

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD
MARCH 7, 2023, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Ammon Allen, Kent Shelton, Matt Quinney, Trish Hatch, Jay Thomas, and George Winn.

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Isaac Astill, Alan Anderson, Julie Davis

The pre-meeting was called to order by Ammon Allen, with a quorum present. The agenda was reviewed. Isaac Astill, Public Services Director, gave an overview of the text amendment regarding tree canopy height and a discussion was held.

The meeting was called to order by Ammon Allen at 6:00 p.m., with a quorum present.

1. Approve Minutes from February 21, 2023

MOTION: Jay Thomas moved to approve the Minutes from February 21, 2023. The motion was seconded by Trish Hatch and passed 6-0 in favor.

2. Copper Rim Phase 9; Approximately 6400 West 7000 South; Major Variation to the Preliminary Master Development Plan changing the location of the Copper Rim Phase 9 Road and its classification from a Public Road to a Private Road and to amend the "Landscape / Special Amenity Plan" from a Tot Lot to Community Planter Boxes; CW Land Co./Ian Cahoon (applicant)

MOTION: Matt Quinney moved to continue the major variation to the preliminary master development plan for Copper Rim Phase 9 to the March 21, 2023 meeting. The motion was seconded by Jay Thomas and passed 6-0 in favor.

3. Text Amendment – Tree Canopies; Amend the 2009 West Jordan City Code Sections 13-13-10 and 13-18-10 regarding tree canopy height requirements; City-wide applicability; City of West Jordan (applicant)

[A discussion by the Commission and staff was held on this subject during the pre-meeting. The following points were made:

- The amendment is at the request of City Council after receiving complaints from residents receiving notices of violation.
- The tallest city-owned vehicle is the police command center at 15 feet. The tallest fire truck is thirteen feet.
- Tree branches can become even lower when laden with precipitation.
- Most vehicle damage occurs at the eight to ten-foot mark.
- Most violations of this code are sent for enforcement as city crews work on road projects.

- Enforcement Officers use a 15-foot pole for measuring, the current code allows for discretion of up to six inches.
- The Commission did not think that one foot justifies a text amendment.
- There was no opposition from the City Council to bring an amendment clarifying where the measurement is taken from.
- A study of other cities' codes showed a range from 8 feet to 15 feet minimum. City Council felt a good average was 14 feet, which meets the height requirements for most city vehicles.
- The City Council received information from residents through code enforcement, the urban forester, data from Fleet, accident reports from the risk manager prior to the majority of the Council recommending the change.
- The use of 'surface' instead of 'pavement' will include streets that may not be paved.
- Ammon Allen suggested that the word 'vertically' be added on the language that clarifies measurement is taken straight up, which reflects the current practice.
- Matt Quinney said the criteria had not been met because the modification was at the benefit of just a few people.
- 750 people over the last year were given notices of violation due to street projects. There were not many citations, and from those notices there were two people who complained.]

Larry Gardner explained that the ordinance amendment will change the minimum tree canopy height from 15 feet to 14 feet.

Alan Anderson responded to the questions that were raised in the pre-meeting. He said in the minutes from the December 21, 2022 Committee of the Whole meeting, Council Members Worthen, Bloom, Pack, Whitelock, and Green expressed support of the amendment and Council Member McConnehey expressed opposition because he preferred the 15-foot UDOT clearance standard. When the City Attorney suggested that the measurement applied to any portion of the pavement, there was no objection from the Council to include that change for clarity.

George Winn asked Mr. Anderson to explain what problems would be solved by amending the code.

Alan Anderson explained that two residents brought the issue to the City Council as a legislative body who oversees the code, and at least five council members supported the change. The amendment still provides opportunities for code enforcement and gives opportunities for compliance. The city could promote the types of trees that are more columnar in shape, which don't need trimming. It was not known how much lower than 14 feet the trees were of those who complained.

Duncan Murray referred to an informal study that showed West Jordan was on the high end of the scale and that 14 feet was more of a uniform standard.

Ammon Allen opened the public hearing.

Paul Brockbank, West Jordan Fire Marshal, said that the code has a provision that says any canopies or overhangs, which trees are included, cannot be any lower than 13 feet 6 inches, which is in line with the proposed amendment. The standard was much lower when he started at the city and vehicle damage and scratches were common. He was glad that the amendment would remain taller than the fire apparatus.

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

Ammon Allen thought the amendment was silly and that the height should remain at 15 feet, because this standard has been working for us. The tallest piece of city equipment is 15 feet and with potential weight from rain and snow the trees could easily get to the 13 ½ foot level.

Matt Quinney agreed with Commissioner Allen. He referred to Criteria 2 and said he did not feel there was sufficient justification, mostly due to Criteria 4 not being met because the modification is based on the request of two individuals who received citations.

Duncan Murray said it is good that the Commission is using the criteria in their deliberation. If the Commission still wants to make a recommendation to insert clarifying language, he recommended using 'gravitationally vertical' regarding how to measure. He also recommended that they keep the recommended changes as to the street surface even if they choose to not recommend a change in height.

Trish Hatch said the amendment seems very counterintuitive and it is not needed.

Jay Thomas agreed that the height should remain at 15 feet, but he would like the clarifying language to go forward.

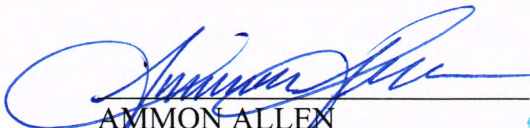
Scott Langford said he had attended many of the council discussions on this matter. He pointed out on the exhibit that by moving the minimum height up to fifteen feet it would clip more branches. By lowering the minimum height, it reduces the number of potential violations and fewer complaints.

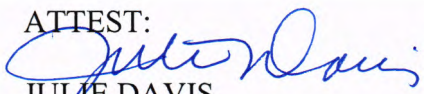
Matt Quinney said on the other side of that, if two people complain about the speed limit and the limit is raised, there are fewer speeding tickets but that doesn't make it a better situation. He did not like the idea of lowering our expectation just to make people happy.

MOTION: Matt Quinney moved to forward a positive recommendation to the City Council for the Text Amendment to Sections 13-13-10 and 13-18-10 regarding tree canopies except leaving the height at 15 feet and inserting 'gravitationally vertical' after 15 feet. The motion was seconded by Jay Thomas and passed 6-0 in favor.

MOTION: Matt Quinney moved to adjourn.

The meeting adjourned at 6:15 p.m.


AMMON ALLEN
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development Department



Approved this 21 day of March, 2023