

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 8, 2007 IN THE WEST JORDAN COUNCIL CHAMBERS**

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

**STAFF:** Nathan Crane, Greg Mikolash, Madeline Francisco-Galang, Reed Scharman, Jeffrey Robinson, and Julie Davis.

**OTHERS:** Lee Conant, Matthew Smith, Steve Glezos, and Walter Keane.

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The briefing meeting was called to order by Justin Stoker.

David McKinney requested that the minutes be clarified on page 13 regarding his statement of whether or not the goal of the City to underground utilities could be reached in that instance. James Dupaix asked that his specific questions regarding the RDA be inserted in the minutes on page 13.

Item #1B will be continued to August 22, and Items #1C through #1F will be continued to September 19, 2007.

There was a discussion regarding possible future options in the legislative process for the planning of schools. There was a discussion regarding whether or not suggested motions should be included in staff reports.

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The regular meeting was called to order at 6:03 p.m. by Justin Stoker.

**1. CONSENT CALENDAR**

A: **Approve Minutes** from July 25, 2007

B. **Clearwire Co-location #UTSLC086;** 6235 South 5600 West; Conditional Use Permit; P-F Zone; Clearwire US, LLC/Paul Gascoigne (applicant) [#CUP20070024; parcel 20-24-101-020]

C. **Clearwire Co-location #UTSLC069;** 7148 South Redwood Road; Conditional Use Permit; SC-2 Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070021; parcel 21-27-127-022]

D. **Clearwire Co-location #UTSLC085;** 8600 South 3392 West; Conditional Use Permit; M-1 Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070022; parcel 21-32-476-007]

E. **Clearwire Co-location #UTSLC068;** 5120 West Hayden Peak Drive; Conditional Use Permit; P-C Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070023; parcel 20-36-252-001]

F. **Clearwire Co-location #UTSLC071;** 7900 South 1225 West; Conditional Use Permit; P-F Zone; Clearwire US, LLC/Jerry Hanson (applicant) [#CUP20070020; parcel 21-35-103-002]

Staff recommended that Item #1B be postponed to August 22, 2007 and that Items #1C, 1D, 1E, and 1F be postponed to September 19, 2007.

**MOTION: James Dupaix moved to pull the minutes from the Consent Calendar and postpone Item #1B to August 22nd and Items #1C, 1D, 1E, and 1F to September 19th. The motion was seconded by Nathan Hendricks and passed 6-0 in favor. David Beecher was absent.**

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2. **Maple Hills Subdivision Phases 1 & 2;** 7600 South 6500 West; Final Subdivision Plat and Final Development Plan; P-C Zone; Lee Conant (applicant) [#SDMA20060027 & #SDMA20060009; parcel 20-27-400-003]

Greg Mikolash gave an overview of the item and reviewed those issues that need to be addressed before recordation of the plat. He pointed out the future 10-acre park and the 3 acres that will be part of the Clay

Hollow Wash dedication area. He showed the map that indicates the collapsible soils areas. He said that a geotechnical report would be required on each lot in the indicated area. Staff would like each lot number required to provide the report to be listed on the plat. Staff requested that the City record a separate document so property buyers know that there are collapsible soils. The plats were reviewed, including an open space and trails map. He stated that there were changes made to the development plan and asked that the Commission bring forward any comments or suggestions for that plan.

Staff recommended that the Planning Commission grant Final Subdivision Plat and Final Development Plan approval for Maple Hills 1 and 2 located at approximately 6400 West 7800 South in a P-C zoning district subject to the conditions of approval as set forth below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

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. The Applicant shall address and adhere to all departmental comments, conditions of approval as identified in this staff report.
3. Before the final plat and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments as stated in the Engineering Redline memorandum dated August 2, 2007 and plan set dated July 31, 2007 shall be completely addressed.
4. The Developer is to indicate on all plans, and bond accordingly, for all grading of the site in accordance with the grading plan. The Developer to install retaining walls as indicated on the submitted grading plan. The Developer shall also install side and rear lot drainage swales, and/or pipes and inlets to facilitate side and rear lot drainage as indicted on the approved engineering construction plans.
5. Building permits are required for any retaining walls over 4-feet in height. No retaining walls shall exceed 6-feet in height. Retaining walls over 4-feet in height shall be engineered and installed in accordance with §89-4-504(f)(7) of the Zoning Ordinance.
6. The Developer shall bond for and provide slope stabilization and revegetation plans for all areas disturbed in the subdivision grading process. The revegetation method and plans are to be approved by Engineering Department in accordance with the methods and BMP's provided in the City's Land Disturbance Design and Construction Standards.
7. Final Plat recordation cannot occur until the following stipulations have been met:
  - o The Fire Station #55 Mylar plat shall be recorded consecutively with the Maples Hills 1 plat.
  - o The development/pioneering agreement is approved by the City Council (with abutting property owner's consent), accepting the placement and installation of improvements along the proposed right-of-way of 6400 West and 7800 West.
  - o The Real Property Agreement is approved by the City Council which identifies the trade area for the City park and Maple Hills development area. The final plat cannot be recorded until the land exchange agreement is signed and executed between the City and the Developer which includes approval by the City Council. The City Council is to defer street improvements for 7400 South and 6400 West along the boundary of the Maple Hills Phase 3 Plat.
  - o Warranty deeds shall be provided to the City for all property and slope easements outside the boundary of the platted subdivision for dedication of roads, utilities or other improvements as required by the City Engineer.
  - o Final Plat will not be recorded until the entire site is found to be compliant with EPA and DEQ environmental cleanup requirements. The Applicant shall provide the City with certificates of compliance or other official documentation which will then be on file in the West Jordan City offices.
  - o Submit documentation of the HOA's responsibilities within the project (CC&R's). Areas within the subdivision which are to be the HOA's responsibility shall be indicated within the final development plan.

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8. That it become the Developer's responsibility to install matching vinyl fencing along the north border of phase 2 where it abuts against the future park (Maple Hills Phase 3).
9. The Developer is to provide a comprehensive pavement design for all roads within the Subdivision and all perimeter roads to be constructed by the Developer. The pavement design will account for all traffic anticipated over a twenty year design life including normal vehicle traffic, construction traffic and truck traffic generated by the Harper sand and gravel pit to the north of the subdivision. The design shall meet the requirements of the City Engineer.
10. The 'parcel' between lots 1089 and 1090 shall be a utility easement maintained by the HOA. This shall not be indicated as a future dedication area to the City.
11. 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.
12. A note shall be placed on the plat indicating specifically what lots in the first phase are affected by the Collapsible Soils. A separate document shall be recorded with the County Recorder's Office which specifically states that these lots are within a sensitive soils area. This enables Title Companies to become aware of the situation and therefore the information can be relayed to the future property owner. A Certificate of Present Condition is a typical document that is recorded for these types of situations.
13. Provide information to the City which indicates how there will be no conflict between the pedestrian walkway and the future driveways of lots 1081 & 1082 of the first phase.
14. That the suggestions as provided by Staff to amend the Final Development Plan be addressed and stipulated by the Planning Commission as being required amendments to the plan.

David McKinney asked if staff had indicated that there are also collapsible soils at the north end of the property.

Greg Mikolash said he did not indicate any on the north side. They did not study the area in Phase 3, but the City would be the ones to determine if there were any at the time of development.

David McKinney said given the variability of soils from the sampling in a few areas that suggests there is this boundary, in reality collapsible soils could extend beyond this in various cases. He asked if the property owners outside of the shaded area but in the general vicinity would also be informed of the potential for collapsible soils.

Greg Mikolash said the noticing is for lots within the shaded area, but they could expand the area if it is determined by a geotechnical study that there could be a potential to another lot. The Commission could expand the area if they choose, but the cost will be upon the homeowner and typically not the developer.

David McKinney stated there had been cases in the past where collapsible soils have been in an area that caused foundations to fall apart, and the developer didn't inform them. He wanted to avoid that possibility in this case.

Greg Mikolash said they could make the entire first phase state there is collapsible soil potential.

Nola Duncan said the staff report indicated it will be six to ten years before development of the 10-acre City park. She asked how the property would look in the meantime.

Greg Mikolash said it will be natural vegetation as it exists now. It will be the City's job to keep the weeds down.

Nola Duncan asked if the lot that contains the well will remain under City control.

Greg Mikolash said it will be a City lot. There is a potential for the well to be capped at a future time and the lot developed.

Nola Duncan asked if the well could be used by the person who buys the property in the future and if that would present any problems.

Madeline Francisco-Galang said they would take into account how deep the well is and how high the water table is in the area, but she understood that as for now it would be kept as it is until it becomes a developable piece, and the City would maintain it.

Ellen Smith asked if the soils sampling had been completed in the area of the fire station.

Lee Conant, 5010 Marilyn, said the collapsible soil area was determined as a result of the geotechnical report. He explained that they will remove the collapsible soils and replace and compact it. City inspectors will be involved in the process. Having a secondary geotechnical report is fine with him, but the property owner will get an engineered fill in place of the collapsible soil. He said there is always a chance that they may miss some of the soils, but as they cut the roads and test other areas any additional collapsible soils that are found will be replaced. He felt that the note on the plat covers the homebuilder. Kennecott has gotten involved with the environmental cleanup, and Kennecott will conduct the cleanup. The City has issued a land disturbance permit for the full length of the canal. Even though the staff report said there will be no soil disturbance until the plat is recorded, the City had given Kennecott permission to do the cleanup. Regarding the park, they had been asked to fence the southern boundary with a 6-foot fence. The property that includes the well is not a lot but is a parcel. However, it meets the criteria for a lot, so the City could surplus and sell it as a lot in the future if they choose. It will be dedicated to the City and is not one of their 146 lots. He stated that he had no problems with the changes that were made to the development plan.

Justin Stoker said the grading and drainage plan calls for a swale on the south side of the wall, but it seemed to make more sense on the north side.

Lee Conant said it didn't make a difference to him, but the engineers didn't want it on City property. The water flows to the east, but if they want to make the change they need to instruct them to do it at final engineering.

Greg Mikolash said the change was made as a result of an Engineering comment and requirement.

Justin Stoker referred to Page 9 of the Final Development Plan and suggested that for consistency the phrase 'open places' be changed to 'open spaces'.

Ellen Smith asked if they had identified what is on the property as far as the environmental issues are concerned.

Lee Conant said they determined that before Kennecott was involved, and that report was given to engineering.

Ellen Smith asked if Kennecott had developed a cleanup plan that was approved by the State and if the State had said that the levels are low enough that they can build on top.

Lee Conant said they do have a plan. The testing went below it to see if anything was seeping, and there was nothing below it. The State accepted picking it up and taking it away.

Ellen Smith asked to have the location of the cleanup areas pointed out.

Lee Conant pointed out the locations and said they will all be cleaned up. As part of the voluntary cleanup program the State will certify that it is clean.

Ellen Smith asked if the EPA had been involved at all.

Madeline Francisco-Galang said it was stated in a conversation with Wendell Rigby and Nate Nelson that the EPA had gotten involved with Kennecott on the cleanup project.

Ellen Smith said it was her understanding that when the State issues a certificate of completion it releases the owners who buy the property from any liability, but she understood that the EPA doesn't recognize that.

Greg Mikolash said it is two-phased, but that is after the DEQ issues a certificate. However, it is a joint effort.

Ellen Smith said her question is whether or not the EPA could come back later and claim something wasn't done.

Greg Mikolash said that shouldn't happen.

David McKinney asked about the timing of the clean up.

Lee Conant said they should be at this property in September. It will only take a short period of time and will precede any development work.

David McKinney asked how deep the collapsible soils go.

Lee Conant said they can go as deep as 10 to 14-feet. They will dig those out and replace it with fill.

David McKinney asked if the widening and completion of 6400 West will be part of the construction with Phase 1.

Lee Conant said yes. The ordinance calls for the full width to be dedicated and the pioneering party to build to back of curb.

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

Nathan Hendricks said he was heavily involved with the environmental issues and had met with Kennecott on many occasions. The EPA is involved, but it isn't a declared EPA site. It takes 2-3 day to clean up a 100-foot stretch of land, and the timeline for this property is September. He was happy with how this had proceeded, and he was confident that it will be cleaned up and there will be no concerns for the homeowners. He said the State DEQ goes to every site and watches until it is done.

There was a discussion regarding the possible modifications to conditions #12 and whether or not the boundary area should be increased. The Commission wondered if the boundary had already been increased.

**MOTION: David McKinney moved to bring the applicant forward to answer the question. The motion was seconded by James Dupaix and passed 6-0 in favor. David Beecher was absent.**

Lee Conant said it is an arbitrary thing. He said if the Commission were really uncomfortable with the current boundary they could follow a street. Otherwise they will create a situation where the City would have to measure every lot, because the builder would not do it.

David McKinney said they could go with the boundary as shown and list by lot number any other properties they feel might be affected.

Nathan Crane suggested that they could include everything south of Chandler R Lane.

Lee Conant said the boundary shown on the plat extends further than where the testing shows the collapsible soils are.

David McKinney wondered if there was a need to go further or if it had already been pushed out far enough. They can either specify all lots in the shaded area on Phase 1 in addition to all lots south of Chandler R Lane and Maple Brush Circle or state that condition 12 applies to all lots within the shaded area on the final plat in addition to Lots 1032, 1017, 1102, 1007, and 1003.

Justin Stoker thought that the geotechnical engineer would build a safety factor into the boundary to cover his own liability, so he felt it was a pretty safe boundary. By recording the separate documents for each lot a red flag will show up on a title report. He thought that a separate document could be presented to the homeowners of Phase 1 at the time of purchase that sensitive soils had been found in the vicinity and encourage them to consult with a geotechnical engineer. He referred to Page 16 regarding the repetition of home models and wondered if they should be even more restrictive.

Greg Mikolash said they could make it more restrictive but allow for the home plan to be flipped.

There was some discussion regarding whether or not the market would naturally provide for the increased separation of home styles. James Dupaix indicated that the lots will be sold to different builders, which could inherently cause different models to be built across the development. With different builders they typically won't build the same model within eyesight of itself.

Ellen Smith said she liked the plan, but she was concerned that the future park in Phase 3 may turn into a situation like Paige Meadows where the land is set aside for a park but was never developed, so homes were eventually approved for the land.

Greg Mikolash said this property would be dedicated to the City, and the City wants a park there, but the property at Paige Meadows just had a land use designation as a possible future park in the area.

Ellen Smith said it concerned her that in eight to ten years when the property owners in the area are counting on a park it could be decided that the City doesn't want it anymore and homes be built there.

The applicant wished to say something on the issue.

**MOTION: Ellen Smith moved to allow the applicant to come forward and speak. The motion was seconded by James Dupaix and passed 6-0 in favor. David Beecher was absent.**

Lee Conant stated that the real critical issue is that the property is being deeded to the City, so anything done with the land will be determined by the City and not a developer.

There was further discussion and clarification regarding the additional notice in letter form that could be given to future property owners at the time of sale regarding the possibility of sensitive soils in the area.

**MOTION: James Dupaix moved to approve the Final Subdivision Plat and Final Development Plan for Maple Hills Phases 1 and 2; approximately 7800 South 6400 West; Lee Conant (applicant) subject to the conditions 1 through 14 in the staff report, amending condition #12 to include that a sensitive soils notice be given to property buyers at the time of purchase for them to sign as understanding that sensitive soils are in the area. The motion was seconded by Nathan Hendricks.**

**AMENDED**

**MOTION:** David McKinney moved that additionally it specify that the notice be given to property buyers within Phase 1 of the development. James Dupaix stated that was the intent, and he and Commissioner Hendricks accepted the amendment. The motion passed 6-0 in favor. David Beecher was absent.

**MOTION:** James Dupaix moved to adjourn.

The meeting adjourned at 6:52 p.m.

David L. Beecher  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

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