

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 3, 2024 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** George Winn, Tom Hollingsworth, John Roberts, Trish Hatch, Jay Thomas, Emily Gonzalez, and Ammon Allen (remotely)

**STAFF:** Scott Langford, Larry Gardner, Mark Forsythe, Duncan Murray, Julie Davis, Nestor Gallo, Paul Brockbank

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The briefing meeting was called to order by George Winn with a quorum present. The agenda was reviewed and clarifying questions were answered.

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The regular meeting was called to order at 6:00 p.m. with a quorum present.

1. **Flag Ceremony**
2. **Approve Minutes from November 19, 2024**

**MOTION:** Trish Hatch moved to approve the minutes from November 19, 2024. The motion was seconded by John Roberts and passed 7-0 in favor.

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3. **Pierson Farms; 1996/1986 West Gardner Lane; Preliminary Subdivision Plat (55 lots on 16.36 acres); R-1-8 Zone; McArthur Homes/John Gassman (applicant) [#33292; parcels 27-03-126-007; 21-34-352-005]**

John Gassman, McArthur Homes, said the property was rezoned earlier this year from agricultural zoning to R-1-8. The preliminary plat layout is much the same as it was shown at the rezoning. The existing Pierson home will be removed. The plan is consistent with West Jordan's goals and objectives in the master plan, which called for low-density residential. The subdivision will fall into that range with about 3.4 dwelling units per acre. The plat is consistent with the residential subdivisions in the area. Adequate and safe access for vehicles and pedestrians has been provided. The traffic study indicated that the intersection at Gardner Lane and Redwood Road is currently failing, but UDOT is scheduled to signalize that intersection in 2025. Traffic has been the biggest concern with the neighbors. Since he was last at the planning commission meeting, he met with traffic engineer Nestor Gallo, and Mayor Burton hosted a neighborhood meeting where a lot of questions were answered. Traffic calming measures include curves in the road, a 50-foot right-of-way, and bump outs on 1950 West, which are more effective than speed bumps and are better for public works and emergency vehicles. Analysis and studies have been completed to show that there are adequate public facilities to serve the subdivision. He said that the plat complies with all applicable ordinances and standards. All redline comments from staff have been corrected.

Mark Forsythe stated that the bulk and lot standards have been met, including the existing home that will be part of the subdivision. He reiterated the traffic calming measures that are included. A 6-foot-tall vinyl fence is proposed along the canal in order to be consistent with the subdivision to the south. North of the property along the canal are a hodge-podge of different fencing types. The planning commission can determine what kind of fence is best. The only portion of the subdivision that will have a masonry

streetscape wall on Gardner Lane is Lot 127. Lots 102 and 101 face Gardner Lane, so a streetscape wall is not recommended. Materials of this wall will be similar to the wall across the street. He reviewed the requirements of approval that reinforce the code requirements for preliminary subdivision approval. The detention pond will be maintained by the city, and there is no HOA.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission approve the Preliminary Major Subdivision Plat for Pierson Farms, a 55-lot single-family residential subdivision located in the R-1-8 Zone on approximately 16.36 acres at 1996/1986 South Gardner Lane, with the Conditions and Requirements of Approval listed.

Requirements of Approval:

1. Address and correct all redline comments generated by City departments.
2. The vacant area between the streetscape wall and the sidewalk along Gardner Lane shall be fully landscaped with a mix of rocks and boulders as approved by the West Jordan Parks Department.
3. Apply for a Demolition Permit of the existing house on the southwest corner of the subdivision (straddling Lots 126 & 127) or combine Lots 126 and 127 into a single lot prior to Final Subdivision approval.

When asked if the traffic calming measures met standards for emergency vehicle access, Nestor Gallo said the options for calming were discussed by the traffic management committee, and they were preferred by the public works and fire departments over speed bumps. He explained how each measure helps to promote slower speeds and pedestrian safety.

Tom Hollingsworth asked if there would be ample availability of street parking for those lots adjacent to the bulb outs.

Mark Forsythe said the road is designed to the typical standard that will allow for parking, but not where the bulb out is.

There was a discussion regarding the proposed vinyl fence along the canal. Some commissioners expressed concern with its durability and with the likelihood of graffiti. Also, since the homeowner becomes the owner and maintainer of the fence according to code, there is no way to maintain the side adjacent to the canal without trespassing on canal property. Other options for fencing included wrought iron and chain-link.

John Gassman said he understood the concern but said that any solid fence would be subject to graffiti. He asked if there had been graffiti problems on the canal fence in the other subdivision.

The discussion continued. Homeowners will most likely install a solid fence next to a chain-link or wrought iron for privacy, and then the graffiti issue will remain.

Larry Gardner read from the zoning code the requirement for fencing along open waterways, which is for the purpose of safety from the canal. He said that most canals are fenced with chain-link, which is more durable than vinyl. He did not know how that would affect the sale of the property, but the new owners will probably put up another fence.

Ammon Allen asked if there were any other plans for the retention basin, such as a play area.

Mark Forsythe said it will be landscaped and surrounded with a chain-link fence with slats and maintained by the city, and it is strictly for stormwater.

George Winn opened the public hearing.

Steve Losee, West Jordan resident, felt that he spoke for all of the animal owners in the area about the concern that animals from the properties to the east would kick through a vinyl fence. He asked to have at least a chain-link fence to keep the animals safe.

Mark Forsythe said there is an existing chain-link fence on the east property line and the code does not require installation of another fence. Fencing is required when a more intense use comes in. Staff did not suggest anything different since the properties are both single-family uses.

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

Larry Gardner explained that a fence along the canal is required, and the Planning Commission is to determine the type of material that is needed to protect from the safety issue a canal presents.

Duncan Murray explained that if there are two types of fencing materials that both meet the health and safety requirements, then the standard is typically to choose the one that is least impactful. They can also consider the long-term durability of the fencing materials.

Larry Gardner reviewed the fencing code for each property boundary. Regarding the animals, it is the responsibility of the animal owners to contain their animals. He felt that the existing chain-link fence was adequate, and there is nothing in the ordinance that would mandate another fence to be installed.

Trish Hatch said the chain-link fence on the east has worked for many years, and that can remain. She was still concerned with the canal fencing. The least expensive and probably the most effective is chain-link, and then the property owner can put up another type if they want to.

Jay Thomas agreed and said that slats could also be installed for privacy.

Ammon Allen agreed with the chain-link option. He asked if the homeowner could take out the section of chain-link fence and install their own if desired. Each property owner could make the decision regarding fencing.

Larry Gardner said that would be allowed.

**MOTION: Jay Thomas moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Major Subdivision Plat for Pierson Farms located at 1996/1986 South Gardner Lane in an R-1-8 zone with the Requirements of Approval listed in the staff report with the modification of a chain-link fence along the canal. The motion was seconded by Trish Hatch and passed 7-0 in favor.**

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**4. Text Amendment – Land Use Appeal Authority; Recommendation to the City Council to Amend the City Code Titles 2, 8, 10, 13, 14, 15 regarding the Land Use Appeal Authority; city-wide applicability; City of West Jordan (applicant)**

Larry Gardner explained that the amendment will change the appeal authority for land use. Cities are required by state law to have an appeal authority for administrative decisions, which is currently the Board of Adjustment for West Jordan. The Board of Adjustment is comprised of five residents of West Jordan with no other experience in land use required. The board hears appeals and hardship variances. State law does not require the appeal authority to be a multi-person board, but it can be one person such as an administrative law judge. He reviewed some of the reasons for the change, including that the Board of Adjustment members are generally not trained professionals. They only meet when needed, so it is often not enough to keep the skills honed. The board hears complex issues. It can be months between training, and they do not have much practical experience in actual appeals or variances. An administrative law judge (ALJ) is professionally trained and hired on qualifications and understands complex land use issues. West Jordan's current ALJ has a regular docket and does not require training at every meeting. Mr. Gardner stated that he worked in another community that moved from a Board of Adjustment to an ALJ, and it worked well. He stated that if the city adopts this ordinance, they can always choose to go back to a Board of Adjustment if the ALJ system is not working.

Based on the information and Criteria set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for this application.

Trish Hatch asked if those who file for an appeal will feel like it is a neutral opinion with only one city employee instead of a multi-person board.

Duncan Murray explained that the appeal authority is appointed by contract and approved by the Mayor and is not technically a city employee. The city currently utilizes an ALJ for code enforcement. That person has a full-time position with the State of Utah as an administrative law judge. He does not live or work in West Jordan, so he is neutral. Recently the code was changed to have a separate one-person conditional use permit revocation authority. That position, along with the one for appeals and variances, could be the same person or three separate people. He felt that there is a heightened level of neutrality when the appeal authority does not live or work in the city and only acts upon the facts and laws. The authority for fees in West Jordan is the city council. Regarding neutrality, he felt that the amendment to have one person as the appeal authority is better than five residents.

Ammon Allen said in his workplace he has gone before both a Board of Adjustment and an ALJ, and he felt that the ALJ was fair and clear and knew the boundaries of the request. He felt that this amendment is going in a positive direction.

George Winn stated that he served on the West Jordan Board of Adjustment for a time and felt that this is probably a wise change. He said that the concern of a level of understanding of land use law overrides his concern of neutrality.

George Winn opened the public hearing.

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

**MOTION:** Emily Gonzalez moved, based on the information and Criteria set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council to amend the City Code regarding the Land Use Appeal Authority. The motion was seconded by John Roberts and passed 7-0 in favor.

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**5. Text Amendment – Grave decorations; Recommendation to the City Council to Amend the West Jordan City Code Section 8-14-7; city-wide applicability; City of West Jordan (applicant)**

Larry Gardner gave an overview of the change that will remove the time, place, and manner regarding placement of grave decorations from the ordinance and gives the authority, through the ordinance, to allow the cemetery sexton to make those determinations.

Based on the information and Criteria set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for this application.

George Winn opened the public hearing.

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

**MOTION:** Emily Gonzalez moved, based on the information and Criteria set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for this application. The motion was seconded by Tom Hollingsworth and passed 7-0 in favor.

**MOTION:** Jay Thomas moved to adjourn.

The meeting was adjourned at 6:58 p.m.

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George Winn  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024