



MINUTES OF THE CITY OF WEST JORDAN COMMITTEE OF THE WHOLE

Wednesday, December 21, 2022 – 5:30 pm
Waiting Formal Approval

Thomas M. Rees Justice Center
8040 S Redwood Road • West Jordan, UT 84088

COUNCIL: Chair Kayleen Whitelock, Vice Chair Kelvin Green, Pamela Bloom, Zach Jacob, Chris McConnehey, David Pack, Melissa Worthen

STAFF: Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Policy Analyst Cassidy Hansen, Public Services Director Isaac Astill, Mayor Dirk Burton, Public Works Director Brian Clegg, Utilities Manager Greg Davenport, City Planner / Zoning Administrator Larry Gardner, Community Development Director Scott Langford, City Administrator Korban Lee, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Assistant City Attorney Dave Quealy, Administrative Services Director Danyce Steck, Assistant City Attorney Jared Tingey, Police Chief Ken Wallentine, Senior Planner Tayler Jensen, City Recorder Tangee Sloan

1. CALL TO ORDER

Chair Whitelock called the Committee of the Whole to order at 5:30 pm, and noted that Vice Chair Green was participating via Zoom.

2. DISCUSSION TOPICS

a. Discussion regarding amending the West Jordan 2009 Code Sections 13-7C-1 through 13-7C-9 and Sections 13-7D-1 to 13-7D-9; and Section 13-7I-2; General Plan Amendments and Zoning Ordinance Amendments

Council Office Director Alan Anderson outlined proposed amendments to City Code. The proposed amendments were reviewed by the Planning Commission in November 2022 and forwarded with a positive recommendation.

Chair Whitelock commented that the Council previously discussed the possibility of some types of development projects presenting to the Committee of the Whole for feedback prior to paying a City fee. A majority of the Council expressed support. City Administrator Korban Lee asked for clarity regarding the size of potential developments the Council wanted to review prior to City fees.

Council Member Jacob pointed out it was the responsibility of the three Council Members assigned to the Land Use Subcommittee to review potential developments and provide feedback. Council Member McConnehey suggested the Committee of the Whole review

potential developments that would require significant modifications to Code to be compliant. Vice Chair Green said the Land Use Subcommittee had provided advice to developers over the last few months, but those recommendations had gone unheeded. He expressed the opinion that a better process would be initial review and feedback from the Committee of the Whole, with the Land Use Subcommittee checking to make sure the feedback was followed.

Mr. Lee said staff would draft language based on Council feedback.

Chair Whitelock referred to proposed language that would increase a comprehensive update to the General Plan from every five years to every ten years, she was not in favor. Assistant City Attorney Duncan Murray agreed that every five years had been the goal but pointed out it had been ten years since the last update had been approved. He stated whatever timeline was approved needed to be followed. Community Development Director Scott Langford commented that clarification regarding what the Council meant by “comprehensive” would help staff. Council Member Bloom suggested removing the word “comprehensive”.

City Attorney Rob Wall said LUDMA required the General Plan be amended every time a zone change inconsistent with the General Plan was approved. Mr. Wall expressed the opinion that it was good practice for the Council to take a good look at the General Plan more frequently than every ten years. Chair Whitelock suggested changing the word “update” to “review”. Mr. Wall did not believe removing the word “comprehensive” would be consistent with LUDMA.

Mr. Anderson suggested a comprehensive update to the General Plan occur every ten years, with a review whenever the Council desired. Mr. Langford would like to update the Water Master Plan, an element of the General Plan, every three years. Chair Whitelock requested that staff look at the proposed language and come back with a recommendation.

Chair Whitelock referred to 13-7C-9 regarding Reapplication, and asked what criteria the Zoning Administrator would use to determine if a subsequent application was “the same or substantially the same request.” Council Member Jacob said it would be a judgement call. Mr. Langford said a clarifying definition could be added if desired. Council Member Jacob said he believed taking away the judgement from the Zoning Administrator may not be the best practice. Mr. Wall commented that the Board of Adjustment would need some guidance, and Vice Chair Green agreed; parameters would be needed in the case of an appeal. Vice Chair Green suggested taking a look at the entire appeal process.

Chair Whitelock expressed concern that proposed language would allow an applicant to choose the date of a Planning Commission public hearing, and she wanted to ensure the Planning Commission and staff would be part of the decision. Council Member Bloom suggested rewording the language. Council Member McConnehey pointed out similarities to proposed language earlier in the document regarding placement of an application on a

City Council agenda. Council Member McConnehey suggested there needed to be a mechanism for staff to recommend to the Council that an application was not complete or needed an adjustment. The Council discussed changing or removing subsection B of 13-7D-7.

Council Member McConnehey suggested that once a Council agenda was published, the decision to change the agenda should belong to the Council, not an applicant. Council Member Jacob agreed, and suggested the same rules should apply to any public hearing noticed on an agenda, not just those related to land use.

Vice Chair Green emphasized that if a report did not include information from all appropriate City departments, it was not complete.

b. Discussion of Landlord / Tenant Agreements for City Utilities

Council Members McConnehey and Pack requested this item on the agenda. Council Member McConnehey asked if the Council was interested in setting up a landlord agreement for City utilities. Council Member Pack suggested such an agreement could potentially improve communication. Council Members Jacob and Bloom expressed support for staff bringing back a recommendation.

Chair Whitelock asked about City liability if renters were allowed to order a dumpster. Mr. Wall said there would be some City liability, and recommended the landlord would need to hold the City harmless.

City Administrator Lee asked for clarification that the Council was asking for staff to study the possibility of a landlord/tenant agreement, which was confirmed. He noted they had more information and feedback they could bring back to the Council.

Council Member McConnehey noted the agreement used by Provo City required that if a landlord lived more than 40 miles from a rental unit, a property manager must be involved to help with issues. He suggested such a tool would help create the environment the Council was hoping for in West Jordan.

c. Discussion of Amendments to Title 13-13-10(G) and 13-18-10(E)(2) to Adjust the Tree Clearance Height for Clearance and Visibility

Council Members Worthen and Bloom requested this item on the agenda. Council Member Worthen referred to a previous Council discussion regarding tree clearance height for clearance and visibility, and asked if there was Council consensus to reduce the height to 14 feet. Council Members Worthen, Whitelock, Bloom, Pack, and Green expressed support. Council Member McConnehey expressed opposition, and said he preferred 15 feet because of UDOT standards.

Mr. Anderson explained that two sections of Code referred to tree height, with one measured from between curb and gutter, and one measured from parking lanes and traveling lanes. He asked if the Council wanted to establish consistency in how the

measurements were taken. Public Services Director Isaac Astill stated the recognized standard was to measure from where curb and asphalt met. Council Member Bloom expressed support for using the standard method. Council Members Pack and McConnehey also agreed.

Mr. Astill commented that some cities provided notice of noncompliance and gave a time frame for a property owner to take care of the problem. If the trees were still noncompliant after the provided time frame, the city would do the work to bring the trees into compliance.

Council Member Pack said he believed code enforcement needed to have a balance to be both poignant, and respectful. Council Member McConnehey suggested property owners be allowed to provide a pruning schedule showing Code would be met over time to avoid causing damage to trees by removing too much at once.

Mr. Wall suggested the following language: "the measurement applies to any part of the pavement to which the tree hangs." Seeing no objection from the Council, Chair Whitelock requested addition of the suggested language. Mr. Lee suggested the intent was 14 feet above any portion of parking lane or travel lanes.

3. ADJOURN

Council Member McConnehey moved to adjourn the Committee of the Whole. Council Member Bloom seconded the motion, which passed by unanimous vote.

The meeting adjourned at 6:50 pm

I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on [enter meeting date]. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2022