

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 2, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David Beecher, David McKinney, Ellen Smith, James Dupaix, Justin Stoker, Nola Duncan, and Nate Hendricks.

**STAFF:** Greg Mikolash, Chris Gilbert, Madeline Francisco-Galang, Reed Scharman, Wendell Rigby, Jeff Robinson, Tom Burdett, and Julie Davis.

**OTHERS:** Dylan M. Young, Aaron Bloxham, Rod Fisher, Matt Hodgen, Noah Beals, Matthew Smith, Roger Rigby, Randy Booth, Craig Jensen, John Aland, June Christiansen, Lynne Rasband, Harry Christiansen, Lee Conant, David McKinney, John Taylor, and Hal Johnson.

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The briefing meeting was called to order by David Beecher.

There was a review of the Consent Calendar. Wendell Rigby gave a briefing regarding Item #2. The studies showed that the costs for the secondary water system were prohibitive, and the City Council asked that this action be taken. The item was recommended for the Consent Calendar. Item #3 was reviewed. The minimum square footage for corners lots was discussed. Item #6 was reviewed, and background information was given. Requirements for retaining walls were discussed. The Commission requested a copy of the original Utah Copper Company canal map, and they discussed environmental issues.

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The regular meeting was called to order at 6:05 p.m.

**ITEM #1 CONSENT CALENDAR**

**A. APPROVE MINUTES FROM APRIL 18, 2007**

**B. TEXT AMENDMENT – CONTINUED FROM 4-18-07; AMEND THE WEST JORDAN MUNICIPAL CODE SECTION 89-3-602 ESTABLISHMENT STANDARDS IN COMMERCIAL ZONES REGARDING MINIMUM AND MAXIMUM ACREAGE; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)**

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend §87-5-103(a) and §89-3-602(e) with the changes specified above based on the following findings:

1. The proposed text amendment is not detrimental to the health, safety, or welfare of the general public.
2. The proposed text amendment is in harmony with the General Land Use Plan.
3. The proposed text amendment is necessary to provide clarification to the existing Zoning Ordinance.

**C. 26-01-278-008 T-MOBILE WIRELESS COMMUNICATIONS CO-LOCATION - JORDAN HILLS ELEMENTARY; 8892 SOUTH 4800 WEST; CONDITIONAL USE PERMIT; P-F ZONE; T-MOBILE/MATT HODGEN (APPLICANT) [#CUP20070010]**

Staff recommended that the Planning Commission grant a Conditional Use Permit for the co-location of T-Mobile equipment located at 8892 South 4800 West based on the findings outlined above with the conditions set forth below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required:

Conditions of Approval:

1. Obtain any required building permits for installation of new equipment.
2. Maintain fencing of the project site.
3. The Conditional Use Permit is subject to review and/or revocation as per Section 89-5-404.
4. Meet all requirements of the Building & Safety, Fire, and Engineering Departments.

**ITEM #2: TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE SECTIONS 87-5-101, 87-5-111, 89-5-305, 89-5-306, 89-5-405, 89-6-406 REGARDING SECONDARY WATER SYSTEMS; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)**

Staff recommended the Planning Commission forward a positive recommendation to the City Council for revisions to ‘title 87, Chapter 5, Sections 101 and 111, Title 89, Chapter 5, Section 305, 306, 405, and 406.’

**MOTION: James Dupaix moved to move Item #2 to the Consent Calendar. The motion was seconded by Ellen Smith and passed 7-0 in favor.**

**MOTION: James Dupaix moved to approve the Consent Calendar as amended. The motion was seconded by Justin Stoker and passed 7-0 in favor.**

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**ITEM #2: TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE SECTIONS 87-5-101, 87-5-111, 89-5-305, 89-5-306, 89-5-405, 89-6-406 REGARDING SECONDARY WATER SYSTEMS; CITY-WIDE; CITY OF WEST JORDAN (APPLICANT)**

**[This item was moved to the Consent Calendar and forwarded with a positive recommendation.]**

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**ITEM #3: TEXT AMENDMENT – AMEND THE WEST JORDAN MUNICIPAL CODE SECTIONS 89-3-303; 89-3-305; 87-5-103 2-FAMILY RESIDENTIAL STANDARDS IN MULTI-FAMILY ZONES; CITY-WIDE; BROMAC (APPLICANT) [#TA20070003]**

Greg Mikolash stated that the application is to make the ordinance clear as to the minimum standards for twin homes and duplexes in the R-3 zone. He reviewed all of the proposed changes. He noted that a suggestion had been made to modify the language in the chart dealing with corner lot acreage, and staff agreed with the change.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend §87-7-103(a), §89-3-303(a) and §89-3-305(a)(4) of the West Jordan Municipal Code as attached in Exhibit “A” based on the findings for criteria 1 & 3 as listed in the staff report.

David McKinney, applicant, 1471 West Misty Fen Way, and Dave Peterson, 1473 West Brigadoon Park Drive, were in attendance. Mr. McKinney stated that he hoped the amendment would also give an opportunity to lower the density in the R-3 zone.

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

Commissioner David McKinney said the motion should include the provision to strike from 87-5-103(a) in lot size column the language that states ‘9,000 square feet for corner lots’ and insert ‘(corner lots require 1,000 square feet additional for single-family dwellings, duplex, and twin homes)’.

**MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for the Text Amendment to amend 87-7-103(a), 89-3-303(a), and 89-3-305(a)(4) of the West Jordan Municipal Code with the amendment on Exhibit A in the R-3 zone that ‘9,000 for corner lots’ be stricken and ‘(1,000 additional square feet for corner lots)’ be added. The motion was seconded by David McKinney and passed 7-0 in favor.**

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**ITEM #4: 26-11-400-012 OQUIRRH SUBSTATION EXPANSION; CONTINUED FROM 3-7-07; 5650 WEST OLD BINGHAM HIGHWAY; PRELIMINARY SITE PLAN, MINOR SUBDIVISION PLAT, AND CONDITIONAL USE PERMIT; C-M ZONE; ROCKY MOUNTAIN POWER/ROD FISHER (APPLICANT) [#CUP20060039, #SPI2006038, #SDMI20060012]**

Chris Gilbert gave the overview of the proposed expansion of an existing power substation. He noted that there are no residential properties near the property. The access at the northwest corner is currently compacted gravel, but the Fire Department is requiring a portion to be placed in hard surface. Considerable landscaping along the north and west is shown, and there will be no landscaping on the east or south sides. A 10-foot decorative wall will surround the entire property. A minor subdivision plat is part of the application as well. This will be a 345 KV facility that will provide power to a large portion of the west side of the Salt Lake Valley. A small control building of 1250 square feet will be constructed, which will only support the substation activities. An access easement agreement between Utah Power and the Denver & Rio Grande Railroad had been provided. Mr. Gilbert reviewed the Engineering and Fire comments. He also reviewed the conditional use permit application and the subdivision plat application for two lots. No undergrounding of utilities is required, because the transmission lines exceed those requirements.

***PRELIMINARY SITE PLAN***

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the PacifiCorp Oquirrh Substation Expansion Project, with the conditions as set forth below. Planning Commission approvals do not include specific landscape/irrigation consultant, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required. Building permits will not be issued until all departments' requirements have been satisfied.

1. Paved driveway access will be provided as shown.
2. Address all engineering and fire comments previously stated in this report.
3. Applicant to resolve issues pertaining to providing culinary water to the site for fire suppression and landscape irrigation. Several potential sources of water are available to the site from waterlines owned by either West Jordan City or South Jordan City. The Applicant needs to evaluate the different sources available and decide which one to pursue.
4. General landscaping shall recognize the climatic limitations of the Salt Lake Valley and need for water conservation per §89-6-704(a).
5. Deciduous trees must have a minimum 2" caliper and be at least 8' in height and all evergreen trees a minimum 5' in height per §89-6-705(b)(1).
6. Not less than 80% of the trees shall be water-conserving species that can withstand dry conditions once established per §89-6-704(a)(1).
7. The landscaping shall be maintained by a permanent irrigation system per §89-6-703(a)(5) and shall be designed for the most efficient use of water per §89-6-704(a)(4).
8. Provide topsoil suitability analysis and landscape water allowance calculations per §89-6-703(a)(3) and §89-6-703(a)(3).
9. Ensure lighting fixtures are properly shielded and/or directed to avoid casting light on adjacent properties or rights-of-way.
10. Planning Commission approvals do not include landscape consultant, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions will be required to be shown prior to submittal of the final site plans. Building permits will not be issued until all departments' requirements have been satisfied.

***CONDITIONAL USE PERMIT***

Staff recommended that the Planning Commission grant approval for Conditional Use Permit for a Utility, Major Use of a property located at 5799 Old Bingham Highway to accommodate the proposed PacifiCorp Oquirrh Substation Expansion, with the conditions as set forth below. This Planning Commission approval does

not waive any required compliance with Fire, Building and Safety, landscaping consultant, or Engineering approval.

1. All Conditions of Site Plan approval for the Oquirrh Substation Expansion project shall be met.
2. All Conditions of Oquirrh Substation Minor Subdivision approval shall be met.
3. Any future substation expansion shall be required to submit for a new Conditional Use Permit.

#### **MINOR SUBDIVISION**

Staff recommended that the Planning Commission grant approval for the Oquirrh Substation Minor Subdivision, with the conditions as set forth below. This Planning Commission approval does not waive any required compliance with Fire, Building and Safety, landscaping consultant, or Engineering approval.

1. Remove any reference in dedication block to public streets as there are none being dedicated.

There was a discussion regarding the road to the south of the property that is shown on the site plan and whether or not it would ever become a public road. It is currently a narrow gravel drive that services the facility in South Jordan. The master plan does not show a public road in that location in the future. All access points and driveways on the property are private and used only by the power company to maneuver their vehicles.

Fire Marshal Reed Scharman explained that the one access at the northwest corner of the property is adequate, because the site was redesigned to move the control building closer to the access point.

Rod Fisher, 201 South Main #2300, Rocky Mountain Power, concurred with the staff report. He said they had worked diligently with City staff in the last couple of years to try to get ahead of the growth in the City. They took an active role in the West Side Planning Area and identified this site as well as the Copper Hills substation. They also posted the sites, as requested by the City, to give notice that they were for future power substations. He clarified the development plans for this and adjacent substation sites, which is an overall power complex. They are not going to wall the property at the south, and showed where they will have a 10-foot tall chain link fence and block wall on the other property lines. He said they had coordinated with UTA and UDOT regarding the Mountain View and Trax Corridors adjacent to the property. He confirmed that the gravel driveway is not on any master plan as a future roadway in either West Jordan or South Jordan.

James Dupaix felt that he had to wonder why this application was even before them and why the application didn't just go to the Governor's ad hoc committee that was stacked by Rocky Mountain Power instead. He felt that no matter what the Commission does Rocky Mountain Power can just snub their nose and go to the committee and decide to do whatever they want to do.

Rod Fisher appreciated Commission Dupaix's frustration. He felt that they do a pretty good job at working with the cities and counties. Over the last five years they did a number of infill projects in existing neighborhoods, which were a very difficult and excruciatingly painful process for both West Jordan and Rocky Mountain Power. These proposed sites are on existing transmission corridors, so they don't have to extend the transmission ties to get to the distribution systems. This project is essential to the overall backbone that supplies the entire Salt Lake Valley and supports their ability to keep the feeds to the existing and future distribution substations. As Salt Lake County and Kennecott develop their master plans they need 25 more stations and transmission lines, and they are trying to get ahead of that.

James Dupaix said he is in favor of the expansion and the growth plans, but he wasn't happy with the path of avoiding due process of law that Rocky Mountain chose to go down last time, which he felt was unconstitutional. He asked if Rocky Mountain Power were going to make a habit of avoiding due process of law by going to an ad hoc committee.

Mr. Fisher assured Commissioner Dupaix that they are not.

The size of the proposed overall complex at this site was compared to the one at 9000 South and it was stated that they are very similar as far as overall acreage.

Nola Duncan said that she was glad that Rocky Mountain Power is getting ahead of the growth. She lives on 7000 South and has to deal with the other substation issue, and she hoped that it won't happen in other areas of the City. Perhaps with technology in the future they can rectify the visual impacts to the 7000 South area. She stated that where Rocky Mountain Power has the opportunity to get ahead of this in the west side and to be a good neighbor from the beginning with PR work by providing landscaping, walls, etc. that is as valuable as the electricity they are producing, and they are to be commended for that.

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

**MOTION:** Justin Stoker moved to approve the Preliminary Site Plan for Oquirrh Substation Expansion; 5799 West Old Bingham Highway; Rocky Mountain Power (applicant) based upon the positive findings of fact with the conditions 1 through 10 as set forth in the Planning Commission packet. The motion was seconded by Nola Duncan and passed 7-0 in favor.

**MOTION:** Justin Stoker moved to approve the Conditional Use Permit for Utility, Major use for Oquirrh Substation Expansion; 5799 West Old Bingham Highway; Rocky Mountain Power (applicant) based upon the positive findings of fact and with the conditions 1 through 3 as set forth in the Planning Commission packet. The motion was seconded by Ellen Smith and passed 7-0 in favor.

**MOTION:** Justin Stoker moved to approve the Minor Subdivision Plat for Oquirrh Substation Expansion; 5799 West Old Bingham Highway; Rocky Mountain Power (applicant) based upon the positive findings of fact with the condition #1 as listed in the Planning Commission packet. The motion was seconded by Nate Hendricks and passed 7-0 in favor.

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**ITEM #5:** 20-27-400-004 WEST JORDAN FIRE STATION #55 SUBDIVISION (2 LOTS); 6412 WEST 7800 SOUTH; PRELIMINARY AND FINAL SUBDIVISION PLAT; P-F ZONE; CITY OF WEST JORDAN/OFFICE OF DEVELOPMENT ASSISTANCE (APPLICANT) [#SDMA20070005]

Chris Gilbert explained that the request for subdivision approval will separate the Fire Station #55 parcel from a portion to the north, which was the former shooting range. City Council and City Administration had been working with Maple Hills, LLC on an agreement that would allow the developer to acquire the north part of the City parcel in exchange for parkland at the north end of the development. He reviewed the comments from Engineering.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for the West Jordan Fire Station No. 55 Subdivision, located at approximately 6400 West and 7800 South, with the conditions as set forth below. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions may be required. Any Building permits will not be issued until all departments' requirements have been satisfied, and a final Mylar plat has been recorded with the Salt Lake County Recorder's Office.

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance.
2. No building permits including grading and/or land disturbance permits, within the subdivision shall be issued until a final Mylar plat is recorded with the Salt Lake County Recorder's Office.

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3. Address all Engineering review comments previously listed in this report to the satisfaction of the City prior to Final Plat approval.
4. Submit a complete application, plans and fees for final subdivision plat approval within one (1) year of the approval of the preliminary plat. The preliminary plat and any approvals expire within one (1) year of preliminary plat approval if final plat fees, applications, and plans are not submitted to the City within that time.

Nate Hendricks asked to see a copy of the original Utah Copper canal map that shows the location of the canal as it relates to this property.

Madeline Francisco-Galang stated that staff received a map from ADEC, who did some of the cleanup work on the Discovery property. Staff is working with the State of Utah and Kennecott to build a more accurate map, but as of now they have one that shows where it is generally located, which she distributed.

Nate Hendricks said City Council recently approved the Mayor to enter into a voluntary cleanup program with the State for this property with the possible lead contamination from the gun range and because of the concerns with the Utah Copper canal. He didn't have as much concern with the voluntary cleanup since it is City property, but he asked what guarantees they have that it will go through the entire process before construction begins. He was also concerned with the possibility of arsenic that could be spread with dust during the construction.

Madeline Francisco-Galang stated that the Discovery property had done several tests and reports. The City is in the process of changing the code to require a Phase 1 study on developments to determine if there are contaminants in the soil. If there are they will follow the voluntary program with the State of Utah, and unless they are certified they cannot proceed with construction.

Nate Hendricks said his concern was that the Discovery development had originally entered into the voluntary program and then withdrew and went with an independent certification of the property. He would like this property to have State certification from the State Department of Environmental Quality, and he asked if he could make that a condition.

Madeline Francisco-Galang said he could make it a condition of approval, but the Director of Engineering, the Mayor, and the Attorney's Office had stated that the City will follow the voluntary program.

Justin Stoker asked about a condition to ensure that cleanup is certified prior to construction on the site.

Ellen Smith felt that some of the comments with the environmental issues should be handled with the Maple Hills item, because this is just subdividing the two properties.

Nate Hendricks felt that because the City is trading the land to a private developer it could be a liability to the City, and it needs to be cleaned up now before construction begins. He thought that the City Council felt the same way.

Ellen Smith said depending upon what environmental impact reports are produced they may not be able to make a decision on some of the subdivision issues, because the levels of contamination would affect not only the cleanup but what type of development could occur.

Tom Burdett spoke as the applicant and stated that the fire station was built under emergency conditions in order to cover the safety of the west side. At that time they didn't know how much land was needed and for what other purposes the land would be used. Since then the City Council had firmed their position about the disposition of the rest of the property. They wish to use it to have a community park in the area, and this

subdivision plat is necessary to do that. He believed that the City intends to do the cleanup work if it is found to be necessary.

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

There was a discussion regarding adjusting the agenda in order to hear the details of the Maple Hills application before action is taken on this item.

**MOTION:** Nate Hendricks moved to table this application until after discussion of the Maple Hills application. The motion was seconded by James Dupaix.

There was a brief discussion regarding the study work that had taken place to this point as well as the order in which the agenda items need to proceed.

**VOTE:** The motion passed 7-0 in favor.

[The following motion was made later in the meeting at 9:11 p.m.]

**MOTION:** Nola Duncan moved to approve the Preliminary Subdivision Plat for West Jordan Fire Station #55 Subdivision; 6412 West 7800 South; City of West Jordan (applicant) with the four conditions in the staff report, adding:

5. Regarding the environmental cleanup situation, the City must participate in the voluntary cleanup program with the State of Utah's Environmental Department and complete that process and receive a certificate from the State.

The motion was seconded by James Dupaix and passed 7-0 in favor.

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**ITEM #6:** 20-27-400-003 MAPLE HILLS PHASES 1 & 2 (148 LOTS); 6400 WEST 7800 SOUTH; PRELIMINARY SUBDIVISION PLAT AND PRELIMINARY DEVELOPMENT PLAN; P-C ZONE; LEE CONANT (APPLICANT) [#SDMA20060027]

Chris Gilbert provided the overview of the request for preliminary subdivision plat and development plan approval. Phase 1 includes 102 lots, and Phase 2 has 44 lots on a total of 51.75 acres. Density for the project is 2.82 units per acre and average lot size exceeds 8,000 square feet in size, which meets the original zoning conditions. A portion of the subdivision at 3.69 acres will be dedicated to the City as an extension of the Clay Hollow Wash Trail corridor. There will be a private open space area including a tot lot, which will be maintained by the homeowners' association. The applicant will install a bridge across Clay Hollow wash as part of the trailway improvements. The design guidelines in the preliminary development plan are upgraded from what was required in Jordan Hills Villages, which meets the minimum standards for P-C development. If approved, an architectural review committee will be convened. The application was reviewed as it relates to the Hillside Ordinance requirements. Clay Hollow Wash runs along the south side of the subdivision, but the area is outside of the 500 year flood plain, so no flood issues are anticipated. The Clay Hollow Wash Trail Corridor was discussed as it pertains to the adopted ordinance. Although trailway standards are still under development by City staff it does not eliminate the requirement for the installation of the improvements. He explained that a conceptual park plan will be submitted to the Open Lands Committee. There is no longer a major collector street designation for 6400 West, so the requirement for the 6-foot masonry wall was eliminated and replaced with a vinyl fence. He stated that the subdivision plat had been extensively reviewed over the last six months.

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat and Preliminary Development Plan approval for Maple Hills 1 and 2, for Maple Hills, LLC, with the conditions as set forth below. The Applicant should be advised that the Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or

additions may be required. Building permits will not be issued until all departmental requirements have been satisfied.

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the P-C zoning district.
2. Meet all Engineering and Fire Department requirements previously detailed in this staff report.
3. Meet all streetscape requirements for trees as described in 89-6-706(2) of the Zoning Ordinance.
4. All utility services to the subdivision shall be undergrounded. (89-6-903)
5. Developer is to follow all recommendations of the geotechnical report and of any informational reports required by the Hillside Ordinance. Applicant shall provide all documents required by the Hillside Ordinance for staff to review I average slope exceeds 10%, even though there is no change to subdivision design standards for average slopes under 15%. These documents include a geology report, revegetation plan, Fire Protection Report, and drainage corridor protection plan. (89-4-503)
6. Applicant shall provide color and material information for the retaining walls to be used to retain the hillside within the proposed new Subdivision. (89-3-407, 89-4-504-f-7)
7. Staff recommends that the Applicant install irrigation for the trail corridor and access from the proposed Subdivision.
8. No building permits including grading and/or land disturbance permits, within the subdivision shall be issued until a final Mylar plat is recorded with the Salt Lake County Recorder's Office.
9. Submit a complete application, plans and fees for a final subdivision plat approval within one (1) year of the approval of the preliminary plat. The preliminary plat and any approvals expire within one (1) year of preliminary plat approval if the final plat fees, applications, and plans are not submitted to the City within that time.
10. Planning Commission approvals do not include landscape consultant, Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and site changes or additions will be required to be shown prior to submittal of the final site plans. Building permits will not be issued until all departments' requirements have been satisfied.

Nate Hendricks said the City invested a lot of people, time, and money into developing a West Side Specific Plan, and this proposal doesn't include a school as indicated in that plan. He didn't want to set a precedent of not being required to follow the plan. There is a school crisis in West Jordan at this point, so he wanted to know why a school is not being provided when the West Side Plan specifically shows one.

Greg Mikolash said a conceptual plan of this project was brought forward at the time it was rezoned in 2004 in accordance with the future land use plan that was in place at that time. The City doesn't retroactively rezone the property based on a new master plan. The WSPA came into place two years after that. He explained that the City's consultant, The Planning Center, knew there was a potential for a school on the site. However, during the preliminary discussions in the Stakeholders meeting it was noted that the potential P-F in the northern area should be moved, because the school district wasn't interested in the property due to the property grade as well as the City was already looking at that area for a park. The P-C zoning district was already in place when the West Side Plan was approved.

Nate Hendricks said that the City does rezone land based on changes. He said that they recently rezoned a piece of land that was designated one thing and the City changed it after the fact to a lower density. He thought that the plan is in place to provide what is best for the City.

Tom Burdett said surely the City has the capability to rezone property when directed by the City Council. However, the City cannot force the school district to buy a particular piece of property or for a seller to sell a particular piece of property to the school district.

Justin Stoker noted that the staff report doesn't contain findings of fact or criteria for the item. The first criterion is usually related to the purposes of the General Plan, which is to make sure there are adequate

services. Although they can't require a school on the property he hadn't heard of any alternative sites, and one is needed.

Tom Burdett said certainly the staff would not object to a school, but they may find additional information through the public hearing that would explore the possibilities further.

Greg Mikolash stated that the subdivision ordinance does not currently require findings of fact or criteria, but staff is working on that.

Lee Conant, applicant, 5010 South Marilyn, said it is important to know that this has been an active application since 2003, and the process had never stopped. After the preliminary plan was approved as P-C the City required them to obtain P-C zoning on the firing range property, and that was after City Council made the motion to make the trade. After the second rezoning was completed a second preliminary site plan was brought forward that met the requirements and conditions of the zoning. Through the whole process, this application did not stop during the development of the West Side Plan. In fact, he participated with the plan and helped to pay for it. The City had an Environmental 2 study for the City property that was completed by Bingham Engineering on 11-15-06. Part of the condition of the trade was that the City would make a trade with Wasatch Pacific that was totally clean. The City is in the process of entering into the voluntary program, and they are simultaneously doing this cleanup with the canal cleanup. One of the reasons the City was subdividing is that they didn't do it earlier. Therefore, his company can't submit this plan until the fire station subdivision is approved. That way they can make the property trade. He explained that the City well is not actually on City property, so they agreed to give the property for the well with the criteria that it met all the requirements for a standard lot. He said that although the park is in the plan, it is not part of the subdivision. He stated that they do not plan to build any half-streets. He didn't understand the staff recommendation that irrigation be installed in the trail corridor, since none of the other portions had that requirement. However, there will be irrigation in the tot lot area. He pointed out the area where they believe the old Utah Copper canal to be. They met with the City staff who made it clear that the City would go through the voluntary State program for their cleanup on the canal and the firing range. He stated that Wendell Rigby also made it clear that their company had a choice of whether to go through the voluntary process or hire outside consultants. If they did go the other way, the report had to be to the satisfaction and sole discretion of the City. Although the staff report suggests otherwise, he had reconfirmed the City's position two days ago. They were also given permission to do testing. Samples were taken last week, and he should know the results in the next day or two. He showed a map with the connectivity of the trail showing what is built and what will be built. He explained that about eighteen months ago the school district came to them and asked for a site. Ward Engineering did an analysis of the site for the specific size of property needed. They gave the district several options and were willing to sell, but the school district said none of the sites worked because of the property grade. They worked very closely with the district.

Nate Hendricks asked if they intended to use an outside private company or the State.

Lee Conant said it is their intention to use an outside private company.

There was a discussion regarding the water basin at the Maples and whether or not a cleanup was provided for that site. It was pointed out by the applicant that there was previously no information regarding any contamination. There was nothing shown on the title report. The City first heard of contaminations approximately March 2006, and the basin was constructed in about 2002.

Questions regarding the environmental studies were asked. It was unknown whether or not historical aerial photographs were researched as to the location of the canal.

Ellen Smith asked if the cleanup of the Maple Hills property would be done in conjunction with the City property cleanup.

Lee Conant said the City wants to do the cleanup on their own property. They offered to test the City property as well, but the City said no.

There was a discussion regarding the well. The City felt it was good enough to maintain and keep open, but it would not be used for culinary purposes. The well property will be dedicated to the City, who will also maintain it.

Nola Duncan asked how many rooftops are included in Jordan Hills Villages.

Lee Conant said the City approved something in the range of 3.87 – 3.9 units per acre with 15% to open space, so about 2600 total units were approved.

Nola Duncan said she was excited to see his company do something with bigger lots and homes, and she liked the proposed designs.

Lee Conant commented that they realize the site has to be cleaned, but they would like preliminary plat approval on something they have been working on so diligently. They can't do or build anything until the cleanup is completed. This project had been active for almost 5 years non-stop.

**MOTION: David Beecher moved to take a 5-minute break.**

The meeting reconvened at 8:04 p.m.

Matthew Smith, West Jordan resident, was concerned with the lack of schools and with the possible site contamination. He noted five lots south of 7725 South that might be in risk of sinking in the same way that the fire station and some of the homes in the Maples did. He stated that 6400 West had been the access to the gravel pit to the north, and he is afraid that the roundabout planned for 6400 West and Haven Maple Drive will deter the gravel trucks, which will then go through 6700 West instead. He noted that the staff report called out for five-foot wide parkstrips when they are eight feet wide in the rest of the Maples in order to accommodate the maple trees.

Craig Jensen, representing his family who are owners of the property to the east, stated that they had provided four school locations in the City, and they don't anticipate developing any of their property in this area for four or five years, so they might.

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

Justin Stoker said he was anxious to hear from the school district.

**MOTION: Justin Stoker moved to open the public hearing to hear from the school district. The motion was seconded by James Dupaix and approved 7-0 in favor.**

John Taylor, Jordan School District, acknowledged that there is an infrastructure crisis in Jordan School District, but it affects the entire west side of the valley. It is very disheartening to be given the charge to acquire properties, because they are becoming the most sacred resources in this valley. He agreed that they purchased four properties from the Jensen family in the 1950's and had utilized three of them for schools. He stated that one of the properties was traded for the West Jordan elementary property. The previous district representative did have discussions with the applicant regarding school sites. They have a prototype school that allows for reduction of costs. When the property was reviewed the grade and incline of this particular property was in excess of what Jordan School District's normal perception of what is appropriate. They always ask for 12 acres

of flat and level property for an elementary site. The school district is also expected to install infrastructure on undeveloped property, and the developer wants a prime price for the property. State statute says the district can pay the appraised rate. He said that when they approached the developer it was about \$225,000 per acre, which was unheard of in 2004. They do try diligently to buy property for the best price for the taxpayers. They have not looked at the property again based on the criteria for acreage and grade. They are looking at their immediate options. He stated that the school board had to decide to use the middle school site for an elementary school in order to meet immediate needs. He stated that it was very difficult when his children were small and the year-round schedule was implemented. He doesn't like portables either, but they are doing all they can to make contacts with other developers in the area. However, the other bottom line is that West Jordan is not the only city that needs schools, and resources are limited. To give an example of the rising costs of building schools he stated that they are going to rebuild Heartland Elementary for \$14.5 million, and the new elementary school at 7000 South and 6000 West is \$16.5 million with just three months difference for the same school. He stated that they are open to all suggestions at this point, because they are in a crisis situation. They stand ready to do anything that the Commission requests.

David McKinney asked if the district had another piece of property in this vicinity.

John Taylor stated that the school owns 50 acres on 8200 South U-111 for a future high school. The district could decide to divide it into smaller pieces for an elementary, but that property is so close to Oakcrest Elementary some children would have to be bussed quite a distance. There is no other district-owned property, but they are interested to know of any property for sale.

Justin Stoker said he is optimistic that they are looking for property in the area.

Nate Hendricks asked if the new school plan would fit in other areas of this property.

John Taylor said this particular development would not allow a single-story compact school, but it would have to be a total redesign of the prototype. They are always interested in looking at all options as they are in crisis, but the times when he had designed schools for steeper slopes they were for 550 students and not 800 plus six to twelve portables. Steep slopes don't lend themselves to school sites in terms of the single-story preference and with playing fields, etc. Twelve acres is normal, but they are building a two-story school on a donated piece of property in Daybreak.

Nola Duncan asked if they would ever look at a prototype school without portables.

John Taylor said the basic platform for a traditional elementary school is 800 students with 25% more for year round. Each portable has about 25 children. The need to plan for portables is a matter of economics, because when there are multiple needs in the school district they need money. You can't levy enough on-going capital outlay dollars to build the number of schools, so they go for a bond with their best estimate. He gave examples of when they planned ahead of the development based on future plans, but it didn't work out since plans don't always materialize. However, they try to be proactive in their thinking by using master plans for the cities to predict the growth.

Nola Duncan gave an example of a development in the Phoenix area, which was giving incentives of more density for giving land to the schools. However, she found out that Utah won't allow that.

John Taylor said there are some cities who give density and green space consideration for working with the school district and siting a school within the development. They have also had some very generous donations from property owners. He gave examples of prototype schools.

David Beecher said that the Commission is not fully aware of what the school district is doing, and it might be beneficial to have a meeting to understand where things are going.

Mr. Taylor stated that they would be happy to meet with the Commission at any time.

Lee Conant repeated that they did go through everything the school district asked them to in order for them to analyze whether or not they wanted to purchase property, and he didn't think that should be a part of this approval. They had been developing in West Jordan for over 10 years, and the City asked for 15% open space. At one time the City wanted a park on the west side but had nowhere to put it. The City had asked them to move some detention ponds and redesign the area so they could have a 12-15 acre area for a future park. He stated that the park no longer shows up on the West Side master plan, so the City now has 15 acres that was donated that they could donate for an elementary school.

Nate Hendricks asked Mr. Conant if he thought it would benefit the 2600 roof tops in his development to have a school here.

Lee Conant said the first thing they did when they began with Jordan Hills Villages was to meet with Jordan School District to ask what they needed. The school district owned about 20 acres already and they asked for another 30 acres. They wanted an elementary school on the other side of U-111. The very first plans they did showed the school sites.

Nate Hendricks said the problem is that developers built a project and leave, and then the residents are left with what was developed. Right now they are living with an overcrowded school district, which is why it is hard for him to go against what the West Side Plan indicates. He restated the question.

Lee Conant asked Commissioner Hendricks if the school district gives them criteria for what they want for a school, and they spend their money in order to analyze the property to show the available sites and tell the school district that they will sell them any of the sites, and then the district says none of them work, haven't they fulfilled their responsibility?

Nate Hendricks said partially, because times have changed.

Lee Conant said they were asked to analyze the property only 18 months ago. He stated that they got a preliminary site plan approved by Planning Commission and City Council and worked non-stop for 3 years, and then the Planning Commission is going to say that even though he has a site plan he needs to put a school there. It wasn't that they ignored the school district or anything like that. They got a preliminary site plan approved. Why would he spend \$100,000 in engineering if at any time in the process the City could take away the approval.

**MOTION: David McKinney moved to close public hearing. The motion was seconded by Justin Stoker and passed 7-0 in favor.**

Nola Duncan asked if the fencing issues that were discussed regarding Barney's Wash in Stone Creek pertained to the Clay Hollow wash on this property.

Chris Gilbert said the Open Lands Committee will review that issue, and it will come back to the Planning Commission as part of the Final Development Plan.

Justin Stoker was concerned with the environmental impacts and that there is a Zone X in a named wash, which is unusual. He was okay with approving the preliminary plan, but he wanted to make sure it is brought back for final with all of the required studies. He didn't like the fact that they can't get a school in the area, but he knows

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that they can't force anyone's hand. He asked if the planning staff could look at an incentive program for developers to work with the district to provide for school sites.

Greg Mikolash said there is a wildcard in the WSPA that allows the Planning Commission to allow for those incentives based on size and type of land. This property was zoned before the WSPA and is a P-C zone. He explained all P-C and PRD approvals come back to the Planning Commission for final.

Nate Hendricks said he would like it to be required that the developer of the land participate with the State Department of Environmental Quality. The school issue is perplexing to him. Everyone knows there needs to be a school. There were discussions with the school district, which is good. But the biggest problem he has with approving it is with the West Side Plan. He believed that there should be more discussions between the school district and this developer. He would like this to not go forward, because it would amend the West Side Plan, which was set up to plan for the future. The Plan calls for a school, and that is what they should stick to.

James Dupaix said the West Side Plan came about because the Planning Commission started doing implementation zoning of the General Plan, which triggered debate between the Commission and the Council. The City Council decided to create a plan to make a zoning for all of the property that wasn't already zoned. This property was already zoned and was not a part of the West Side Plan. He felt it would almost be a taking to implement the West Side Plan on this property. The developer had implemented many of the aspects of the west side plan. He said that the committee arbitrarily put circles in general areas where they thought it might be good to have a school and was never meant to be set in stone that the schools would be located there. He thought that Justin Stoker's idea of the bonus density wildcard opens the door to award greater density in the unzoned properties in the WSPA to provide for schools. Also, although they are in crisis, the cost of trying to engineer and do architectural work for a school on this type of gradient would not serve well. The school in the Jordan Hills development was originally built for that development only, but now children are being bused from a wide area, because they hadn't found another appropriate site. He did not think a school was appropriate for this property. He felt that they needed to address a traffic study for the area before final approval, because failing intersections are already a problem. He would like to see a State certification on the environmental study, because there is a minimum standard. If it is private certification he would like a City-approved certifier. He thought that they needed to make a decision on the previous application first.

There was a clarification regarding water quality and where the detention basin is located.

Ellen Smith said she would like to add 'environmental approval' to the basic approval language in the conditions. She also wanted to state that the final subdivision submittal include completion of all environmental work, and she would like to place those conditions for both Item #5 and #6. She also suggested adding condition #11 regarding State certification for Maple Hills.

Nola Duncan asked if they needed to address the issue of sinking homes.

Tom Burdett said that is addressed with the condition for a geotechnical report.

There was a discussion regarding the properties that were not implemented with zoning of the West Side Planning Area. The General Plan is an adopted guide for the City and has the support of the Council to be implemented, so those properties that are in a holding zone will probably seek to zone them.

There was a question regarding whether or not this development would be required to provide for a secondary water system since the text amendment to eliminate the requirement is only now before the Planning Commission. This application is only at preliminary, so it could be required if it didn't pass at City Council.

David Beecher stated for the record that an e-mail and certified letter was received from Robert Bowman regarding this issue.

David Beecher commented on the statement that the last bond for Jordan School District was in 2003, and although people couldn't anticipate the increased cost to build, he thought that they could have at least acquired some pieces of property. He didn't like the idea of portables, but he did think there were benefits to year round schools.

**MOTION: Justin Stoker moved to suspend discussion on #6 and return to #5. The motion was seconded by James Dupaix and passed 7-0 in favor.**

**MOTION: Nola Duncan moved to approve the Preliminary Subdivision Plat for West Jordan Fire Station #55 Subdivision; 6412 West 7800 South; City of West Jordan (applicant) with the four conditions in the staff report, adding:**

- 5. Regarding the environmental cleanup situation, the City must participate in the voluntary cleanup program with the State of Utah's Environmental Department and complete that process and receive a certificate from the State.**

**The motion was seconded by James Dupaix and passed 7-0 in favor.**

There was a discussion regarding the well. The City will explore using it as a viable source to irrigate the greenway along 7800 South. The water quality is such they don't intend to use it as a culinary source. It was pointed out that the City already has the rights to the water in the ground.

**MOTION: Nola Duncan moved to approve the Preliminary Subdivision Plat and Preliminary Development Plan for Maple Hills 1 and 2; 6400 West 7800 South; Maple Hills, LLC (applicant) with the conditions in the staff report, adding:**

- 11. An architectural review committee will be convened at an appropriate time.**
- 12. The environmental studies will meet the State Department of Environmental Quality certifications.**

**The motion was seconded by James Dupaix.**

**AMENDED**

**MOTION: Justin Stoker moved to amend condition #5 to include a traffic study and environmental study. The motion was accepted by Nola Duncan and James Dupaix.**

Commissioner Hendricks restated his concern with the proposed action and felt that at some point they need to stop putting up rooftops and catch up with the public facilities and roads. He believed that there needs to be a school in the area where the master plan calls out for one.

James Dupaix said that in order to stop the application they must have solid findings, and they don't have the necessary information to do that.

Nola Duncan didn't know that they could overturn the approved zoning.

Nate Hendricks said they don't need to change the zoning, because schools are allowed in the P-C zone. He said that it could be denied on the basis that it does not fit within the West Side Planning Area.

David Beecher agreed that they have exceeded rooftops beyond transportation and schools, but the applications come in one at a time, and one developer alone did not create the impact. However, at what point do they stop the development.

Tom Burdett said City Council directed staff to work on some alternatives and a possible zoning amendment to address adequate public facilities for roads. So far staff had not heard that schools will follow that same path, but they know that is a big issue.

James Dupaix said there is still a density bonus within the West Side Planning Area that can be used for schools, infrastructure, etc., which gives great flexibility.

Nate Hendricks thanked the developer for providing the land for open space and acknowledged that there were some concessions made by him.

**VOTE: The motion passed 6-1 in favor with Nate Hendricks casting the negative vote.**

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**ITEM #7: PRESENTATION OF THE 2700 WEST TOD MASTER PLAN – UNIVERSITY OF UTAH**

Hal Johnson, University of Utah, introduced students of the Community Planning Workshop, Dylan Young, Aaron Bloxham, Noah Beals, and John Aland, who presented Goals and Objectives, Analysis Summary, Data Projections, Preferred Plan, and Implementation Strategies for the study area at 2700 West Sugar Factory Road.

There was a brief discussion afterward regarding the viability and the acceptability of a mixed use development of this type in the area. It was pointed out that in order to receive FTA funding for such a project it requires the proposed density. The Trax station will draw some people to that type of development, and West Jordan needs to provide housing for the future generation and to people in all stages of life. The commercial component would be small neighborhood service retail and would not conflict with the City Center project.

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James Dupaix explained that his comment on Item #4 was to express his concern that Rocky Mountain Power had set a dangerous precedent in undermining due process in order to circumvent planning and zoning. He wanted to hear from the representative that they intended not to circumvent due process again, which he stated in the public record.

Nola Duncan stated that when joint meetings with City Council are held in the future she strongly recommended a setting where both the Commission and the Council are together at a single table. At the recent meeting she felt that many of the Councilmembers were disengaged. She also thought the topics of concern should be brought forward as a consensus of the Commission.

Commissioner Hendricks reminded the Commission that the by-laws allow for a rebuttal period of the applicant, which he would like to be followed in the future.

Tom Burdett gave an update on City Council actions.

Commissioner Hendricks would like to have a presentation from Dannon regarding their future plans. The Commission discussed the options for a meeting with the Jordan School District, which would be separate from their regularly scheduled meeting. Commissioner Hendricks would also like to have a meeting with the State regarding the Utah Copper canal.

**MOTION: Justin Stoker moved to adjourn.**

The meeting adjourned at 10:18 p.m.

David L. Beecher  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007