

## **Minutes from the May 13, 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**

At the direction of the City Council, City staff is proposing 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. While a property zoned A-2 could be developed into 2 acre lots, it is anticipated that the A-2 zone will likely be a holding or temporary zone until such time as a property owner is ready to develop.

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 large minimum lot size of 15,000 square feet and high housing standards to provide areas in the City for large, estate lots 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 in the RE zone.

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 make the proposed ordinance amendments and to rezone approximately 750 acres of property to either A or A-2 depending upon the size of the property. The zone changes are addressed in application GPZ-1-2015.

During the Planning Commission’s study session, the possibility of adding some flexibility to the RE zone housing standards was discussed. Examples included stone being allowed along with brick as an exterior material and tile being allowed along with laminated architectural shingles as a roofing material. The Planning Commission’s recommendation to the City Council can certainly contain suggested revisions.

**Staff Alternatives:**

1. Approval.
2. Approval, subject to recommended revisions by the Planning Commission.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

<b><u>Applicant:</u></b> West Valley City	<b><u>Opposed:</u></b> Chris Gamvroulas 978 Woodoak Lane	<b><u>Opposed:</u></b> Stephen McCutchan 1750 Janella	<b><u>Opposed:</u></b> John Betts 3920 S 5200 W
<b><u>Opposed:</u></b> Dan McCay	<b><u>Opposed:</u></b> David Brundle 3264 W 3100 S	<b><u>Opposed:</u></b> Robert Farnsworth 3696 S 5600 W	<b><u>Opposed:</u></b> Ross Holliday Salt Lake HBA
<b><u>Opposed:</u></b> Jim Yates 3076 Cruise Way	<b><u>Opposed:</u></b> Anthony Jacketta 2794 S 6100 W	<b><u>Opposed:</u></b> Kelly Engel 3610 S 3440 W	<b><u>Opposed:</u></b> Donnie Sweazy 7103 Gates Ave
<b><u>Opposed:</u></b> JoAnn Jacobs 3935 S 6000 W	<b><u>Opposed:</u></b> Mary Jayne Davis 6685 W Feulner Ct.	<b><u>Opposed:</u></b> Robb Martin 3888 S 6400 W	<b><u>Opposed:</u></b> Carol Ferguson 3657 Summertime Pl.
<b><u>Opposed:</u></b> Jeff Condie 4625 W 4100 S	<b><u>Opposed:</u></b> Greg Fabiano 8121 Copper Canyon Way	<b><u>Opposed:</u></b> Jim Defa 3765 S 6400 W	
<b><u>Opposed:</u></b> Thomas Michael Mansfield 7148 W 2820 S	<b><u>Opposed:</u></b> Robert McConnell 101 S 300 E		

**Barbara Thomas**

Our first item on the agenda today is a zone text change application and it's being made by West Valley City and we'll have Steve Pastorik do the presentation on that.

**Steve Pastorik**

Thank you. So our first application is an amendment to the zoning ordinance and before getting into the actual proposal in terms of the ordinance wanted to go over some of the reasons why the city council has directed staff to make this application as well as the second application we have on our agenda this evening. So this first slide shows in West Valley the breakdown of single family homes by lot size. As you can see on the left hand side smaller lots and as you move to the right you have larger lots and its basically showing each bracket showing the percentage of lots that are in that particular size. You can see that as you get into larger lot sizes, particularly 15,000 square feet or larger, or about 1/3 of an acre, there is only about 5% of the lots in the City that fall into that category. The concern from the council here is having more of a balance of lot sizes by having more larger lots in the City. This next slide here is showing the percentage of all housing in various cities in the county that is single family. So in other words if you look at the far left where it has West Valley City, of all the housing units in the City about 66% are single family detached homes. The balance would be things like duplexes, apartments, townhomes and the like. And so you can see there other communities that have a higher percentage of single family homes when compared to the city. And by the way these particular numbers come from the census and the previous numbers on lot size come from the City's own mapping system. This next map here came from a study that was prepared by the Bureau of Economic and Business Research. It's using County Assessor information and so this is looking at home values across Salt Lake County. When you look at the County overall you can see the fluctuations in value here. And on the... as you get toward the red and orange colors on the map those are the lower value areas and as you approach the green colors you are getting into the higher value areas. And so you can see the pretty dramatic change in values between West Valley and other neighboring communities and then as you move to the east and the south. So again the concern from the Council here would be trying to have a better balance of housing mix here. This next slide is just another way of looking at value. So the bars in blue represent the percentage of owner occupied housing that fall into a certain income range, oh excuse me, not income range but a certain price point. So this again comes from the census, these represent owner occupied units would be single family homes, townhomes, condos, so any type of housing that's for sale. And as you look at this West Valley's mix of owner occupied units compared to the County as a whole again we are definitely weighted more heavily toward more moderately priced housing. Another way to look at this particular graph is when you look at all the owner occupied units in the City which is the third bar there. There's roughly about 40% of the owner occupied units in the city are between \$150,000-\$200,000 where as in the county that represents a little over 20% or 22%. Finally just a couple more points here to address value and why these applications are being proposed here. So when you look at it in terms of a median value again from the census the County median value for owner occupied units it's about \$232,000 versus in West Valley median value is about \$170,000. I referenced a study that was prepared by the business, or excuse me, the Bureau of Economic and Business research... from that study they identified that of all the households in the county West Valley has 11% or represents 11% of the households yet when it comes to

homes priced over \$250,000 we have 1% of those housing units. What's significant about \$250,000 is that's the price point at which the household earning the median income could afford a home priced at \$250,000. So again those are just some numbers that show how, or really the issue here of concern for the Council in providing a greater mix of housing product for the City. Certainly we have more moderately priced housing but very little by way of larger lots and higher value housing in the City.

Now discussing the specifics of the zone text amendment or change to the zoning ordinance. There are essentially three changes that are being proposed. The first is that we're creating a new A-2 zone which is an agricultural zone where the minimum lot size is 2 acres. The second change related is we're creating a new residential estate zone, or RE, zone. Along with those we're enacting standards within those zones, so the A-2 and RE zones. And then the third change is there is a provision that would restrict the zones that could be requested in the future. And so specifically what that provision is saying is that any future rezone request would be limited to the following zones and I'll just mention those so it's A-2, RE, C-1, C-2, C-3, the B/RP zone, MXD, the City Center zone, and manufacturing, And so those would be the zones that would be, or what the applicant could petition the City for assuming this ordinance is adopted as written. Just by way of background the City has over the years made numerous changes to ordinances in an effort to have higher quality housing. So beginning in frankly the late 90's the City started to amend ordinances to require larger home sizes, started to require higher quality materials on exteriors of homes, in the mid 2000's adopted a point system for architectural features, and so again the City has made progress in terms of better housing quality in the past and now the Council again as we look at where we are today is concerned with the limited amount of ground that's remaining in the City and as you'll see in the packet there's 756 acres that's anticipated for residential development that's not already received approvals from the city. So that represents about 3% of all the land in the City. So again the council very concerned about the shrinking amount of residential ground available in the city. And again trying to have a better balance of housing. And again really requiring or pushing for higher value housing, higher quality housing on the remaining property in the city. Any questions from the commission?

### **Barbara Thomas**

Just one question or clarification. If I have a piece of property and it currently is zoned A and it's recommended that it go to an A-2 and I have horses can I continue to keep my horses there?

### **Steve Pastorik**

Yes, so they're both agricultural zones so the same standards in terms of animal rights and the number of animals would remain the same.

And just by way of clarification for the Commission and for the audience. We have two applications that are for consideration that are related. The first application we're considering at this point is the actual change to the zoning ordinance. The next application that will be considered by the Commission will be changes to the City's general plan as well as zoning on specific properties. And so, just again, as we hear comments just want to make that clarification

that this first one is relating to the change to the zoning ordinance. The next one is relating to changes to actual zoning on specific properties as well as the general plan.

**Jack Matheson**

Steve, the largest zoning right now is probably R-1-8 so you are taking a lot of these lots from R-1-8 to agricultural, to A-2. Is that correct?

**Steve Pastorik**

In terms of what the greatest amount of zoning we have in the City?

**Jack Matheson**

Yes.

**Steve Pastorik**

So we did an inventory of zoning a number of years ago, and actually it's been within the last year, in terms of how many acres we have of different zones within the City. If you look at all the residential zones we have within the City, R-1-8 zoning represents about 44% of all the residentially zoned property. So to give you a point of reference there's just over 10,000 acres in the City that are zoned for residential use and about 44% of that is zoned R-1-8. So it is by far the largest zoning that exists in the City for residential use.

**Jack Matheson**

Ok. One other question while I've got ya. The, we're talking about getting rid of the residential business zone and going with the B/RP? What's the differences between those two zones?

**Steve Pastorik**

Sure, so the B/RP is the Business Research Park Zone and there's really two locations within the City where that is located for a point of reference. You have the Metro Business Park in the northeast part of City and then a portion of the Lake Park Development is also zoned B/RP or Business Research Park. So it's really more of a business park type zone whereas the residential business zone is more for smaller scale you know real estate office, dental office, but it also allows a single family home. So again it's meant to be smaller scale where you can have a home or a business. But the Business Research Park Zone is really intended for a larger business park.

**Jack Matheson**

Okay so a dental office, if they wanted to come in, they would have to come into a commercial zone rather than a B/RP zone. Is that correct?

**Steve Pastorik**

In the future unless they are moving into an existing RB zone.

**Harold Woodruff**

So Steve, staying on that same subject. So the older houses on 3500 south that as they're being pushed out by commercial development. They no longer would have the option of, they basically could not do an RB zone now, they'd have to somehow accumulate properties and go to a commercial zone most likely?

**Steve Pastorik**

Right and there's.. yes.. so the RB zone, if the zoning goes through as proposed the RB zone would not be an option in terms of requesting that zone. And that zone does have a minimum lot size of 8,000 square feet. So in a commercial zone it's 20,000 square feet so they would need to have at least 20,000 square feet to do a commercial use.

**Brent Fuller**

Of the number of acres that are effected in this, seven hundred and roughly fifty, what is their predominant zoning now? Are they mostly A?

**Steve Pastorik**

Good question. If we actually, if we maybe could pull up a zoning map, but it's a mix. You have a large portion that's zoned A or A-1 but you also have properties that are zoned R-1-8 or R-1-10. So I would say that most fall into that A or A-1 but then you also have a few other zones as well that are in the minority. But most of the properties considered for a change in zoning in the next application would be either R-1-8, R-1-10, A, or A-1.

**Brent Fuller**

This screen here doesn't really serve a lot of purpose and there's some people hiding around it. Could that be raised without raising the other ones?

**Barbara Thomas**

I think that we'll probably need it for the map when we get to that point don't ya think?

**Brent Fuller**

They're all facing this way.

**Barbara Thomas**

You can't see that anyway can you? [addressing audience] Can we go ahead and raise that?

**Steve Pastorik**

I know we can raise all the screens, I'm just not technically sure if we can raise just the one. We'll have someone do that for us.

**Clover Meaders**

So in this zone text change ordinance change we would be removing the possibility of re-zoning to A and A-1?

**Steve Pastorik**

That's right.

**Clover Meaders**

What's the reasoning for that?

**Steve Pastorik**

Well you can under this proposal you can have the RE zone which allows a 15,000 square foot lot. And so you can still have lots larger than 15,000 it would just be the minimum would be 15,000.

**Clover Meaders**

If somebody had 4 acres, or well 3.5 acres, and they wanted to subdivide it for like their two kids or something they couldn't do that with 3.5 acres right?

**Steve Pastorik**

Under.. with 3.5 acres they would need to request the RE Zone to be able to further subdivide.

**Jack Matheson**

My next question is about agricultural zones... it seems to me like you're bringing agricultural into a residential zone. Along with the agricultural, you're bringing animals. And I personally don't want a house with animals next to me.

**Barbara Thomas**

Do you presently have an agricultural zone?

**Jack Matheson**

We could, ya. I'm actually part of this, I was noticed on this as well.

**Barbara Thomas**

So his issue if there is a piece, a parcel, that's agriculture at present that's in their neighborhood can they bring in animals after this, if this is passed?

**Steve Pastorik**

So if it's agriculturally zoned at present then they already have animal rights. If it's not currently zoned agricultural then they would have animal rights under this proposal. Now again the purpose in creating the Residential Estate, the RE zone, is that, as I mentioned, these 756 acres the City anticipates residential development at some point in the future. In looking at the agricultural zone the thought there was there are gonna be properties that aren't quite ready to develop and so instead of proposing residential zoning now having this agricultural zone until such time as a property owner is ready to develop. But to answer your question, yes, in the time that the property is zoned agricultural there would be animal rights.

## **Barbara Thomas**

We have other questions? Okay is there anyone who would like to speak to the zone text change? We're dealing with the three issues of creating an A-2 zone and the RE zone and enact regulations regarding the rezoning of their property. Sir let's start... okay this might be difficult. Should we have them stand in line? Let's just start then, this gentleman that raised his hand first and then I'll alternate side to side. And don't forget your name and address.

## **Chris Gamvroulas**

I'll try not to forget my name. Chris Gamvroulas, Ivory Development/Ivory Homes, speaking against the application, both applications today, if you don't mind, since the two are tied together I'll not speak to the second application. Steve would you put up the one slide that showed the comparison of lots in the surrounding communities? Back... back one... there ya go. So the reason that this slide really is irrelevant in this discussion is that the majority of the communities where you see the larger percentage of single family homes are communities that are still very much in development. Riverton is only about 50% built out, South Jordan is only about 50% built out, West Valley is 97% built out. If you really want to look at comparable lot sizes to multi-family you'll look at Salt Lake City, you'll look at Provo, you'll look at Orem, you'll look at Ogden. Those are gonna be your more comparable communities. Not that this isn't instructive, it demonstrates the lot sizes relative to surrounding communities in Salt Lake County but West Valley is unique in Salt Lake County as are all the cities in Salt Lake County. I would submit to you that you'll find a high percentage of multi-family housing in Holladay and Cottonwood Heights... you will, they're built out communities and so they're doing infill development. The vast, vast majority of the properties that would be subject to this are infill projects. We have a large stake holding in your community, some of you I've known for 20 years, you know that says something about your longevity here and I guess mine. But when we started having these conversations that Steve alluded to earlier about how to raise the housing stock many times the City came to the Ivory companies and to many other builders, I can only speak for ourselves, but certainly not to speak against any of the other builders or developers, but we have been working with the City to raise the bar and we have been trying to improve the housing stock and we've been successful and not one time have we really improved the housing stock or improved values by saying every lot has to be 15,000 square feet minimum. It just doesn't compute... housing quality does not necessarily mean home values. And I would submit to you that in Highbury where we've built 98% or 95% of all the for sale housing, in Highbury both townhomes and single family, I'd submit to you that our townhome sales prices in the low to mid 200's tells you that it isn't about lot size, it is about quality and the quality of community design. And if you said to me, Chris, cuz you've said this to me over 20 years, let's improve the housing stock in West Valley and lets look at all the communities that've been built here and let's make a list, its like a recipe for a really nice loaf of bread and so what are we going to put into it? Do we just arbitrarily toss flour and salt and call it good or do we actually follow a recipe? And this, you know, this proposal when did we ever say 15,000 square feet... like if you are gonna drive around your City where would ya look for that and say that's raised our housing quality or 12,000 square foot lots or all brick? 100% brick exteriors? Drive around any community, I don't

mean just West Valley, but drive around any community where you think that there are high property values and tell me if you think that's an ingredient in your tasty loaf of bread. It's not. It's like saying eh, let's throw in some salt, it'll be fine, because I saw somebody make bread one time and they put salt in it. And that's what this proposal is. It's an amalgamation on how to try to make bread but it's really not following the right recipe. You wouldn't say third car garages are mandatory, you wouldn't say, you know, 20% open space. The City itself cannot support 20% open space and you're asking for a community. Let's say you have 15 acres on 5600 W and you're telling you have to give up what 3 acres of that to a park and have a homeowners association maintain it. But the City itself can't maintain 20% open space, if we said raise taxes so that everything was 20% open space. But there's an expectation in this document that homeowners associations are going to be able to maintain, at a high quality, 20% of their property in open space just for no reason but because they went from 15,000 square foot lots to 12,000. I submit to you that there are much better ways to do this, we've been doing it for 20 years, we've been doing it successfully, we have the right recipe. What Steve said earlier about, you know, we've been working with the development community you know in the mid 90's and in the mid 2000's and we did that in conjunction with the City, it wasn't something that was ordained from on high, it was something that we worked together to do. I submit to you that there are a lot of people here today who have properties and the values of those properties are going to be severely diminished. Severely, severely diminished if this ordinance is passed. So I would really highly recommend that you pass on a negative recommendation on this and go back to the drawing board, bring the community in, bring the property owners in, all of the stake holders, and then if you really feel like your ordinance isn't working then, you know, let's rewrite something but let's do it together and lets not have something that's forced on the community. Thank you.

[applause from the audience]

**Jack Matheson**

Chris...

**Chris Gamvroulas**

That's the first time anyone has ever clapped for me. Can that go on record? I've spoken in probably 1,000 Planning Commission and City Council meetings. Thank you. I love West Valley. Yes?

**Jack Matheson**

Under this zone text change you would not be allowed to build anymore townhomes.

**Chris Gamvroulas**

That's correct sir.

### **Jack Matheson**

My opinion, townhomes are a good part of your business and the townhomes that you've built are superior quality to other townhomes I've looked at. And so it really concerns me that that part of your business would not continue on.

### **Chris Gamvroulas**

Sir, that's true and this isn't just about an Ivory Homes concern. It's about, you know, what is good housing stock and what is good housing policy? And townhomes are a part of that. And your City is a microcosm of what is good in housing. It already is. Because it has affordable, it has move up, it has a variety and this proposes to take a one size fits all approach and say this is the only way to create quality or to improve values. And we just don't believe that's the case, we don't believe that the empirical evidence is there. And I would submit to you that on your own property, on the City's own property, where we are sitting right here on 2700 West that it is zoned for high density and the City did not put their own property into this application. And the reason is, and they were right to not by the way, but the reason they didn't do it was because it's not appropriate. It wouldn't be appropriate to put 15,000 square foot lots next to a Trax station, it wouldn't. They were right. I applaud them for that. But that also means that we must be specific and look at these specific case by case and make sure where it makes sense to put 15,000 square foot lots by all means let's do it. We have a lot of those in Highbury, we have a lot of those. Where it makes sense, let's do it. But if it doesn't make sense? Then you know, don't just put that in there. So whether its townhomes or 6,000 square foot lots or half acre lots, Jack, you're right on. But it's not just about our business model. We'll go somewhere and build townhomes, that's fine, but it doesn't help the overall community.

### **Jack Matheson**

Thank you.

### **Chris Gamvroulas**

Thanks... we gonna raise a flag now or something?

[applause from audience]

### **Stephen McCutchan**

My name is Stephen McCutchan, I'm a land planner. My address is 1750 Janelle Way in Sandy, Utah. I'm here representing Don Parker properties today. I sent a letter in that was part of your packet. Just to address the ZTA, I think our biggest concern, I think my biggest concern, is historically the way this system has worked is that individuals have the right to request whatever they thought their property was best used for and then it was the City's role to then determine whether that was in the community's best interest. What the ZTA does, particularly the section of it that would restrict all future zoning to a couple different categories, is you're basically saying we know better than you do what your property is good for. [applause from audience]. And it kind of breaks down this basic principal I think that's, you know in American history and the Constitution and those types of things, that individuals have the right to propose whatever

they wish on their property and then it's your job to figure out whether or not that's in the community's best interest. We would recommend that you strike, at least strike, the section that says only these zones can be applied for and then, you know, allow individuals to move forward. And you know it's kind of like you're trying to cut the process off at the knees in some ways by doing this. And I guess I'll come back and represent the property in regard but I think that in the long run the City is making a mistake and depriving a lot of property owners the right to try at least to improve their property in some way. Thank you.

**Barbara Thomas**

Thank you Mr. McCutchan... questions? Ok... thank you. Sir, in the front.

**John Betts**

My name is John Betts. I am neither a developer nor a planner or anything else, I am simply a citizen and a resident of the City. I'm here because I'm concerned about the proposals to rezone the remaining land parcels in West Valley City. What the ultimate result in increasing the minimum building lot size to 15,000 square feet per lot as those parcels are developed, but I'm going to approach this a little bit different than the previous two speakers. I've listened with great interest to news reports asking the public to change their habits concerning the use of natural resources, water chief among them. Just Tuesday Channel 5 reminded us that the recent wet weather has not materially changed our current drought status. We are after all the second driest state in the nation in terms of annual precipitation. They reviewed the cities in Utah that have either put watering restrictions in place or are considering them. It was mentioned that Salt Lake County has asked for voluntary conservation efforts on the part of the citizens, municipalities, and businesses. Envision Utah is an initiative from the State to encourage everyone to look to the future to conserve water and to make use of other efforts to lessen our impact on the environment. Concerning water there are two measurement standards that are always referenced. First, the per capita use of water and second, the percentage of that use that takes place outside the home for landscape, etc. The Jordan Valley Water Conservancy District for example has a stated goal of reducing per capita water usage by 25% over the next few years. This proposal, to increase the minimum lot size in West Valley City flies in the face of all efforts to reduce these measurements. Larger lots will directly and inevitably lead to dramatic increases in both of them. With only 3 lots, each 15,000 square feet in size per acre, water usage for landscape maintenance will dramatically increase. With only 3 homes per acre, each at 15,000 square feet, the per capita use of water will also dramatically increase. Now so that no one will twist my words to make unfair comparisons as seemed to happen at last night's City Council meeting, let me be clear. While it may be true that a 15,000 square foot lot with drought tolerant plants may use less water than a 10,000 square foot lot with bluegrass, it is absolutely true that a 15,000 square foot lot with a drought tolerant landscape will use about 1.5 times the water as a 10,000 square foot lot with drought tolerant landscaping. If reduced water use is really a goal, lot size is a major factor. All else being equal, large lots require more water. This proposed land use model seems to have its roots in the last century. This model however is not valid in today's or tomorrow's reality. Other cities, Draper for example, are moving in the opposite direction, reducing their minimum lot size requirements. To avoid any confusion again let me emphasize

that I am not advocating high density housing. I am advocating upscale homes in upscale neighborhoods with lot sizes of 9-10,000 square feet. But it makes one wonder what the impetus for this proposal really is. I asked that of a City employee in the Planning Division. He said that the City wants to make housing available to those with more means and income, to upgrade the population if you will. Now I don't necessarily disagree with that. However, I think that goal can be more efficiently achieved with some of the other proposal components. For example, I do believe all brick exteriors would help, I do believe minimum single level home sizes of 2,000 square feet, multi-levels of 3,000 square feet, 3 car garages... I think those things do lead to upscale homes in upscale neighborhoods. They do not impact water usage. Lot size, for me, is the negative factor. I believe larger lot size minimums is bad public policy. I urge you to reconsider this proposal and to instead come up with land use and land development strategies that more closely follow the governor's Envision Utah initiative and the Jordan Valley Water Conservancy District goal to reduce water use. Land development strategies must look to the future needs of our City, our State, and our citizens. I ask the City to focus on our future and not the past. And now for just a moment I am going to get more personal. Glen Brock has spent his lifetime acquiring, farming, and holding on to his land in order to fund his retirement. Reducing the number of homes that he can build on that land reduces its sale value and therefore his retirement account. You are taking money out of his pocket. He is a lifetime resident of this area and this community. He was a resident here before this was a community. You are taking money out of his pocket and giving it to someone who may or may not have any connection to this area of the City at all. I seriously doubt that you'd be making this proposal if it was going to have that impact on your father's retirement. Thank you.

**Barbara Thomas**

Thank you Mr. Betts. Sir? Oh no sorry, the next gentleman. Thank you Mr. Betts.

**Dan McCay**

Thank you, my name is Dan McCay, Vice President for Suburban Land Reserve. Our address is 111.. oh sorry 79 South Main Street, Suite 500, Salt Lake City 84111. We've owned and developed property for a long time here in West Valley and we feel like that's been a valuable partnership. We appreciate the relationship that we have with West Valley City and have worked hand in hand with the City to improve the quality of development throughout the City especially on the properties that we've owned. In partnership with the City at Highbury and Lake Park, those two projects specifically, we've built approximately 2 million square feet of office space and we've built some of the highest valued homes in the area. We haven't sold a home in that project area for less than \$300,000 in the last 5 years. That's during the worst real estate market we've had in my memory. Granted my memory is shorter than many, I'm younger than I look. Arbitrarily setting standards and guidelines and prescribing to the market what the house needs to be or what the lot size needs to be will have a detrimental effect on absorption and a detrimental effect on values for the properties that are sold. And it could actually have a reverse effect if the homes that are built are not re-saleable or not interesting to the market when it is time for them to be resold. It can have a detrimental effect to the City. The City is doing the right thing. It's striving to improve the quality of development within its borders. It's absolutely the

right thing to do and I don't think anyone in this room would argue that we need less quality in West Valley City or in any City for that matter. Those steps, though, are made incrementally. And wise development decisions are made in ways that are flexible to the market and that are in response to the demand and in response to the needs of the City. A wholesale carte blanche downzone of an entire residential market can have a depressing effect on the market. I would ask that you not approve this rezone and the one coming subsequently as our property is included in that. I think later you'll hear a report from City staff, you can correct me Steve, but one of the properties that was included is subject to an annexation agreement that has a promised density and zoning for that property. And it was not included, we brought it to the attention of staff yesterday. They've since reviewed the agreement and we all agree that a long long time ago we all made an agreement that we wouldn't downzone that specific property. So, with that, I ask that you not approve the rezone, and I yield to questions.

**Barbara Thomas**

Thank you Mr. McCay, there are none.

**Dan McCay**

Thank you.

[applause from audience]

**Barbara Thomas**

The gentleman in the blue hat with the W. Then from this next side, sir, you'll be the next one.

**David Brundle**

My name is David Brundle, let me take my hat off. I'm a resident, I'm not a very good speaker so I'll make it short. I'm a contractor here in West Valley and I moved into West Valley before it was a City in 1973. I live at 3264 W 3100 S, I have approximately 4 acres. I have horses and animals on it since I've raised my kids and family there. I've worked in West Valley City. I worked and help build Toys R' Us, I've built several homes... I've not built homes, excuse me, remodeled them and added on to them. So, the community has been good to me but my property I've kept for many years now that I'm at the age of 74, I'm retiring and my kids and my grandkids keep saying Dad, develop the property we have over here so we can have a home and live next to my family. If you implement this new zoning, it'll impact me tremendously because now I would have to have- we want to keep our horses and stuff there and if I have to do that I have to have two acres to have one house. Well, then I can only build two lots on what I have instead of building maybe four or five with my children and my grandkids to help them succeed in life. Also I have a house next door to the one that we live in that's on a half acre and it's like 140 years old, its ready to collapse and we've been debating whether to tear it down and maybe build two houses on quarter acre lots which would be pretty good sized lots. But I don't know if that would impact what we're trying to do now. My theory is I think that we should not pass this and also I'm a masonry contractor and I also do siding and stucco and I don't see where doing masonry on a brick house is going to change anything in the City. A little bit of appearance, the

aesthetics will look better even if you put a little on the front or a little stone. But if you do it total brick house, your cost is going to be so high that people aren't going to be able to afford it. And then you can't build a \$350,000 home next to a home that sells for \$170,000 or \$180,000 in West Valley City. And you can't pay \$100,000 for an acre lot and another \$100,000 for 2 acres and then build a home for another \$200,000. Then you've got a \$400,000 home... people can't afford that here in West Valley. Most of them. And you wouldn't build next to a \$175,000 home anyway. So my comments is I think you should not pass it. Thank you for your time. And I agree with my two opponents before me. They're better speakers.

**Barbara Thomas**

Thank you Mr. Brundle. This gentleman here and then sir in the back.

**Robert Farnsworth**

Good Afternoon, my name is Robert Farnsworth and I'm here to speak on behalf of my mother MaryAnn Farnsworth. She lives at 3696 S 5600 W. Long life resident... 1937 is when they settled on 5600 W. I've been in the real estate business for 31 years... broker/developer. I was also one of three realtors that was part of the Envision Utah process which began in the early 1990's. I have been past president of Salt Lake Board and developed everything from a little parcel to a hotel so I have a little bit of experience in there. I want to speak to the A-2, RE Zone. The creation of this zone might be a good, I guess, theory or it could actually work it's creating a zone for the RE. But its implementation is a disaster and a big concern. For the record, this downzone will create an unfair major economic loss to a lot of property owners. I've estimated that depending on the parcel involved that the average loss to the property owners will be about 38% depending on the parcel, whether it's a small parcel or a larger parcel... it'll be between 35-50%. In many cases these owners have been paying property taxes at a different use, that's not fair. The land will be consumed faster and using more resources, specifically the water, and I'm glad somebody brought that up. That's been a big part of the Envision Utah and the regional planning process. Of course the housing costs are increasing and I've spoke to this body before, probably not you directly, when you've been changing some of your other ordinances, I spoke on behalf of the Salt Lake Board of Realtors that time. I believe you're trying to force this round peg into a square hole. And I think two of the other speakers said it pretty eloquently... it doesn't work on this mass planning downzoning. The implementation seems to be a little bit backwards to me. I think you're trying to do it all at once. I think it would have made a lot more sense to break this down into some type of regional planning and look at it and get with the owners, get with developers, get with your community and find out a little bit more of their concerns before a mass rezoning change. I would request that the application, the ZT-3-2015, to create the RE zone and the A-2 zone be continued, if not denied, until further study is made to determine the impact of the property and the property owners and their unfair economic loss. Now speaking directly to the zoning amendment, 7-5-101C. Somebody already said this, that you need a little flexibility in your plan. And the best plans have flexibility. The proposed zoning amendment limits future zoning to basically 9 zones. This restricts property rights and, a little consideration here for you folks, this restricts future Planning Commission's and City Council and ties their hand. I would think looking into the future that all the time you guys have invested into your City you would be

biting the hands of future Council's and Planning Commission's. Now the future of Salt Lake Valley, we're going to be built out in about 10 years, all the big parcels will most likely be developed by then. So what the future brings, with our exploding population, is a lot of assemblage. We will have tear downs and some infill. They'll all be what was left. If you change that zoning amendment to restrict the type of zones that would be allowed in the future, you're going to put a big, well you're going to slam the door on redevelopment. One other concern I had about that is those zoning changes, especially in assemblage, that is going to effect a lot of property owners that weren't even noticed to be here today. They don't even know how it will affect them in the future. I know of 5 parcels that could be assembled. So I want to give you an example of a lot of what we'll see in the future, not only in West Valley but in the whole valley. So we take the 5 parcels and together they make up 1.06 acres. Under the proposal, they could only be rezoned to the A-2 with the RE zone, right? So that requires a 100 foot frontage with 15,000 minimum square foot lots. That means that you would be limited to a development on those particular parcels to 2 homes because of the 100 foot frontage requirement as well. These parcels already have an existing R-1-8 zone except for... wait... no half of it has R-1-8, half has an A zone. So typically when you come into a Planning Commission and work with staff to get your projects approved, you'd look at that and say, well you know the other neighbors and everything around me is R-1-8 and we're going to kind of conform and make an application for an R-1-8. On an R-1-8 zone, even with the road, that would give you 5 lots. If you look at the valuation between the two lots and the five lots, there's about a \$150,000 valuation difference on that property owner and what they're going to receive. That's 50%. The economy's, the economics of your proposal is going to stop redevelopment. I know that isn't part of your concern right now because you're looking at these big parcels and trying to change your housing stock. I want to just have you look into the real near future, this 750 acres is going to be gone. It won't take that much time, even if it takes 10 years. I believe that the future of West Valley City in the development, especially as you look at assemblage of these old parcels, like the home that this gentleman just told us about, you're going to really stop any suitable development without those other zones. So I would say, and beg you, and request that you take a look at this. More time is needed to be considered on this. Without a doubt, the zoning amendment change of 7-5-101C does not consider the future needs of the City. And I request that you deny that part of the proposal in the zoning amendment. Thank you.

**Barbara Thomas**

Thank you Mr. Farnsworth. Oh excuse me Mr. Farnsworth, there's a question.

**Brent Fuller**

When you came to your conclusion of 36%, I think 35%, 36%...

**Robert Farnsworth**

I have an average of about 38% and a range from 35%-50% depending on lot size.

### **Brent Fuller**

But what you anticipated was most of these are A lots. So you anticipated going to what size of zone.

### **Robert Farnsworth**

Well I played with a couple different because the one assemblage site that I looked at, like I said, already had R-1-8 and an A zone next to it so I ran those at the A-2 versus an R-1-8. And it might be the extreme so that's 50%. Then I ran another scenario and looked at a 7 acre parcel and then ran the numbers on it looking at the A-2 zone with the 15,000 minimums and it was about 35% so that's the range.

### **Barbara Thomas**

Thank you. While this gentleman's coming up there was somebody from this side, you sir. And then from this side on the back with the black and then we'll keep going. Thank you.

### **Ross Holliday**

Hi my name is Ross Holliday and I am the chairman of the Governor's Affair Committee for the Salt Lake Home Builders Association. I'm also a builder/developer, primarily a builder. I have built many homes here in West Valley City over the last decade. And to date we've probably built somewhere to 1500 homes myself. And in that experience we've learned a lot of things. We were honestly a little bit dismayed when we heard about this. Our position as the Salt Lake Home Building Association, that's really who I am here to represent, and speaking with a large number of our members is to not move forward with this. We don't want you to stay it, we want it to end. We hope it dies, we hope it doesn't get approved. The biggest reason for that is, it really is a fleecing. It has the potential to strip tens of millions of dollars out of your citizen's pockets. One thing about the home building industry is that it's completely unique. It's different from a convenience store, different from even a grocery store. There is no greater job creator than the home building industry. We have independent research that suggests that. I want to share a little bit of this with you because what in essence what your tradeoff is at this point is to give up the future of a few hundred more homes, potentially thousands of homes here in an effort to bring in what is deemed to be a high, I guess a new kind of person to your City, that wants to build a big fancy house. And I build those, I build million dollar houses, I build \$200,000 townhomes. I built the full gambit. The National Association of Homebuilders has performed a study which we'd be glad to present to you. As a matter of fact I believe someone in the Economic Development office here has asked that Jeran Davis, our executive officer, come to present it in more detail. So just compiled in March of 2015, what it basically shows is that for every 100 new homes that are built, you literally take in 21.3 million dollars of localized income. Think about that. 3.2 million dollars in taxes and revenue for the cities and local governments. We prepay for future services through the impact fees. We pre-buy ahead the future infrastructure that is needed. What other business comes in and pre-buys the infrastructure? Considering that it also leads to 320 local jobs. Local. Not people who drive into West Valley to work and out but people who would live in this community, buy a home in this community, shop

in this community, and have their children go to these schools. And so the impact is incredible and that's just the, that 320 jobs is just in the first year. And then they break down what they call a ripple effect and even a longer term reoccurring effect. The reoccurring effect is 3.6 million dollars in local income to local business owners. A million dollars in additional annual taxes and government revenue which in effect leads to the budgets and the ability for the City to operate successfully. One of things that I would really encourage you to think through is I look and have been a part of building here in the City is that this community has made tremendous strides. There have been some excellent things that have been done here and I would argue that a lot of what has happened here has been, you know, a build out of neighborhoods that's the old adage 'retail follows rooftops'. As you expanded your rooftop base, you began to be able to attract the kinds of commercial and the kinds of lifestyle oriented businesses that make people want to live here. And then when I come in here today and I consider the fact that we're considering a policy that potentially has the ability to completely retroactively work against all that has been done for literally 2 decades, it calls into question some of that thinking. We would strongly encourage you not to do it. West Valley doesn't need high-brow citizens that live in \$500-600,000 houses. It doesn't need an economic removal of value to land owners that have depended upon zoning for decades. To have that stripped out because there was not a full and complete effort to include a larger group of people to put something together that would be more cohesive and comprehensive. So with that, I share these thoughts and if anybody would like that study I'd be glad to present that to them because I think it's perfectly applicable to this situation. If you have any questions, let me know.

[applause from audience]

### **Barbara Thomas**

Thank you. Just a minute... are you a property owner? Uh the man behind you that was signaling to me? Ok, then you come up. Then the lady in the back with the lavender shirt. Then you can come after that.

### **Jim Yates**

Thank you. My name is Jim Yates. I live at 3076 Cruise Way. I'm Glen Brock's son-in-law. I'm sure he'd be with us tonight but he has some health challenges that would not allow that to happen. Glen Brock and their family has owned big, large parcels of property in West Valley for many years. Lots of neighborhood kids have worked on their farms and help sold produce. As I mentioned he has many health issues and I'm concerned with the rezoning and, as been mentioned, the down valuing of his property. It would be a financial hardship due to this loss of property value and in fact it would probably alter his standard of living and probably even the medical care he receives. Additionally I want to talk about the correlation between large lots and the overall values that are expected. The Ivory Home guys are going to be happy with my example. For example Ivory Homes is building several upscale communities around our county. One of which is in Holladay/ East Millcreek and the lot sizes up there range from 6,100 to 8,300 square feet with the home sizes ranging from 3-5,000 square feet. I think people want- it's pretty fast times right now, people want to maintain less yard. Whether its xeriscape, desert

landscape... we've heard about the water concerns. There's not a lot of correlation between, other than the value of a larger lot, buying the earth... you can buy a nice, beautiful home...these are gorgeous little subdivisions going in just east of us. One other thing, last night we heard from the City Council. One of the council members said trust us, we will look at rezoning this if needed when it actually comes time to develop it. I've been involved in car selling for 30 years and I know the word 'trust me', believe me. And 'trust me' doesn't protect the buyer or the dealer. In fact, I don't know that he was even aware that one of these amendments, or whatever you call them, restricts the zoning period. You can't change it. Ever. Anyway with only about 3% of the property remaining, these long term property owners shouldn't be penalized. If it wasn't for them, you wouldn't have your 3% of the property even remaining. They should be applauded for being able to hold out with their families during these economic times that they still have that property, that they can still farm that property. And if and when they eventually decide to sub-develop it or whatever they're going to do, they shouldn't be penalized for that. So we're not in favor of it. Thank you.

**Barbara Thomas**

Thank you Mr. Yates. I'm sorry the gentleman in the back I skipped so if you'd come forward.

**Anthony Jacketta**

Good afternoon, I'm Anthony Jacketta, 2834 S 6100 W. Not a builder, not a developer, don't got no fancy stats and everything. What I do want to say, I've grown up getting vegetables from Brock. My family has farmed this ground, as well as the Ketchum's, and I don't think it's right for the City to tell them how to be able to develop their ground. My problem is lack of planning in the past shouldn't be up to these folks right now to fix everything. These guys, just like this old boy said right here, they fought it out through the hard times and now because of poor planning in the past, you want these folks to fix it all. I don't think it's right and I'm standing up here in total opposition for it. God bless all you folks out here.

[applause from audience]

**Barbara Thomas**

Thank you Mr. Jacketta. Who did I? Did I call on somebody? Ok.. let's go here and then [laughter] you gave it up. We'll come back.

**Kelly Engel**

My name is Kelly Engel and we live at 3610 S 3440 W. The homes you're describing are very high end for this area. We really understand your intentions to improve the City and if we weren't land owners and weren't being personally affected, we'd be all for it. But let's be realistic. West Valley has a bad reputation for gangs and crime and there are areas that border on being a slum. I look around some of these neighborhoods and I see grass a foot high, couches on the porch, cars parked on the lawn, and 3 or 4 families living in one home. Until the City enforces the ordinances that are already in place and clean up existing neighborhoods, you are not going to get people to move into West Valley and spend \$400,000 or more on a home. We

have 3 acres and are surrounded by these neighborhoods so you are tying the hands of property owners who may be looking to use land as an investment. What if we can't get anyone to buy our property with the restrictions you want to place on it? You are willing to gamble with our private property and our livelihoods but we're not. We know how the system works, you've taken land from us before that we didn't want to sell and we didn't come out the best end of that deal. We're very hopeful that you will listen to us now.

**Barbara Thomas**

Ms. Engel, did I get your address?

**Kelly Engle**

Yes. It's 3610 S 3440 W.

**Barbara Thomas**

Thank you very much.

[applause from audience]

**Donnie Sweazy**

Good evening, I didn't get the chance to have a speech, my name is Donnie Sweazy and I'm here on the property at 7103 W Gates Ave. Apparently we bought too soon because we could have bought these a lot cheaper with this ordinance coming into play. So I don't know if there's going to be a lot of grandfathering going on or a lot of widows. In the past I've been through RDA's, rezoning's on several properties that I've been involved in. This is a great detriment to everybody that owns property. If anyone wants to build a 15,000 square foot property and a half a million or million dollar home, I think Planning and Zoning would be all for it, wouldn't you? Planning and Zoning?

**Barbara Thomas**

Yes we would be.

**Donnie Sweazy**

Yes, so we don't need an exclusive for them. So people that already have small lots that were divided long before some of us were born or even in the State. I've been here since '78, been right here in West Valley before it was a City. It's become a great City, it really has, and all the surrounding county has, it's a beautiful place. But the diversity is what's great about it. You can have a small home, a big home, but fair market value fluctuates, water finds its own level. So if you want that piece of property to develop or you buy two more like we just did next to our existing property and now we pay too much because they'd be a lot cheaper. So people are going to be forced. There's going to be people that win, there's going to be people that lose. But it's really going to be one sided or the other for this because if you have a small parcel you can hold out because you know, there's only so much dirt. If you have a small piece than that makes the 2 acre minimum and the 15,000 minimum... you're really making it hard for everybody. I hope

this is denied and doesn't come back. Because the zonings already exist. You come and you get it rezoned. You make it fit whatever you're doing.

**Barbara Thomas**

Thank you Mr. Sweazy.

**Jack Matheson**

Could we have Steve talk about grandfathering just a little bit?

**Barbara Thomas**

That's a good point. Thank you.

**Steve Pastorik**

So there are potentially several scenarios. There are properties that, again as we discussed in the Study Session, that have already received subdivision approval so those properties that have received subdivision approval and have a development agreement would continue to develop under the standards under which they were approved. So those could certainly continue that way. There are some smaller properties that, for example, would be zoned R-1-10 for example that were less than, that were vacant, and less than 2 acres that would not be impacted by these changes. Again as we'll talk in more detail in the next application, there were criteria used to selecting those 132 properties that are proposed for a rezoning. One of those was that the property either individually or collectively vacant properties would join one another would be 2 acres. At least two acres. And so those that are smaller than 2 acres would not be affected.

**Jack Matheson**

Thank you.

**Barbara Thomas**

Thank you. Man in the black. The next person from this side? Is there someone? Lady in the green. Gentleman in the green, sorry.

**JoAnn Jacobs**

Hi I'm JoAnn Jacobs and I live at 3935 S 6000 W. I've been kind of hanging out at the City Council meetings the last few months and watching the development of all of this and it's been kind of interesting to see. West Valley City has this grand plan to move the poor over here to this area and tear this down and re-develop this and make West Valley City the next hot spot. OK that's great. This proposal would actually benefit my property because I would be next door to it and it would bring my property values up. However, it is completely unfair to the current property owners because they have had long term plans, it does create financial hardships. I was here last night and the City Council was kind of flippant and pretty much like they weren't going to listen to anything anybody had to say, they'd already made up their mind on what they were going to do, all the plans were going forward. I got to doing some research and I found out a lot of these pre-approved neighborhoods that are getting ready to go in are partially owned by West

Valley City. West Valley City owns 352 properties in the City and a significant number of those are over 2 acres so obviously they have already been laying groundwork to put into place this grand plan that they have. Which is great for West Valley. If they own the properties and they want to put this type of infrastructure in place they should be free to do that. As a City I could see how that would financially support the overall balance of the City. But to implement and force upon current residents changes in zoning that wasn't existent when they purchased their properties and to create such a financial hardship as a community is unfair and unjust in so many incredibly difficult levels to uncover. I absolutely oppose this even though in the short term benefit me I think that it would be so absolutely disastrous to the community as a whole. Being a realtor in West Valley City I just can't see how it would ultimately benefit the community. I just can't go there.

[applause from audience]

**Barbara Thomas**

Thank you Ms. Jacobs. The lady back here on the back row, in the lavender. And then you sir in the green would be next. I'm sorry.

**Mary Jayne Newton Davis**

Good evening commission. Thank you for having us and for listening to us. We have had so many eloquent speakers and I don't have the background in land use like some of these folks. I'm a retired English professor but I am also a land owner and I speak for my family and I say that we have been in this City since 1870's. As a family, we own a fairly substantial amount of property. Probably the last very large piece left. We treasure this. We treasure this land. We have loved it, we live on it, when Brock farmed it for years we were so appreciative of that and as was the community. And so we celebrate this land. We would love to keep it, we would love to farm it. We can't. We probably cannot pass it down another generation either. It becomes very difficult for us, we're torn. We have an emotional attachment, as we do to our neighbors and our neighborhoods around us. We have all lived here our entire lives, never living anywhere else. This zoning restriction seems to me personally, and again I have not the credentials to maybe back that up, somewhat capricious. It's also prohibitive. It prevents us in many ways from taking care of this property that we have so long been invested. It also makes us feel that if the Council, if the City Council isn't listening to us, that you will listen to us. That you will relay to them our desires, not just my family, but all the people here, our community, that we need to be heard on this issue. We are very very dedicated to seeing West Valley become better and more upscale. Of course we are. The City and the City Planners and the City Attorney have been wonderful people to us. They have worked with us, they have done everything in their power to help us. Please let them continue to do that. Not just for us but for all the people that are here. Now I think I didn't give you my address.

**Barbara Thomas**

And your name.

**Mary Jayne Newton Davis**

Mary Jayne Newton Davis. I guess I just thought they knew it.

**Barbara Thomas**

Many do. And what is your address Ms. Davis?

**Mary Jayne Newton Davis**

6685 W Feulner Ct. Thank you.

**Barbara Thomas**

Questions for Ms. Davis?

**Brent Fuller**

What's the status of your property now that it has been looked at to be developed?

**Mary Jayne Newton Davis**

It's currently A and it's being farmed.

**Brent Fuller**

But you had it for sale.

**Mary Jayne Newton Davis**

We did have it for sale. We put that on hold. We would like to see something very complimentary to the neighborhood surrounding us while at the same time lifting us to maybe a higher level than what we have experienced.

**Brent Fuller**

And when your desires was... did the builders pull out? Or what happened there?

**Mary Jayne Newton Davis**

No, the builders didn't pull out. We put a hold on it. As a family we had a discussion and we put a hold on that. We are going to keep a hold on it until we see something that meets our standard which is somewhat higher, as a family, that we think will enhance our neighborhood. We're very dedicated to our neighbors.

[applause from audience]

**Barbara Thomas**

Thanks Ms. Davis. Gentleman in the green and the lady right there in black with the turquoise.

**Robb Martin**

Hi I'm Robb Martin and live at 3888 S 6400 W. This is a property that my family has been there since the '30's, I was born there. We farmed this land, we've raised our horses on there. Some of it's been sold off but I have a different opinion than this gentleman here who doesn't want

animals next to him. I happen to have a neighborhood subdivision that moved in next to me and I'll tell ya, it has not been fun. Complaints all the time whenever the wind blows, garbage in my yard that blows in from their yard so I have to constantly keep my yard clean from other people's mess. 4<sup>th</sup> of July, New Years, 24<sup>th</sup> of July anytime there's something with fireworks I have to be out there in my yard because fireworks tend to be shot into my yard, at my horses, my animals and to protect my barn and haystacks from getting burned down from these things. 3% of West Valley is agricultural. That's not very much. Why does it have to be 100% in housing or businesses? Why can't we have some open areas? The open areas don't cost the City anything. There's less traffic when those open areas are there. My agricultural lands don't use City water so we're not using all this water that everyone's been talking about. You don't have to worry about the sewer, you don't have to worry about public services coming onto these properties. Just think about that. I mean ya, they've talked about how it can bring money in for the City, how they can make money but open land doesn't cost you money to have it there with animals or it or to be farmed. They brought up about grandfathering. That's why I'm really here, for the grandfathering. When you put on here 2 acres for agriculture, there's many people out here that have less than 2 acres that have animals and have some agriculture on their less than 2 acres. We would like to keep our grandfathered rights of having our agriculture to grow our crops or to raise our animals. Very few people here, apparently everyone's for building houses, but I'd like to stand up for the few of us that still have properties with some animal rights. I think we should keep those. It makes our City better to have these things, to have some diversity instead of just wherever you drive you just see houses. I enjoy seeing open areas and seeing animals and I hope other people do too. Thank you.

[applause from audience]

### **Barbara Thomas**

Thank you Mr. Martin. Any questions?

### **Carol Ferguson**

My name is Carol Ferguson, I live at 3657 Summertime Place. My great great grandfather was one of the original settlers of Hunter which is what West Valley used to be called. My kids, yes, worked on Brock's farms. I am neither a property owner, at least as far as those properties go, nor am I a builder. I am a retired school teacher. I teach in schools in West Valley. I taught the students that came from all different kinds of places from all over the world. I had 4 children that I raised in West Valley. All 4 of them loved living in West Valley, not one could find a home to buy in West Valley. If I were a new schoolteacher today and this passed, I would not be able to buy one of those homes. Currently, with my situation the way it is (retired), I could not buy one of these homes. I'd like to think of myself as a solid citizen, a good neighbor, a person that contributes to the community. But when I hear things being batted around such as upscale and getting a better quality of people I think wait a minute. Just because the State of Utah has decided that school teachers should start at \$30,000 a year doesn't make us less of a good citizen. There are a lot of good people out there that cannot afford a half million dollar home. And

they're good people. And you want them here. I worked here all my life, it hurts that not a single one of my children can be in my City. And that's all I wanted to tell you, thank you.

[applause from audience]

**Barbara Thomas**

Thank you Ms. Ferguson. This side that needed to speak? Sir. And then this side? Let's go this one and then the gentleman in the back with the black shirt.

**Jeff Condie**

My name's Jeff Condie, I live on 4157 S Colt Ct. West Valley City. I'm here on behalf of Phil and Geri Condie. We already, I was a little confused with Steve's comment because we have a subdivision that's pre-approved. There's already been about 20 homes built there and there'll be another additional 20 homes that are built. Even though it's zoned 'R-1-8' we've gone above and beyond. I know most of the lots in there... I think if you took the average lot size in there it's probably close to 11,000 square feet. I don't have a lot to add to what's already been said other than I think the thought is maybe quantity, 1/3 acre lots are going to lead to a nicer home but with the 1/3 acre lots, people will put all their money into the lots. The type of homes they want to get, you know, they may have to cheapen the exterior. Right now we have all brick, all stucco. We're in that 5%... our homes in that neighborhood are all brick and stucco. We've built bigger homes than we actually needed to but there's two parcels in there that would be rezoned back into 1/3 acre and when you take a 1/3 acre out of a 2 acre parcel and try to fit a subdivision in there, like somebody said before, it's like trying to put a square peg in a round hole. We've got a puzzle, we've got a master plan, and the City had our next piece of the puzzle but they're handing us a cardboard cutout that just doesn't fit. I guess, Lars lives in our neighborhood, I know he probably doesn't want to take care of more yard than he already has, I know. Just because it's a 1/3 acre lot, I guess the point I'm trying to get across, does not necessarily mean higher quality home. In fact it may be detrimental and it may come back and have the negative impact that way. So I'm just here to speak against it. Thank you.

**Barbara Thomas**

Thank you Mr. Condie. Sir?

**Greg Fabiano**

Afternoon commission, my name is Greg Fabiano. I reside at 8121 Copper Canyon Way. I come here to speak on behalf of the Salt Lake Board of Realtors as the Chairman of the Governors Affairs Committee. I appreciate your position in that you are simply getting input from the community and this is something that has been placed upon your plate by the City Council. As a representative of the Board of Realtors and the Governor's Affairs Committee specifically, we have a few specific concerns that we are always trying to promote and promulgate and those are private property rights and wise planning and use. Not that we have authority, but we hope to have influence. From our perspective in looking at both of these items on your agenda today, we certainly speak against both of them. Many points have already been proposed and I think

they're all very sound and are grateful for those who have put their thoughts together and come forth to speak their respective minds and I certainly echo those sentiments. A couple other things I wanted to put forth is specifically this: it seems to me what the Council, what the City Council's desire is to increase the property value generally throughout the City but I think in reality they would have the exact reverse effect by diminishing property values. So speaking to, as previously mention, private property rights, I echo what has already been said. What is essentially happening by this rezone would be robbing value of private property owner's throughout the City that is counter to their best interests and certainly for the City overall. Also I wanted to bring forth just some basic statistics. These are statistics that are fresh as of 2 hours ago before I arrived at this meeting, if this might be of some relevance. As a representative of the Salt Lake Board of Realtors we deal primarily with existing home inventory or home stock as well as we help the new construction industry and members of the home building community who have spoken here previously. I wish to speak specifically to the home stock right here in West Valley City as of two hours ago. Obviously it's constantly in flux so this may not be accurate as of right now but as the latest information here are some things to consider. The median price range of housing in Salt Lake County is approximately \$250,000. Now right here in West Valley City specifically there are active listings, active existing homes in West Valley City up to the value of \$250,000 there are only 64 available as of two hours ago. 64 houses, that's it. So as the woman who spoke previously that her children cannot afford a home in West Valley City, I can understand. There's 64 houses in the entire City. The second largest City in the State has 64 houses available up to \$250,000. Now here's an interesting juxtaposition, pending sales (that means people, homes that have received a purchase contract on them) in this exact same area within the past 30 days are 150 pending sales in your community. That means you have approximately 3 people buying... excuse me, just the opposite... you have 3 people trying to buy for every 1 person that can. You have a very limited supply here. That's homes up to \$250,000. In the past 45 days there have been 139 that have sold but there are only 64 that are presently available. That's how tight your marketplace is here. In short, I wanted to help you understand that there is a lot of demand for people to live here. So for the premise that the City Council seems to come across, people don't want to live here, that is blatantly false. You have a large group of people that want to live here. Now I'm going to give you another couple statistics. Now we go from the, that's up to \$250,000. Now \$250,000 to \$350,000 there are 52 homes available in West Valley City. There are 32 pending sales. So you have a lesser amount of people who are buying in that price range. Now one more, let's go above \$350,000. There are 6 houses presently for sale in West Valley City above \$350,000. And how many of those are pending? Zero. How many have sold within the past 45 days? Zero. Those are not numbers I manufactured and I'd be happy to give you the data, comes right off of our data stream. You have a tremendous amount of demand for affordable housing in your community. To downgrade the zone, to solely cater to the perceived wealthy wanted in the community is ignoring the entirety of your citizenry within the City. I think it is very foolish to do that. I understand the desire but I think it is grossly misguided. Again, this is a wonderful community, I have throughout my career of 25 years in this industry sold, helped people purchase, and sell hundreds of homes in this community and continue to do so to this day. I hope you have faith in your own City. Faith in your own citizenry within in this City. And I'm not a resident of the City. I used to be, but I'm not now.

Nevertheless, this is a great place to be and I hope you have faith in your citizens to decline both of these. Thank you.

[applause from audience]

**Barbara Thomas**

Thank you Mr. Fabiano. Sir, if you'll be next.

**Jim Defa**

Jim Defa, property 3756 S 6400 W. Property owners, not developers. We've had that property out there since 1931, it borders the Newton farm and same street where Mr. Martin is. We have been doing everything we can trying to maintain that property for the last 70 years farming it and continue to work it. Working with Steve and his colleagues over there, still looking for ways to try and maintain the green space out there for some period of time knowing that that's something we'd like to do. Development is inevitable. This zoning change which would depress the values flies in the face of everything that the property owners who have worked that ground over all the years have done to maintain that property and keep it viable. It's been an investment, it's been families working this property and farming it. Not making any money hardly but keep the property for love and/or for the chance that down the road to maybe make a profit at this. To do something like this and take that all away is unconscionable. If West Valley is so interested in doing this then maybe what they need to be thinking about is making the property owners whole so when the property values go down, they make up the difference. I've got a two year old appraisal and if I hadn't sold that property and the appraisal was higher than what I could sell it for then maybe West Valley needs to be looking at making up the difference to do something arbitrarily like this. Appreciate it, thank you.

[applause from audience]

**Barbara Thomas**

Thank you Mr. Defa. Sir? Is there someone over here that wants to be next? Ok, who wants to be after this gentleman? Sir.

**Thomas Michael Mansfield**

Hello I'm Thomas Michael Mansfield, I own the property at 7148 W 2820 S. This property has been set up for the family. The zoning that it is now will work for our family situation. The proposed zoning will not and the other proposal will not work. If it's to be rezoned, it will divide the children. It won't be equal. It will destroy the family's plan. It is not fair to destroy the family and our plan. So what I'm asking is to please leave the zoning the same. And keep this in mind with a lot of situations throughout the City... it'll depreciate the value as well as uh- I bought  $\frac{3}{4}$  of an acre at the bottom of the 5 acres in order to have an outlet for utilities. You know this has been an ongoing project for years and so we have a plan to bring the utilities out onto 7200 W. I bought a lot specifically for that. Then it's been improved over the years, you know, been filled in. It's all been expensive and this will depreciate all that hard work as well as our family. It

destroys it for me. It needs to stay in the zoning it is right now. I appreciate the fact that you're listening and I want to thank you and that's all.

**Brent Fuller**

What is your property currently zoned?

**Thomas Michael Mansfield**

A-1.

**Barbara Thomas**

Ok, thank you Mr. Mansfield.

**Thomas Michael Mansfield**

Any other questions?

**Barbara Thomas**

No. Thank you. Sir. Anyone from this side next? Anyone over here still needs to speak? Ok.

**Robert McConnell**

Hi my name is Robert McConnell, my address is 101 S 200 E in Salt Lake, Suite 700. I represent the Giovengo properties. Their property is located at 3846 S 5600 W, it's an approximately 15 acre parcel of ground. I submitted a letter to the City that identifies what I viewed as some procedural deficiencies in the way this is proceeding. One of things I learned today from Mr. Pastorik's presentation was that this was advanced on the recommendation of the City Council which may actually cure some of those deficiencies. Maybe next time if you indicate that it's being submitted on behalf of the City Council that would be helpful to the people who are looking at the application. Even if some of those substantive deficiencies are cured there is a substantive requirement for anybody who comes in and requests a zone change from your City that's articulated in the application and that's to bring forward substantial compelling evidence justifying the change being proposed. As I reviewed the materials that were submitted, I didn't see that substantial compelling evidence justifying the change. There may be a perceived problem in terms of the stock of higher end housing for your community but I don't see anything justifying this particular change in terms of substantiating how this would be effective. One of the things that's not there is a market study that demonstrates a demand for this kind of housing in the community. The gentleman who just spoke actually in the 5 minutes that he stood up and articulated his position demonstrated that there was actually a negative. That's a negative thing. There is no demand, or not a very high level demand at that level of housing cost. There's also no consideration for other mechanisms to create the value that you're seeking. There's no direct correlation between the larger lot sizes and when you speak about going to a larger lot size, my property owner had property under contract. A developer came in, made a proposal consistent with the General Plan. I don't want to talk about the specifics of the value but that proposal was denied. The next developer came in and said well then we're going to value it on the basis of its current zoning, not on what the General Plan will allow. It cut the value by 1/3. Now if you then

take it from A-1 to A-2, I think that the gentleman who spoke earlier is pretty accurate in suggesting that it'll drop by 1/3 again. I understand, it sounds like the A-2 zone is some kind of holding zone and that we could come in later and submit for rezoning but the highest residential zoning we could seek would be under the RE zone which would be 15,000 square foot lots. If you're looking to obtain a one and a half times increase in the value from \$170,000 median value to \$250,000 median value, that's increasing your lot size by 3 times. If you require it to be at the one unit per acre of A-1, that's increasing it by 8 times. And if you require it to be one house for 2 acres, that's 16 times. This is a good community, it's the workhorse of the valley. It has lots of good people, lots of practical wisdom has been expressed here tonight. I hope that you will consider- one other kind of technical point. The Land Use Development Management Act allows your General Plan to be advisory as opposed to mandatory. When you passed your General Plan, just three years ago, you specifically indicated that it was advisory. Now you want, in a zoning ordinance, to say no we won't look at the advisory nature of a mandatory plan. The only rezones we are allowing are A,B,C,D, and E... that's not good government. And that's not good future planning. I would hope that you listen to a lot of the really practical wisdom that's been expressed by your residents. The Giovengo's would be here but they have some health issues that they're dealing with and weren't able to make it. Thank you for your time. I had a mother that served for over 20 years on a Planning Commission. I started attending meetings very young and I know it can be a very thankless job.

[applause from audience]

**Barbara Thomas**

Thank you sir. Were there any questions? I saw someone's hand shoot up.. sir? Ok.

**Bob Gardner**

My name is Bob Gardner, I live at 4432 S 4515 W. I'm far from a public speaker. I didn't even know what this meeting was about, I'm here for something way down the list, I don't even know if we'll get to it tonight. After listening to everybody, I don't see how they could pass such a thing. It just doesn't make sense. Everybody's against it that's come here, maybe that's what this meeting is for, just people against it. I don't know. But as a resident of West Valley, it seems to me you guys blew it.

[laughter and applause from the audience]

I mean no disrespect but there should have been a lot of pre-planning, pre-meetings with these guys that know stuff. The developers, the builders... some of that should have gone on before you've done what you've done.

**Barbara Thomas**

There has been a lot of pre-planning and pre-study into this.

**Bob Gardner**

And it looks like a lot of wasted man hours and wasted hundreds and thousands of dollars to me, as a resident. And I don't know a lot about this thing that they're proposing. Like I said, I'm here for something else. It just doesn't make sense.

[applause from the audience]

**Barbara Thomas**

Thank you Mr. Gardner. Is there someone that's not been able to speak that would like to? We did it. Ok, thank you. We'll go ahead and close the first item on our agenda. Many of the things which have been addressed in the discussion has been relating to the zone change application. Is there a sense that we would go ahead and hear the presentation on that and if there was any additional information and then we'd vote on the two of them? Or would you like to go ahead and vote on this first one? What does that nod yes mean?

**Terri Mills**

I would think that it would be in order to vote on the first one before going ahead and hearing the second.

**Barbara Thomas**

Okay, is that how the rest of you feel? Ok. Are there any questions then of staff or anyone with regards to this zone text amendment?

**Jack Matheson**

Just a comment. If the Council really wants an amendment such as this, they really need a lot more public input. They need a lot more consideration. With me just looking at it as it comes to us, there's no way that I could support this in any way. And I would like to make a motion for denial.

**Barbara Thomas**

Is there a second for discussion purposes? The second comes from up here. [laughter in the audience]

**Latai Tupou**

I would second that.

**Barbara Thomas**

With regards to discussion for the motion... is there a recommendation as to how they would go about doing this? Are you thinking perhaps it would take a segment of the City at a time and involve those in that particular area in a discussion?

**Jack Matheson**

I think the Council needs to talk more with the public, not the Planning Commission. I have a lot of ideas on this. There is certain zones in the City that I want to get rid of. This gets rid of all the zones that are useful. Changing the people that own agricultural property to something else right now... that's foolish. Let the people that have agricultural property continue to have their animals. I don't want to bring animals into the City. Don't get me wrong, I was raised on a dairy farm but I don't want cows behind me. I really don't.

**Barbara Thomas**

I have a question with regards to that... because there is a motion on the floor can I still go ahead and ask that of you Steve? If this zone text amendment were to go through, there are a lot of zones that would be eliminated. If someone that owned a piece of property that presently was agricultural, this doesn't change that until they decide to change it themselves?

**Steve Pastorik**

Right. In terms of the agricultural use there are some that are currently zoned A which has a minimum lot size of a half acre where there is a proposal to go to the A-2 zone which would be 2 acre. In both scenarios agriculture use is still allowed so that's not changing.

**Barbara Thomas**

So it stays the same as it is until they decide, if they have that, they want to change the building of their home then it would go to the different zoning amendment requirement.

**Brent Fuller**

I think what Jack's trying to say is if there's a large track of land that's presenting R-8 or R-10 or something like that, that would be changed to an A. Then they would allow those people to have the animals. So it wouldn't be changing anybody that's already an A, it'd be changing residential lots into an A.

**Barbara Thomas**

Are there residential lots that are being changed to agriculture?

**Steve Pastorik**

There are properties that have R-1-8 and R-1-10 zoning that are proposed for agriculture.

**Barbara Thomas**

Are there other questions or discussion?

**Harold Woodruff**

Well... some discussion. Jack jumped the gun on his motion. I don't really have a problem with adding a new zone or two. The A and the RE. Specific sites may be just great for those. I really struggle with saying nothing else can be rezoned to all these other zones. We've seen so many

unforeseen consequences of ordinances we've made. To me that is just built in to create so many problems. To me that is something in this ordinance that really needs to be looked at and thought about.

**Jack Matheson**

I agree with you. I'd really like to talk this ordinance over. Just one study session on this is not nearly enough to be able to say it's good.

**Terri Mills**

I'd just like to say that I do have a problem with a blanket zoning text change. I have concern about the lack of flexibility and the great impacts that will result of it. I don't necessarily... I'm not right now in favor of a denial but more of a continuance. Those are my current feelings.

**Barbara Thomas**

Commissioner Fuller do you have any thoughts?

**Brent Fuller**

I'm more in line with having a continuance myself. I'm not in favor of this as it stands but I think there's some tweaking that could be done and some consideration for areas. Not just a blanket coverage of the whole thing. I think most of us here would like to say no R-1-4's or R-1-6's or any apartment residence and then their all in that listing. I'd sure like to get rid of those. But some of the other ones I think are valid and should be considered.

**Jack Matheson**

However we need to make sure the way it's written, it's denied, as it's written. We can re-write this thing.

**Barbara Thomas**

Commissioner Tupou or Commissioner Meaders? Any comments?

**Clover Meaders**

I understand what the City Council wants to do which I think hasn't been presented in the way I took it. I think they want to ensure that the citizens of West Valley have a variety of housing options and I don't know if we really do. The fact is, we don't have a market study or anything that suggests that there is a demand for this kind of housing. I know personally I've been looking at it and would be interested in having more options but we don't really have any data in front of us. I can't say that we have this public need that the City Council seems to think we have because clearly we don't see it here. Unless we see that, I don't know if this is something that we really need or just something that City Council felt that we need. I would be interested in a continuance to gather more information.

**Latai Tupou**

I would be... I'm actually supportive of Jack's denial as it's written currently. I don't think that the blanket coverage is actually the best way to make our City better. There's gotta be another way to make it work. I do support the City Council's vision of what they want to do but not this way. I think historically what the staff has done and what City Council has put in place, I think we've all benefit as far as our property values. We've all benefitted from those decisions historically. There's just gotta be a better way to implement what they want to make West Valley into.

**Barbara Thomas**

Thank you. Alright ladies and gentleman. I think we're ready for a motion. The motion is for... we're ready to vote on the motion. The motion is for denial of the zone text amendment as it is presently written. Let's go with a voice vote.

**Nichole Camac**

Commissioner Fuller	No
Commissioner Matheson	Yes
Commissioner Meaders	No
Commissioner Mills	No
Commissioner Tupou	Yes
Commissioner Woodruff	No
Chairman Thomas	Yes

The motion fails. Or actually... it passes. Oh actually no, that did fail. I'm sorry about that. We'll have to have another motion.

**Barbara Thomas**

Ok the motion fails for denial. We'll have to have another motion. Commissioner Fuller?

**Brent Fuller**

I just move for continuance to be able to study the things that were presented here today and try to make a better plan from what we study. I couldn't say how long that might take. May take a long time to get all the information. I'd be interesting in getting some of the contractors, the developers, and the land owners as well as the realtor section to be able to give us more data as to what we're looking at to make a better decision.

**Clover Meaders**

I second.

**Barbara Thomas**

Discussion to this motion?

**Harold Woodruff**

I don't know if it ought to go on indefinitely.

**Brent Fuller**

No I didn't... I just didn't know what date... how much time. I don't think it's going to be next study... ready for the next go around but maybe a month. Can I put that in the... give it a month's time?

**Harold Woodruff**

I think we would still be better served to have a few weeks to think about this and come back in another couple of weeks and make a decision only. And then if we want to make some recommendations to go with our decision, we can. But at least it would get moved on to the next step in the process.

**Barbara Thomas**

More discussion? Ok our motion is for a continuance of about a month, depending on the days when the Wednesdays...

**Nichole Camac**

That would put us at the June 10...that would be the next closest one.

**Barbara Thomas**

Okay let's go with a voice vote on a continuance to June 10.

**Nichole Camac**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes
Chairman Thomas	No

The motion for continuance to June 10<sup>th</sup> is approved.

**Barbara Thomas**

Ladies and gentleman make sure that you've signed on that back list for notification purposes.

**Brandon Hill**

One moment Madam chair if I might.

**Barbara Thomas**

This voice that you're hearing from the back in our attorney.

**Brandon Hill**

For the record, Brandon Hill, council for the Planning Commission. What I would recommend we do have the second application pending and it's my educated guess that the Commission would make the same motion as to that application as well. However there are many people who have come here to speak and the public hearing on the first application that was just continued was closed. I might suggest that anyone here who hasn't spoken who would like to offer their input on that application be given that opportunity to night so that we have the public hearing, we close the hearing, move for the continuance so that you can have that information available as you move forward with the final decision in June.

**Barbara Thomas**

We're just dealing with the zone text amendment. We still need to go to the next item.

**Brandon Hill**

That's right.

**Barbara Thomas**

Appreciate the advice.

**Steve Pastorik**

And if I can clarify also on the noticing. There was notice sent out for this hearing but because we're continuing to a specific date there's not a second notice that goes. Because again we've set a certain date here so everyone here knows that date.

**Barbara Thomas**

Ok, be noticed. OK we're moving on the next.. oh excuse me... what was your question sir?

**Member from audience**

On June the 10<sup>th</sup> will we get to speak?

**Barbara Thomas**

Yes. Prefer that you come up with new information because we will remember but you will be

able to speak to that.

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