

**THE CITY OF WEST JORDAN, UTAH
ORDINANCE NO. 23-24**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(MATERIAL CHANGE DEFINITION AND STORMWATER IMPACT FEE
CLARIFICATION; AMENDING SECTIONS 14-2-2 AND 14-2-3 AND ADDING A
DEFINITION FOR “MATERIAL CHANGE” IN SECTION 13-2-3)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend a certain section of the City Code, regarding a Material Change Definition and a Stormwater Impact Fee Clarification (“**proposed City Code amendments**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on September 5, 2023, regarding the proposed City Code amendments, which are all land use regulations in the land use titles, including amending Sections 14-2-2 and 14-2-3 and adding a definition for “material change” in Section 13-2-3; and determined the following:

1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to the land use titles;
3. The proposed City Code amendments will not create a conflict with any other section or part of the land use titles or the General Plan; and
4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and they are only necessary to make a modification to the land use titles in light of corrections or changes in public policy; and

WHEREAS, the City Council held a public hearing on October 11, 2023, regarding the proposed City Code amendments, and finds them to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of Code Provisions. City Code Sections 14-2-2 and 14-2-3 are amended to read as shown, and a definition for “material change” is added to Section 13-2-3 to read as shown, in Attachments 1 (legislative version) and 2 (clean version) to this Ordinance.

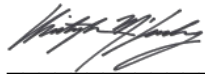
Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.



(See the following pages)

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 11th DAY OF OCTOBER 2023.

CITY OF WEST JORDAN

By: 
Christopher McConnehey
Council Chair

ATTEST:


 
Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

	"YES"	"NO"
Council Chair Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	~ absent ~	
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON OCTOBER 17, 2023.

Mayor's Action: X Approve Veto

By:  Oct 17, 2023
Mayor Dirk Burton Date

ATTEST:

 
Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 23-24.

 The Mayor vetoed Ordinance No. 23-24 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.



 Ordinance No. 23-24 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 17th day of October 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan, CMC
City Recorder

(Attachments on the following pages)

1 Attachment 1 to

2 ORDINANCE NO. 23-24

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
4 (MATERIAL CHANGE DEFINITION AND STORMWATER IMPACT FEE
5 CLARIFICATION; AMENDING SECTIONS 14-2-2 AND 14-2-3 AND ADDING A
6 DEFINITION FOR “MATERIAL CHANGE” IN SECTION 13-2-3)
7

8 Legislative Version
9

10 One new definition in City Code Section 13-2-3:

11 **MATERIAL CHANGE:**

- 12 A. “Material change” means any change in a “land use application”, as determined by the
13 “municipality review team”, that requires “revising” (see definitions in this definition below)
14 one or more of the following criteria:
- 15 1. An approved development plan, subdivision plat, or site plan;
 - 16 2. A decision made by the planning commission and/or city council;
 - 17 3. A utility location, connection point, or amount of use, such as a significant change in fire
18 flow demand or a detention pond relocation;
 - 19 4. The engineering design of public infrastructure, such that the plan sets require significant
20 additional review, revision, or new elements or information that must be examined for
21 conformance to engineering standards, such as findings contained in new engineering
22 reports or studies;
 - 23 5. Third party entity permits or applications, such as partial or complete denials of permits or
24 applications by the Army Corps of Engineers, UPRR, UDOT, UTA, Salt Lake County
25 Flood Control, a special district, an electric power or gas company, a utility or
26 telecommunications company, a canal or irrigation company, etc.;
 - 27 6. A suggestion or offer included by an applicant as part of the application or development (in
28 order to obtain something in return from the city) that is not normally required or that
29 enhances a regular requirement, such as an additional dedication of real property, higher or
30 better-quality walls or fences, wider park strips, additional landscaping, etc.;
 - 31 7. The uses in the development, such as adding or significantly changing one or more of the
32 following uses: residential, commercial, office space, industrial, medical, etc.;
 - 33 8. Density, such as a significant overall change in the density of the housing units, office
34 space, commercial space, or other similar proposed space in the development;
 - 35 9. The type and overall level of improvements and/or amenities in the development (being
36 decreased), such as less acreage, less monetary value, lower quality or quantity, etc.; but
37 generally, relocating amenities is not a material change if they are the same or better size,
38 amount, and general configuration; and
 - 39 10. Any other similar criteria.
- 40 B. **Written Material Change Determination.** In order to determine a material change, the
41 municipality review team must identify and explain, in its written material change
42 determination (“determination”), one or more of the criteria identified in subsection A. A
43 determination shall include the name and contact information for the “appropriate department

44 head” (defined in this definition below) and may be appealed to the appropriate department
45 head within fifteen (15) calendar days of the delivery of the determination to the applicant. The
46 appropriate department head’s decision is final, subject only to a petition for judicial review in
47 district court in accordance with section 15-6-1 of this code and Utah Code Ann. section 10-9a-
48 801.

49 **C. For purposes of this definition:**

- 50 1. **“Appropriate department head”** means the community development director, public
51 works director, public utilities director, public services director, or other department head
52 identified by city administration, as those terms are defined in section 1-3-2 of this code;
- 53 2. **“Land use application”** means a “subdivision land use application” (also referred to as a
54 “subdivision application”) and any related “subdivision improvement plans” (also referred
55 to as “plan sets”), as those terms are defined and used in Utah Code Ann. sections 10-9a-
56 103 and 10-9a-604.2;
- 57 3. **“Municipality review team”** means a team of city employees assigned to review a land
58 use application, including one or more planners, engineers, real property administrators, fire
59 officials, and other city employees; and
- 60 4. **“Revising”** means altering, adding to, taking away from, eliminating, or reacting to a
61 denial, etc.

62 **D. Applicability of this Material Change Definition.** Unless otherwise defined in the Utah Code
63 Ann., this definition shall be used to define the term “material change” as it is used in Utah
64 Code Ann. sections 10-9a-103 and 10-9a-604.2 or successor or similar provisions and as it is
65 similarly used in title 14 and elsewhere in this code and other city policies.

66
67
68 **Two amended City Code Sections:**

69
70 **14-2-2: DEFINITIONS:**

71 The terms defined in title 12 of this code, the sign regulation ordinance, and title 13 of this code, the
72 zoning ordinance, shall have the same meaning and application in this title. Unless otherwise defined
73 in the Utah Code Ann., the definition of “material change” in section 13-2-3 of this code shall be used
74 to define the term “material change” as it is used in Utah Code Ann. sections 10-9a-103 and 10-9a-
75 604.2 or successor or similar provisions and as it is similarly used in this title and elsewhere in this
76 code and other city policies. (2001 Code § 87-2-102; amd. 2009 Code)

77
78 **14-2-3: PAYMENT OF FEES:**

79 Approval of all subdivisions, and the start of any soil disturbance or construction therein, shall be
80 subject to the prior payment in full of all applicable application, review, permit, and stormwater impact
81 fees (see title 3, chapter 7 regarding impact fees). (2001 Code § 87-2-103; amd. 2009 Code)

Attachment 2 to

ORDINANCE NO. 23-24

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(MATERIAL CHANGE DEFINITION AND STORMWATER IMPACT FEE
CLARIFICATION; AMENDING SECTIONS 14-2-2 AND 14-2-3 AND ADDING A
DEFINITION FOR “MATERIAL CHANGE” IN SECTION 13-2-3)

Clean Version

One new definition in City Code Section 13-2-3:

MATERIAL CHANGE:

- A. **“Material change”** means any change in a “land use application”, as determined by the “municipality review team”, that requires “revising” (see definitions in this definition below) one or more of the following criteria:
1. An approved development plan, subdivision plat, or site plan;
 2. A decision made by the planning commission and/or city council;
 3. A utility location, connection point, or amount of use, such as a significant change in fire flow demand or a detention pond relocation;
 4. The engineering design of public infrastructure, such that the plan sets require significant additional review, revision, or new elements or information that must be examined for conformance to engineering standards, such as findings contained in new engineering reports or studies;
 5. Third party entity permits or applications, such as partial or complete denials of permits or applications by the Army Corps of Engineers, UPRR, UDOT, UTA, Salt Lake County Flood Control, a special district, an electric power or gas company, a utility or telecommunications company, a canal or irrigation company, etc.;
 6. A suggestion or offer included by an applicant as part of the application or development (in order to obtain something in return from the city) that is not normally required or that enhances a regular requirement, such as an additional dedication of real property, higher or better-quality walls or fences, wider park strips, additional landscaping, etc.;
 7. The uses in the development, such as adding or significantly changing one or more of the following uses: residential, commercial, office space, industrial, medical, etc.;
 8. Density, such as a significant overall change in the density of the housing units, office space, commercial space, or other similar proposed space in the development;
 9. The type and overall level of improvements and/or amenities in the development (being decreased), such as less acreage, less monetary value, lower quality or quantity, etc.; but generally, relocating amenities is not a material change if they are the same or better size, amount, and general configuration; and
 10. Any other similar criteria.
- B. **Written Material Change Determination.** In order to determine a material change, the municipality review team must identify and explain, in its written material change determination (“determination”), one or more of the criteria identified in subsection A. A determination shall include the name and contact information for the “appropriate department

head” (defined in this definition below) and may be appealed to the appropriate department head within fifteen (15) calendar days of the delivery of the determination to the applicant. The appropriate department head’s decision is final, subject only to a petition for judicial review in district court in accordance with section 15-6-1 of this code and Utah Code Ann. section 10-9a-801.

C. For purposes of this definition:

1. **“Appropriate department head”** means the community development director, public works director, public utilities director, public services director, or other department head identified by city administration, as those terms are defined in section 1-3-2 of this code;
2. **“Land use application”** means a “subdivision land use application” (also referred to as a “subdivision application”) and any related “subdivision improvement plans” (also referred to as “plan sets”), as those terms are defined and used in Utah Code Ann. sections 10-9a-103 and 10-9a-604.2;
3. **“Municipality review team”** means a team of city employees assigned to review a land use application, including one or more planners, engineers, real property administrators, fire officials, and other city employees; and
4. **“Revising”** means altering, adding to, taking away from, eliminating, or reacting to a denial, etc.

D. Applicability of this Material Change Definition. Unless otherwise defined in the Utah Code Ann., this definition shall be used to define the term “material change” as it is used in Utah Code Ann. sections 10-9a-103 and 10-9a-604.2 or successor or similar provisions and as it is similarly used in title 14 and elsewhere in this code and other city policies.

Two amended City Code Sections:

14-2-2: DEFINITIONS:

The terms defined in title 12 of this code, the sign regulation ordinance, and title 13 of this code, the zoning ordinance, shall have the same meaning and application in this title. Unless otherwise defined in the Utah Code Ann., the definition of “material change” in section 13-2-3 of this code shall be used to define the term “material change” as it is used in Utah Code Ann. sections 10-9a-103 and 10-9a-604.2 or successor or similar provisions and as it is similarly used in this title and elsewhere in this code and other city policies. (2001 Code § 87-2-102; amd. 2009 Code)

14-2-3: PAYMENT OF FEES:

Approval of all subdivisions, and the start of any soil disturbance or construction therein, shall be subject to the prior payment in full of all applicable application, review, permit, and stormwater impact fees (see title 3, chapter 7 regarding impact fees). (2001 Code § 87-2-103; amd. 2009 Code)











Ordinance No. 23-24 Text Amendment for Material Change

Final Audit Report

2023-10-17


Created:	2023-10-17
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
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-  Signer chris.mcconnehey@westjordan.utah.gov entered name at signing as Christopher McConnehey
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 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton
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Signature Date: 2023-10-17 - 8:44:25 PM GMT - Time Source: server- IP address: 207.225.200.66

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