerpt from the University of Utah Report*

*(see attached)*

4843-3350-5315, v. 2

rental housing and discussed approaches to development such as public private partnerships, inclusionary zoning, density bonuses, accessory units, TODs/affordable housing, etc.

**Land Use Element**

The Land Use Element of a General Plan designates the general distribution, location, and the extent of uses of land for all types of purposes including housing. As it applies to housing the Land Use Element establishes a range of residential use categories and specifies densities and suggests the types of housing appropriate in a community.

*Residential Densities* – A number of factors, both public and private, affect the supply, location, and cost of housing in a local market. The public or governmental factor that most directly influences the character and pattern of residential development is the allowable density range of residentially designated land. For developers of housing, density ranges are critical to economic feasibility of a project. Higher densities, generally allow developers to take advantage of economies of scale and reduce the per-unit cost of land and improvements. Density standards are decisive in the supply of affordable housing in a community, particularly affordable rental housing. Reasonable density standards allow for a variety of housing options to meet the needs of all income and age groups, ensuring diversity and housing choice within a community.

A summary of allowable residential densities by land use type for entitlement cities is shown in *Table 6*. All entitlement cities have Land Use Elements that allow a range of single-family (less than one unit/acre to 14 units/acre) and multifamily (6 units/acre to 50 units per acre) uses. Special high density, 50 units plus is not allowed in Sandy or Taylorsville.

**Table 6  
Land Use Categories and Permitted Density for Entitlement Cities**

Land Use By Density	Density Range	Salt Lake	Sandy	Taylorsville	South Jordan	West Jordan	West Valley
<b>Single-Family</b>							
Estate	Less one unit/acre	Yes	Yes	Yes	Yes	Yes	Yes
Low	1-3 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Medium	3-6 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
High	6-14 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
<b>Multi-family</b>							
Low	6 to 15 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Medium	15 to 20 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
High	20 to 30 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Very High	30 to 50 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Special High	50+ units/acre	Yes	No	No	Yes	Yes	Yes

Source: BEBR Survey.

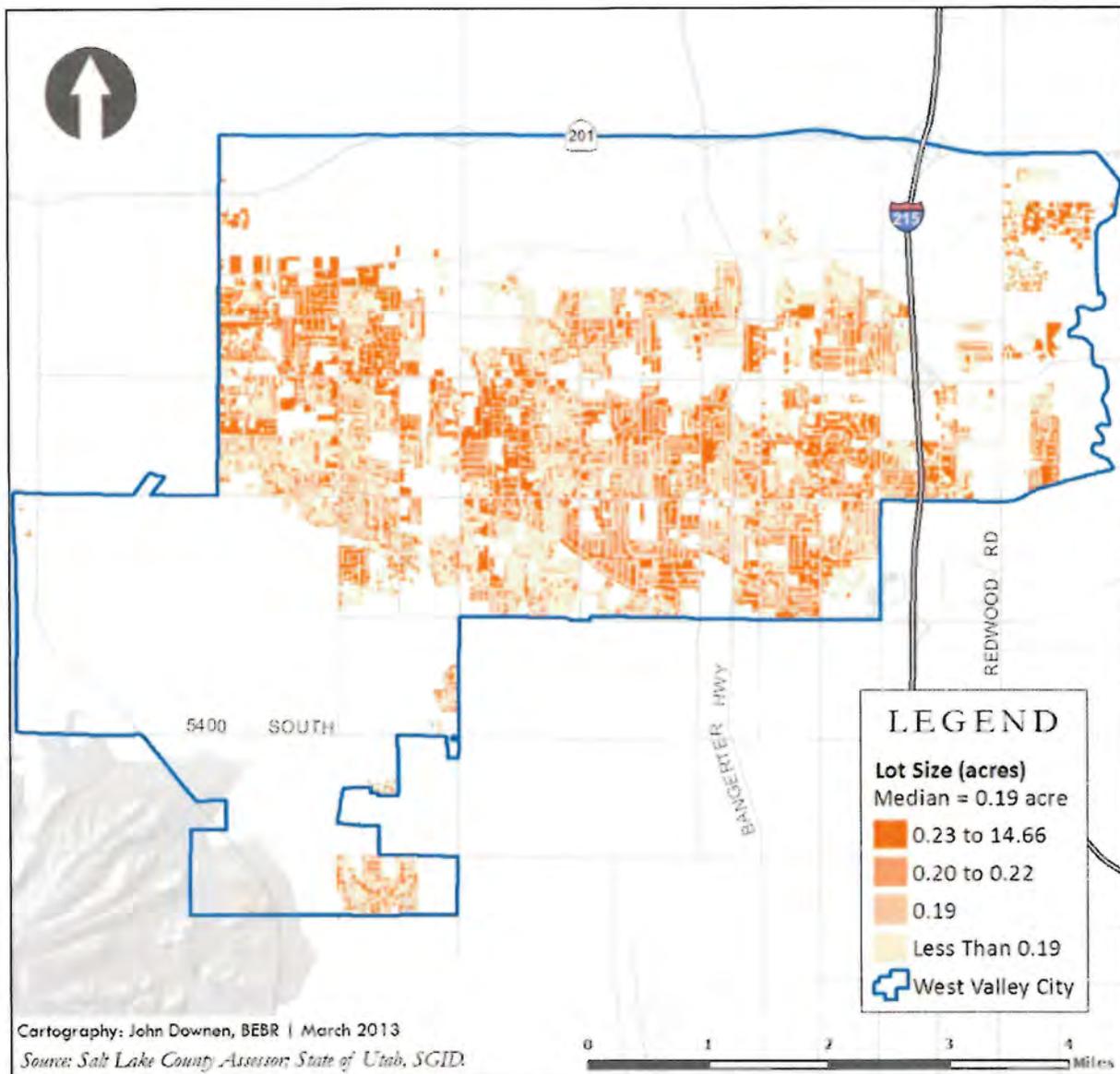
While all cities allow a wide range of residential densities, in actual practice approved densities show that, in fact, high density single-family development may be limited. For example, *Figures 1-6* map single-family residential parcels by density. The parcels are categorized by size and arranged by quartile. In Salt Lake City three quarters of all residential lots are less than two tenths of an acre while in South Jordan barely one quarter of all lots are less than two tenths of an acre.

The darker shade shows lower density areas of a city. Salt Lake City’s low density housing is clustered along the east bench. In Sandy low density is confined to the southeast sector while in South Jordan low density dominates the city, with the exception of extreme west side (west of Bangerter Highway). Taylorsville, West Jordan, and West Valley City have a mix of low and high

density parcels spread through their respective cities. The median lot size for each city was calculated and is indicative of the availability of affordable housing. The larger the median lot size the more unlikely the availability of affordable housing. The ranking of small to large median lot size for the entitlement cities in Salt Lake County are: Salt Lake City .15 acre, West Jordan .17 acre, Taylorsville .18 acre, West Valley .19 acre, Sandy City .22 acre, and South Jordan .28 acre.

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**Figure 6**  
**Residential Parcels by Size, West Valley City (2011)**



# stevemplan, llc

Stephen G. McCutchan

land planning urban design

1750 East Janella Way

Sandy, UT 84093

801-557-6945

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May 13, 2015

Members of the Planning Commission  
West Valley City  
3600 South Constitution Blvd.  
West Valley City, UT 84119

Re: ZT-3-2015 and GPZ-1-2015  
City Wide Zone Text Amendment and General Plan/Zone Change

Members of the Planning Commission:

I am writing you on behalf of Don R Parker Properties, owners of approximately 15.6 acres that is proposed to be rezoned to the new A-2 Zone. The property owner wishes to first, go on record objecting to the proposed general plan land use and zone change and second, provide recommendations for the proposed City zone text amendment that will limit future residential rezoning to only two possible zones, the A-2 and RE Zones. We believe that this bold of an action will place needless limitations on West Valley City property owners and frustrate property rights that have been enjoyed in the past and adjoining neighbors have profited from. We wish you to consider whether the action to limit future rezoning to only two residential zones, both of which only allow estate or rural lots and more expensive homes, is fair and appropriate as it will limit the normal due process associated with a property owner's right to make a reasonable zoning request based upon standard planning and zoning practices.

## **Change in General Plan Land Use and Rezoning of Parcel No. 2104329015 (15.61 Acres Located at 4500 South Constitution Boulevard)**

The subject property is located at 4500 South Constitution Boulevard (2700 West) on the west side of the street, north of the Driver's License Division and west of the State Office Building and American Express. The figure to the right illustrates the site (in orange) and the surrounding zoning and land uses. The property east of Constitution Boulevard is in Taylorsville City.

This property was acquired by Don R Parker Properties as compensation for the property owner selling land to UDOT to build the Mountain View Corridor in the northwest corner of the City. The land was transferred to compensate the property owner for a reduced price to the State for Mountain View Corridor right-of-way. If the City's changes to the land use and zoning were to devalue the land, it would

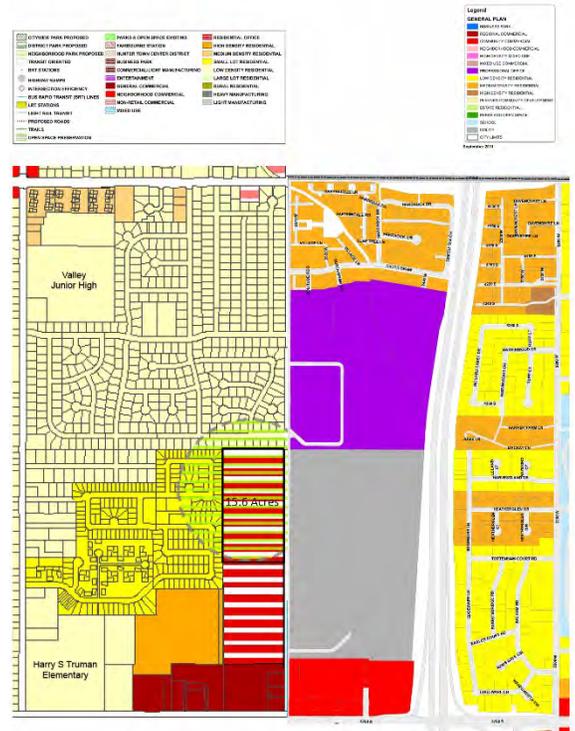


Existing Zoning Map

reduce the value of the compensation that the property owner received in participating with the State and the residents of West Valley City in furthering the efforts to reduce the traffic congestion within the west side of the Salt Lake Valley.

The property (along with the Driver’s License Division property) is shown on the General Plan as Residential Office and zoned A. The General Plan states the following regarding Residential Office:

*“These areas are determined to be acceptable for a mix of medium density, non-retail commercial uses such as offices and medium density residential uses. Non-retail commercial is generally administrative, executive, professional, research or similar enterprise that does not provide goods or merchandise directly to consumers for immediate purchase and removal by purchaser. Non-retail commercial has limited public access and may include uses such as dental, accounting, legal and other such professional offices, as well as small-scale child care centers and hair salons. Some specific non-retail uses may be limited by zoning. Non-retail commercial is distinguished because of its generally low intensity of use, where the vast majority of visitors are employees rather than customers, which reduce the demand for parking spaces as well as traffic to and from these locations. Additionally, non-retail commercial uses generally operate on traditional workday hours with little or no evening hours. These areas will allow for vertical mixed use, where residential uses may be in the same building as office uses, though residential and other uses should be floor separated.”*



Existing General Plan

Under the existing General Plan designation of Residential Office, the property could be rezoned to Mixed Use Development (MXD) and be developed as a mixed use neighborhood with at least 25% of the site as non-retail commercial and 75% as residential with a maximum density of five (5) dwelling units per gross acre.

The City’s application, GPZ-1-2015 proposes to change the General Plan designation from Residential Office to Non-Retail Residential and rezone the property to A-2. We are opposition to the proposed General Plan designation because we believe that the property is better suited as a future mixed use development that includes both residential and non-retail commercial because it would be substantially more compatible with the existing residential neighborhoods to the north and west. Master planned for Residential Office, rezoned and developed as mixed use, the development of the property would propose compatible residential lots adjacent to the existing residential neighborhoods to the north and west and would propose non-retail commercial along the Constitution Boulevard frontage or along the southern boundary with the State owned Driver’s License Division office and driving course.

If the property is to be rezoned from the existing A Zone, we request it be rezoned to MXD.

## Comments on Zone Text Amendment to Limit Future Residential Rezoning to A-2 and RE

We strongly recommend against the part of ZT-3-2015 included as Section 7-5-101(3) that states the following:

*(3) Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M.*

We believe that this proposed language unnecessarily limits the historic rights of property owners to make reasonable requests to rezone their property based upon standard planning and zoning practices and does so without the due process that is allowed to property owners by both the US and Utah Constitutions. It is integral to American law that property owners have the right to make a reasonable and practical request to rezone a property as they see best fits their desires for their property. It is then the City's responsibility to assess that request and determine if it is in the community's best interest. If the property owner's request and the Community's best interest are in line, the zoning request is approved. If the City can make findings that a property owner's request is not in the community's best interest and may result in harm to the community's health, safety or welfare, then it has the right to deny the request or ask that the request be revised.

What Section 7-5-101(3) is doing is the City is denying that right to due process by legislating that these two residential zones are the only zones that we will approve, disallowing property owners the right to apply for other residential zones. We believe that this unilateral action is a denial of due process and a property owner's right to request the City consider the other residential zones used throughout the City.

We recommend that you support continuing property owner's right to due process in seeking the best future use for their property by striking Section 7-5-101(3) from consideration.

We appreciate the opportunity to make these requests and recommendations.

Very truly yours

A handwritten signature in black ink, appearing to read 'S. McCutchan', with a long horizontal flourish extending to the right.

Stephen G. McCutchan

**To West Valley City**

I, Thomas Michael Mansfield,

don't want to rezone my property at 7148 W 2820 S.

I also have bought  $\frac{3}{4}$  acres at the bottom of this property to have out let for utilities, so in the future my children can each have 1 acre lot.

I improved all the property so when this happens, quality will be equal.

If my property is rezone my children will be divided, and not equal. This will be destroying the family's plan. It is not fair to destroy our family and our plan.

Please, leave the zoning the same on this property.

5-12-15

Thomas Michael Mansfield

*Thomas Michael Mansfield*

May 4, 2015

Dear West Valley City Planning Commission,

I would like to thank you for your service to our community and to the people of West Valley City. We love living in West Valley and want to make it the best place it can be.

My property address at 6087 W Parkway Blvd is located in the proposed zoning area from A-1 to A-2. We have been trying unsuccessfully to sell a portion of our property in order to be able to retire. The adverse effect of changing the minimum lot size to two acres will prevent us from being able to sell any of our land. This area of West Valley has been developed into an overcrowded city. These restrictions are unreasonable and seem to be forcing us land owners to compensate for over-development in the nearby community. We are hard working, tax paying citizens who are struggling financially and simply cannot afford to accommodate new residential development with the regulations, prohibitions, and permitted uses the Planning Commission is proposing. We don't understand how 2 acre residential building lots make economic sense to this area.

We would propose changing the zoning on our property to allow 3 to 4 homes per acre without all the conditional uses and restrictions you are proposing. This may allow the working-class citizens of West Valley the opportunity to purchase a nice middle class home pertinent to the area.

Alternatively, as this seems to be a regulatory seizure by government as taking my property, I would consider reasonable offers of compensation for financial losses I will suffer as a result.

I am anxious to help in any way possible to come to an acceptable agreement that will benefit both the city and the residents of the proposed areas.

Sincerely,

A handwritten signature in cursive script that reads "Tony Jacketta".

Tony Jacketta  
801 598-0240  
2794 So 6100 W  
WVC, Utah 84128