



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 11/3/2021

Presenter: Scott Langford

Deadline of item : 11/3/2021

Department Sponsor: Community Development

Agenda Type: Work Session

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

Approval Signatures *(required for all transmittals)*

Submitter: Scott Langford
Scott Langford (Oct 29, 2021 11:09 MDT)

Dept. Head: Scott Langford
Scott Langford (Oct 29, 2021 11:09 MDT)

Reviewed as to Form: Duncan Murray
Duncan Murray (Oct 29, 2021 11:19 MDT)

Executive: [Signature]

Council Office: [Signature]

Council Committee: None

1. AGENDA SUBJECT

Commercial and Heavy Vehicle Parking and Storage

2. EXECUTIVE SUMMARY

Originally this topic was labelled "Storage of Commercial Vehicles in Residential Zones" as it is titled in the city code. Based on feedback from Council, the Council Office, and Community Development it may be better to reference this as "Commercial and Heavy Vehicle Parking and Storage."

The City Council discussed this topic at the August 12 and August 26, 2020 City Council meetings (minutes attached) (City Code: [WJCC 13-8-14](#)). At the August 12, 2020 meeting, the Council expressed some concern with the proposed changes and chose to send it back to staff for refinement. At the August 26, 2020 meeting, the Council expressed concern about regulations based on content and suggested it be brought back with more objective oriented goals.

This topic is returning, as directed by Council Leadership, for final refinement and direction from the Council to bring an Ordinance back for consideration.

3. TIME SENSITIVITY / URGENCY

None

4. BUDGET IMPACT

None

5. DEPARTMENT RECOMMENDATION

None

6. PLANNING COMMISSION RECOMMENDATION

None

7. MOTION RECOMMENDED

N/A

8. MAYOR RECOMMENDATION *(if applicable)*

None

9. PACKET ATTACHMENT(S)

City Council Minutes from August 12, 2020

City Council Minutes from August 26, 2020

10. OTHER INFORMATION

Staff recommends that City Council focus their discussion on clear objective criteria when discussing this potential ordinance amendment, so that both City staff and the general public have clarity when enforcing or complying with this provision in the code.

Staff recommends the following three general categories to guide the Council's discussion.

1. Regulations based on the existing definitions established by the DMV and UDOT.
2. Regulations based solely on gross vehicle weight.
3. Regulations based on the need to have a Commercial Driver License (CDL) to operate the vehicle.

The following list includes things that could be considered while discussing the general categories listed above. This list is by no means exhaustive but is meant to generate discussion that will hopefully produce a more clear policy.

- Term to be used to refer to these types of vehicles;
- Types of vehicles to be included (just commercial and heavy vehicles and trailers? – other types of vehicles are already regulated elsewhere in City Code);
- Content neutrality (not based on signs on the vehicle);
- Definitions for these types of vehicles (use Utah DMV definitions, UDOT classifications, or gross vehicle weights?);
- Exclude certain types of vehicles, like school buses?;
- Zones to be covered (just residential zones? – other zones are already regulated elsewhere in City Code);
- Where may these types of vehicles be stored or parked in these zones? (behind a fence, in a building, behind the front setback, not obstructing the sidewalk, etc.);
- What surface may these types of vehicles be stored or parked on? (concrete, asphalt, gravel, etc.); and
- Is current registration with the DMV of these types of vehicles relevant?

Chief Administrative Officer Korban Lee commended the Finance and IT Departments for becoming PCI compliant. He reported that Sgt. Mike Nunley had announced his upcoming retirement. Mr. Lee provided an update on socially distanced community events, and reported that fewer events would be scheduled with the start of the school year.

iii. Council Office Report

Interim Council Office Director Alan Anderson provided an update of Council Office business. He stated the Council Office was continuing to accept applications to serve on the General Plan Committee.

iv. City Council Reports

Council Member Jacob reported on a recent meeting of the Joint Policy Advisory Committee for Wasatch Front Regional Council, and a recent neighborhood meeting regarding placement of radio towers.

Council Member Green commented that the City was continuing to accept applications to serve on the General Plan Committee.

5. CONSENT ITEMS

a. Approve Meeting Minutes

- July 8, 2020 City Council Work Session and Regular Meeting
- July 29, 2020 City Council Work Session and Regular Meeting

b. Approve Resolution No. 20-59 authorizing the Mayor to sign the City of West Jordan's Annual Stormwater Report

c. Approve Resolution No. 20-58 adopting the 2020 City of West Jordan Stormwater Management Program

MOTION: Council Member Green moved to approve Consent Items 5a, 5b, and 5c as listed on the agenda.

Council Member Whitelock seconded the motion.

The vote was recorded as follows:

Council Member Green	Yes
Council Member Jacob	Yes
Council Member Lamb	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes
Chair McConnehey	Yes

The motion passed 7-0.

6. PUBLIC HEARINGS

a. Storage of commercial vehicles in Residential Zones

City Planner Larry Gardner oriented the council regarding Ordinance No. 20-26, which would amend the 2009 City of West Jordan Code 13-8-14 regarding storage of commercial vehicles in residential

zones. He noted the proposed amendment was prompted by a recent court case, and was drafted to clarify the Code.

Chair Christopher McConnehey opened the public hearing at 7:24 p.m.

Citizen Comments:

None

Chair Chris McConnehey closed the public hearing at 7:24 p.m.

Mr. Gardner answered questions from the Council. Council Member Green suggested the proposed definition of commercial vehicle would cause more confusion than it would solve. He expressed concern with use of the term “passengers for a fee”.

Council Member Jacob said he did not support the proposed amendment if pick-up trucks bearing a company logo would be restricted from parking in Residential Zones. He commented that many employees park a company truck at home. Mr. Gardner responded that the proposed amendment supported the policy already in place. Council Member Whitelock agreed with Council Member Jacob and suggested the existing policy should be reviewed.

Chair McConnehey said he shared the concerns expressed and suggested the ordinance should be tailored. Chair McConnehey and Council Member Green commented that storage of earth-moving equipment in Residential Zones should be reviewed and addressed.

Mr. Gardner shared an example of excessive storage of commercial/business vehicles on residential property. He commented that if the Council was not concerned about aesthetics in residential neighborhoods, the ordinance could be more liberal.

Chair McConnehey said he believed consensus of the Council was for the ordinance to be more liberal. Council Member Green said believed the proposed ordinance was too narrow. He said he would prefer the ordinance to focus on longer-term storage.

Council Member Whitelock said she believed the Council wanted to be cognizant of aesthetics, and stated it was difficult to find a balance. She commented that time and place needed to be considered. Chair McConnehey agreed that time and place were important factors.

MOTION: Council Member Green moved to return Ordinance No. 20-26 to staff for further refinement and consideration and move it to Unfinished Business on the Council agenda.

Council Member Jacob seconded the motion.

The vote was recorded as follows:

Council Member Green	Yes
Council Member Jacob	Yes
Council Member Lamb	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

Chair McConnehey

Yes

The motion passed 7-0.

7. BUSINESS ITEMS

a. Property Watch Presentation

Salt Lake County Recorder Rashelle Hobbs introduced the Council to Property Watch, a free service for Salt Lake County property owners that allows them to monitor any recorded changes to their property as soon as changes are processed. She spoke of Salt Lake County Recorder's Office operations and efforts during the COVID-19 pandemic, and described the registration process for the Property Watch program. Ms. Hobbs asked the Council to help spread awareness of the program in West Jordan City.

Council Member Whitelock asked if the Property Watch service would reflect that a property was within a public infrastructure district (PID). Ms. Hobbs said she would research the answer and follow-up with Council Member Whitelock.

b. West Jordan Police Department Use of Force Transparency Report

Deputy Chief Jeremy Robertson expressed a desire for the Police Department to be transparent on the issue of use of force. He presented a Use of Force Transparency Report for the period of June 2019 to June 2020. He stated that force was used 35 times during 31 incidents, representing a decrease from previous years, and detailed the different types of force used. Deputy Chief Robertson stated officers know they will be held accountable for any use of force. He shared national data for comparison, showing the West Jordan Police Department to be well below national averages, spoke of the Department's training efforts, and explained revisions to the Department's policies.

Chief Wallentine said he believed the City of West Jordan had fantastic Police Officers. He said he believed training led to lower-force incidents, and said the Department would continue to track use of force.

Council Member Pack thanked Chief Wallentine and Deputy Chief Robertson for the culture created in the Department. He asked if there had been times when officers were afraid to use force when they should have used force, resulting in injury to an officer. Chief Wallentine responded that such incidents had occurred, but stated he was not aware of any circumstance when refraining from using force precipitated a worse situation than may have otherwise occurred. Chief Wallentine described the documentation process used by the Department, and said reports were reviewed to evaluate effectiveness of training.

Council Member Jacob thanked the Chiefs for the direction they had taken the Department and the culture they had created. He said it was refreshing and relieving to be served well by the Police Department. Chief McConnehey thanked the Chief and Deputy Chief for the report, and thanked them for their work to keep the City safe.

c. Discussion and possible action on Resolution No. 20-54, adopting a policy statement regarding the establishment of Public Infrastructure Districts



APPROVED MINUTES OF THE CITY OF WEST JORDAN CITY COUNCIL WORK SESSION

Wednesday, August 26, 2020 - 5:30 pm

Approved September 9, 2020

This meeting was held electronically via Zoom and streamed on West Jordan's YouTube channel
Base location at City Hall 8000 S Redwood Road • West Jordan, UT 84088

COUNCIL: Christopher McConnehey, Chair; Kelvin Green, Vice-Chair; Zach Jacob, Chad Lamb, David Pack, Kayleen Whitelock, and Melissa Worthen

STAFF: IT Director Robert Allred, Interim Council Office Director Alan R. Anderson, Traffic Engineer Bill Baranowski, Community Engagement Director Tauni Barker, Police Lieutenant James Bigelow, Mayor Dirk Burton, Public Works Director Brian Clegg, Civil Litigator Attorney Paul Dodd, Assistant Planner Mark Forsythe, City Planner Larry Gardner, Utilities Manager Tim Heyrend, Development Services Director Scott Langford, Chief Administrative Officer Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, City Engineer Nate Nelson, Economic Development Director Chris Pengra, City Recorder Cindy Quick, Administrative Services Director Danyce Steck, and City Attorney Robert Wall

PUBLIC: Thomas McMurtry, Katie Jacobsen, Steve Jones, Delmas Johnson

CALL TO ORDER

Chair McConnehey called the work session to order at 5:30 p.m. He read aloud a Notice of Declaration regarding conducting City Council meetings electronically during the COVID-19 pandemic.

A. Storage of Commercial Vehicles Policy

Staff previously requested that the Council review code applicable to storage of commercial vehicles. The Council reviewed proposed language, including definitions of commercial truck, commercial motor vehicle, and commercial trailer. City Planner Larry Gardner shared residential parking requirements and restrictions of Sandy City, South Jordan City, and West Valley City.

Council Member Green said he thought the definition of commercial vehicle in the Sandy City code was too vague and broad. He commented that in his opinion, content-based restrictions stray into First Amendment territory. He suggested restrictions should possibly apply to any vehicle of a certain length, and suggested combining the proposed regulations with the RV ordinance. Council Member Green said he would prefer the West Jordan definition of commercial vehicle to be more neutral than the definition used by Sandy City.

Council Member Whitelock said she felt it was important to preserve the feel of residential neighborhoods, but said she understood that many people drove work vehicles home at the end of a work day, and said she would not want to interfere with that work benefit. She said she would also not want City Code to cause someone using earth-moving equipment to accomplish landscaping on their property to be in violation of code. Council Member Whitelock said she believed the language still needed to be revised.

Chair McConnehey said he liked the frame work of Sandy City's ordinance, but agreed that the definition of commercial vehicle needed to be refined.

Council Member Jacob said he wanted the City to be as business friendly as possible. He commented that West Jordan had a lot of home-based businesses with owners driving business vehicles. He said he was not sure what problem the proposed ordinance was trying to solve.

City Planner Larry Gardner said the proposed ordinance was in response to a situation involving a horse property within the City with box trailers used for outbuildings/storage sheds. The situation ended up in court, and the administrative judge said the City's definition was not clear enough. Council Member Jacob said he wanted the ordinance to be as open as possible, with the City tackling problems as they arise.

Council Member Pack said feedback he received from residents indicated that parking a work truck on residential property was fine. He agreed the proposed language may work in combination with the RV ordinance, and suggested property owners should be able to use commercial equipment for yard enhancement, perhaps with a time limit.

Council Member Whitelock said she knew of a situation where a box trailer was used for storage on residential property, and said she felt it should be allowed. She agreed with Council Member Jacob, and said she worried about freedoms the proposed language would take away from residents, especially on horse properties. She expressed the opinion that creating legislation in response to one incident was not a good idea.

Council Member Green agreed with Council Members Whitelock and Jacob and suggested the proposed solution may be worse than the problem. He said he would want to keep the ordinance as open and unrestrictive as possible.

Chair McConnehey explained that the current Code was very restrictive and prohibitive, pointed out that Code Enforcement was directed by the Code, and said he felt it needed to be amended. He asked the Council to provide clear direction to Staff regarding what they would like to see.

Council Member Worthen said she liked the definition of commercial vehicle on Sandy City's ordinance. She expressed a preference for keeping the regulation simple, and suggested regulations should place emphasis on not impeding traffic.

Council Member Jacob said he would approve of striking 13-8-14 from the City Code, with the intention to start from scratch if issues or problems arise. Council Member Green agreed with Council Member Jacob, with the exception that there should be some restriction of vehicles greater than 30 feet long or 10 feet high (semi-trucks and trailers) parking on residential streets. He suggested consolidating the restriction with RV parking restrictions. Council Member Green said he would like data regarding how frequent the issue came up.

A majority of the Council indicated support for striking 13-8-14 from the Code. Mr. Gardner responded that it was an aesthetics ordinance, and striking may lead to issues related to aesthetics in residential areas. Mayor Burton commented that the City received many complaints from citizens regarding semis or trailers parked in residential yards.

Council Member Jacob said he would want to better understand any problems created. Scott Langford said he was willing to sit down with representatives from Code Enforcement and the Attorney's Office to more fully understand the issue.

B. Active Transportation Plan

WS B - Commercial and Heavy Vehicle Parking and Storage

Final Audit Report

2021-10-29

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