

## **Minutes from the June 10, 2015 Planning Commission Public Hearing**

The following minutes are verbatim.

### **ZT-3-2015**

#### **West Valley City**

#### **Adding and amending several sections to create the A-2 and RE zones, enact land use regulations within those zones and enact regulations regarding the rezoning of property**

This application was continued by the Planning Commission during the May 13<sup>th</sup> public hearing to allow more time to evaluate the application.

At the direction of the City Council, this application proposes an amendment to the zoning ordinance that would:

1. create the A-2 (agriculture, minimum lot size 2 acres) zone and the RE (residential estate, minimum lot size 15,000 square feet) zone,
2. enact regulations within the A-2 and RE zones and
3. enact regulations regarding the rezoning of property.

A copy of the proposed amendments is included with this report.

The new A-2 zone would be identical to the A and A-1 zones in all respects and requirements except for the minimum lot size, which is proposed at 2 acres. A property zoned A-2 could be developed under the 2 acre format or the property owner can submit an application for a zone change to the RE zone if smaller lots are preferred.

The new RE or residential estate zone addresses permitted and conditional uses; minimum lot size, frontage and setback requirements; minimum housing standards; height restrictions; landscaping standards; parking restrictions; subdivision standards and PUD standards for the zone. This zone establishes a minimum lot size of 15,000 square feet and housing standards to provide areas in the City for larger lots than are currently found in the City for single family residential development. The housing standards in the RE zone supersede the housing design standards or point system found in Section 7-14-105.

The proposed ordinance amendments also includes the following regulation: "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. If adopted, this provision would prohibit zone changes to any of the following zones: A, A-1, R-1-4, R-1-6, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, RM, RMH and RB. In other words, all new residential only developments within the City that have not already received entitlements would be developed either in one of the "A" zones or in the RE zone if such rezone request is approved.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or

moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to submit applications for them to consider the proposed ordinance revisions and the rezone of 741 acres of property to either A or A-2 depending upon the size of the property. The proposed zone changes are addressed in application GPZ-1-2015. Of the 22,930 total acres within the City, the 741 acres represents about 3% of the City. Of the 40,192 total housing units in the City, 27,180 are single family detached homes.

Beginning in the late 90's, the City has made several ordinance changes to promote higher quality housing. A list of these changes is found below:

- 1998 – The minimum house size was increased from 900 square feet to 1,200 square feet, two car garages were required and the City started to use development agreements.
- 2002 – The minimum house size was increase to 1,350 for ramblers and 1,500 square feet for multi-levels, 35% masonry was required on exteriors and the use of development agreements was required for all developments involving rezones or a PUD.
- 2005 - The City Council adopted architectural standards in the form of a point system for single family detached homes.
- 2006 – The City Council adopted architectural standards for multi-family residential development and the minimum house size was again increased for single family homes to 1,400 square feet for ramblers and 1,600 square feet for multi-levels.
- 2008 – A new City department, Community Preservation, was formed with a primary focus of improving property maintenance.
- 2014 – The City Council updated the architectural standards to require more architectural features.

During the Planning Commission study sessions that followed the May 13<sup>th</sup> meeting, the Commission discussed possible revisions to the proposed ordinance change. The possible revisions centered around the following two questions:

- Should the restrictions on future zone changes be modified?
- Should the housing standards be modified?

Based on study session discussions, it appeared that the Commission would recommend modifications to both the restrictions on future zone changes and the housing standards. Several potential modifications were discussed and these modifications are summarized in the staff alternatives below.

**Staff Alternatives:**

1. Approval of the ordinance amendment as written.
2. Approval of the ordinance amendment subject to the following revisions:
  - a. The following zones are added to the list of allowed future zone changes in Section 7-5-101: RB, R-1-10, R-1-12, R-1-15, R-1-20, A and A-1.
  - b. The housing standards outlined in Section 7-6-605 are made to apply to all new single family homes. With the exception of the minimum house size (item 1 from

Section 7-6-605), these standards could be modified through a development agreement.

3. Approval of the ordinance amendment subject to the following revisions:
  - a. The following zones are added to the list of allowed future zone changes in Section 7-5-101: RM, RB, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A and A-1.
  - b. The minimum house size (item 1 from Section 7-6-605) and masonry wall requirement (item 3 from Section 7-6-605) are made to apply to all new single family homes. The remaining standards from Section 7-6-605 are discarded and the existing point system in Section 7-14-105 is used to address exterior materials and design features.
4. Continuance, for reasons determined during the public hearing.
5. Denial.

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| <b><u>Applicant:</u></b><br>West Valley City | <b><u>Opposed:</u></b><br>Tom Giovengo<br>3850 S 5600 W | <b><u>Opposed:</u></b><br>Mary Jayne Newton Davis<br>6685 W Feulner Court | <b><u>Opposed:</u></b><br>Janice Fisher<br>6411 W 3785 |
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| <b><u>Opposed:</u></b><br>Eric Bishop<br>Farnsworth<br>44 Wanderwood Way<br>Oakshadow<br>Sandy, UT 84092 | <b><u>Opposed:</u></b><br>Tiffani Peterson<br>4301 W 4570 S | <b><u>Opposed:</u></b><br>John Betts<br>3920 S 5200 W | <b><u>Opposed:</u></b><br>Robert<br>7776 |
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| <b><u>Opposed:</u></b><br>Greg Fabiano<br>8121 Copper Canyon Way<br>West Jordan, UT 84081 | <b><u>Opposed:</u></b><br>Curtis Haviland<br>3348 S 6400 W | <b><u>Opposed:</u></b><br>Maryann Farnsworth<br>3696 S 5600 W |
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| <b><u>Opposed:</u></b><br>Fred Brock<br>4411 W 4415 S | <b><u>Opposed:</u></b><br>Tom Pearce<br>3525 S 6800 W | <b><u>Opposed:</u></b><br>Dave Newton<br>2201 W 700 S |
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### **Discussion (verbatim)**

#### **Barbara Thomas**

Welcome back for many of you. And those who weren't here a month ago, welcome again. We do feel it's important that we go over some of the information again but we don't want to give everything to you. Just give you an example, a man went to church, he was the only one at church and the preacher didn't know what to do. Decided to give the hour long sermon anyway. After the meeting, he said how was it? He says, well, if I went out to feed the cows and only one cow showed up, I wouldn't give him everything on the truck. So Steve has abbreviated the

presentation. If by chance you still have questions though you are certainly welcome to step up to the podium and ask for clarification. Thank you Steve. I thought I'd get at least one chuckle or something out of that folks.

### **Steve Pastorik**

So the first application is a change to the City's ordinance. And since our last discussion on May 13, or public hearing on May 13, the Planning Commission's had a couple study sessions where this issue's been discussed. And again, at our prior meeting we did describe what's actually being proposed in the ordinance so what I thought I'd do today would be just to discuss the alternatives that we discussed in our study meetings. And again if there's any questions about what's proposed I can certainly go back and review that. As far as the alternatives the Commission discussed, one would be of course to recommend to the City Council that the ordinance be approved as it's proposed or as written. The second option was to consider, or make a recommendation to the Council, that certain provisions be changed and let me talk specifically to those. So one of the provisions in the ordinance is that it limits the future rezone possibilities to a limited number of zones. In terms of residential, it really zeros in on the new RE or Residential Estate Zone. Under this second option, it would expand the list of zones that would be allowed under a future rezone to include residential business zone which is more of an office type zone. It would also include the R-1-10, R-1-12, R-1-15, A, and A-1. So again if the Commission were to recommend this scenario there would be additional zone change options in the future. The second revision that's suggested under the second option would be that the standards for things like the brick requirement or the laminated architectural shingles, so the housing standards, could be modified as part of a development agreement. So when someone comes in to rezone a property to subdivide and develop they could request that some of those provisions be modified through a development agreement. So that's one alternative that was discussed. The third approval option for the ordinance change would be to further expand the list of zones that could be requested so in addition to the ones I mentioned previously it would include the RM, or multi-family residential zone and the R-1-8 zone. So again to summarize it would allow RM, RB (residential business), R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. So those would be options for future rezones should this be recommended and approved eventually. And then the other, along with this third option, the other change would be that instead of putting in the new standards like the brick requirement and the laminated architectural shingles the City's existing point system, or design standards for single family homes, would be used in lieu of that. So with that are there questions on the alternatives that were discussed earlier that are in the staff report?

### **Barbara Thomas**

There was a lot of talk last time about an RE zone, residential estate, has that been taken out or is that covered through the others, any one of these others?

**Steve Pastorik**

So that would still be included, it would just be an option but then with this, the two alternatives that I just outlined, would allow other zones as a possibility in addition to the RE zone.

**Barbara Thomas**

Okay. Other questions? Okay. Is there anyone who wishes to speak to the zone text change? Okay. Mr. Giovengo and then the lady in the... you'll be second.

**Tom Giovengo**

Tom Giovengo, 3850 S 5600 W. You know I really don't this is a good idea. You're downzoning everybody. In my particular case I have master plan R-1-6, R-1-8, right now it's zoned agricultural and master planned also residential business. Now everybody else, other people on our street, head over on 6400, have got R-1-10, R-1-8's, R-1-6's and they're all going to go RE or A-2, excuse me. Agricultural 2 acres. Now what is the City going to do if all these people sent \$500 and hired an appraiser and go back and say ok this land is now worth 1/3 to 1/2 of what it was before. You got a problem there. You gonna have less tax money coming in. And if we go on to the HOA, the other thing nobody's talking about, in this ordinance every new subdivision has to be an HOA or a PUD. I don't know if anybody here has ever lived in an HOA but they're not all they're cracked up to be. They're private roads so you have 2 inches of asphalt on roadway instead of 4 inches that break apart in a year or two. The City shirks its responsibility of having to maintain these roads and plow them and patch them. For this you get to pay the same property tax plus the benefit of being able to pay \$100-\$200 a month which if you got a \$1,200 house payment, another \$200 a month HOA fees is ridiculous. At least if it's in property tax the homeowner can deduct the property tax from their taxes where an HOA fee it's just gone. Yeah, it's nice someone will mow the lawns. I've had 2 or 3 HOA's that I've had property in. One of them I paid 30 bucks a month down in Provo. To this day I have yet to figure out what that \$30 was for. They didn't have a clubhouse, they didn't have anything. They had a road built that was two years old and cracking up, ready to fall apart. But I don't know what the \$30 for. So the City makes out because they don't have to pay maintenance to the road or plow the road, anything. And yet they collect the same property tax they always do. Possibly if this passes, people could look at holding a mass recall, bout recall for the Planning and Zoning and City Council. I mean that's the only option if you folks don't listen to what the people, the citizens, want. But remember you're also penalizing the future residents of this town when they move into a new subdivision and they're forced to live in an HOA or a PUD. Thank you.

**Barbara Thomas**

Thank you Mr. Giovengo. Steve do you want to just explain how a PUD fits into this?

**Steve Pastorik**

Sure so under the RE zone a PUD is an option but it's not required. So if someone was doing a PUD where you'd have private streets and common area that needs to be maintained, in a

situation like that an HOA would be required. But if you're doing a standard subdivision then it would not be required. Just to make that clarification.

**Barbara Thomas**

Thank you. Mam?

**Mary Jayne Newton Davis**

Good afternoon. I thank you so much for hearing us again. Commissioners, thank you. City Planners, thank you. And we thank the City Council as well. I thanked the Mayor, as I just met him in the hall before the meeting, and told him how grateful we were that you cared enough to spend your time and energies working on this because there is no doubt...

**Barbara Thomas**

Do you want to give us your name and address?

**Mary Jayne Newton Davis**

I'm sorry, I always forget. I always think you just know me. I'm Mary Jayne Newton Davis. 6685 W Feulner Court, 84128. Okay so back to my gratitude and that of my family and all of the residents. We are grateful. You are spending a lot of time working on a problem that has been created for many years. It seems clear that we share your same goals, we do. We want the City to be upgraded. We want to have better. So we support you in these goals. We commend you and support you. It's clear that West Valley City has more than its share of starter homes and cookie cutter concepts. I hear this terminology used often, cookie cutter concepts. However it is the opinion of some people, not just me, but others who are invested in land and neighborhood issues that A-2 as it was presented to us last time does exactly the opposite. It is an overcorrection of the problem. It limits instead of correcting. It stifles the creativity and the ingenuity and the vision of land owners. City Planners, developers, and our future neighbors, we want to be involved in the planning of the City. We want to not only support you but we want to enhance your efforts and we want to enhance our City. The A-2 zone as it was presented to all of us last time is a rigid construct. It actually denies the possibilities of what could occur. But by adding new dimensions and, as Steve just explained, possibly R-1-8's, R-1-10's, R-1-12's, and maybe up to and including the 1/3 acre lots that was discussed at the last meeting, then you have possibilities to build on, to create. For instance, our property, the Newton Farm, is bordered on the south by homes that were built in the 50's and they're lovely. That neighborhood is very well kept. It is bordered on the north by another development that was built in the 90's. Most of those homes are fairly well kept. Yet through the years, both these neighborhoods have loved that open space, which of course you know from previous meetings we cannot keep forever, to this day enjoy a deep sense of comradery and collegiality, they do. They're close neighborhoods, they act together in many, many instances. But A-2 as it was previously scripted would be divisive. It would do exactly the opposite. We would like to see you embrace the opportunities for variation in order that we will have cohesion on these properties so that we can create neighborhoods that can come together. 2 acre lots or even 1/3 acre lots seem to be that division. We need something that enhances the City and blends neighborhoods in it and unifies these decades old friendships

in this area. So if we no longer welcome the cookie cutter concept, then A-2 should be re-scripted. It should allow some of the things that Steve talked about and suggested. As each property is unique unto itself, it should be celebrated as such. It should be celebrated as a larger part of the City that also blends and brings about a sense of community. So again, thank you very much for your efforts and thank you for hearing us.

**Barbara Thomas**

Thank you. Janice and then this gentleman over here and then the lady in black and then you. Now you're in charge of keeping track.

**Janice Fisher**

Thank you. You should never follow an English teacher on a presentation. But my name is Janice Fisher, 6411 W 3785 S, West Valley City, UT 84128. I do have an interest in the Newton property itself because it's just a few hundred yards from where I live. I live on the south of the Newton property. I want to thank the Planning Commission, forgive me if I'm redundant to what some of things Mary Jayne said. I want to thank you more seasoned members of the Planning Commission and I see new faces, it's wonderful. And thank you to the staff because they work incredibly hard on this kind of a process. And I want to thank the property owners for getting involved and being willing to work with everybody in finding a solution to this situation. If we had a brand new City, this change may make sense. But to put such a wide brush on all of this property puzzles me. A-2 may make sense on the north end and many of our neighbors are here that I dearly love that live on the horse property to the north of... in the north sector of this overall planning change. And then there's us that live on the south end. A-2 zoning may make sense on the north but A-2 on the Newton property will devalue our property and will make it hard for us to enjoy our homes that we've lived in for many years. The Newton's property is between, as Mary-Jayne said, between subdivisions with R-1-8 and R-10, if you put horses, and it is my understanding that the A-2 allows horses, if you were to put a horse on the Newton property in particular, the rest of us won't be able to use our backyard or our BBQ's or even sit on our porch because of the odors and the flies. I admire people that have animals because horses are beautiful animals and that. But for us who don't have them, we prefer not to share the experience. I agree with the evaluation that I've heard that every piece of property left in the City should be considered on its own merits. Especially these beautiful pieces, these inner pieces in the City that have such a wonderful potential. I appreciate the Newton's for wanting to raise the bar and we all remember that from a few years ago. Anyway to raise the bar, want to have larger homes on larger lots but including the A-2 in this, in this particular piece of property to me is, you know, I don't like it. But anyway, I just want to restate this that I believe every piece of property left in the City that asks for a rezone or a master plan change should be considered on its own merits. I hope that you will deny this rezoning today, or this master plan change. I want to thank you all again for the service that you give this City.

**Barbara Thomas**

Thank you. Oh no I have the guy behind you. You're going to be after this fellow right here.

**Harold Woodruff**

Could I ask Steve a question while this gentleman's coming up? To help me get a better grasp of what was said by these individuals, what is the minimum acreage for A-1 and A zones?

**Steve Pastorik**

Sure, so the A zone is a minimum half acre lot and A-1 is a minimum one acre lot.

**Harold Woodruff**

One acre. And then in previous meetings, it's been this A-2 zone's been referred more to as a holding zone and not really intended to develop as A-2. Did I get the right impression of that?

**Steve Pastorik**

Right. Those properties that would be A-2, it's expected eventually those would be rezoned and developed at some point in the future. Single family most likely. As the ordinance is written now, the zone that would be an option would be the RE zone which is the 1/3 acre lot essentially.

**Harold Woodruff**

Thank you.

**Barbara Thomas**

Thank you. Go ahead.

**Eric Bishop**

Hi my names Eric Bishop, 44 Wanderwood Way, Sandy Utah 84092. I'm here to talk about the property, it's about 15.6 acres at about 4500 S and 2700 W. It's immediately across the street to the west from UDOT and American Express, that area. I don't know Steve if now's a good time to address questions or if I just throw a question out and you can address it later. I don't know how the protocol works. This particular property under the current master plan is called out for medical office or medium density residential. We've owned the property for several years and have tried marketing it as office and medical and based on input from various brokers, there's just not any demand in the area for office or medical uses. So we've been focusing our energies more recently, in the recent years, on medium density residential. So my first question Steve is under the expanded uses scenario, the third option that you described with a PUD and RM, does that cover a medium density type use?

**Steve Pastorik**

Yes it would.

**Eric Bishop**

Would it? Then my next question is what really is inherently different then from the existing zoning ordinance that provides for those kind of uses and this new ordinance that's being proposed, again with the expanded option in place.

**Steve Pastorik**

So you'd still have certain zones that would be restricted so for example R-1-4, so very small lot single family, R-1-4, R-1-6, we have some duplex zones that would be excluded. So there's still some zones under that third option that would still be excluded.

**Eric Bishop**

And so that would be defined and then changed in the master plan, I'm assuming?

**Steve**

Basically it's defined in the ordinance.

**Eric Bishop**

Years ago I came across a really interesting phenomena that still do this day really makes me chuckle. As I would talk to farmers down in Utah County, this was probably 10 years ago, if they heard that property on University Blvd sold for \$15 per square foot, they thought their property ought to sell for \$15 per square foot. It was most bizarre experience and they would do it with a straight face. I'm sure they chuckled after I left you know what I mean because it was entertaining. This is the kind of same phenomena when you try to treat all property the same, it's not common sense based on location, features, and surrounding properties and things in the area. Each property uses really should be determined based on the existing use and location. Which really just the whole, one of the basic principles of real estate and real estate analysis and planning. This particular property 4500 S and 2700 use to be a burrow put for UDOT when they were building I-215. If you were to look at the site, on the south side, it's probably 6-8 feet below the existing subdivision to the west and on the north side it's easily 15-20 feet on the existing below the existing subdivision to the west. And on the north side it's easily 15-20 feet below the exiting subdivisions on the north and west of it. So there are no connections coming from the existing residential areas, and my recollection, correct me Steve if I'm wrong, my recollection is that the surrounding subdivisions to the west and north are 5-8,000 square foot lots, something in that range. Then obviously you have American Express and UDOT's complex across the street on 2700 W. 2700 W is planned to be a major arterial in the street with future Bus Rapid Transit plan to go on 2700 W. So the idea from going from 5-8,000 square foot lots to larger lots and then transition across the street to office and higher traffic type uses, you know for day use, just doesn't make sense form a planning standpoint. Typically you'd want to go from lower residential uses to some kind of a transition use, in this case we'd propose medium density residential to a higher intense use. In a typical planning you'd look at each property on a case by case basis and apply criteria like that. Again, this particular piece doesn't really lend itself to large lot residential. Again there aren't really any connections to the existing residential property as well. Are you all familiar with this piece? Do you have any questions or comment with reference to it?

**Jack Matheson**

Ya... Eric, that's a really kind of a tough piece. We know exactly where that is. We seen a couple of proposals over the last couple of years for that. I'm just wondering what happened to the medium density residential?

**Eric Bishop**

The couple part we brought in we're hopeful of trying to get some higher density beyond the 12 units per acre because it is such a unique piece of property. That was discouraged so they went away. We do have another group, we are about to file on application in that, again, medium density range. Now we're not able to file the application because of that. That's kind of what we thought would be an ideal use there. I'm not sure...

**Jack Matheson**

Well actually that's the way I feel too is that you may not even get R-1-8 houses there because it is such a hard use. Certainly you're not going to get these residential estate houses being built in that area.

**Eric Bishop**

Which again is just another underlying argument against the proposed existing zoning proposal that's before you. Just doesn't make sense to apply that kind of standard that may work in other parts of the City to a real difficult piece of property like this one because of the traffic, location, and the existing uses around it. Unless there are other questions or arguments. I guess just in closing, obviously we as property owners would strongly and vehemently recommend that you deny the existing application that's before you so that we can maintain the existing use. If there were a compromise, I guess it would be go with this 3<sup>rd</sup> option although I don't know what we understand well enough to know if it would maintain the ability get 10, 11, 12 units per acre, something like that in that kind of range under either RM or PUD.

**Steve Pastorik**

Would you like me to address that? So if, again, under that third option you could request the RM zone which would allow for townhomes. Now of course like any other zone change request that would have to go through the normal process, go through Planning Commission and City Council but that would be an option, under that 3<sup>rd</sup> scenario

**Eric Bishop**

You know this really is a difficult matter in front of you so hats off to you for tackling it and addressing it and again from a land owner's perspective, again we'd recommend that it be denied. Or a recommendation of denial go over to the City Council. So again, thank you very much.

### **Barbara Thomas**

Thank you Mr. Bishop. The lady with the black sweater.

### **Tiffani Peterson**

Hi, my name is Tiffani Peterson and I'm with the group real estate. I'm actually representing home owners. The parcel is 4301 W 4570 S, the Harmon family? They have owned their parcel for more than 40 years. We have it currently listed and I have shown it to both single families looking for horse property and I've shown it to developers or different people interested in development. I currently have an offer but the buyers due diligence will be based on the decision you will make. If the RE zone moves forward without any opportunity for variances or adjustments for a 5 acre infill parcel, they're, let me stop for a second. If it moves forward without any of those type of variances with just the one size fits all approach, it won't make sense for a parcel like this. There are homes in the surrounding area that fit some of the characteristics that this new RE zone has. The three car garage, the homes I'm thinking of just because I'm looking at real estate actual actives under contracts and sold's. Some of the homes do have a 3 car garage, they're stucco instead of brick, but they're similar in characteristic to what you're looking to do. But these homes sit... the home I'm really thinking of sits on 7860 square feet. Certainly not the 15,000 square feet lot we're looking at. What we would just like to say is that you really think about it that part of what adds value to a community is the diversity in both the homes and its people. We hope that when you take a look in creating and establishing this new standard that you really don't take the one size fits all approach but look at each parcel individually and what that parcel can do to support and improve its neighborhood.

### **Barbara Thomas**

Thank you Ms. Peterson. Questions? Okay. Sir? You are next.

### **John Betts**

John Betts, 3920 S 5200 W. I'm here representing Glen Brock who would love to be here but just simply isn't able to be here. I also urge you to vote against these proposals as they're currently written. Part of a broken record here, I believe that what you've done is you've taken all of these, the remaining land parcels in the City, and thrown them all under one big basket as if you can treat them all the same and you just can't do that. They're not the same. Each parcel has its own characteristics, its own circumstances, its own potential for development. I believe they need to be looked at on an individual basis. For example, Glen Brock's property is approximately 10 acres and it is completely surrounded on all sides by your typical 8-9,000 square foot lot with a \$180,000 sitting house on it. I'm not trying to discourage anyone. Mine is one of those houses. Mine is a \$180,000 house sitting next to Glen. What I would want you to consider would any developer take a 10 acre island surrounded by that housing and put \$400,000 homes on it? No. Just isn't reasonable. I think you need to look at each individual parcel as an individual parcel, look at its potential development and as proposals come to you to develop that land, look at them carefully. If they don't raise the bar, reject them. Secondly, and this is again a

little more personal, we heard last month from someone in the real estate industry that these proposals would devalue properties somewhere between 35-50%. I want you to again consider Glen's 10 acres and put a dollar bill, you in your head, on that 10 acres, and then reduce it by 35% or 50%. What kind of hit is Glen taking? It's not a few thousand dollars, it's not 10's of thousands of dollars, its hundreds of thousands of dollars. Hundreds of thousands of dollars. If you spread that kind of a loss across all 750 remaining acres, you are looking at potential losses to these land owners of millions of dollars. Would the City develop or be involved in a developement that they knew was going to cost them, or they were going to lose, 20 million, 30 million dollars on? No they wouldn't, so why are you asking land owners to take that kind of a hit. I just don't believe that's correct or right. It's been suggested that the only way to build quality housing is if you build a big house on a big lot. I don't believe that's the case. I don't believe millennials, if that's who you are trying to attract, are looking for big lots. Those are folks who want to work hard and play hard. They don't want to spend their entire weekend doing yard work. They want to spend their weekends on the lake, in the mountains, on the golf course, on their 4 wheelers, whatever. They don't want to spend it in the yard doing yard work. They don't want 15,000 square feet they have to take care of. We've heard the City Council say that this is the best way to protect the City and the remaining undeveloped property. I don't believe that's correct. I believe again that if you consider proposals as they are brought to you carefully, consider whether or not they raise the bar. We are not asking you to abandon your vision for the City. We're asking you to find another way. Having a vision for this City is partial of what you do and part of what the City Council does. All we need to do look across the street to see some amazing success in that. I think you need to be applauded for that. However in this case I think the City Council is approaching it in the wrong way. I think you need to look at these properties individually, determine their potential for development, and then work with land owners to do those projects as their brought forward to you. Again I do want to thank you for your time. I know that a great deal of time and effort on your part is eaten up by these kinds of things. I appreciate your willingness to listen to us. I urge you to please vote no on these proposals as their written. I wrote kind of a little remark I don't know if I should say it or not. I'm going to say it but take it please in the intent that it's used.

**Barbara Thomas**

You didn't laugh at my joke. Be careful.

**John Betts**

Okay. I ask you to please vote no on these proposals. I ask you to tell the City Council to please keep their hands out of the pocket books, the wallets, and the savings accounts of these land owners. It's not their money. Thank you.

**Barbara Thomas**

Thank you Mr. Betts. Sir?

**Robert Farnsworth**

Thank you Madam Chair and Commissioners. I spoke to you last month. I just wanted to, if I could...

**Barbara Thomas**

Remind us of your name and address.

**Robert Farnsworth**

Oh I'm sorry. Robert Farnsworth, I'm here on behalf of my mother, Maryanne Farnsworth, 3696 S 5600 W. So last month talked about the downzoning and how it would create unfair economic loss for the property owners. Secondly, and I think it's been well put here tonight, depending on the location, the size of the parcel, existing zoning, and the surrounding properties, these property owners can expect 35-50% loss in their value. Number three, larger lots consume more water and I think that's a natural resource that we ought to be looking at protecting. Not expanding it to increase property values. And like it's been stated, there's a lot better ways to get quality housing than just larger lots. Number four, this plan doesn't consider any future affordable housing and I think that needs to be considered. Number five, the best plans have flexibility. This plan restricts the rights of the property owners, it ties the hands of the future Planning Commission's and City Council's. Number six, I believe these changes will affect many of the owners that have not been properly noticed. Now that might take a little explanation. I'm sure the notices went out by everything that's in the code. But this change affects owners of real property that didn't receive a notice and I think I gave you a good example last month which is number seven on infill, tear downs, or assemblage projects. You could have someone, or a group of owners that have half acres together, that you would assemble into a project. Unless they sit next to one of these zoning parcels that you're considering, they wouldn't have been noticed. I think that notice in a mass change on this scale should be rethought and everyone should have an opportunity to see how it might affect them. And number 8, future development will not make sense without all those other zones. Especially when you start looking at infill, tear down, and assemblage. So today I want to talk about a couple other concepts. One's public policy. Figured Google's pretty smart so I looked that up. Wikipedia says that strong public policy should have, should solve problems that are efficiently and effectively and served with justice. Number one, I think the City Council's concern for the lack of high end housing, to me, doesn't even seem to be a problem. The wealthiest among us can live anywhere they choose. Now if we were talking about affordable housing, that's a real problem. Number two, let's assume that the executive high end housing is a problem, does this proposal solve the problem effectively, efficiently, and serve justice? How can this be just? It is not based on the concept of moral correctness, equity, or fairness. As these land owners, you've heard them say. I believe this proposal is just simply bad public policy. Further, how is this related to the health, safety, or general welfare of the citizens? The simple answer is... it's not. This proposal clearly is made for a very small segment of the residents or future residents. It is not for the general welfare of all the residents. I have seen no study to remotely suggest that these changes will number one work in the marketplace, I don't believe they will, and number two is necessary to promote health,

safety, and welfare of the community. Again I say this is just a bad public policy. Just like any application you can deny this. I'm sure you've had plenty of applications sit in front of you in the past and you just said wow, that's a really bad plan and you probably denied it. I believe this is one of those really bad plans. Its stated purpose and objective clearly is in conflict with the general welfare of the community. Thank you.

[applause from audience]

**Barbara Thomas**

Thank you Mr. Farnsworth. Let's see, sir?

**Greg Fabiano**

My name is Greg Fabiano, Dwellings Real Estate, I'm the government affairs chairman for the Salt Lake Board of Realtors and I have come in to speak on behalf of the Salt Lake Board of Realtors once again. Thank you for giving me ear and also many thanks to you on this committee and particularly to the homeowners and property owners within West Valley City. I speak generally and not in regards to any specific piece of property. As a quick generality, our interest as an association, as a partner both with cities, with municipalities throughout Salt lake County as well as the County itself and even the state of Utah, is to look at good public policy regarding land use and real estate use. Primarily for the benefit of property owners because what is preeminent to us is the fact that each property and private property rights are deemed sacrosanct within the Constitution of the Unites States and therefore we wish to uphold those ideals. In echoing what Robert has just specifically spoken is that the primary thing I wish to put forth, and I will simply give some other evidence in regard to that, is primarily that this, from our perspective, constitutes an illegal and immoral taking of value of property, primarily of value from property owners within the city of West Valley. Each piece of property is unique unto itself as has been stated by many who have preceded me and I am grateful for their understanding that concept and truth. In the last meeting, a month ago, I gave some statistics and I will also update those statistics currently as they slice to what we're dealing with. Furthermore, I've also compiled, with the help of another party, some information from the Salt Lake County Tax Assessors Office, specifically in regards to West Valley City property tax. So number one the preeminent thing I wish to express is the fact that this is an immoral taking of value from property owners and secondly it is bad public policy. I know this is not of your making, this was placed upon your desk, we would certainly urge you to simply deny it in its present form. Also I appreciate Steve's input in what you have evidently as a committee, as a commission, put forth as alternative ideas in regards to that land use and I think that's wise. As presently constituted we would strongly urge it be denied in its current form without revision but to be revisited on a case by case basis as is needed. To begin with a couple things. Approximately 75% of all the residential properties within West Valley City are on lots that are up to 10,000 square feet. That's the preponderance for the majority of your residential property tax base. So I want to speak to your pocketbooks primarily at the moment, okay? Statistically the proposed and the existing housing stock that this zone change would enact would incorporate approximately 5% of your

residential tax base. In short what this would actually do is it would diminish your property tax revenue as a City. Those are not my statistics. That's the Salt lake County Tax assessor which is the body through which those property taxes are collected and assessed. So again, that comes from them. That is not me. So I think it's going to number one, hurt the property owners but number two, it's going to hurt you as a City financially. It's not going to do you any good. It seems to me this is a pipe dream that has been placed upon your desk by the City Council and I understand what the intent may be is to increase the desire for more expensive housing stock but the reality is the marketplace has to dictate that. That cannot be done by fiat, by this body or any other. We cannot wish it and they will come. We have to deal with market realities. The main reality again, as previously stated, is that the property owners affected will be dealt with harshly without their, in my opinion, due consideration of it. Last time I don't wish to take too much time let me give you some quick statistics again. I have for 25 years, as a real estate broker, I have represented hundreds of citizens of your community in both buying and selling property. My belief is that you need to believe in your own community. There is a tremendous amount of demand for people to be in this community organically and from outside of this community. So please do not short change or short sell the demand that is indeed here. So to update the statistics that I gave last time which may or may not be in the notes, I don't know. I'll give you the current ones as of right now. To give you an idea of the demand presently in West Valley City there are presently only 60 single family existing houses for sale up to \$250,000 in West Valley City. 60 of them, that's it. Up to a quarter million dollars. Presently there are 143 pending sales. That means you have approximately 2.5 times more people who want to buy here than can buy here because there's not a sufficient existing stock to buy. 2.5 times. There's a tremendous amount of demand, that's up to \$250,000. Now how many have been... 80 properties in the past 30 days that have sold and closed. You have 80 new citizens, new homeowners in your City. This does not include brand new housing stock. These are existing houses. The new housing stock is in excess on average of \$230,000. In short you already have an inorganic economic growth within your city without passing this legislation that would damage your own citizens. It's already here, the demand is here. You don't have to try to create it. It's already happening. Now I want to go up to the next stratum and that is between \$250-350,000. There are 49 homes available, remember up to \$250 there were only 60, there are 49 up to \$350 in that next bracket. How many pending sales? 32. What that means is you have 1.5 times as many homes available as there is demand up to \$350,000. So in reality the demand is lower than the \$350,000. That's where it is growing. It would seem to me logical and sensible to simply let that grow organically rather than try to force something higher for which there is no demand. Here's the final statistic. By enacting this zone as presently constituted, what you'd be doing is forcing the pricing of new housing stock to exceed \$400,000 in value. To exceed that. Because you cannot financially build houses of that size and of those construction requirements for less than that amount of money. You cannot do it. Now what is the housing stock above \$350. \$350 and above, up to skies the limit. Right now there are 6 homes available. 6, that's it. How many pending sales are there? 2. That tells you there's not a lot of demand. There are 3 homes available for every 1 person whose looking for one in that price range. There is a fraction of one for every person who is looking up to \$250,000. In short the demand that is trying to be... there is no demand for the perceived need that is trying to be fulfilled by this zoning. By this change. It simply does not exist. How many

sales have taken place over the past 2 months? 0. Not a one. In short the demand that this... the perceived demand that this zoning change seeks to satisfy does not exist. You have a tremendous amount of organic growth that is happening right in front of you without doing this. Again, I believe in West Valley City. I am presently contemplating the purchase of a large parcel... piece of property myself. This has no bearing on me. I'm giving you full disclosure that I may be looking at buying something in the future. This will not affect me one way or another. But for other property owners who are right here and the other 100 that were here last month, I hope I speak in their behalf to urge you strongly to deny this application and let each property be considered on its own merits and let the marketplace decide that which is best because the market is there. It is teeming with demand. Let it happen. Thank you very much.

**Barbara Thomas**

Thank you Mr. Fabiano. Is there anyone else who wishes to speak? The gentleman with the mustache and the gentleman in the back.

**Curtis Haviland**

Curtis Haviland, I'm at 3348 S 6400 W. We've got a 5 acre farm out there. My neighbors got a 5 acre farm. And if you go through with this, they can put two homes on my five acres. What do I do with the extra acre? Right there in that neighborhood I can show you homes sitting on one acre that is almost a half a million dollar home. What is the backyard look like? They can't afford the water to water an acre of ground. So it's all a dirt ball. So what do they do? They rent em.

**Barbara Thomas**

They rent what?

**Curtis Haviland**

They rent the back of their properties out. They rent to one person and then pretty soon you got a half a dozen people in there. I've got the situation next to mine.

**Barbara Thomas**

You mean they rent... they store equipment there or they build something temporary?

**Curtis Haviland**

They rent the property to somebody else.

**Barbara Thomas**

Oh so there are homes on them.

**Curtis Haviland**

A home's on the front.

**Barbara Thomas**

And there are homes on the back?

**Curtis Haviland**

No homes on the back of the property.

**Barbara Thomas**

What are they living in?

**Curtis Haviland**

[laughter] West Valley needs to go around and check and see how many trailer houses sitting in the back of these properties.

**Barbara Thomas**

Oh okay, I see what you're saying.

**Curtis Haviland**

How many dust bowls all this property is. You take, say my farm, for example. You put two homes on it, what are they going to do for irrigation water or water? It's going to be a big dust bowl back there. What do they do? They rent em, they rent out to anybody that will rent. Then we end up with shacks built on em and they say they're not permanent so they don't have to have a permit. Made out of plywood, pallets, and that kind of stuff. I don't see how by making the larger lots is helping West Valley at all. All they gotta do is go out in that area and just look. Find out what's going to happen if they put all these 2 acre lots. My neighbor next door has got 5 acres that he's been trying to sell for over a year and they had it all fixed for 18 homes on it. Now he can put two homes on it, he can't sell it, the developers won't look at it to build 2 homes on it. What are they going to do with all this extra ground? These people that... these big homes are not gonna wanna take care of all this property. I can't see any difference between, say the Newton piece, it's a larger piece, we're just down the street a little ways. It shouldn't be any different between theirs, ours, we've got all these different A-2 zonings that's kind of ridiculous in a way. It's gonna hurt West Valley. I mean, some of us farmers like we say we're getting older. Our kids is probably not gonna wanna farm it and they're gonna try and sell it. The valuations gonna go clear down. You're gonna end up with 2 homes instead of maybe 15 homes on it. Messy backyards like we've got around our places over there now. So I can't see why they wanna put these large lots on a lot of it. It's just gonna cause more issues. More problems for West Valley, for the weed control. We see it all the time out there. All these bigger lots sitting with homes on em, with weeds 2 or 3 foot tall. So... I think it should be denied and leave it alone.

**Barbara Thomas**

Okay thank you sir. Did I indicate someone next? Sure come on up. I can't see you. Are you able to stand?

### **Maryann Doxey Farnsworth**

I can stand here for hours. I can stay for days. My son who has spoke for me but I have to have one final word here.

### **Barbara Thomas**

And you're Mrs. Farnsworth?

### **Maryann Doxey Farnsworth**

I am Maryanne Doxey Farnsworth. I have been there since 1937. On the property that I'm on right now, maybe I don't have 5 acres. I love Tom Giovengo and these people, the Defa's, that have been here so many years. My brother next door 5 acres that have behind us. I see Ivory, I'm going by your sheet, I see Ivory has got places. They build good homes. I'm not going to buy them on the good homes that these realtors come in and do for us. They're doing it for us, West Valley City. Now Steve. When I come in to your office and believe me, I have been into your office and I have spoke to you, when I come in to your office I trust you. I know that in Planning you want to do the best for me. I want to do the best for West Valley City. I live here. I have a few more mouths and I'm going to stay in West Valley City. I want to tell you, we've heard of the prison making down on 7200 off 21<sup>st</sup>. You've got a map here with green all over it down in that area. Those people are gonna want some nice small homes if they do something like the prison down there. There's gonna be growth around West Valley City. We want this, West Valley, to be the best. But Steve, I came into you in 2001 and I trusted you. And I come in there and I trust the rest of ya. I vote for you. I have that privilege and freedom. And I want to tell you that when I come in to your office I do trust you and want to trust you. I want to know that on these things when I come in and planning, along with these other people here, that we will know that you are working for us too. In 2001 when I came in, I had a couple proposals that I wanted to set out because they was putting a new road, putting a new street in on 5600 and we're having this new highway. I came in to you and talked to the Planning and I said I want to make sure that I can build maybe back in... I don't have 5 acres I only have small pieces and across the street by the church I have some little rentals and an extra piece but I came to you Steve. And I trusted you and I asked what can I do? Before the men, they come in and say you cannot dig up this beautiful road on 5600 and put water across the street, bring sewer back across the street. That's what these gentleman have got to figure out when they're doing that. Are they going to bring the water and that from back here or across the street or on this street? We came in to you and I talked to you and I had 2 parcels that I wanted to fix right then and it was gonna be a hardship. So when they took the easement I had to put my money into this, doing this and prepare for the future. Okay, I paid \$7,000 putting water across the street to and but let me tell you, the Defa's came down, they did an excellent job, they came to try to find out what is the best to do and how do you do it. So we go in and instead of going across the road, even though it wasn't finished, we had to go underneath. They had to go and drill underneath and make the water come across. And

the one on this side we had to pay \$9,000, over \$9,000 and on this side \$7,000. We went under the street to prepare for the future of West Valley. Not to dig up the roads. But we could go in and on this little plot of ground and that that we have, it's not 2 acres. What in the world am I going to do? Steve you need my bills. I need to give em to you. You told me yes it would be okay. You said in planning I wanted to plan the future. They want to plan. Tom here and them want to plan a future. When I come into your office, tell me no. You don't do this. You can't have this. These are things that we thinks better for this property, all of these properties. Why do we have to have you come in and put an A-2 and an A-1 and this and that and that on these properties that they've had for years. Why can't we just come into you as a planning group? Why can't we come in and trust you? And know for the better of West Valley and the better of the people that are living there. With this acreage why can't we come and why... if you want an A-2 and A-1, you just like it? The Council likes it and that. Go ahead and put some on the books A-1 and A-2 and you can do this and that. But let us on our property come in and say can we do this? What can we do with our property? I only have this much. I have put already \$9,000 on one part of it and another... I can't even put the \$9,000 one back behind there. And the one over here, I cannot do what we, in the future, want. My grandchildren, my great grandchildren maybe I only have a little bit and maybe they have more. They will want to be here in West Valley too. This is a good place to live. We want to have a good future here. But will you please consider denying the whole complete thing. And you let us come to you. I trust you. I trust this Planning board. And Commissioners I may not have voted for all of you cuz I just don't have you on my list.

### **Barbara Thomas**

[laughs] we're not on your list.

### **Maryanne Doxey Farnsworth**

You are just very welcome any time to come and see what the citizens are really wanting over on 5450, on the next road up, I know over here Jay back here and some of the others they have more property over there. They want to maybe have a horse, a cow. So what? It's their property. Why can't they have a cow? Why can't they have a horse? In a few years, do you think our grandchildren is gonna want a bunch of cows and horses and pigs? Let them have what they want then. But Steve when I come to you and your Planning board, let us trust you. Let us know that when you go and tell me I can do this that I will know in a couple years that I can do it... this is my property. I pay taxes on it. You're not paying taxes on my property. Any of you want to? You're welcome. But I want to trust you Steve. I want to trust your Planning board. I want to know that when we come to you, that we can come in and say I have 5 acres, maybe I want to build something on it. But you tell me well this is what we suggest. Show us what you want. Why are you putting a label us? Why do you have to put a label on our property? That we can only do this. Our grandkids, our great grandkids. Let us stay in West Valley City. Let us build it up with you. Let us come and let us talk to you and Steve I've had you on my list for a long time. I appreciate your telling me that I could go and put these big holes under the road and have to do all this piping so the waters on this side, so the sewers on this side so when you start to go across to build in a couple years what are the grandkids going to do? Are they gonna have to... they, we had to use our money that we got out for you chopping our streets off and that. Then to get this

we did not have the money but we trusted. We knew and when you said yes it'll be able, we'll be able to build over here you can go and build back. We put this plumbing in by a good company, the Defa's, we knew they were good. We know these people here. We know a lot of these people here. All we're asking you is deny the whole thing. Get rid of it. You let us come to you. And let you tell us this is not right on this property. It don't have enough room. We have rules and regulations. You have rules and regulations. We've abided by your rules. With some may need a little bit of trimming but please we thank you for your work. Yes. But we want to thank you in the future. I don't want to be a roaring tiger coming into your office every time we want to do something on our property. It's our property. It's not yours. Until you pay for my taxes and everything else that I have to do on it and get my water and that, please deny it. Please go to them and tell them and let them know we trust you. We have trusted you for all these years. I have trusted. I've trusted the Planning. We've gone in on all different things. We want to be able to know and gentleman we will trust you as long as you do the right thing. We will. But thank you so much. I don't want to take any more of your time. I think you want to deny every bit of this. You have got things going on good that you can have regulations. You can have these things. Let us come and tell you and say this is maybe what we want to do with our property. Our property. That we've fought for for years. Look at Tom here how many years all of them. Look at the Fonger's and the Evanson's and all of them around. It's their property. It's their homes on their property. We want to be able to keep our homes. I want to be able to get the boy scouts to get the weeds out of my gardens and stuff. And they do it. I can get help. We can keep West Valley as a good City. And if you get the prison down there, you're going to have a lot of different influences cuz it's 7200 and right there you've got this little map here that shows you all these thing. And Steve I really can't get you to pay my \$7,000, \$9,000 but I'm going to be pretty upset if I cannot go and come and build on my property and come to you. And say I trust you Steve. I trust all of you. Please listen to us. Thank you.

### **Barbara Thomas**

Thank you Mrs. Farnsworth. Think you can rest assured that you can trust Steve.

[applause from audience]

Is there anyone else who wishes to speak? Sir? Is there anyone who wishes to speak after this gentleman. Okay. It'll be Tom and then the guy to your left.

### **Fred Brock**

Thank you for this opportunity. My name's Fred Brock. My address is 4411 W 4415 S. Born and raised here and lived through the time when the County were our rulers and anything went, as you all know. The City has made great improvement and that's to be complimented. Speaking to the amendment change, the ZT-3-2015, just want to say right off that myself and my family are against that for various reasons. We've heard many good reasons to vote to deny that this evening. I don't think I can add too much to that. The only thing I might add is that this, it's my understanding, that's just part of the zoning change that's proposed in the agricultural area. There are other areas that are also included, I don't know if those folks that would be impacted by those other changes have been informed that they be, you know, affected by some of the changes that

are in this. I think there's unintended consequences to other folks that are going to happen if this passes. I encourage you, and my family encourages you, to deny this. Thank you very much.

**Barbara Thomas**

Thank you Mr. Brock. Tom?

**Tom Pearce**

Tom Pearce, 3525 S 6800 W in West Valley City. And I'm here to speak against this proposal. I came last time the Planning Commission met in a neutral position to listen to what the proposals were and I applaud, honestly applaud, the Planning Commission, the City Council for the vision they have for West Valley and wanting to make it better. I've been a real estate broker in this area for over 44 years. I know the market. I know West Valley. I sold West Valley to people when people had never heard of West Valley. I've had people come into this town of all classes, you know. I sell them homes. It becomes offensive a little bit to me to hear people say, you know, address the idea of quality and size of homes and quality of people. I'm confident we can build just about any size home we want in West Valley City and the quality people that will buy them are the people of West Valley City. We don't need to stretch out to bring people in of quality. We've got the quality. We can build them. We can sell them. But my biggest concern when they left here last time was the lack of flexibility that we had in the zoning proposal. That it was regimenting too many people to a plan that would make them have 3 car garages if they wanted the larger lot. Or if they wanted a smaller lot but wanted 3 car garages, they couldn't get it under this plan. People's positions and needs vary so widely I think we could have quality homes, 2,025 square feet on the main floor with double garages and sell them. But perhaps there are some people when you say you have to have a 3 car garage on that home say well we don't want a 3 car garage, we want to add more footage to this house. We're older, we don't have children at home, we don't need 3 car garage but we'd love to have a huge family room or meeting area when the family gets together. But our plan, the zoning plan, says you have to have 3 car garages. Let me limit the amount of money you can spend on the size of the home because we're enforcing, or forcing upon you, a 3 car garage. Or a 15,000 square foot lot when maybe all somebody needs is a 10,000 square foot lot to accomplish what they want and still have the quality home they desire. I echo and approve most all the sentiments that have been said here tonight because I think everybody knows what's best for the City and I want to encourage you to deny this application. I was very pleased when I heard the proposal of the second option. Why don't we have a zoning where still we can come and say we want to build beautiful homes. We want to build homes for quality people, for West Valley people, and build them on 10,000 square foot lots. Or build them on, let's try some 1/3 acre lots. Whatever it takes. It can be market driven. I would love to have the challenge to be able to sell any kind of home in West Valley City. From the most expensive to the starter home. As it's been suggested, maybe the market could dictate that. But I don't want anybody from outside of West Valley City to tell us what kind of people, what kind of homes we have to have to attract them in here. I don't care if they come from outside. We got what it takes, right here. I have the vision, I hope, that you have. You know this isn't my first rodeo in this room. And I know how you feel and how you work. My

encouragement is, let's take that option or let's deny this proposal and build West Valley like we have in the past. Thanks.

**Barbara Thomas**

Thank you Tom. Sir?

**Dave Newton**

My name's Dave Newton. I live in 2201 W 700 S in Lehi, 84043. I wanted to raise my hand after Mrs. Doxey came up but I wasn't going to compete after her. Down in where I live, there's a, I'm just going to be kind of brief, there's a little place, he's got an acre and a half or a little bit more. It's called the Hard Way Ranch. He rents out space to different groups that want to come in and have a gathering. And I ask him why do you call it the Hard Way. He says it's too small to get a tractor on so everything I do is the hard way. And that's what would happen on large lots. I raise horses. I've raised cows. A horse will turn an acre and a half unless it's tended real well into a dust bowl. So large lots, I don't believe, are the way to go anywhere within the City. People are getting out of horses. Getting out of animals. My wife worked at Travis Mountain in the development there. The majority of houses there have 4,000 square foot lots. That's where the millennials are going. They don't want big lots, they want to play. The older people, they're going into elderly communities. They don't want big lots. I thank you for listening.

**Barbara Thomas**

Thank you Mr. Newton. Is there anyone else? So am I to assume that everybody else is in favor?

[laughter]

Ha... I knew I'd get something. Thank you. Unless there's anyone else who wishes to speak then we'll go ahead and close this hearing and bring it back up to the Planning Commission for discussion. Does someone want to start or shall I start?

I'll start with several things that I've written as we... it's not pro and con either way. They're just feelings that I have about the discussions that we've had and this application. We have in the City a General Plan which is reviewed every 4 years and meetings are held throughout the City to see what's changed in particular areas to see if zone changes should be updated, should be removed, or things change that way. Those have been consistent. This didn't come about as a result of our General Plan meetings and so it's caught a lot of people off guard. End of sentence. You need to realize that with this zone text amendment change, there are lots of different options as far as zoning, meaning the sizes of the properties available or eligible to be used. It's not just A-1 or A-2 but there are options of R-1-8, 10, 12, 15, 20, medium density... so be aware that there are those options. With regards to the value of property on zoning changes, one of the things that I've learned in my training over the years with Planning Commission is we don't take that into consideration because it changes consistently. Another thing learned is that a good neighborhood has a variety of residents and has a variety of housing types. And in West Valley we have a propensity to stay with smaller lots because that's what we've had in the past. We

have more than enough moderate housing. 30% of our housing stock is rental. As the second largest City in the County, we have 11% of all houses, in the County, but only 1.1% of those homes are valued at more than \$250,000. That sticks with me a lot. We are concerned about individual consideration of parcels of property that you own. And it is difficult to come in and to do a City wide change like this. That is going to be a consideration that has been discussed and will be discussed more today. Oh the comment that we're taking property... taking a property is only as if there's nothing left of use for that property. That's not what this does. Okay, that's what I have written down. Jack?

**Jack Matheson**

Can we maybe just start one of your points at a time and discuss those. One is devalue. I think Mr. Fabiano made it clear that the property would be devalued.

**Barbara Thomas**

I believe he said that. I don't believe it's completely true.

**Jack Matheson**

Yes. I think his argument and the facts that he presented show that it would be devalued. As far as a taking, I'd like to maybe talk with the attorney. If you take value away from the property, is that a taking?

**Barbara Thomas**

My understanding is that... well.

**Brandon Hill**

Sure I'll be happy to weigh in on that.

**Barbara Thomas**

That's the City Attorney speaking.

**Brandon Hill**

The mere fact that or the speculation that a regulation change would change the value of property is absolutely not a taking as a matter of Constitutional Law. Even if it's a proven fact that it diminishes the value, that's not a taking either. The standard to determine whether something is a taking is as the chairman said. If there is no use that's left for the property. So for example if we zone property to be open space forever with no development possible, then that would be a taking. If a property is worth less than it was before, even if that's true, that's not a taking.

**Jack Matheson**

Thank you for clarifying that. Over the last 6 years, we've done at least 6 upgrades to our housing stock. We have a point value system. We can only use certain materials in construction. We've even increased the house size, I don't believe we've increased it enough. Speaking of

house size, let's go to that. Our current house size is 14,000. This proposal, ya 14 and 16 for a multi-level. This level would jump up to 20,000 and 24,000. Oh yah, 2,000 and 2,400 square feet.

**Barbara Thomas**

That's a really big house.

**Jack Matheson**

That's a big jump. I believe that 14,000 is too small actually. You know if you look at the value of the homes that are being built, say out in Highbury, those homes on the east side would almost double in price. I have a son-in-law that live in Mount Olympus Cove. His property and home are probably approaching a million dollars. Would I say that his house is nicer than the homes being built? Not at all. It's a 30 year old home. It's got problems of a 30 year old home. It's not as nice as the homes that are being built right now in West Valley. So you take a home here and put it on the east side, this size home, you're talking about really an estate home. Okay, enough said there. Three car garages, you can get a three car garage on an 8,000 square foot lot. We have tons of examples of that. Do we have to require a three car garage? No we don't. Construction of all brick homes. Where is the diversity in that? Some people may like the looks of a colonial mansion that's all brick but wow, that's not my idea of a great home. Let's talk maybe about some of the zones that we have. We have some zones that are very poor zones. We even have an R-1-4 zone, we have a duplex zone, we have a mobile home park zone. We have more mobile home parks percentage wise than anywhere in the County. Do we need more mobile homes? Probably not. We have zones for manufacturing. This would change the manufacturing to a different zone which is actually good for us because we have plenty of manufacturing properties still available in West Valley. I don't think we need any more manufacturing. I'd like to get rid of that. I'd like to get rid of an R-1-6. I'm on the fence with R-1-8. I think there's some places, some of these properties, we went and toured all these properties. We've looked at all of them. We are trying to take these in on an individual basis. There are places that I feel like you probably couldn't even do an R-1-10. I think an R-1-8 is appropriate for some of these places. Not R-1-6, we've got stuck in years past with some R-1-6 properties and they have no turned out well. We just passed an R-1-10 zone off of 5400 W and I think you're going to find out that that's going to be a nice subdivision. That's going to be an excellent subdivision at R-1-10. Let me tell you just one more thing about PUD's. I don't like PUD's. If their large enough that your homeowners association has a big enough base so that four years down the road when that asphalt fails, there's money in there to pay for that. If you only have, say 12 lots, and a homeowners association, those homeowners are being burdened considerably. I've seen so many times that those owners that own these PUD's have to go to court to try and get money for those HOA's. Happens all the time. So I'm not big on HOA's or PUD's. Do I think a 23 or a 15,000 square foot lot with a \$2,000 home on it would sell? I don't think so in West Valley. Especially some of the properties if we look at them individually. There's no way you could put that big a

home on some of these properties. There are a few properties I would love to see the bigger homes. There's a manufacturing piece out here by the golf course that would be ideal for larger homes. As a Planning Commission I think we need to look at each property individually and so I'm really in favor of basically keeping what we have, increasing the home size, and you know, not making the waves that this proposal is causing. And adding A-2, all you're doing is adding flies. Right?

**Barbara Thomas**

Someone else? Yes Commissioner Fuller.

**Brent Fuller**

I'd just like to reset... there's been a lot. We've got two proposals here today. They're all running into each other. There is a lot of talk that's come towards this one has been really based on what their thinking we're talking about on the second one. Steve, is that, can you clarify that for everyone because I... we need to vote on these separately. Even though most of the conversation has really been applied to the second one, as well as comments from us as zoning commissioner.

**Steve Pastorik**

Sure so the first application is a change to the zoning ordinance and that's where the A-2 zone is actually created. It doesn't exist in the code right now, as well as the RE zone. It also includes the provision that limits future zone changes. That's been one of the issues that's been debated quite a bit. It also includes the standards for housing in the RE zone, so the house size, the materials, those types of things. The second application the Commission will consider will be the actual changing of zoning on specific property. So there's again a total of 131 properties being considered for a zone change. That's the distinction. So the first one again is just a change to the ordinance, the second one would be what actually changes the zoning on those specific properties.

**Brent Fuller**

So just... this particular application, we're only creating an additional zone. We're not doing away with any?

**Steve Pastorik**

It's, you're, so any property that is developed, say an existing subdivision that has R-1-8 let's say, that will stay that way. What this is saying is that for someone that has property looking to develop them would like to request a change in zoning, it would not allow, as written now, would not allow R-1-8, R-1-10, as a zone change option. As it's written now.

**Brent Fuller**

Okay, you know, Mr. Peterson had that, he heard that we have three options here. The second and the third, the third one particularly, hardly changes any of the existing zones.

**Steve Pastorik**

So the options you can choose in the staff report there's several alternatives for the Commission to consider and certainly as a Commission you can come up with another alternative to recommend to the Council. In two of those three options, again, there is the option of expanding the list of zones that could be requested.

**Brent Fuller**

Yeah, I understand that. I'm not sure they do. So... that's, I'm saying is a lot on option three, a lot of their opportunities to develop their property would still be there.

**Steve Pastorik**

Correct. If the Commission recommended the third option, most of the options that exist today would still be intact for zoning.

**Jack Matheson**

Question... so if we deny the first option totally what happens to the second... what happens to the second application?

**Steve Pastorik**

Well because the second application includes changes in zoning to A-2 and the first application is actually what creates the A-2 zone, it really wouldn't make sense because we wouldn't have that zone as an option since you'd be recommending denial of that new zone.

**Clover Meaders**

Can I ask a question?

**Barbara Thomas**

Yes Commissioner Meaders.

**Clover Meaders**

Alright both of these new alternatives we are recommending keeping the minimum house size which is 2,000 and 3,000 right?

**Steve Pastorik**

Correct.

**Clover Meaders**

Can you fit a 2,000 square foot house on an R-1-8 lot comfortably with all the setback requirements and frontages and everything?

**Steve Pastorik**

You could still fit a house that size.

**Clover Meaders**

They'd probably be pretty close together?

**Steve Pastorik**

You'd be pretty close to maxing out setbacks but it'd be possible.

**Barbara Thomas**

Commissioner Mills did you have comments?

**Terri Mills**

Yes.

**Barbara Thomas**

Thank you.

**Terri Mills**

This afternoon while I was reviewing this information once again I just jotted down a couple thoughts so that I wouldn't forget them. I just wanted to maybe read them or refer to them. I feel the City Council should be applauded for their concern to improve availability of high end homes within West Valley City. However I feel the zone text amendment and General Plan change before us is far too restrictive and rather than offering current residents a place to move up to they actually send potential home buyers outside of our City limits in search of their dream home. I believe the building material should be relaxed to include stone, clay roof tiles, stucco, and even hardi-board. I also think it is presumptuous to conclude that every home buyer in search of an upper end home will want a three car garage. In regards to the General Plan I have great reservations for a blanket zone change. While 15,000 square foot lots may work for some parcels it is not a perfect fit for all parcels. Having said that however I do feel that just as having small pocket parks throughout our City has enhanced the quality of living for our residents, having some pockets of higher end housing would also be desirable.

**Barbara Thomas**

Okay. Your turn?

**Harold Woodruff**

Well I'm ready for a motion.

**Barbara Thomas**

Is there anyone else that has anything to say?

**Brent Fuller**

I guess I do. On option three, Steve, you're not listing A-2 as an additional... do we not have... should we not add A-2 as an option? It doesn't mean it has to be used. It's just an option if someone wants to.

**Steve Pastorik**

That could be an option if the Commission would like. It certainly could be added.

**Brent Fuller**

It doesn't hurt anybody if it's there.

**Steve Pastorik**

No.

**Jack Matheson**

Doesn't A and A-1 really cover all of the agricultural property? Why do you want to create an A-2 property when somebody is surrounded by residential zones and they can bring horses in there? I certainly don't want a horse behind my house.

**Barbara Thomas**

They can do it in an A right now anyway. That presently exists.

**Jack Matheson**

Well yeah if I was next to an A property. Which I'm not. We're talking about rezoning the property that I'm next to.

**Brent Fuller**

No... that's... No, we're not. That will be in the next discussion.

**Jack Matheson**

Yeah in the next discussion.

**Brent Fuller**

We gotta keep those separated or we're gonna be really confused.

**Jack Matheson**

Okay.

**Barbara Thomas**

I did have one more question with regards to the alternatives. Because we have questions and concerns about some of the things in the zone text with regards to the housing materials, in both options we could have a Development Agreement where if someone came in and said okay I do want an R-1-12 and I want to build a big home but I don't want the third garage and they don't want to be all brick... those could be changed in an agreement? So there is a flexibility.

**Steve Pastorik**

There would be flexibility if we went with the second or third option.

**Barbara Thomas**

Yes. Ok. Understood. More? Yes? Commissioner Winters.

**Martell Winters**

One thing I'm pleased with is that with all the comments shared today, I'm glad that in our Study Session there really wasn't anything terrible new. I think we had, in our study session, we talked about a lot of those or most of those which is good for me that we're thinking along those lines. I also agree, I think a wholesale change like currently is stated is not appropriate. Steve and his group, they've got a tough job cuz their trying to find some place to start with. I'm really pleased the discussions that have ensued with what they've started with. I think they could have picked anything to start with and there probably would be just as much discussion so I, I think it was a good starting point to get a lot of discussion going. I am pleased with the discussions we've had. I do like the idea of raising the bar, I also feel its appropriate thought that there be some... that there be flexibility as we raise that bar. That's it. Thank you.

**Barbara Thomas**

Thank you. Is there concern among the Commissioners about the flexibility allowed through the two options that are given to us? The two options, not denial, but the other two options that we're looking at.

**Harold Woodruff**

Option three gives more flexibility. Excuse me.

**Brent Fuller**

The two options being that, our two options.

**Barbara Thomas**

Yes I'm considering option two and option three. Okay. Yes Commissioner Mills?

**Terri Mills**

Just to clarify, option three talks about the required square footage of homes but I can't see... it's not going to require three car garage or...

**Brent Fuller**

No.

**Harold Woodruff**

It won't require three car garage.

**Terri Mills**

Ok.

**Brent Fuller**

There's a hand...

**Barbara Thomas**

We've already closed the hearing, I'm sorry.

***Someone from audience speaking***

*... option two and then option three. Do we have any copy of that so we know what option you're talking about?*

**Barbara Thomas**

No it's a secret, I'm sorry. Can we show that on the? No?

**Martel Winters**

If I can make comment. I have a hard time, understanding that this is a difficult of a situation as it is. I'd have a hard time saying yay to any option without having that text incorporated and then reading it thoroughly to make sure our interpretations are all the same. I don't know what protocol demands there but personally I'd rather give a...my thought would be a temporary okay on something and then be able to read the proposed changes with red line strike out or with tracked changes or whatever so they can see those changes. I don't know what the options are there.

**Barbara Thomas**

I don't think they can.

**Steve Pastorik**

I'm just going to... if the Commission would like I can recap the two options.

**Barbara Thomas**

Let's do that. They aren't able to put it up the screen but he'll go ahead and summarize each of the two options. The first option that we have is to approve it as it was written which I know how you all feel about that one. Then he's given to other options of approval. The fourth option is continuance. The fifth option is denial. He's going to talk about the two different approval options that he's given to us.

**Steve Pastorik**

Thank you. So for the second option there's essentially two changes that would be made. The first would be it would expand the list of zones that someone could request to change their zoning to. And that list would include the RB zone which is residential business, it would include R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. So again it would expand that list of zones that would be options for future zone changes. Second it would allow a development agreement to be used to provide flexibility to some of the housing standards so things like the brick requirement, the three car garage, the type of roofing materials. So those types of things could be modified through a development agreement. So that's the second option. The third option would, under the list of zones that would be allowed or that would be possibilities for future zone change, is expanded further to include the R-1-8 zone which allows 8,000 square foot lots. I should clarify, all this, R-1-8, R-1-10, R-1-10 meaning 10,000 square foot lot minimum. It would also include the RM zone which is the multi-family residential zone which allows things like townhomes, condos, apartments. So again, in order to receive one of those zones you'd still need to request a change in zoning to have your zone change but at least have those as an option. The other change would be that for... on the issue on the housing standards, again things like exterior materials, the three car garage, those would essentially be removed and the existing point system that's in place right now would just be, would continue to be used.

**Barbara Thomas**

Thank you.

**Brent Fuller**

Steve can you say... can you tell them which zones would be eliminated.

**Steve Pastorik**

Which zones would be eliminated? Sure. So again depending on which option you go with...

**Brent Fuller**

Ya either one.

**Steve Pastorik**

Let me turn to that page here. So under the second option the ones that would be eliminated would be R-1-4, R-1-6, R-1-8, the R-2-6.5, R-2-8, RM, and then RMH which is the mobile

homes zone. Then under the second option it would just be the R-1-4, R-1-6, R-2-6.5, R-2-8, and RMH would be eliminated.

**Brent Fuller**

The really low... I mean multiple... you know... small lots.

**Steve Pastorik**

Very small lots, duplex zoning, and then the mobile home zone.

**Brent Fuller**

Ok.

**Barbara Thomas**

More discussion? You ready for a motion?

**Harold Woodruff**

I'm ready for a motion.

**Barbara Thomas**

Commissioner Woodruff?

**Harold Woodruff**

I'd like to do this kind of slowly. I would like on ZT-3-2015 to move for approval which will create the A-2 and the RE zones and then I would like to make that subject to our option number three. And I will read these and make a change. A- the following zones are added to the list of allowed future zone changes and they will be RM, RB, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. And item B where it says minimum house size referring to item items 1 and masonry wall requirements referring to item 3. I would like to remove the minimum house size item 1 and that was the 2,000 square foot rambler and the 3,000 square foot multi-level. I would like to keep item 3 the masonry wall requirement which says that if you're on an arterial then a masonry wall will be built between the residential and the arterial. And then the remaining standards from 7-6-605 are discarded and the existing point system in section 7-14-105 is used to address exterior materials and design features. And that also allowed within that a developer to do a development agreement. So that's my motion.

**Barbara Thomas**

Okay. And for clarification... Is there a second?

**Clover Meaders**

I second.

**Barbara Thomas**

Ok the minimum house you indicated you want it removed which is 2,000 and 3,000 presently and so there will be no minimum?

**Harold Woodruff**

Well it would go back to what's in the ordinance right now which was... 16...

**Barbara Thomas**

Ok. 7-6...okay. And, but the masonry wall requirement stays in.

**Jack Matheson**

Some discussion on this. I'm just wondering why you even want to create an A zone and the RE zone. The A and A-1 really take care of those zones. The R-1-20 certainly takes care of... you know you can build as big a house as you want on these zones. Why do we need an RE zone? That's my discussion.

**Harold Woodruff**

Right... I've thought about that too. Going back to one of my earlier questions with Steve that A-2 zone is really intended to be a holding zone. I don't mind the concept the City Council wants with RE zones, estate lots, I think as we have said in the next application there should be care taken as to where those RE zones really end up. So that's why I've done that.

**Barbara Thomas**

So as a clarification for someone who's not familiar with this. If this were to pass and I own a piece of property that's 5 acres right now that's agricultural, the City's not going to come in change anything until I decide that I want to do something with it. Correct?

**Harold Woodruff**

Well I can't say that because we aren't to the second application.

**Barbara Thomas**

Oh yes. Sorry. That's contingent on this one.

**Harold Woodruff**

But if I could offer an opinion on the second application. As I've said in the last meeting, I think every property should have a unique application and have their day in court. Maybe if this is approved, allowing some of these other zones as options, maybe all those properties listed in the next application might not appear so...

**Barbara Thomas**

Daunting.

**Harold Woodruff**

Well so...

**Barbara Thomas**

Scary?

**Harold Woodruff**

Useful to turn... to make RE zones. I think RE zones should be carefully placed.

**Barbara Thomas**

Does anyone have a concern about the RM being included in this motion?

**Terri Mills**

Yes.

**Barbara Thomas**

Okay.

**Jack Matheson**

Yes. I don't think we need any more RM.

**Barbara Thomas**

Okay so... and is there...

**Harold Woodruff**

I just think we're being short sighted. We don't know how things are going to develop or re-develop. I look at the quantity of RM right now... ya, we probably got enough. But as one of the individuals said, I don't think we should be tying the hands of future Planning Commission's and City Council's.

**Barbara Thomas**

Okay. Alright, any more questions or discussion? Yes Commissioner Mills?

**Terri Mills**

Maybe just on the house size reverting back to the 1,600. No in between?

**Harold Woodruff**

Well am I correct Steve... what are the house sizes currently in the ordinance?

**Steve Pastorik**

It's 1400 for a rambler and 1600 for a two story or multi-level.

**Harold Woodruff**

Well I guess the problem I had with way it's worded in the ordinance. It's requiring all future development to be the 2000 and 3000.

**Terri Mills**

Or larger or that's just simply it? Is that the way you read it?

**Harold Woodruff**

That's just the way it's worded right here. Item one, we would require a minimum house size of 2000 and 3000.

**Barbara Thomas**

So in our talking about these...

**Brent Fuller**

Terri that is minimum. That was your... that's where she was going to. You can make a bigger house.

**Barbara Thomas**

Can that be a modification on the size through a development agreement?

**Steve Pastorik**

So under the... in a development agreement scenario we've done larger house sizes but we have not reduced the house size. So... the way it's crafted right now it would not allow reduction in the house size.

**Barbara Thomas**

Ok.

**Steve Pastorik**

But certainly the Commission could recommend, again eliminating the minimum house size or some other minimum house size.

**Barbara Thomas**

More questions?

**Martel Winters**

I guess I should clarify... it sounds like what the case is that whatever for example if we agreed upon the current motion, this text would be just moved in verbatim. Is that correct? It would be moved right in from what was sent to us? There would be no other alterations besides the exact verbiage that he just read, is that correct?

**Steve Pastorik**

Right.

**Harold Woodruff**

Well this is only a recommendation to the City Council.

**Martel Winters**

Yah.

**Barbara Thomas**

That's right. More comments? Okay. Let's do a roll call vote on the motion to approve on option number three.

**Nichole Camac**

|                       |     |
|-----------------------|-----|
| Commissioner Fuller   | Yes |
| Commissioner Matheson | No  |
| Commissioner Meaders  | Yes |
| Commissioner Mills    | No  |
| Commissioner Winters  | Yes |
| Commissioner Woodruff | Yes |
| Chairman Thomas       | Yes |

Motion is approved.

**Barbara Thomas**

So the motion to approve the zone text amendment has passed. That goes on to the City Council for their review and as you can tell there's been changes from what was recommended that came to us. Now we will go on to the next item on the agenda which is the end result of what we just did.