

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD SEPTEMBER 3, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: James Dupaix, Nathan Gedge, David McKinney, Justin Stoker, Ellen Smith, and John Winn.
Nathan Hendricks was excused.

STAFF: Tom Burdett, Julie Davis, Robert Thorup, Greg Mikolash, Ray McCandless, Chris Gilbert, Nathan Nelson, and Reed Scharman.

OTHERS: Ken Wright, Lisa Iwuh, James Greaves, Liz Scanlon, Malinda Wright, Shirl Larsen, Hollis Hunt, Mickey Beaver, Steve Bell, Nathan Burgess, Steve Larocco, Brook Oswald, and Rick Sellers.

The briefing meeting was called to order by James Dupaix.

The agenda was reviewed. Item #2 was discussed briefly and recommended for the Consent Calendar if there are none to speak on the item. Chris Gilbert explained the extenuating circumstances that resulted in a positive recommendation from staff for Item #3.

The regular meeting was called to order at 6:00 p.m.

**1. Consent Calendar
Approve Minutes from August 20, 2008**

2. Iwuh Moved-on Home; 1644 West 8600 South; Conditional Use Permit; RR-1A Zone; Lisa Iwuh (applicant) [#CUP20080014; parcel 21-34-452-019]

Staff recommended that the Planning Commission grant Conditional Use Permit approval for the moved-on home, located at 1644 West 8600 South, based on the positive findings of fact with the conditions of approval as listed 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. The Applicant provide a cash bond or other acceptable financial assurance in a form acceptable to the City Attorney, or lien on the property, in sufficient amount to guarantee the completion of remodeling of the moved-on dwelling prior to receiving a building permit. (City Code Section 89-6-114-e)
2. Construction shall be completed within 9 months from the date a building permit is issued. The Planning Commission may grant a 3-month extension to this construction period upon provision of reasonable justification by the Applicant. (City Code Section 89-6-114-f)
3. Applicant shall construct a 2-car attached or detached garage on the destination lot to conform with residential zoning standards. (City Code Section 89-3-307-c)
4. The Applicant shall obtain a building permit and any other necessary permits for all construction work, including basement foundation and 2-car garage, on the destination lot and shall comply with all adopted Building Code and Fire Code regulations. (City Code Section 89-1-108-a)
5. The Conditional Use Permit is subject to review and/or revocation as per City Code Section 89-5-404.

MOTION: Nathan Gedge moved to move Item #2 to the Consent Calendar and to approve the Consent Calendar. The motion was seconded by Ellen Smith.

David McKinney recommended that they ask if the applicant of Item #2 wanted to speak on the item.

James Dupaix explained to the audience that the motion would approve Item #2 if no one wished to oppose it, and he asked if any wished to speak. There were none who wanted to give contrary testimony.

VOTE: The motion passed 6-0 in favor. Nathan Hendricks was absent.

2. **Iwuh Moved-on Home; 1644 West 8600 South; Conditional Use Permit; RR-1A Zone; Lisa Iwuh (applicant) [#CUP20080014; parcel 21-34-452-019]**

[This item was moved to the Consent Calendar and approved.]

3. **Industrial Park at Jordan Landing Waiver; 7000 South to 7800 South Airport Road; Waiver of Sections 87-5-111(c) and 89-6-903 Regarding the Requirement to Underground Power Lines; M-1 Zone; Hollis S. Hunt P.C., Attorney at Law (applicant) [#APP20080003; parcels 21-30-326-001, 002, 003; 21-30-176-001, 002, 003,004, 005; 21-30-126-002, 003, 004, 005, 006]**

Chris Gilbert gave the overview of the request to waive the requirement for undergrounding power lines for 13 lots in the Industrial Park at Jordan Landing. The requirement to underground utilities was not in place at the time the subdivision was approved. He attended an owners meeting to see if they wanted to pursue a waiver, and none of the property owners who already developed without the requirement wanted to participate. Rocky Mountain Power was also in attendance at that meeting stating concerns with the lack of current electricity that will require upgrading of the lines. If undergrounding is required the upgrade would be at a considerable cost to the rate payers. Staff felt that this argument is the most germane to the issue of other factors that could justify a waiver. The Engineering Department states there is no engineering reason that they cannot be put underground. Staff felt that the request meets the criteria for the waiver. He said that this request will also go to the City Council, because it is a full subdivision.

Staff recommended the Planning Commission approve the waiver for all 13 Lots of Jordan Industrial Subdivision, based on the findings within the staff report.

James Dupaix asked what the purpose was for establishing the undergrounding ordinance.

Tom Burdett said it provides more reliable service to citizens with fewer power outages due to wind and snow storms and other natural disasters. There is also an aesthetic interest for most cities for unimpeded streetscapes.

David McKinney asked if the type of underground installation with a pole between every currently developed property and every undeveloped property would result.

Chris Gilbert said yes. The intent is for all of them to be put underground, but that may be a very long time before all of the properties come to the City with some type of application, such as an amended site plan or a subdivision plat, which would cause the requirement to come into play.

Ellen Smith asked if Sortech Business Park to the north uses this same power line.

Chris Gilbert said yes.

Ellen Smith asked if the power line needed to be upgraded would they have to dig up those lines.

Chris Gilbert said possibly yes, but he felt that the Rocky Mountain Power representative should confirm.

Justin Stoker asked what the ordinance says about Rocky Mountain Power being responsible for undergrounding the lines when they are upgraded.

Chris Gilbert said the code currently requires a property to meet the code when it comes in for development approval. The utility company wouldn't come to the City for a specific development approval.

At the request of James Dupaix, Chris Gilbert pointed out the parcels in the subdivision and their stage of development. Four parcels are vacant with no prospects of developing at this time. Of all the lots in the subdivision six are grandfathered with no requirement to underground.

Hollis Hunt, 392 East 12300 South #A, is the attorney representing those parties in the subdivision who do not have grandfathered rights. He said the subdivision as a whole is not asking for the waiver, because six of the lots are grandfathered. He asked if that changed the status of the application.

Robert Thorup said the point is that the entire subdivision is not asking for the waiver. If that is the case then the entire subdivision didn't need a waiver, and it wouldn't have to go on to the City Council.

Greg Mikolash felt that they needed to take all 13 lots into consideration.

Chris Gilbert said if the action doesn't address the whole subdivision then if one of the lots came in with an expansion proposal they would be in the same position. He felt it should be addressed as a whole subdivision.

Hollis Hunt said the position of the applicant is that the application is only for the lots that don't have the grandfathered status. The City cannot come back and impose a new condition upon a subdivision where that condition was not granted when the land use application was applied for. Those lots are now exempt under the statute, and they are only asking for the lots that haven't been built upon.

Tom Burdett said the application was filed based on representation of an association, and they don't know what that association is. The area called out in Mr. Hunt's letter is from 7000 South to 7800 South, and it caused him concern, because he didn't believe Mr. Hunt represents everyone in that area.

Hollis Hunt said he represents the property owners who have not yet developed their property, because those who already developed do not wish to incur the cost and they believe they are grandfathered and free from the obligation. Therefore, they would like a ruling from the Planning Commission and not just a recommendation.

Chris Gilbert said the affidavit signed by Brent Milne, the agent of the owners located at 7000 South to 7800 South Airport Road, and staff moved forward on that basis.

Tom Burdett clarified that the letter states that it is the owners within the Industrial Park at Jordan Landing that are remaining, he assumed of the undeveloped properties.

James Dupaix said he wanted to make sure the Commission was following the laws and codes as established.

Robert Thorup said the application is clearly for the remaining properties that are not grandfathered. Staff was looking at the wisdom of dealing with the entire property, but if the applicant is only looking for a waiver on the remaining properties it would only be for the approval of the Planning Commission.

James Dupaix stated that based on the opinion of legal counsel they are not considering the entire subdivision, but only those parcels in the subdivision that have not undergrounded utilities and who may have the requirement already to underground, and who may be given that requirement in the future as they bring forward development plans.

Robert Thorup asked the applicant to identify the lots in question.

Brent Milne, 4191 Marquee Way, Salt Lake City, indicated the lots they are representing to be 1, 4, 5, 6, 7, 8, and 13.

Hollis Hunt referred to his letter of July 28, 2008, which raised points that the subdivision was approved January 6, 2000, and did not require undergrounding of the power lines. Since that time an ordinance was passed that would require undergrounding. In the interim period some of the properties developed leaving the power distribution lines aboveground. The power line to the property from Airport Road is underground; it is only the distribution line from Rocky Mountain Power that they are talking about. He said one of the reasons the City passed the ordinance was for aesthetics. In this instance, if the remaining property owners are required to underground it will create even more visual blight, because only two poles would be removed and additional equipment would be required. He pointed out that there are no residential uses in the area.

Mickey Beaver, Rocky Mountain Power, Customer and Community Manager, 201 South Main Street #201, said Steve Bell, estimator, was also in attendance. Mr. Beaver explained that he didn't think much would be gained aesthetically by undergrounding, because there would be a dip pole and conduit going up and down on the lots where it isn't required. The life of underground facilities is less than the life of overhead facilities. In this type of situation they will be 20 - 25 years for underground distribution, and when it begins to fail they have to splice and replace as necessary. Overhead facilities are designed for 50 years, but they have some that have been in the air longer than that. Reliability wise they probably do experience fewer outages with an underground distribution system in many cases, but the down side is when there is an outage it is harder to locate and can take longer to repair. Accumulative costs may be a wash in those situations. However, they are concerned in the situations where there is a choice of underground versus overhead for facilities that manufacture, because sometimes lost productivity of a day as opposed to a couple of hours can make a big difference for some businesses. Aesthetics are a huge concern, and they appreciate the desire to underground, but it doesn't make sense in some cases. When they get ready to upgrade these particular lines they are not looking at an upgrade to larger poles, but it would be for a larger size wire that would have a greater voltage and current carrying capacity. The current kbw is at 12,500 volts. The upgrade would still operate at 12,500 volts, but it would push greater current and allows it to serve more load off the existing system.

Steve Bell said he didn't have the current on this line, but the engineers told him that the line is getting almost to capacity now. The existing wire is a 2 and the smallest wire they have, and they plan to put up 795. Once they put in the dip poles they have to be anchored and will eliminate their ability to do it overhead. To rebuild this line underground to capacity for future generations it will cost 3 to 5 times more than leaving it overhead. Diggins are probably one of the biggest causes for outages, and they have more of those than people getting into the overhead lines.

Justin Stoker said the letter states the cost to the 13 property owners is \$458,000. In addition they would also be responsible for the conduit, trenching, and backfilling at an additional \$333,000. This would be the cost at over \$200 per linear foot. Commissioner Stoker said in his experience with water and sewer mains it is usually only \$65 per linear foot. He wondered why it costs so much more to put the lines underground.

Mickey Beaver said it is partly due to the cost of the cable and the structures needed to support the underground system in terms of poles, conduit up and down the poles, and the inner connections. When they put electric infrastructure underground there still needs to be aboveground capacity to operate the system in the form of pad mount transformers, switch gear, ground sleeves, and the labor to pull the cable through the conduit.

Justin Stoker understood the need for the transformers and switch gears, but he said they are already looking to upgrade the wire.

Mickey Beaver said they don't already have the wire, because they use a different wire. Overhead wire can be cooled by ambient air temperature and there is more current carrying capacity in cold weather than warm weather. Underground wire has to be insulated to an extent that it doesn't have to be aboveground in order to maintain temperature to allow as much current as possible to be pushed through the wire. The underground wire has to be much larger than overhead wire to get the same current carrying capacity to serve the customer load.

David McKinney understood that when wire is undergrounded it is in a conduit with pull boxes at the end of each run of conduit. When it comes time to upgrade the wire it would seem to be relatively simple to take one wire out of the existing conduit and put another one in, so in that way the cost to upgrade should not be so great.

Mickey Beaver said there is a point at which you cannot upgrade underground distribution wire when you reach a maximum wire size unless you go to higher voltages. Once you go to a higher underground voltage there is more expense and more difficulty with respect to the system. The largest underground distribution wire is called million cable. Beyond that it creates situations where it becomes so prohibitive to underground that you go back to overhead wires in order to gain the efficiencies of the costs associated with the system.

David McKinney asked if they are dealing with a situation that is not beyond that threshold if it wouldn't be just a matter of putting oversized conduit in the ground in the first place, and then it would be a simple matter to upgrade to a larger wire underground.

Mickey Beaver said it's not a function of the size of the conduit it is a function of how large a wire you can go to underground.

David McKinney said assuming you put a conduit in the ground in the first place that can handle a larger size wire, would it not be a simple matter of pulling out the existing wire and putting in the larger wire.

Steve Bell said if they go with a smaller wire they use a ground sleeve, which is what they tap out of each direction. When they go to million wire they have to put in switch gear to replace the ground sleeves. A switch gear is about \$20,000 compared to a \$5,000 ground sleeve.

David McKinney asked if he thought they would need million wire in this area.

Mr. Bell said if they have to rebuild it with million wire they will have to put in switch gear.

David McKinney asked if they will have to rebuild it with million or if they will be within a range where it is a conventional underground cable.

Mr. Bell said if they can't go overhead he didn't know if they could get approved to put in million.

James Dupaix asked if the plans to upgrade anticipate million.

Steve Bell said their anticipation was to stay overhead.

David McKinney said hypothetically, if the wire is put underground in this area going to likely require the million wire or not.

Steve Bell said it could require that and they could look at alternatives, but he wasn't sure if the company would want to do that.

David McKinney said the question is whether or not it is likely to be needed. In this particular area, if the power is undergrounded can it simply be provided with oversized conduit so that the anticipated upgrade in the future can be a fairly straight-forward matter rather than the super complex concept that they are saying it will be.

Mickey Beaver said if they could be provided with the development that will be taking place in the future they could answer the question, but they don't know. It is load driven. They don't upgrade ahead of the game on distribution, but only on transmission and generation. Distribution is load driven because it is also cost driven.

In cases like this they need to know what the business is, when they need the load, what the load size is, and then that party writes a check for the incremental cost of underground versus overhead, which is a function of regulatory law.

David McKinney asked what they think is likely in this area based on their experience with light industrial areas. These particular lots are relatively small.

Steve Bell said even small buildings can pull heavy loads while some big buildings pull nothing.

David McKinney asked him if this area is likely to need an upgrade that is going to require a wire that cannot be practically undergrounded assuming a larger conduit is put in place at the beginning.

Mickey Beaver said it is likely, but he didn't know when it would be. It is likely of most of the distribution lines in the valley, given the growth taking place and given what they are doing in all parts of the system. They are upgrading virtually the entire system as the valley builds out. When their engineers tell them there is a line or circuit or substation that is operating at 85% - 90% capacity and they know the peak loads on the Wasatch Front are growing at the equivalent at 75,000 homes per year, and they are doing it in all kinds of places, then the likelihood of having to upgrade substations, increase wire size, and look at alternative ways to get electrons to certain developments will require changes to the system.

David McKinney said he is speaking of this particular development.

Mickey Beaver said another issue is that this line is part of an integrated electric distribution system.

David McKinney understood that but asked if this line in the near future was likely to have to be upgraded to a line that cannot practically be undergrounded in an existing conduit that is put in place originally.

Mickey Beaver said that question is impossible to answer. This line is coming from somewhere going through here to somewhere else. If something happens somewhere else or something happens from where it is coming, then the line could have to be upgraded having nothing to do with the present load in this subdivision. That kind of situation is happening all over the City.

Justin Stoker said he is a civil engineer by trade and had run into the million cable several times. He has seen it put in conduit running down major streets with \$20,000 switch gear, and he has seen the million cable thrown outside of conduit two-feet deep into the dirt. He was not convinced that the million cable can't be run through a conduit.

Mickey Beaver said they aren't saying that it can't.

Justin Stoker asked if it will cost five times the cost of running a regular wire through the conduit.

Steve Bell said with just the wire alone and none of the equipment for this development it would be \$56,000 for overhead. If they replace the wire with the same size of wire and put it in the ground it would be \$79,000. If they ran million wire alone is \$268,000.

Justin Stoker asked if part of the cost of the potential underground million cable being shared with the customers at the \$458,000, or is that amount for the \$79,000 cable and labor and poles.

Steve Bell said their cost wasn't \$400,000. He also had to get costs for trenching and conduit.

Justin Stoker said the cost of trenching and conduit is being absorbed by the property owners at the additional \$333,000. The cost of \$458,000 is to underground the existing line with the cost of the wire only being \$79,000. So are they looking at \$380,000 in labor?

Mr. Bell said he didn't have the figures that Commission Stoker had for all of the total costs.

Hollis Hunt said his observation of what Rocky Mountain Power is trying to tell them is that the capacity of the underground wire has to be enlarged in order to meet the current requirements and in the next 2-5 years it will have to upgrade the line, and that it is cheaper and easier to do it overhead. Secondly, the City cannot require the existing businesses to underground, so there will be dips at every lot line that needed to be undergrounded, which he felt causes an aesthetic problem. He didn't see any practical or reasonable purpose for undergrounding it. He said the Commission needed to realize that this subdivision was passed prior to the ordinance, and the people who bought here relied on the ordinance and requirements which the City set in 2000. Testimony from Rocky Mountain Power says that they can recover faster with overhead, and they can upgrade quicker and cheaper with overhead, and there would only be a reduction of two poles if it were underground. He understood that cost is not considered a factor, but the reasonableness of it is, and he felt that there is no reasonable or rational reason to do this.

Shirl Larsen, co-owner of Airport Landing, said cost is a factor to him.

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

John Winn said he was trying to put himself in the shoes of the owners. He felt that the owners didn't think they would have the cost of burying the wires when they bought the properties. Now they are looking at additional expenses, and he would be in favor of the waiver.

Justin Stoker said it appeared that the wire would only come aboveground in two areas, but given the nature of the area he agreed with Commissioner Winn that it is probably appropriate to grant the waiver in this case. However, he was very disappointed in Rocky Mountain Power, and he felt that their fees are arbitrary, and it is very convenient for them that they can set their own fees. That fact seems to affect every single customer who wants to develop in West Jordan or any city in the State.

David McKinney said to a large extent he agreed with Commissioner Stoker that it wouldn't be quite as bad of a seesaw as they had first anticipated with the number of dips. However, generally he didn't like the idea of wires coming above and going below ground and so on, because it avoids the goal of the undergrounding ordinance of creating a better appearance. He wanted to get a more definite answer that it isn't so difficult to underground. The cost doesn't concern the Commission; this is an ordinance. The practicality issue does come into play as an upgrading of lines is expected in the near future, even if the upgrading is not quite as complicated as it is being indicated here. It could be made that complicated because initial construction might seek to cut costs. For that reason he would be in favor of the waiver.

James Dupaix said there are several issues here. One of the main purposes of the Commission and the ordinance is for the safety of the community. He should have asked the question about the safety issues of the lines overhead versus underground, especially near the airport. The makeup of this Commission is unique, and the questions asked are germane. They know that there is a point at which distribution lines cannot not be buried, and they wanted to find out if they would get to that point. He is not sure if there is a safety issue. He is probably in favor, but he felt that facts have been misconstrued in this application. He would like to have real numbers. The aesthetics are important, but not the major factor. Ambient temperatures of transmission lines is important for the transmission of current, there are also aboveground problems with ambient temperatures that vary so much that above line transmission varies in the dip of the line to a great extent. One of the reasons they have trouble with continuous services is because of the temperature and wind that disturbs the aboveground lines.

There are maintenance issues and service issues and safety issues for both commercial and residential customers. In this subdivision several property owners have been required to underground lines. Because of the vacant lots there would be more than just two areas that would have dips, but they could eliminate poles in the future if the undergrounding is required. Though he felt misled and misrepresentation of fact he was for the waiver.

MOTION: Justin Stoker moved to approve the Waiver for the seven applicable lots for the Industrial Park at Jordan Landing and forward a positive recommendation for the City Council to grant the waiver for the entire Industrial Park at Jordan Landing should the remaining six lots come up for redevelopment based upon the discussion and testimony given. David McKinney seconded the motion.

Commissioner Dupaix said it was made clear before the discussion that they did not need to make a recommendation to the City Council.

It was suggested that the two elements of the motion be separated.

Commissioner Stoker withdrew the motion.

MOTION: Justin Stoker moved to approve the Waiver to Underground Power lines for the seven applicable lots (1, 4, 5, 6, 7, 8, and 13) of the Industrial Park at Jordan Landing Subdivision; approximately 7000 South to 7800 South Airport Road; Hollis S. Hunt (applicant) based upon the testimony. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Nathan Hendricks was absent.

MOTION: Justin Stoker moved based upon the possibility that the six currently developed lots could lose their grandfathered status that they forward a positive recommendation to the City Council that they approve the Waiver to Underground Power Lines for the entire Industrial Park at Jordan Landing subdivision; approximately 7000 South to 7800 South Airport Road; Hollis S. Hunt (applicant). The motion was seconded by Ellen Smith and passed 6-0 in favor. Nathan Hendricks was absent.

James Dupaix asked if further action needed to be taken by the Commission for the lots that had site plan conditions to require undergrounding.

Tom Burdett felt that this decision will override those conditions, but staff will meet with the City Attorney to discuss it. The action will be brought back to the Planning Commission, if needed.

4. UTA 5600 West Park-and-Ride; 5650 West Old Bingham Highway; Preliminary Site Plan; C-M(TSOD) Zone; Utah Transit Authority/Elizabeth Scanlon (applicant) [#SPCO20080021; parcel 26-11-400-010]

Ray McCandless pointed out the subject site proposed for a park-and-ride lot. The first phase will be a parking lot for 420 vehicles, and second phase is on the south side of the project adding 210 spaces.

Staff recommended that the Planning Commission grant Preliminary Site Plan approval of the proposed Trax Park & Ride station located at approximately 5600 West and the Old Bingham Highway in a C-M/TSOD zoning district with the conditions of approval as listed 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.

Conditions of Approval:

1. The Applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. The Applicant shall modify the Site Plan to address the following:
 - a. Provide elevation drawings of the Traction Power Substation showing proposed exterior building materials.
 - b. Show all site and landscaping improvements and label areas that will be developed in the future as "future expansion" on all applicable drawings.
 - c. Show fencing location and detail.
 - d. Provide a landscape table showing that the proposed landscaping meets section 89-6-704 (landscaping provisions) of the West Jordan City Zoning Ordinance.

The master plan for 5600 West was shown, which shifts to the east in this area.

Elizabeth Scanlon, Utah Transit Authority, 669 West 200 South, Salt Lake City, said they are excited for the project and the Mid-Jordan line. She stated that Nathan Burgess and Steve Larocco were also in attendance to answer technical questions. She gave an overview of all five of their 2015 expansion projects. The Mid-Jordan line runs 10.6 miles from Murray to Daybreak and is scheduled to open 2011 or 2012. She reviewed the UTA Station Design Goals/Criteria that require compliance with their criteria as well as local ordinances and standards. Sixty percent of the parking is built upfront with the rest coming as demand warrants, but they are requesting approval for the entire site. All stations are ADA compliant. Elements of the site plan include a traction power substation, monument signs, lighting, landscaping, and a bus loop. A separate bus unit will work with staff regarding bus shelters after the station is open. She showed pictures of the standard bike racks and 4' vinyl coated chain link fence that will run the entire length of the platform between the platform and the park-and-ride lot. The railroad corridor to the east will have galvanized chain link fence next to Interstate Brick. Typical light poles and monument signs were shown. Each station on this line will have a name that indicates a sense of place. The West Jordan code suggests some names that will be considered. The UTA executive staff will consider all names and make recommendations to the board, which has final say. A physical address will also be indicated. She showed the traction power substation, which will have a 6' vinyl coated chain link fence and landscaping to be screened to the extent they can. Native seed mix will be used in the detention area and in the bus loop landscaping. Future parking areas will be either native seed or rough grading until the expansion occurs. Some of the elements in the platform area, which is not part of the approval tonight, are a new canopy design, brick column, benches, lean rails, skylights, and an improved pedestrian circulation around the columns. The tactile warning strip will be added for extra safety, ticket vending machines and emergency phones are provided. The platform will also have snow melt control that requires power control cabinets. Trash can and kiosk signage designs were shown.

Justin Stoker asked if the park-and-ride stations that are completed before the Trax line opens will be used for buses.

Elizabeth Scanlon explained that they won't be open until it is running. Since they can't build all of them at the same time they will build 4 this year, 4 next year, and the last 2 in 2010. Barriers and no trespassing signs will be provided until they are needed, and their transit police will monitor them.

Nathan Gedge asked how the size of this park-and-ride compares to existing ones.

Elizabeth Scanlon said it is a medium to large sized lot. The Sandy end of the line station has 1200 parking stalls. Woods Cross and Layton stations on Front Runner were 300 to 400. The Bangerter station will be the largest on this line with 845.

Nathan Gedge asked her to point out the additional area to the west that they have purchased and asked how it will be developed or landscaped.

Elizabeth Scanlon said that property will remain as it is right now. She was not sure of the future development.

David McKinney liked the new station platforms. He asked for the schedule of construction on this facility should it be approved tonight.

Elizabeth Scanlon said they would immediately move onto final site plan approval, but the contractor is ready to build now and would like to have it completed by the end of the year.

David McKinney wondered if the unpaved expansion area would be available for use if the capacity is exceeded.

Elizabeth Scanlon said they would want to monitor that so they can expand right away if needed. She didn't think they would care if people used it. It will have curb and gutter to separate it from the lot. She explained that drop off lanes are used inconsistently, so they want to monitor the Mid-Jordan line before they determine if one is needed.

David McKinney said since this is in an industrial area there may be users that would ride and walk to work. He asked if there were any way that an additional sidewalk could be placed to accommodate people working at businesses to the east.

Elizabeth Scanlon said they could take a look at it, but they are considering this as more of a drive-to location. She thought that the design lines up with the projected access. They are approached by private developers who ask to use the bus area for private shuttle systems, which they are willing to do. She and Steve Larocco explained the concept of continuously welded rail regarding a question from Commissioner McKinney at a previous meeting.

Reed Scharman said they are anticipating a much improved maintenance of the properties along the park-and-ride areas and the right-of-way.

Elizabeth Scanlon said their crews maintain the landscaping, properties, and stations. They encourage the community to call in with any problems. They also have their own transit police force that monitors and maintains peace and safety in the railroad corridor, which is coordinated with local agencies.

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

MOTION: Nathan Gedge moved to approve the Preliminary Site Plan for UTA 5600 West Park-and-Ride; approximately 5600 West Old Bingham Highway; Utah Transit Authority (applicant) based upon the testimony given and the findings of fact with the conditions of approval as listed in the Planning Commission packet. The motion was seconded by John Winn and passed 6-0 in favor. Nathan Hendricks was absent.

Commissioner Winn was excused from the meeting.

The Commission took a five-minute break at 8:03 p.m. and reconvened at 8:08 p.m.

5. Oracle Data Center; 6200 West 10120 South; Preliminary Site Plan, Preliminary Subdivision Plat, Conditional Use Permit, and Request to Modify Design Standards; M-1 Zone; David Imel (applicant) [#CUP20080013, SPI20080012, SDMA20080013; parcel 26-11-376-001]

Ray McCandless gave an overview of the application that includes subdivision plat, site plan, conditional use permit for outdoor storage area, and modification to design standards for a turnaround. He referred to the site map and pointed out surrounding uses and zonings. Several streets stub into the property with 10120 South being the primary access. The future right-of-way for Mountain View corridor is designated on the plat. The project will be constructed in two phases. Phase 1 will have 235,305 square feet and another building will be attached at some point in the future doubling the size. Native vegetation is provided around the site with some formalized landscaped areas. Perimeter and interior fences are proposed. Fencing examples are shown in the packet. A materials board was shown. The outdoor storage area will house generators, a fuel storage tank, and outside storage for the operations building. A fifteen-foot wall will be provided, and 390 feet separate the wall from the nearest property line. Mr. McCandless addressed the issue of the modification of design standards. They propose to eliminate the stubs at 6150 West and 9930 South and build a knuckle to finish the street. Oracle will not need 6045 West for access at this time, and they are requesting a waiver of the requirement for a turnaround at that location. The applicant's justification for the waiver includes that the property slopes toward the northeast with a 10-foot drop in the area and is part of the drainage swale. The Mountain View Corridor also clips the northeast corner of the property. UDOT owns the property to the north that probably won't be developed in the future, so it may be an option to locate the turnaround there. The other factor that plays into the request is that even though the second phase is planned for the area it could be subdivided in the future, and then the connection will be necessary.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to grant the requested Modification to a Development Standard to allow the existing stub street at 6045 West to remain as is until the Phase 2 plans are submitted or the property is otherwise developed.

Staff recommended preliminary approval of the proposed subdivision as proposed subject to providing any necessary street right-of-way dedication for turnarounds.

Staff recommended that the Planning Commission grant preliminary site plan approval subject to:

1. The Applicant meeting the requirements of all City departments, including, Planning and Zoning, Building and Safety, Engineering and the Fire Departments.
2. A lighting photometric plan will need to be submitted to show that lighting will be directed down and away from adjoining properties.
3. Add a landscaping summary table to show compliance with the provisions of Section 89-06-703 - Landscaping.
4. The Applicant demonstrates that facades greater than 100 feet in length incorporate wall plane projections or recesses. No uninterrupted length of any façade shall exceed 100 horizontal feet.
5. Landscaping be installed around the north, east, and south sides of the substation area sufficient to screen the facility from adjoining property when the landscaping is mature.

Staff recommended that the Planning Commission approve the request for a conditional use permit for outdoor storage subject to the Applicant meeting the requirements of all City departments, including, Planning and Zoning, Building and Safety, Engineering and the Fire Departments.

There was a discussion regarding the stub street at 6045 West, which is currently 200 feet in length. State Law under the Fire Code requires a turnaround when the fire access road is over 150 feet in length. The question of possibly removing 50 feet of pavement and vacating that portion of the road in order to keep it to 150 feet was raised. However, construction is underway on a new building on a lot to the north that this street will service.

The Fire Marshal stated that should the north end of the property develop out in another manner it would make sense to leave the option open to be able to connect back into the knuckle at 9930 South.

The subdivision plat is required to separate a parcel that is bisected by Old Bingham Highway, and also because there are small areas that require dedication.

Rick Sellers, architect, Gensler Architects, 101 Marietta Street NW, Atlanta, Georgia, stated that their civil engineer and landscape architect were also in attendance to answer questions.

Nathan Gedge asked what is envisioned for landscaping on the future development site.

Brook Oswald, Psomas Engineering, 4179 South Riverboat Road, said they are proposing a native cover crop designed to take little to no water. An irrigation system is planned to keep it green until the building is constructed.

Clarification was given that the entire site will be surrounded by a fence with a security fence on the interior immediately surrounding the building, parking lot, and adjacent facilities. The landscaping will be inside, outside, and between the two fences. Mr. Sellers indicated that there are no future construction plans for the area to the west, which will be left to native grasses.

James Dupaix said they are very excited to have Oracle in West Jordan.

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

MOTION: Justin Stoker moved to approve the Preliminary Subdivision Plat for Oracle Data Center; approximately 6200 West 10120 South; Oracle/David Imel (applicant) based upon the positive findings of fact. The motion was seconded by Nathan Gedge.

AMENDED

MOTION: David McKinney moved to amend the motion to include the statement that approval is subject to providing necessary street right-of-way dedication for turnarounds. The amendment was accepted and passed 5-0 in favor. Nathan Hendricks and John Winn were absent.

MOTION: Justin Stoker moved to approve the Preliminary Site Plan approval for Oracle Data Center; approximately 6200 West 10120 South; Oracle/David Imel (applicant) subject to conditions 1 through 5 listed in the Planning Commission report. The motion was seconded by Nathan Gedge and passed 5-0 in favor. Nathan Hendricks and John Winn were absent.

MOTION: Justin Stoker moved to approve the Conditional Use Permit for Outdoor Storage for Oracle Data Center; approximately 6200 West 10120 South; Oracle/David Imel (applicant) subject to the applicant meeting the requirements of all the City Departments including Planning & Zoning, Building & Safety, Engineering, and Fire Departments. The motion was seconded by Nathan Gedge and passed 5-0 in favor. Nathan Hendricks and John Winn were absent.

MOTION: Justin Stoker moved to forward a positive recommendation to the City Council for Oracle Data Center; approximately 6200 West 10120 South; Oracle/David Imel (applicant) to grant the request of modification to a development standard to allow the existing stub street at 6045 West to remain as it is until Phase 2 plans are submitted or the property is

otherwise developed. The motion was seconded by Nathan Gedge and passed 5-0 in favor. Nathan Hendricks and John Winn were absent.

6. Text Amendment – Amend the West Jordan Municipal Code Titles 81, 87 and 89 and Creating a New Section 42-1-101 regarding Contaminated Soils and Land Disturbance; City-wide; City of West Jordan (applicant)

Robert Thorup said this is in three parts: the new Contaminated Soils Ordinance in Title 42; the introductory sections to various titles; and, changes to Title 89. The Contaminated Soils ordinance is currently in Title 87, which forces all contaminated soils issue to participate in the voluntary remediation program offered by the State, which contemplates clean up of a contaminated site. In dealing with UTA on the park-and-ride sites where there will be contaminated soils issues, they raised the point of why they can't follow the EPA and State requirements for dealing with the contaminated soils in place; stabilized and sealed rather than cleaned up. Staff investigated with the State Attorney General and resulted in a conclusion that they needed to have expanded ordinance to deal with both situations. They also found it was more appropriate to locate the section of the code in the Environment Title. They propose a two tier program that public and quasi public entities that seek to comply with the ordinance would do so based upon their representation up front that they will undertake to comply and contact the State Department of Environmental Quality whereas private developers will be asked to deliver a certificate from a professional environmental engineer at the conclusion of their project testifying to the City that such steps were taken. The introductory amendments would sit in front of Titles 81, 87, and 89 to bring to the attention of citizens and staff that Title 42 Environment needs to be addressed. Regarding the changes in Title 89 it will ensure that there will be a permit at the beginning of the process and a final sign off to represent that environmental and other zoning requirements have been made.

Staff recommended the Planning Commission forward a positive recommendation to the City Council for revision to Title 18 – Buildings and Building Inspection, Title 42 – Environment, Title 81 – Land Disturbance, Title 87 – Subdivision Ordinance, Title 89 – Zoning Ordinance, and Title 90 - Utilities

James Dupaix asked if the certificates would be recorded with the plat.

Robert Thorup said yes, they should be.

Ellen Smith said the City would have documentation of the beginning and end permits, but would they also be required to file documentation of any work plans or other environmental reports with the City.

Robert Thorup said the current ordinance doesn't contemplate that and doesn't intend to keep the documentation.

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

MOTION: Nathan Gedge moved to forward a positive recommendation to the City Council for revision to Title 18 Buildings and Building Inspection, Title 42 Environment, Title 81 Land Disturbance, Title 87 Subdivision Ordinance, Title 89 Zoning Ordinance, and Title 90 Utilities based upon the testimony. The motion was seconded by Justin Stoker and passed 5-0 in favor. Nathan Hendricks and John Winn were absent.

Tom Burdett gave an update on recent City Council actions. The emergency code amendments were approved adding a reference to the appeal process for Administrative Conditional Use Permits. The Cadyn Meadows rezone and land use request was denied with the concern that 100 – 200 units was a significant increase to provide a transition of land uses. However, there is some interest in the City Council, and the applicant may ask

them to reconsider a lesser density with a transitional land use and better configuration. City Council approved designating the Utah Lake and Salt Lake Canal as a regional trail. Salt Lake County is working on providing trail improvements along the canal. Envision Utah made a presentation on the Jordan River Blueprint Master Plan Update. The Commission is invited to the groundbreaking of Oracle on October 24 at 2:30 p.m.

Mr. Burdett asked if the Planning Commission would like to participate in a tour of gated communities in conjunction with the direction from City Council for staff to work on standards for gated communities. James Dupaix felt that that would be a good idea.

Nathan Gedge asked if the City Council would request testimony from the Commission on the Country Park Villas appeal.

Tom Burdett said they will have the minutes from the meeting. Typically the planning staff represents the Commission's recommendations, but the Commission could provide a representative if they wished.

Nathan Gedge recommended that Commissioner Stoker be their representative.

Justin Stoker said he was planning on attending.

Tom Burdett asked Greg Mikolash to make sure administration knew.

MOTION: Nathan Gedge moved to adjourn.

The meeting adjourned at 8:50 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008