AGENDA

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING

March 26, 2019

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING ON TUESDAY, MARCH 26, 2019, IN THE CITY COUNCIL CHAMBERS, 1600 WEST TOWNE CENTER DRIVE, SOUTH JORDAN, UTAH. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE PLANNING STAFF AT (801) 254-3742 AT LEAST 24 HOURS PRIOR TO THIS MEETING. THE REGULAR MEETING WILL BEGIN AT 6:30 PM AND THE AGENDA WILL BE AS FOLLOWS:

6:30 PM

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

B. Motion to Approve Agenda

C. Approval of the Minutes from the Meeting held on March 12, 2019

D. Acceptance of Planning Commission Written Decision regarding Application Project No. PLCUP201800742 Rocky Mountain Power South Jordan to Draper Line Up-size.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

B. Comments from Planning Commission Members

III. CITIZEN COMMENT

Any person wishing to comment on any item not otherwise on the Agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the Planning Commission will be turned over to staff to provide a response outside of the Planning Commission meeting. Time taken on non-agenda items, interrupts the process of the noticed Agenda. In rare cases where it is determined appropriate to address items raised from Citizen Comments, these items will be noted and be brought back at the conclusion of the printed agenda.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

A.1 Issue: **DAYBREAK VILLAGE 8 PLAT 6**
PRELIMINARY SUBDIVISION

Location: 11140 South 6230 West
File No: PLPP201900036
Applicant: Daybreak Communities/Gary Langston

A.2 Potential Action Item – (See VI.A.1)

B.1 Issue: **DAYBREAK PROSPERITY ROAD DEDICATION PLAT**
PRELIMINARY SUBDIVISION

Location: 11745 South 6420 West
File No: PLPP201900057
Applicant: Daybreak Communities/Gary Langston

B.2 Potential Action Item – (See VI.B.1)

C.1 Issue: **OQUIRRH MOUNTAIN PAD 13C**
SITE PLAN

Location: 11621 South 4000 West
File No: PLSPR201900068
Applicant: Ted Didas

C.2 Potential Action Item – (See VI.D.1)

D.1 Issue: **OQUIRRH MOUNTAIN RETAIL/OFFICE, THE PIANO PLACE**
CONDITIONAL USE PERMIT

Location: 11621 South 4000 West
File No: PLCUP201900114
Applicant: Brady Davies

D.2 **Potential Action Item – (See VI.D.1)**

E.1 **Issue:** **DW ESTATES**
PRELIMINARY SUBDIVISION

Location: 2549 West 11400 South
File No: PLPP201900118
Applicant: Diana May

E.2 **Potential Action Item – (See VII.E.1)**

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

None

VIII. OTHER BUSINESS

None

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
: §
COUNTY OF SALT LAKE)

I, Anna M. West, certify that I am the duly appointed City Recorder of South Jordan City, State of Utah, and that the foregoing Planning Commission Agenda was faxed or emailed to the media at least 24 hours prior to such meeting, specifically the Deseret News, Salt Lake Tribune and the South Valley Journal. The Agenda was also posted at City Hall, on the City's website www.sjc.utah.gov and on the Utah Public Notice Website www.pmn.utah.gov.

Dated this 22st day of March 2019.

Anna M. West

Anna M. West, CMC
South Jordan City Recorder

CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS
March 12, 2019

Present: Commissioner Mark Woolley, Commissioner Julie Holbrook, Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner John Ellis, Commissioner Michael Haynes, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Staff Attorney Todd Sheeran, City Recorder Anna West

Absent: Commissioner Sean Morrissey

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone present. He said if you are intending to speak tonight, please fill out one of the blue public speaking cards. This will help us manage the Public Hearing if we have a lot of speakers. He noted that all Commissioners are present except Commissioner Morrissey and he is excused tonight.

B. Motion to Approve Agenda

Commissioner Holbrook said we need to move Item D. to go before Item C. so that the Rocky Mountain Power item is heard last.

Commissioner Holbrook made a motion to move Item D.1. to go after Item B.1. on the Agenda and approve the March 12, 2019 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

C. Approval of the Minutes from the Meeting held on February 26, 2019

Commissioner Holbrook made a motion to approve the February 26, 2019 Planning Commission Meeting minutes with changes. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

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B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Woolley opened Citizen Comment.

Joseph Shurn, South Jordan; he said they have put no right turn lights on that new 106th South and River Front Parkway road and you are not allowed to turn right. Everybody runs that light and it is just not working. I don't see any reason to have that light there. It jams traffic and wastes energy and gasoline.

Chairman Woolley asked Jeremy Nielson to check into that. Jeremy said that was a UDOT decision but we will go ahead and look into the issue.

Chairman Woolley closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

A.1 **Issue:** **Daybreak Oquirrh Plat Amended Subdivision Amendment**
Location: 10521 South Lake Avenue
File No: PLPLA201900074
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. This meets all state and local requirements for subdivision amendment and staff is recommending approval.

Chairman Mark Woolley opened the Public Hearing. No comments. He closed the Public Hearing.

Commissioner Ellis asked if the plan is to leave the western lot as open space or are you planning to develop that into something else.

Gary Langston, Daybreak Communities, said the intent of this is to do two things. We are preparing to transfer the lake to the HOA. We have an agreement with Harmons to build a little Neighborhood Market at the north end. At some point in the near future you will see another amendment to the big parcel to the

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north, which will further subdivide and create all of the parcels for the future and commercial and residential. We are not modifying the open space by Lake Avenue.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Holbrook made a motion to approve Project No. PLPLA201900074 subject to all South Jordan City Requirements are met prior to recording the subdivision amendment. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

B.1 Issue: **106 Exchange II Site Plan**
Location: 489 West South Jordan Parkway
File No: PLSPR201801175
Applicant: Greg Goffin/Thrive Development

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. The ARC has reviewed this and recommended approval. This meets all Code and City requirements.

Chairman Mark Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Jolley made a motion to approve the 106 Exchange II Site Plan, file number PLSPR201801175, with the following requirement(s):

1. **The necessary waterline easement(s) shall be recorded prior to any construction.**
2. **The Applicant shall provide 'will serve' letters and/or other final approvals from utility entities prior to construction.**

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

This Item D.1. was moved to follow B.1. at the beginning of the meeting.

D.1 Issue: **Ashcroft Acres Subdivision**
Preliminary Subdivision
Location: 10700 South 1055 West
File No: SUB-2016.01
Applicant: Charles Judd, J Lamar Holdings, Inc.

City Planner Schindler reviewed the background information on this item from the Planning Staff Report. This application is located just off of 1055 West which was declared a Historic Road a few years ago. Because of that, there will not be any further widening of the road or improvements. Some lots are large enough to have farm animals and they are properly zoned; however, there has been a note placed on the plat that states no large animals will be allowed on any lot in the subdivision. They will put up masonry walls on the north side and along the entire south side. This meets all of our requirements for code and staff is recommending approval.

Commissioner Jolley asked if the wall will go in front of parcel A on the north side.

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City Planner Schindler said no, because there is no one living there so it is not required.

Commissioner Jolley said if that becomes a buildable lot in the future will it be required. City Planner Schindler said yes. They would have to amend the plat at that time.

Chairman Mark Woolley opened the Public Hearing.

Don Reese, my property adjoins the property on our south end and their north end. I have a major concern I would like to address. The water that runs down that ditch is surface water and it is now supposed to be covered and it is not. It needs to be covered completely before they put yards in there because the yards will push down against that and against the retaining wall. My recommendation would be to make sure that the pipe that is there now is removed and a new pipe be put in adequately because the water from that ditch now runs over partly on my property and is causing a problem there for me. I need to see that that is addressed before I can look favorably towards this.

Chairman Wooley asked Jeremy Nielson of Engineering is he was aware of that irrigation water. Mr. Nielson said no I am not aware of it but I will make sure that the staff engineer is aware of it.

Mr. Reese said that water is privately owned so we can't block it off and there is no accessibility to my property or accessibility to the Judd property. If they put a subdivision in there, and the lots are pushed down as they level the lots out, my concern is that it will either be covered or if not covered adequately, it will stop the flow of the water. My other concern is the traffic on 1055 West. We have addressed this several different times. I have the backing of all of the citizens on the street and can give a proclamation to state that we are not in favor of having additional traffic on that little private road.

City Planner Schindler said I would like to make a correction, they do plan to build a wall all the way across the detention basin.

Chairman Woolley closed the Public Hearing.

Michael Judd, I am Charles Judd, the applicant's oldest son; he is in Guatemala on a humanitarian trip right now.

Commissioner Jolley asked Mr. Judd to address the concerns regarding the open ditch. He asked is it a surface draining ditch or a ditch that carries water that is owned by other individuals.

Mr. Judd said yes; that is my understanding. My understanding squares with Mr. Rees's statements that it is water that is used by people primarily to the east across 1055. We are more than happy to follow whatever instructions the City gives. We want it to be safe and we do not want to interfere with private rights of others.

Commissioner Jolley asked are you aware of an easement that exists there for this pipe or ditch to exist there. Mr. Judd said no. Like Don said, we believe those rights belong to people who were there before and have had those rights a long time. Often we hear about those kinds of things just by word of mouth.

Commissioner Jolley said if there is legal water that is owned that crosses his property, there should be an easement; is that correct? Jeremy Nielson said there probably should be. A lot of times those old irrigation lines and ditches, there is not. There is a prescribed right to the water users. We need to

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accommodate that and make sure that the water continues to go through the way it normally goes through.

Don Reese said that water comes from Beckstead Estates. In the late 40's early 50's, put in a drainage system that drains surface water into that ditch that runs from the back of Beckstead Estates all the way down and across 1055 West. That is surface water that is pumped out so that water doesn't go into the basements of the homes. That land was, originally where Beckstead Estates now sits, was quite swampy so they put in a tile irrigation system underground and it is still in effect today. That is where most of the water comes from. It is owned by Cal Robbins. He is currently in Philadelphia on a mission.

Chairman Woolley asked Jeremy Nielson what he can tell us about 1055 West and what can be done. He also asked what the City's long term plans are for traffic concerns on 1055 West.

Deputy City Engineer Nielson said traffic really hasn't been a concern on 1055 West. The plan is to keep the road at the 25' width.

City Planner Schindler said most of the developable parcels are on the east side of the road and they may have opportunity to not use 1055 West as access. We have had multiple concepts that staff has come up with over the years showing connections to some of the roads that are down in the River Park Development that stub into those properties and at some point to connect them up to South Jordan Parkway. I can't say that nothing will ever be added to 1055 West but there is a private portion of the lane further south that ties in. We try to direct everything to the other direction.

Commissioner Ellis said as I understand, the water currently flows down the back property line of these lots 1, 2, & 3 and spills into the property to the north and it belongs to the property to the east. What provisions can we employ to ensure that the water doesn't get pushed onto the property to the north?

Chairman Woolley said we can discuss this with staff again and have them give us a recommendation that we can include in our motion or we can include in our motion to direct staff to address that issue specifically.

Deputy City Engineer Nielson said I am fine with either of those options. We as staff can look into that and make sure that it is engineered adequately.

D.2 Potential Action Item – (See VI.D.1)

Commissioner Ellis made a motion to approve the Ashcroft Acres preliminary subdivision plat, File No. SUB-2016.01, with the condition that the City ensures proper design for passage of the water through that property. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

Chairman Woolley said before we begin this next Public Hearing, we have a lot of people in the audience and we appreciate you being here. If you would like to speak on this item, please fill out one of the blue speaker cards. We will first have our staff report, then we will have comments from other members of our city staff and legal team. We have invited a representative from Rocky Mountain Power to do a 20-minute presentation, and then there is a large group of citizens who have requested to speak for the majority of you and have designated 12 speakers to this. We have allotted 1 hour for that group to speak and then we will open for other speakers.

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C.1 Issue: **Rocky Mountain Power Line Upgrade Conditional Use Permit**
Location: Redwood to Draper
File No: PLCUP201800742
Applicant: Lisa Romney

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. Rocky Mountain Power (RMP) filed a Conditional Use Permit (CUP) application proposing to upgrade an existing power line (transmission line) from 46 kV to 138 kV and to upgrade 29 pole Structures in the process (generally referred to as "proposed work" or "proposal"). The location of the proposal will run from the South Jordan substation located at 10735 South Redwood Road to the Draper substation located at approximately 500 West 12300 South. The proposal will follow the same path as the existing lines, generally through and adjacent to the rear, side and sometimes front property lines of lots and parcels. RMP submitted all the recorded easements that show that it has rights to perform the proposed work at the proposed location. This transmission line has already been upgraded from 46 kV to 138 kV north and south of the area designated on the current CUP application.

From the Planning Staff Report:

Findings:

• *Easements*. After thorough review, staff agrees that the Planning Commission may not determine the validity of the recorded easements. However, as with any person or entity proposing to do work in the City, the City needs assurances that the person or entity has legal authority to do that work. This case is no different. Even though RMP submitted all the recorded easement documents with an associated location map, the residents have raised concerns that the easements are not sufficient for RMP to perform its proposed work. To resolve this concern, the residents requested that the Ombudsman resolve the easement dispute. Because there is a pending dispute with a body that has statutory authority to address and opine on such disputes (recognizing that the Ombudsman decision is not binding), the pending easement dispute does not give the City assurance that RMP has the proper easements to do its proposed work. Accordingly, if the Planning Commission approves the CUP, staff recommends that the Planning Commission attached the following condition to mitigate the anticipated detrimental effect:

Before RMP commences its proposed work, this conditional use permit is conditioned on:
1. The Ombudsman finding that the easements are legally sufficient to do the proposed work; or
2. RMP acquiring easements that are legally sufficient to do the proposed work. "Acquiring" may include, among other things, RMP's statutory right of condemnation or through negotiated agreements with the property owners.

• *EMFs*. Even though both parties have submitted some form of documentation that states their position on the EMF issue, neither party has submitted expert testimony validates their statements. The evidence submitted seems to conflict or is inconclusive. Additionally, there is no federal or state agency that regulates EMFs. Based on the lack of regulation, it is unlikely that EMF may be a detrimental effect that could be upheld in court.
• *Safety and Design*. Staff recommends the Planning Commission weigh the evidence presented.

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• *Property Values*. Staff recommends that if a devaluation of property is shown to be a valid anticipated detrimental effect, staff proposes the following condition be attached to mitigate that detrimental effect:

Before RMP commences its proposed work, this permit is conditioned on RMP completing appropriate property value analysis and mitigation.

• *Other Issues - Alternative Routes and Non-Compliance with RMP's Guidelines*. The alternative route issue is not an issue that the Planning Commission can consider because it is a legislative issue.

Conclusion:
Based on the application materials and the findings listed above, if substantial evidence is presented at the hearing, the proposal may have at least two reasonably anticipated detrimental effects: (1) sufficient easement scope; and (2) decreased property values. Notwithstanding, any condition imposed must be the least restrictive method to mitigate the detrimental effect.

Recommendation:
Staff recommends that the Planning Commission take comments at the public hearing and approve (with the conditions stated herein and other necessary conditions) the Conditional Use Permit Application File No. PLCUP201800742 for the installation of an upgraded 138 kV power line and associated replacement power line support structures between the South Jordan power substation located at 10735 South Redwood Road and the Draper power substation located at approximately 500 West 12300 South, unless during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

City Planner Schindler said Rocky Mountain Power has provided evidence that they have engineers that are hired to make sure of the safety in the design of their structures, the design of the lines, and that they meet all of the requirements that are required by the National Electric Safety Code which regulates Rocky Mountain Power. The City itself does not have regulation on these structures; they are regulated by another source. Rocky Mountain Power has provided statements from their independent engineers that they have hired to make sure that everything is designed correctly for safety. Everything we received from both RMP and the citizen groups has been posted on our city web for everyone to review. Our Staff Attorney, Todd Sheeran would like to review the changes to the conditions.

Staff Attorney Todd Sheeran said, after talking with Brent Bateman at the Ombudsman office and the RMP attorneys, I just wanted to clarify the conditions that we have put in the staff report and explain why we are changing them a bit. Even though the evidence has not been submitted to you yet, we anticipate more evidence coming today. I am not necessarily saying this is the language we will stick with, but evidence that has been submitted this is the language that we proposed. It is important to know the process in requirement of the public utilities. As it is written in the staff report, the city does not allow things to be done on other people's properties without permission from the property owner. This is their right to that property. The city is also looking for those assurances in this case, but because RMP is a public utility, they have statutory rights through condemnation to obtain easements, which is similar to a builder's option to purchase. They can obtain the easements if needed and they have that process under state statute. There is the question if the current easement allows for the proposed work that RMP is asking us to approve. It is not a question for the Planning Commission, but rather for a court to determine what does the easement mean, and what is the scope of the easement. The Planning Commission is not trained to answer that question, a judge is. We have a condition that if it is determined that RMP does not have sufficient

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easement, then they obtain the necessary easement(s) to perform the proposed work. The second part of the detrimental effect that we identified as property values, which is also wrapped up in this same process. If RMP were to use their statutory right, there would be a determination of property value in the court system. We believe that there are two detrimental effects but one condition would satisfy both.

Chairman Mark Woolley opened the Public Hearing.

Lisa Romney, RMP Regional Business Manager (Applicant); she brought a presentation to review (see Attachment B). She thanked Commissioners and City Staff as well as all of the residents who have invested a considerable amount of time on the project. The thanked everyone for being respectful and professional interactions that have led to this hearing. She said on August 6, 2018, RMP submitted an application for a Conditional Use Permit to upgrade an existing 46 kV line that has been operation since the late 1950's and will be converting it to a 138 kV transmission line. She introduced supporting RMP staff that are to respond to technical or legal questions that may come up this evening. Ben Clegg – Project Manager, Brett Reich – VP & Litigation Counsel. I organized my presentation to follow your staff report. More than 100 years ago, Salt Lake City became the 5th city in the world to have central station electric street lighting. Since that time, thanks to the electricity and the power we rely on, we have our smart phones, kitchen appliances, air conditioners, computers, the manufacturing businesses in our communities, data centers, electric vehicles and services as vital as health care. Our modern economy and communities have been built on the grid and on Rocky Mountain Powers ability to keep pace with this demand.

She refers now to her presentation (Attachment B):

- Background – Purpose and Need (P.2)
    - If something goes down, we can't transfer that amount of load to neighboring circuits. Any amount of outage has tremendous impact on the businesses that operate in our communities. This upgrade is absolutely necessary to meet the growth needs.
- Background – Project Facts (P.3)
    - We will rebuild 1 mile of existing 46 kV to 138 kV. We will rebuild 2 miles of existing 46 kV to single circuit 138 kV to the Draper substation. Portions have already converted to 138 kV during other major projects and developments in the city. Goal is to have construction complete by April 2020 at an investment of 11.8 million dollars
- Background – Project Details (P.4)
    - 20 rebuilt poles proposed. 16 wood and will remain wood and 4 steel to remain steel.
    - Average height 70'. Smallest 45' and largest 103'.
    - Future size of insulators is 60"
- Background – Project Details – Before and After (P.5)
    - Before – image looking South in South Jordan from 10760 South near 1600 West
    - After – image looking north in South Jordan from 10760 South near 1600 West.
- Double Circuit 46 kV and 138 kV compared to single circuit 46 kV (P.6)
- Background Maps (P.7 – P.8)
    - 10760 South 1500 West shows poles that need to be changes indicated by red dot
- Background – Community Outreach (P.9)
    - Personally knocked doors, hand delivered project flyer & invitation to open house to homes with poles in yard or wires overhead.
    - Mailed info & invitation to open house to property owners within 325'
    - Presentation to City Council August 7, 2018; City Council Work Session August 7, 2018.
    - Meetings and tours with political leadership at the State and local levels

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  - Met onsite with landowners and worked with property-owners to discuss pole placement and design. Offer expertise and tree vouchers to property owners with easements.
  - This hearing is actually the only public outreach requirement of RMP for this permit.
  - We have done our best to reply to all inquiries and our intention is always to provide a service to the public and be an excellent Community partner.
- Community Concerns (P.10)
- Easements (P.11)
  - RMP purchased and recorded the majority of easements to operate, maintain, and replace a transmission line in the 1950s. Two types of easements – Centerline and Fixed-width.
  - No action by this commission alters the condition of the existing transmission line easements.
  - There is a legal process and pathway for property owners to resolve easement disputes outside of South Jordan City.
  - RMP has provided easement documentation showing easements are sufficient for this application
  - The easement granted by Wendy & Thomas Edsmond in July 19, 1958, granted a perpetual easement and right-of-way for the erection and continued maintenance, repair, alteration and replacement of the electric transmission, distribution and telephone circuits. RMP has already purchased these rights. If a court were to determine that these easements were not sufficient, and no resolution could be reached with property owners, RMP would exercise our statutory rights to acquire sufficient easements.
- Electromagnetic Fields (EMF) (P.12)
  - The scientific community has not linked electromagnetic fields from high voltage power lines to any impact on health
  - Because of that, no safety or health organization recognizes EMF from high voltage power lines as an issue.
  - There are no federal requirements to mitigate EMF
  - There are no State of Utah requirements to mitigate EMF
  - There are no electric codes or guidelines to mitigate EMF
- Safety and Design (P.13)
  - Our line has been in place since the 1950s. Then development came in and families bought homes with an existing transmission line and transmission line easement. Even though the power line was located here first, our design has taken into consideration all clearances required so that we have minimal to no impact on property owners.
  - Our design has taken into consideration all clearances, horizontal, vertical, transitional
  - This upgrade will bring the entire line between South Jordan Sub and the Draper Substation to current standards. The upgrade will be better overall.
- Property Values & Lending (P.14)
  - Some residents raised to the City Council a reduction in property values as a potential impact.
  - RMP did research on this and found the study that showed the impact to be nominal.
  - Because of the study, we contacted Troy Lund who had done the work directly, to understand his research. Troy gave his expert opinion from both his research and his work as an appraiser. In a letter submitted to the Commission on Jan. 2nd he provided a

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clarification letter today (Attachment C) His professional opinion is that because the line exists, it is unlikely to create any change in property values.
    - Regarding lending, although it has been stated that the line upgrade will make it difficult to receive loans, we have found no proof of that. The line predates the homes and the home loans. No requirement makes it impossible to receive these types of loans.
- Utah State Property Ombudsman (P.15)
    - To date we know that residents submitted a request to the Ombudsman
    - RMP has responded in writing with willingness to mediate
    - Residents had a meeting with the Ombudsman but no further mediation action at this time.
- Alternatives vs. Alternative Routes (P.16)
    - Neighbors have been concerned that RMP mentioned alternatives at the Open House but we have not provided those alternative routes. These are two different things.
    - In our long range plan we considered several alternatives to upgrading the existing 46 kV lines such as upgrading other substations; those were determined to be too far apart and too far away from the necessary capacity.
    - This was determined to be the best solution to the capacity constraints and is the most cost effective option.
    - An Alternative Route study must be requested by an interested entity and paid for by the requesting entity. No official request for a study was made so none were done.
    - We could not identify any alternative route that would not impact the residents and businesses with a new corridor. Building a new kV line would double the impact of transmission corridors on the community of South Jordan.
- Community Planning (P.17)
    - Salt Lake County Electrical Plan Local Planning Handbook developed in Sept. 2010
    - This is a guideline to minimize when possible, the impact of power infrastructure in the communities we serve.
    - Residents are aware of this Plan and claim RMP has not given it consideration.
    - We are following the High Priority from this Plan to upgrade existing facilities before building new facilities.
    - This line was identified in the Plan as an existing facility that would change
- Future Plans (P.18)
    - It is not in our long range plan to upgrade the operation of this corridor above 138 kV
    - The State has additional siting guidelines for 230 kV and above
- Summary (P.19)
    - Hope that I have made the need clear
    - This project brings vital transmission and distribution capacity and reliability to the Salt Lake Valley
    - RMP as the applicant believes the application and project meet all standards for a Conditional Use Permit
    - RMP requests the Planning Commission approve this application for a Conditional Use Permit to upgrade the existing 46 kV line to 138 kV

Ms. Romney said, in summary, having gone through all of this information, I hope that I have made the need clear. Information like 92% utilization and 105% utilization may not mean a lot to you, but it truly means a lot to businesses. It may mean that we would have to delay power deliveries to new businesses in the immediate future until new infrastructure can be sited, built and put into operation.

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Extended time lines to deliver service could mean that South Jordan and neighboring communities lose economic development opportunities. We ask that the Planning Commission approve our application for a Conditional Use Permit to upgrade the existing 46 kV lines to 138 kV.

Chairman Woolley said we will now continue with the Public Hearing. I have a list of 12 designated speakers so we will go in the order on the list (Attachment D).

Dave Kowallis, SJC – I represent a large group of residents who are here tonight to voice their opposition to this project. I would say we have well over 100 residents present. He handed out a printed presentation by the residents that they will follow (Attachment E). He said we are appreciative of the positive interactions we have had with the City and the Planning Commission on this topic. Tonight we will present substantial new evidence that has not previously been presented or considered. This evidence has a direct bearing on your decision on this CUP request and we believe it provides more than sufficient cause to only conditionally approve the permit at worst and more appropriately, to be denied outright. We acknowledge that the applicant represents a key member of our community and they provide a vital service to our community. We all want and need for them to remain viable. We don't want them to go bankrupt like their sister company in California, which resulted largely from the multitude of law suits they lost pertaining to fires proven in court to have been caused by transmission lines such as these. In fact, PG&E has even acknowledged in a press release that their transmission lines were likely determined to be the cause of the 2018 camp fire that devastated the city of Paradise California, killing 85 people. We also acknowledge Rocky Mountains rights to maintain, repaid and replace, the current 46 kV line within the current easement; however, this application represents a clear overstatement of their rights. We adamantly reject their rights to expand the current line within the existing corridor and easement. We believe this hearing is premature. Per the Utah Code Ann. § 10-9a-509.5(2) used by the applicant to force this hearing, the law requires that they submit a complete application. We will present information tonight that clearly indicates that the documents submitted in support of the permit application, is incomplete. Per South Jordan City Code, "*a use is conditional because it may have unique characteristics that detrimentally effect the zone and are therefore not compatible with other uses in the zone, but could be compatible if certain conditions are required to mitigate the detrimental effects*." This project as proposed is incompatible with other uses in the zone and it would create a multitude of severe detrimental effects on our neighborhood, which we will help identify for you. The application is incomplete because the applicant has failed to demonstrate how it will mitigate the detrimental effects. The application is incomplete because the applicant has failed to provide all of the relevant documents that have baring on the applicants rights, or lack thereof, to even do this major expansion within their existing easements. If the application is incomplete, it is within this body's right to deny the permit until these requirements are met. My task tonight is to introduce the overall basis for our opposition and then I will have other members of our community who will go into further detail on these topics as shown in our presentation material (Attachment E). Summary of our Opposition: 1) Applicant's easements are not unlimited/undefined; 2) Applicant's easements, as defined, are insufficient for this project; 3) Detrimental impact on property values and sale ability of homes; 4) detrimental impact on our health and safety (page 4 of Attachment E).

Brett Hastings, Hastings Law (Property Rights & Real Estate Attorney) – Easements Pages 5-27
I was brought on to assist a group of 22 of the residential homeowners to advise them on the legalities of these claimed easements within the residential section of this expansion. Our legal analysis included a review of all of the 1958 easements that are related to the residential section of this plan. It also included examination of a number of other document which have not been presented to this body which establish what RMPs easement rights are. That is why we believe that this meeting tonight is premature because

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those things have not been considered. Tonight, based on the legal analysis, we will show that RMP has actually abandoned the unbounded center-line easements in favor of a bounded 20-ft. wide utility easement. We will also provide evidence from the 1958 easements themselves that the easements are insufficient for the planned expansion. The easement through the residential section of this line was not abandoned and it has been extinguished because of RMPs inaction in objecting to the building of homes, pools, garages, and other things within the 60 foot wide easement that would normally be required for such an expansion. We did make these concerns know to RMP and in a response that they wrote to Brent Bateman, the Ombudsman, they said that the plat maps may erroneously state that the easements are 10-ft. public utility easements, but RMP never abandoned any of their deed of property rights; so this survey error is of no legal consequence. You will see by what we present this evening that the statement is incorrect. RMP did indeed abandon the 60-ft. unbounded center-line easement in favor of a bounded and defined 20-ft. easement through this corridor. He presents an aerial photo P.8; the orange line is the location of the expansion. The colored areas are all of the various subdivisions that have been built over the years. These easements in this section were originally center-line easements that were issued more than 60 years ago. A time when this property was open farm land. Over the years it has been developed and was developed with the knowledge of RMP and their predecessors and there have been grants and changes and actions taken to modify these easements. The Jordan Meadows Subdivision (highlighted in blue P.8) was approved by the city back in 2002. On P.9 is the plat that was approved and P. 10 there is a dashed line which is 20 feet in width; 10-ft. on each side of the power line, which also corresponds with the property line. That 20-ft. easement is what exists in the Jordan Meadows Subdivision. P.12 "an easement is abandoned where there is action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." UP&L reviewed this plat and approved this new definition of their easement – a 20-ft bounded easement, not a center-line unbounded easement. Abandonment of easements has long been a recognized principle here in the State of Utah. In a recent Utah appellate court case they defined it as "an easement is abandoned where there is an action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." The evidence is in black & white – RMP did sign a document that abandoned a portion of their easement, p.13. On page 14, he shows a picture, with quote sent in an email to the property owner "Rocky Mountain Power does have the right within the easement area to cut and remove timber, trees or other obstructions." They cut the trees to the 10-ft easement on this side of this property line. I have reviewed all of the plat maps as shown on the aerial photo, (P. 15), and none of the other plat maps, other than Jordan Meadows, has an expressed signature by either RMP or UP&L. We do know that as part of the process of having subdivisions approved, the city and Planning staff meets and talks with the utility provider. We believe there are documents and communications between the City and RMP regarding all of these subdivisions in which RMP or UP&L would have viewed and approved the proposed plats. Each plat shows a bounded 20-ft. easement with regards to this power line. We have filed a GRAMA request with the city to get copies of all of those communications and we believe that they will show that RMP was aware of and agreed to a bounded 20-ft. easement through this corridor. Points out yellow dots on P. 17 showing each of the power poles as they currently exist and will be expanded. They are 40-45 feet tall and the proposal is that they be almost double in height and tripled in capacity. It is a major impact on this section of the line. The Jordan School District is one of the entities that granted an easement. Their easement specifically states that there are to be no guy anchors and no poles within the scope of their easement. The map on P. 19 shows there are 2 poles within that easement. There are approximately 10 easement documents that create the easement through this section of the proposed project and 5 of those call for no poles. 7 of the 13 poles would be in violation of the easements granted. There is no way for RMP to upgrade this line because they would be in violation of 5 of those easements from 1958. See P. 22 – An easement can be extinguished by prescription. If the easement holder allows the property to be used in a manner that is inconsistent with the easement, their

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easement can be changed by prescription. Homes, pools, and garages and living quarters were built within the area that they would need to upgrade the line. See additional easement info Pages 23-27.

Cami Hodlmair – Property Value Impacts (Pages 28-30)
I have been a resident of South Jordan for 17 years. On South Jordan City's government portal, referenced to by City Planner Schindler, we read a cover letter submitted by Troy Lunt (Attachment C) stating a belief that the proposed project would have no impact on property values. Mr. Lunt states that he had not looked specifically at this project. Mr. Lunt is a co-author on a study that did quantify statistically significant declines in property values. Page 29, Property Value Impacts from Transmission Lines, Sub-transmission Lines, & Sub-Stations, was published in 2016. It examined over 125,000 single family home transactions in the state of Utah between the years 2001 and 2014. Spencer Hall, RMPs Marketing & Communications manager is quoted as saying 'every resident opposing this line purchased a home with a pole in the yard or a line overhead." Page 213 of that study states that homes within 50 meters of a 46kV line see no effects on property value. Mr. Hall's belief that the homes under the existing 46 kV lines experienced a detrimental effect of depressed property value is simply not supported by the research. This contradicts Ms. Romney's assertion that property value loss is carried forward as homes are bought and sold. The study claims that the 138 kV line generates the most significant effect to property value (P.29). See potential Property Value Loss on P. 30 of the presentation. We ask that South Jordan City officials not rely on vague or contradictory cover letters. We ask that you utilize the primary data available in examining detrimental effects of high voltage transmission lines on property values. The loss of value on homes is a detrimental effect that can't be conditioned; therefore, the project in question is not compatible with real estate usage within the zone of the South Jordan / Draper transition line proposal.

Paula Gordon, Mortgage Underwriter – Detrimental Effect: Financing (Pages 31-38)
I have been asked to provide some information that I researched with regards to the financing restrictions that will affect all residents along the proposed line with the changes requested by RMP. In general, any power line along a home is considered a detrimental effect on value and can cause limitations on financing. With the 60-ft. easement that is required by RMP or this type of upgrade or change, VA, FHA, FNMA and FHLMC all have standards for power line requirements and lending. These are the government entities that all lenders follow for guidelines for lending. VA guidelines states that high voltage transmission lines cannot be over any part of the residential structure or be located within a high voltage electric transmission line easement. FHA and FHLMC are considered conventional loans. Freddie Mac Financing (P.33) requires utility easements be ascertainable and fixed, not unlimited. The easements cannot interfere with the use and enjoyment of the property improvements for any part of the mortgage premises. None of the owners of this property considered the RMP change request an enjoyment and consider this with the interference of their home. Fannie Mae allows above service public utility easements that extend along the property line only as long as they do not extend more than 12 feet from the property line and do not interfere with any of the buildings or improvements within the property itself (P.34). FHA Loans require (P.35) all overhead electric power transmission lines are required to not pass directly over any dwelling, structure, or related property improvement, including pools. See P.36 Loan Types in Utah 2018. P.37 total of 96.3% for all financing options that would not be available to us. That leaves only 3.7% other financing options. This would make this extremely difficult to sell or even re-finance our homes with the changes the RMP is requesting and is not acceptable.

Adam Kirkham, President of SL Board of Realtors in 2018 – (Pages 39-40)
I am not a resident of South Jordan, I live in Salt Lake City. I was asked by a homeowner to give my thoughts on this because of my position. Cami did a great job of speaking to specifics when it comes to values. I spent time with appraisers and they all have their guidelines to value a home. Each of them said at

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some point they have to use their brain and decide what affects a property value and what doesn't. In Real Estate, Agents use comparative market analysis to get value on a property. They look at market trends, the condition of the home, and look at items that negatively or positively affect the property. Negatives are objections and can come in many different forms. The objection we are talking about tonight is called external obsolescence. That is something that is out of the owners control and can't be remedied. I did my own research and for anyone that thinks that pole size or voltage doesn't negatively affect property is mistaken. Any time you set a limitation on a property or you have to cut down a tree or you can't get financing or you can't build something, then that lowers the potential number of buyers, and the potential enjoyment of that property, and therefore, lowers the value of the property. I don't know any of the property owners that are affected by this, I just think this is an issue of private property rights and they concern me enough to come and speak to you today about this.

Susanna Willey – Title Insurance Claims (Page 41)
I have lived in South Jordan about 14 years. Upon review of the easement documents provided by RMP on the South Jordan City portal, I became aware of a discrepancy between RMPs definition of their easements and the complete lack of easement information provided to my at closing upon the purchase of my home. Because of this discrepancy, I have filed a claim against my title company. I received confirmation from my title company that the claim has merit and that they have engaged legal counsel in examining the issue. Most home owners along the proposed transmission line are in possession of plat maps that clearly state a 10 foot easement on their property. This discrepancy between a 10-foot easement and a 30-foot easement has inspired others to file title claims as well. To date approximately 20 property owners have filed a claim and more are to follow. It is our position that any hearing on this cup application submitted by RMP concerning the South Jordan-Draper transmission line, is premature. We ask that the Planning Commission withhold any judgements on the merit of the application until the conclusion of all investigations by the title companies of those properties along the proposed route.

Cam Steadman – RMP admits property value loss, (Page 42)
In 2013, RMP completed the 100 mile long Oquirrh to Mona high voltage transmission line. Tooele residents and city officials spent years voicing concerns about the project and discussion centered around property value loss, safety, and property rights. One mile of this transmission line crossed land owned by the school and institutional trust lands of administration SITLA. SITLA determined that a $4.5 million dollar loss in property value was in play. When land held in a trust loses value, school kids in Utah lose funding. RMP has asserted their claim that these high voltage transmission lines do not negatively affect property value but countered with an offer of only $70,000 in an attempt to resolve the property value discrepancies. In early 2014, just days before this legal dispute was to be heard by the Utah Supreme Court, RMP agreed to pay SITLA $2.5 M. RMPs agreement to pay this settlement can be interpreted as an admission that the presence of high voltage transmission lines does in fact negatively affect property values.

Jeff Hodlmair – Safety, (Pages 43-49)
Today I am talking about safety. Safety is not something that can be quantified. My goal is simply to share the concern the community has in terms of school safety, community safety, and home safety. He goes on to talk about earthquake danger, school playgrounds, home fires, and wildfire potential (P.46). Page 47 reviews Pole installation fall risks; it is impossible for the applicant to install poles staying within their 10 foot easement (P. 47). RMP states this route is safe by schools (P.48); He played a video/audio link of Lisa Romney stating at a City Council meeting that they abide by the special standards when installing projects by schools. I have worked with RMP endlessly over the past 6-9 months and have tried to keep a good relationship with communicating with them. If this were a new line, you would never think of putting all of those transmission lines there. I have a pole in my front yard and I understood it as a 10 foot easement from

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a center line. They said they wanted to be "safe." What is safe? Commissioner Woolley is originally from the Napa area. I would like to ask him what happen in Napa about 2 years ago and what is continuing to happen with Pacific Gas & Electric. They are not only bankrupt, but now, the Planning Commission of all of California is under investigation for the negligence that they took in making sure they have properly secured the right safety procedures for California. Commissioner Woolley noted three major catastrophes in northern California, both the Santa Rosa, the Napa earthquakes and fire and the campfire, not only affected family but was devastating to the communities as large because not only lives were lost, but tremendous damage was done. Mr. Hodlmair said when we look at everything that could go wrong, we are looking at Murphy's Law; anything that can go wrong, will go wrong. I understand that the Planning Commissions rights are limited, but my goal is to talk about what is the danger that we all face in living under these lines. We say please don't approve this because we feel that it is the path of least resistance and put this back on the citizens a second time.

Annie Kartchner – South Jordan Elementary School Community Council, (Page 50)
Back in October, they came to us and gave us information about power lines and we signed as a letter (P.50) "we therefore urge all parties involved to reconsider the proposed project plan, and identify safer alternatives that do not expose our school population to such potential risks."

Rinda Clyde – EMF intruding into our homes from power lines can't be turned off, (Pages 51-55)
I would like to mention that appliances and household items such as hair dryers, microwave ovens, and cell phones can be turned off. The magnetic fields from power lines penetrate into homes at a low frequency non-ionizing constant radiation 24/7 365 days a year. P.52 shows RMP EMF simulation after proposed project. P.53 230 foot EMF range as per RMP. P.54 We expect the Planning Commission to hold RMP accountable for no cost EMF mitigation a promised, as has been done in other locations.

Jeff Hodlmair – Why SAFE is important to South Jordan, (Page 56)
In conclusion, the idea here is what we are looking for in safety is the fact that there are legitimate safety concerns. Every single one of the Commissioners lives here in South Jordan City and most of the people in this room reside in South Jordan City. The goal is finding out as a city, what we can do to mitigate not just the safety risks, but the long term health and financial benefit.

Jana Fullmer – Powering Our Future, (Pages 57-69).
Back in July, we as residents received this flier and there has been numerous marketing tools that have use this direct quotations that state "This project was anticipated by the Salt Lake County Electrical Plan, which was developed in consultation with area business, government and community leaders in September of 2010 and has been presented to all Planning Commissions in the region." I have interviewed participants of this project and was told they did not evaluate specific routes, nor easements or plats. It was merely a higher level capacity growth discussion. She refers to two quotes from the 2010 handbook (P.58). They are conflicting quotes with very different directives. One is situational "wherever possible," and the other is absolute "avoid." RMP focuses on the term NEW because they felt that this project is not new. They can justify plowing it right through our neighborhood, over schools and close proximity to an elderly care center. We argue that it is NEW. RMP has stated in various places that everything is new; new poles, new lines, and a new and much higher voltage, new safety easements and regulations. (P.59). This is a new line and not alterations of their existing line. When we learned about this route, we immediately asked about alternative routes. Two clips were shown from the presentation; audio is poor. Ms. Fullmer said I will summarize – it is quoted that it would be 35,000 to 90,000 dollars. By dramatically increasing the cost for analysis, any discussion with city leaders simply ended with we just don't have that kind of money. This situation exposes a problem for the state to decide. RMP controls the route, the cost, the cost to get the

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route analyzed, and they put the cost for any additional changes back onto the party requesting it. We request that the Planning Commission ask RMP the questions on Page 65 before a provisional permit is granted. We feel the application is incomplete until the conditions listed on Page 67 are met. Summary of our opposition – Page 68. We ask that you reject the application, Page 69. We ask that you take a stand and choose to represent the residents that you have been appointed to represent and deny this permit and determine that it is not considered for future review until all of the issues are fulfilled. The worst thing you could do is approve the permit with conditions because who then would verify that all the conditions are met prior to starting their project. The reason why we are all here tonight is because RMP feels that they have already met all of their requirements for this permit and chose to pull the rip-cord to force the decision even though, as shown tonight, there are multiple issues left unresolved. The applicant should rethink the fact that they do not have adequate easements and abandon this outdated line. They should re-route this instead of putting profits above safety hazards and undue burdens on residents. RMP could bury this line within their current easements, mitigating nearly all of the detrimental effects noted and we believe this is compelling enough reason for them to consider alternative options.

Chairman Woolley said we have a resident that is not able to be here tonight and we have a video we will play for her. Teresa Hobbs testimonial (Attachment F) was shown. I wanted to express my concerns as someone who is part of a sensitive population. I had a chronic illness that makes me more vulnerable to this potential increase in voltage than the average person and to let you know there are people like myself that could be affected in ways that you may not understand. The power lines run right past my bedroom. I have been sick and housebound for four years from a whole body collapse and that left my hypersensitive to outside stimulation to any kind of stress. I wanted to express my concerns about this upgrade in voltage because of how close it runs to my bedroom and the unknowns about it. I wanted to let you know that there are people who are going to be more sensitive to this than the average person. Please consider how this will impact people like me.

Chairman Woolley said we will take additional speakers now and will cut it off at 9:20 p.m.

Melissa Lambson, 978 W. Park Palisades Dr.; I have children who attend South Jordan Elementary and I wanted to say that I was never notified by RMP about any upgrades of the power lines near the school. I am upset that I was never informed by RMP for several reasons; (Attachment G).

Lyman Moulton, 11021 Woodfield Rd; I am a professional electrical engineer attorney. I am registered by the federal government to cross state lines and deal with matters of technical law. I would like to call into question, RMP expert Mr. Vernon Black; (Attachment H). He stated that the design of this project will meet or exceed all industry and PacifiCorp standards and best practices for ensuring public safety. As an electrical engineer I have gone through this code every single page, there are hundreds of pages. There is not one page that addresses safety to anything but structures. In my letter I have provided you there are three references that are in contradiction to what Mr. Vernon Black says.

Walt ??, Woodfield Road; my cell phone does not work in my back yard when I am within 15-20 feet of the power line. I also can't play a radio in my back yard at all, I don't get reception. If I go just inside my home the radio works fine. I believe there will be a major impact by increasing the voltage.

Steven Pohlman, Holladay; I am a retired research scientist. RMPs statement that no organization has seen any negative effect of EMP is totally bogus. If you select the data that they select and leave the other data from other health organizations, that may be true. You have to take in effect all of the data. I spoke with AEP of Ohio, which is the largest transmission company in the US and also with UAMPS here in Utah.

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Their concern is safety. AEP Ohio actually routed their existing line around a city for three miles because they were concerned, not only with clearance but with safety. The concept of re-routing is not something that never occurs. Re-routing does occur. He said there are a lot of reports that show that there is a biological impact on long term EMF and we know that there is a malfunction of pacemakers and this goes over a rest home. It says that the most vulnerable population effects by EMF is children, pregnant women, elderly, and people with chronic illness. RMP has stated in some of their documents that they can widen the width of their easement as long as it doesn't show a burden. We have seen a lot of burdens; Health, safety. The presentation showed a lot of potential burdens. I have a lot of links and reports for you that I can email to the Planning Commission.

Scott Halladay, 11017 Woodfield Dr.; in the Development Services and Planning Department letter to RMP dated October 1, 2018, the city requests Item B.1. prior to the Planning Commission hearing; They asked to "*include a legal description of the easement and a survey drawing (stamped by a professional land surveyor) showing the legal description of the easement together with the GPS location of the poles and other equipment that is affected by the upgrade project*." Upon reviewing the maps provided by RMP, I see no GPS coordinate for the poles listed on any of the maps. RMP did not provide the required information and should not receive a permit predicated on providing that information. I am working on some backyard renovations and obtained a building permit for my backyard. That permit said I would have three steps coming off the deck, when I put four as needed for the height, I was instructed by the inspector to resubmit my building permit and get it approved for the four steps and then have it re-inspected again. That level of exactness that is asked for by the city for its citizens, I feel should be required by RMP as well. Their submissions and what is asked for needs to be complete and included in the permit to provide the GPS location of the poles or the permit be denied.

Mike Mennich, 10996 S.; I don't have a dog in this fight other than I respect many of the residents here tonight. As a commercial agent or residential agent, I don't know how in good faith that I could show any one of these people's properties without making a buyer watch this entire video and read all of the notes from this meeting. I do believe that will lower people's property values. I would ask the applicant this; knowing how many people are in this room and how they feel, if you continue to try to pursue this, is your relationship with your customers going to get better or worse. I really appreciate many of the things that many of you have been doing here in our city are very positive and it doesn't go unnoticed.

Dennis Higbee, 11669 S. River Front; I also did not receive the fliers and notices that were said to be given to all of the people affected. We purchased our home in 2018. There was a big huge pole in the corner of our back yard and I did some research on RMF. I felt that the voltage going through the lines and the proximity to the areas for me, an old guy, would be acceptable. Had I known that they intend to increase the number of lines from 3 to 12, increase the voltage I never would have purchased the home. I am concerned for my grandchildren who will be coming to play in our backyard. It makes me feel like I retrospectively felt when I listened to the tobacco companies stating that cigarettes were not harmful to your health. I am concerned that I will be dead and long gone before the full effects of RMFs are fully understood. I strongly recommend that we do everything we can to mitigate what possibly could be RMF damage or at least understand it more fully before we move forward.

Christopher Bremser, 11318 S. Green Grass Court; I have power lines that go over my front yard. In spring of 2004 we were enjoying dinner at my in-laws house and there was a transmission line that goes through their neighborhood much like the one that goes through our neighborhood. A spring storm rolled through the area and lightning hit the pole in their front yard. It knocked the power line off the pole and it landed on a neighbor's home which started a fire on the home. We stood across the street and watched that

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home burn with the fire department who could not do anything because power was still live in that line. The home burned to a total loss. Luckily the family had gone to dinner and was not present in the home. Had they been present, the electricity blew out the electricity and could have killed the members of the home. I do not want this to happen in our South Jordan neighborhood.

Annie Kartchner, the school board is currently looking at what to do for South Jordan Elementary, and they either have to build a new school or they are currently looking to expand the school off of the back. Just in consideration as we worry about safety, that building is about to be expanded.

Chairman Woolley closed the Public Hearing.

Chairman Woolley said to the Commissioners, we have several options at this point. We can discuss, we can ask questions of the applicant. He invited RMP representatives to come back up. Please introduce yourselves again for the record and then as questions are asked, you can defer to whoever is best to answer the question.

Brett Reich; Vice-President, Chief Litigation Counsel for RMP.

Benjamin Clegg, Project Manager for RMP.

Lisa Romney, Regional Business Manager, RMP.

Commissioner Holbrook said there is one thing I would like clarified. Is the easement that you have now, is that what you will use to refurbish and upgrade this line?

Mr. Clegg said that is correct. Commissioner Holbrook said I kept hearing a 60' easement if it is a new line. How does this work? Mr. Clegg said the question was asked at the open house meeting, what would the easement we would get if we were going through a green field for a new transmission line from point A to point B. The standard easement we would get today is 30-feet. RMP is not claiming a 30-foot easement in this case. We are planning on using the existing easements and this is standard practice.

Commissioner Holbrook asked if a 20-foot easement is 20 feet from the center line on both sides or is it 20-foot total.

Mr. Clegg said it could be both; it depends on who the easement is written. Most of our easements are written as an offset. If it is a 30-foot offset from centerline, then that would be 60-feet.

Commissioner Ellis asked them to address the idea that the permit application is incomplete.

Mr. Reich said I didn't hear what was missing from the application. There was some reference to the plat maps.

Commissioner Ellis said it sounds like the Ombudsman's process has not been worked through.

Mr. Reich said this is a great process and this is great for us to hear these concerns. With respect to the Ombudsman, the point was already made that it is not a binding decision from the Ombudsman. Whether or not he were to decide for RMP or the property owners, it really has no legal significance. That is one of the reasons we support the recommendation that was floated early in the meeting that said all of these matters

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raised tonight can be properly resolved in a court of law. There is a specific process already set in place to respond to property valuations, easement, and safety concerns. That is what the district courts are there for. That is the forum that any of these property owners can use to mitigate any of these impacts.

Commissioner Ellis asked how fair a fight in court is that; given the resources we've heard here tonight.

Mr. Reich said by the attorneys that represented the land owners tonight, they are very confident and they spoke well and they understand the issues. I am an attorney and that is a question of the court system. I believe it would be just. The whole court system is based on justice. With respect to the plats, there was a point made by one of the attorneys that, somehow our easements have been extinguished. This whole point sets up the support that this needs to be decided in a district court. These issues are complex and have a lot of legal ramifications, but we have private easements. We have negotiated those private easements and we have purchased those easements in the 50's. When you buy an easement they contain certain rights and one of those rights is the right to modify and alter this existing line. We have paid for that. The PUE shown on the plat does not extinguish our easement. We have an easement that has been recorded and we co-exist with public utilities all the time. We have used our easement since the 50's. We have had this power line in place and we have never abandoned it.

Chairman Woolley said in the video's we saw tonight there was a discussion about safety and safety being addressed. In today's world you have a much wider easement for safety purposed. Can you help me understand why a wider easement is not safer?

Lisa Romney said that the width easements were designed for clarity because we have issues of people building over our lines or planting trees over our lines. They clarify what exactly can be done.

Mr. Clegg said to add more clarity, for a transmission line that we were to design new today, without distribution, you might have 340 or 400 feet between poles. The pole height would be designed to make sure there was ground clearance from structures, etc. The other thing that we look at is how far wide, if the wind were blowing or something like that, these conductors could swing. The 30-foot was established because that is what lines up with our standard; it's clear that within that 30-foot offset, with a four hundred foot stand, with blow-out, that would fall within NEFC. We have a 3-foot safety factor that we apply on top of NEFC. When we rebuild the line, we don't necessarily have those maximum stats for various reasons.

Commissioner Jolley asked what the distance is between center-line and the proposed improvements from center-line to the outside limits of your furthest mechanical structure.

Mr. Clegg said that depends on the specific expand. Where we have 25-foot easements where the original easement was retired and a new easement was granted when the development occurred, I reviewed those specifically. This is predominantly on the southern portion of the line in the application. With 3-feet of safety factory on either side, so 6-feet total, 48.3, 48.3, 48.4, 48.5 … so we are within our safety factor that we apply.

Commissioner Jolley said so it is approximately 21 feet to the outside physical limit of the new lines plus three feet? Mr. Clegg said yes.

Commissioner Haynes said we heard tonight that there were several concerns that RMP was not willing to spend any money to pay for any risk mitigation research. Can you explain what you have done pertaining to mitigating the risks for this specific area?

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Mr. Clegg said what was looked at was whether or not we would review an underground study option. Jurisdictional entity has the right to request a study be done to underground the lines or do something other than what was applied for. If that is chosen, the requester has to pay all of the costs associated with that. A study can be requested but no formal request was received. I want to clarify one thing brought up on cost recovery; I want to make it clear that RMP doesn't make more profits by spending more or less money. It makes the same amount of profits based on how much money is expended. It is in the best interest of the rate payers to lower costs associated with power infrastructure.

Commissioner Ellis said, was the problem with PG&E that the easements were not wide enough so that the growth was not maintained in those easements. Mr. Reich said it depends on which fire you are talking about. There are a lot of things that are different about PG& E. I think the references made that they are our sister company are incorrect; they are not. We are aware of the situation with PG&E and we watch that closely and we try to learn from it. We take this very seriously.

Commissioner Ellis said is 46 kV medium or high voltage? Mr. Clegg said the original transmission lines were 46 kV. The larger 138 kV transmission lines with the higher voltage.

Commissioner Ellis asked about the lending restrictions on homes with high voltage lines in their yards. Mr. Clegg said anything above 46 kV as transmission.

Commissioner Jolley said I own a business out west by some transmission lines and we lease some of the property under the lines to utilize for the business. The power company flies that line frequently and if we were to dump a load of soil under the line we would be contacted about it. Have you been watching this 40 kV line over the years and my question is, why you have not objected to some of the structures that have been built in the easement.

Mr. Clegg said the transmission lines you are talking about are the extra high voltage lines. There are specific requirements that and inspections that are required for those. With a centerline easement, NEFC does not disallow pools near transmission lines. That is one thing we accommodated in the design; we identified these pools and made sure that as we reviewed those that FEFC was met. Nothing precluded their use with our continued central line easement.

Commissioner Jolley said what about some these permanent structures like garages. Mr. Clegg said one of our current easement forms actually specifies certain things that can't be built underneath the power line easement. One reason why the form changed was because it gives quite a bit of clarity for the property owner as well as the utility.

Commissioner Ellis said when we talk about safety there are three kinds of safety. We are talking about an easement that provides safe access for RMP to work on the towers and poles and an easement that allows for safety when the lines move or fall. We are also talking about distances that Lisa showed in a diagram of the house that provide for clearance from EMF. Are the easements and the clearances sufficient for you to feel comfortable that you are providing for all three safety elements. Mr. Clegg said yes. We believe we have designed that into our project.

Chairman Woolley earlier someone stated there was an intent or the ability to adjust some pole locations based on some specific property needs. Help us to understand what that process is and is there a cost to the property owners should there need to be a pole relocation.

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Mr. Clegg said it is our standard practice that when we are rebuilding a line residents should contact us directly, me specifically, and we would look at it from a technical perspective, if we can do it. There are some conditions where we get mismatched stresses on the poles and pole heights, etc. We have had some contact us and in some cases we have been able to accommodate them.

Commissioner Ellis asked for an explanation of what the configuration of the 138 kV lines that it mitigates EMF at the ground level.

Ms. Romney said as you saw in the pictures, each circuit has three wires and three conductors. They are phases; A, B &C. What we have found is how we configure those next to each other along that double circuit, has some EMF cancelling effect. It is very important to note that EMF dissipates very quickly with distance. It is also conceivable that the taller poles are also a mitigating factor for EMF.

Commissioner Jolley said during the presentation by the residents that talked about a Public Service Commission investigation being incomplete; can you address that?

Ms. Romney said to the best of my understanding, I know that they have spoken with the Public Service Commission and the PSC would have given it to the Division of Public Utilities to review. The Division of Public Utilities put it back and ultimately the residents were given the documents and paperwork in which to file a formal complaint. We have not seen a formal complaint.

Commissioner Jolley asked what their backup plan is. If this were to move forward, that there is going to be litigation involved and other complexities that would not allow this to be complete by April 2020. What is your Plan B?

Ms. Romney said I will address the question of timing. Because the resolution from the courts may be financial, that can be resolved after construction. Right now the intent would be for there not to be a stay of the project and that it be completed. Any impacts found by the court would be resolved financially. I have not spoken to our engineers about our worst case scenario and how do we make sure we are able to maintain a safe and reliable system. It is clear that the load in this area, the capacity and demand, really requires this upgrade to 138 kV to our system to meet that demand.

Mr. Reich said one of the land owners questioned if we really cared about our customers would we still move forward with this project. We have a really tight balancing act to perform here and we do care about everybody in this room and our customers. There is certainly a big need to have the power when you turn that light switch on. We already have an existing corridor so that is why we are proposing that this line get upgraded. If for some reason a court were to determine that we didn't have the right to do this, then we would have to use our power of imminent domain to obtain the rights.

Commissioner Ellis asked if RMP has considered what the cost would be to re-route or take the line underground.

Ms. Romney said the numbers I gave we not given under duress. We went back and looked at some of the costs and have seen from communities who have requested that we bury the lines; that is where my numbers came from. The real cost would be answered in an alternative route study. We would need a specific proposal for the study. We can't answer that question at this point.

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Chairman Woolley said some of the information given us by the residents indicated some potential detrimental effects regarding easements and how a mortgage company looks at that. What has RMP done to cross-reference those complaints and how your current plan will impact those for future sales?

Mr. Reich said we have a sister company, a mortgage company, and I contacted an underwriter and asked them about the impacts of upgrading a 46 kV to a 138 kV and he said there would be no difference. The underwriting requirements don't distinguish between those two types of lines. If you have a 46kV line and you have a mortgage then you were able to get your loan. There is no difference between the two lines with regards to refinancing or getting a new loan. He said some underwriters may look at the two lines but in his experience there is no difference. None of the regulations shown here tonight distinguish between the two lines.

Commissioner Holbrook said I don't know how the rest of the Commission feels or how RMP feels, but Paula Gordon, Lyman Moulton and Steve Pullman had some links to this. I wouldn't mind reviewing some of the links to what they feel are important and it would give us some extra time to look at that. It would also give you some time to do a rebuttal.

Chairman Woolley said I know that tonight being the public hearing, this is where we receive any evidence that we can consider. When we conclude with that, which we have now done, we have the right to be able to adequately review that. The question to you as the applicant, would you allow us to table this to consider the new information for us to review.

Mr. Reich, you said with deadlines, what are you talking about.

Chairman Woolley said it would be the shortest time possible.

Ms. Romney said we have had discussions with city staff and knew there was potential to table this issue and that it would be brought back at the next Planning Commission meeting.

Chairman Woolley asked City Planner Schindler and Staff Attorney Sheeran if we set some specific timelines for this additional information to be in the city staffs hands and everyone can review it, and set the date for the next Planning Commission for this to come back.

Staff Attorney Sheeran said yes we could do that as long as RMP agrees with it.

Ms. Romney said we are comfortable with the two week timeline.

City Planner Schindler said we can provide our email address to those who have links and studies for us.

Chairman Woolley said we would need that within 48 hours which takes us to Thursday. Provide them to City Staff so that they can then get that to RMP.

Ms. Romney said the City has been fantastic in making sure that everything that has been submitted is posed on the website. We would like whatever was submitted from residents to be posted as well.

Commissioner Ellis said will you please in the interest of just dotting the last i, be sure that the GPS for the existing and proposed pole locations are included in the application.

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Staff Attorney Sheeran said I think it would be appropriate to go through the issues and the legal significance of those issues and have discussion about that. That way when you are reviewing the information, you are directed on how to review the information.

Chairman Woolley asked Paula Gordon, Steve Pohlman, and Lyman Moulton to step up and clarify for us in a short sentence the significance of the information you have or will provide to us.

Paula Gordon, the four major lenders, FHA, VA, Fannie Mae and Freddie Mac, they dictate the lending requirements to all home lenders. The only ones that would not meet that would be a cash buyer or hard money loan and private lenders. Of course we all have those types of loans now because right now we do meet the standard of the 10-foot easement that we all understood. That is what our lenders went by. Their proposal that requires the full 60-feet, is what will have us not meet the standards as well as the higher poles.

Steve Pohlman, what I will provide you with is, it was stated by RMP that there are no technical studies that indicate that there is any health risk or danger associated with EMF. I will provide you with links to that you can read this within 48 hours.

Lyman Moulton, you have my links. The only thing I would like to add is a link for the National Electric Safety Code, because it is very easy for you to see there is nothing in there that speaks to person safety. It is all geared to structure safety.

Chairman Woolley said I will entertain a motion that will table our decision tonight and move it forward two weeks to the March 26th Planning Commission meeting.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Holbrook made a motion to table this item to a time specific of March 26th and during that period we will have links to information within 48 hours that was given tonight so that we may review it and give the applicant time to respond. Commissioner Ellis seconded the motion.

Staff Attorney Todd Sheeran said I didn't know if you wanted to have discussion before you vote on this motion. I think it would be appropriate to look at the issues and the legal implications of what my advice would be to you on each issue. You can still table it, but I think it is important to first have that discussion tonight rather than at the next meeting.

Chairman Woolley said I think I speak for the Commissioners that we would like to have the opportunity to digest that information so we will look to you as our legal advisor. Are you comfortable with us taking that time frame and allowing us to do that?

Staff Attorney Sheeran said yes; I am comfortable with you tabling it but I think we should have the discussion right now about what the issues are and what my legal advice would be on the issues. This is a lot of information to take in but you should also have my advice moving forward.

Chairman Woolley said the question that Ms. Gordon brought up when I reviewed the documents quickly, I realized some of this is going to play out with how the easement issue plays out. It concerns me that if mortgages were obtained based on an easement that is different than what it is going to be or perceived to be, that would have a significant impact on both RMP as well as the property owners. I think it would be

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good to review that ourselves, have a chance to study that and specifically have RMP have the opportunity to look at that specific information that was introduced tonight.

Commissioner Ellis said I am confused by your question. The easement won't change. It is what it is. What will change is the height of the polls and the voltage running through the lines.

Chairman Woolley said based on some of the documentation I have reviewed, there is a question as to some of the easements and what the width of those easements could or couldn't be. If there are mortgages today based on there being 20+ complaints being filed with title companies, based on easements and if a mortgage was granted based on a specific easement and that easement is perceived to be different, then that is a claim against the property?

Staff Attorney Sheeran said here is my analysis on it. With the easement issue there are two sub-issues. There is the location of the easement and then the scope of the easement. The location of the easement, the residents have concerns that it didn't show up on their title or it wasn't recorded. We requested that RMP provide a surveyed map of that and they also linked each document of that recorded easement. The location of it according to the professional surveyor states the easement is there, there is a meets and bounds description on those easements. It is a center-line easement so that the location issue of the title company not picking it up is between the property owner and the title company. It does not include RMP or the City.

Chairman Woolley said I agree with that. What I am concerned about is that was for existing title mortgages. Going forward today it could change. I feel like we have the responsibility to review that.

Staff Attorney Sheeran said the second issue with the easement is the scope. That what this width issue, which is before the Ombudsman, is not appropriate before the Planning Commission. Only a court can determine that. The residents understand that, RMP understands that and even the Ombudsman decision is not binding here. Brett mad a lot of legal arguments and legal theories that the Planning Commission can't come to a determination on. If a court determines that the easements are not sufficient, then RMP would have to go through the process of obtaining the necessary easements to do the line. RMP states on the record that they are willing to go through that process to get those easements in the event that they are needed. The second part of the process is determining valuation. That is to be determined by a court not by the Planning Commission. We can determine whether or not there is substantial evidence of a detrimental effect of a property value, but the way it is mitigated is through the court process. I put some copies of our proposed language out on the table and the language that I suggest from a legal standpoint is:

> In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMPs statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.

Staff Attorney Sheeran said, in my opinion and my advice to the Commission is that the condition satisfies both detrimental effects. Both the easement language and the scope of that and the property value.

Staff Attorney Sheeran said under the conditional use language in Utah Code it states that we can approve a conditional use permit and attach a condition to mitigate the reasonably anticipated detrimental effects of the

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proposed use in accordance with applicable standards. It also says, the imposition of the reasonable conditions are to achieve compliance with applicable standards. The question is, especially for EMFs, what is the applicable standard. City code does not address EMFs; the state does not address EMFs; the federal government does not address EMFs. If there are no applicable standards for EMFs, how do we attach a condition to bring that into compliance with a standard that is not there? My legal opinion to you is that where there is no standard for EMFs there cannot be a detrimental effect.

Commissioner Ellis asked if the standard can be interpreted as what is currently on the ground now.

Staff Attorney Sheeran said no; because there is no standard for that current EMF. You can't get to a condition without an applicable standard.

Staff Attorney Sheeran said we have this general other safety concern of the residents regarding clearances, structure strength, foundation design, lightning strikes, earthquakes, stray voltage. RMP did provide a letter from a licensed professional stating that this proposed project is in compliance with the NEC and it exceeds RMPs standards. I did not see anything saying it wasn't out of compliance. Whether RMP abides by its own guidelines is not for the Planning Commission to consider. These other safety issues, you are going to want to look at what is the standard for safety issues and if there is something out of compliance, what condition can we put on it to mitigate that potential detrimental effect.

Chairman Woolley said the citizens indicated that one of their requests would be that there be a third party inspector specifically to the foundation support structure for the poles. When we build homes in our city there are codes that we follow and we have a building department that has an inspection team that inspect various points in the process for compliance. In the case of a Public Utility when they are putting in infrastructure like this that is in our city limits, I know it is not our engineering department and I know it is not the building department that would inspect this. Is it a requirement that they have a third-party inspector look at that, and then who oversees that?

Staff Attorney Sheeran said the Public Utilities are regulated by state. I don't know the answer on who inspects, but they are required to follow state code.

Ben Clegg said the state of Utah adopts the IVC code and there is an exemption in the first section of the IVC code for the infrastructure for the transmission and distribution of electricity. As far as some other entity looking at that, there is not one. Under the IVC there is this idea of a special inspection, which is typically anything outside of normal building inspection. We follow those best practices and we actually hire a third-party to inspect those foundations.

Commissioner Ellis asked Staff Attorney Sheeran to speak to the idea that the permit application was not complete.

Staff Attorney Sheeran said this was the first time I heard that. It is really at a staff level. We may have requested information and depending, the response is we have moved on from that point. As far as the exact location of the poles, RMP wanted some flexibility they requested with those. From my eyes it was a complete application.

Chairman Woolley said there was some discussion throughout the night about alternate routes and I know that we have had discussion in other meetings about this but would you just comment briefly about in our city that being a legislative item and how that works and who is responsible.

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Staff Attorney Sheeran said the residents wanted to know the alternatives of not upgrading this line, whether it could be buried or re-locate the line. Under Utah Code we could request the City Council to request an alternative route study. If they did that, then depending on what the City Council wanted, there could be multiple things that would be encompassed in that study and that would determine how much that study would cost. We would have to pay for that cost. Then if we decided to choose one of those such as undergrounding, we the city would have to pay the difference between the proposed line expense and the cost of undergrounding, which would be millions of dollars. The City Council decides not to go down that road. That is a legislative item and the Planning Commission cannot consider it.

Staff Attorney Sheeran said there was discussion about RMP not following its own procedures and we don't determine whether it is appropriate or inappropriate or if they did or didn't follow their own internal procedures. They presented their application and we are reviewing that application. We don't go further into their process.

Commissioner Holbrook said after asking these three individuals to give us additional information it was on easement, safety and home values. We are not the court. We can't decide on those issues. I don't know why we would table this for two weeks if we can't act on the information.

Chairman Woolley said you can rescind your motion if you want.

Commissioner Holbrook withdrew her motion.

Chairman Woolley said based on what we have heard tonight and the new information, which we most likely will not be able to act on, is that a detrimental effect?

Staff Attorney Sheeran said with the easement issue, you would need to determine what the detrimental effect is and whether there is substantial evidence to support that. The property value issue is kind of that same detrimental effect but the condition is one. The mitigating effect is that they would figure it out in court.

Chairman Woolley said is the new language that we have in our possession, which would be the condition, does that in your legal opinion meet the concerns that you have heard from us tonight adequately enough that it would put it into the courts hands for the final decision, or do we need to deliberate further on some of the information we have received tonight? Staff Attorney Sheeran said I think that is the most defensible position in the event there is an appeal.

Chairman Woolley said I hear the arguments on both sides and I struggle with so many components of it and yet I understand the issues and yet our power and limitations are such that it really comes down to what is going to be determined both by the Property Rights Ombudsman and then the will of either the citizens or RMP to take that one step further into litigation. The arguments for or against that will come out of the decision of the Property Rights Ombudsman are going to carry some weight in court. We don't know that answer and we are not going to know that answer, nor will we be able to opine on that answer.

Commissioner Ellis said given that, it doesn't sound like there is a lot of purpose in tabling this.

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Commissioner Holbrook made a motion to Approve File No. PLCUP201800742 with the following condition in order to mitigate the reasonably anticipated detrimental effects of not having sufficient easements for the proposed work and the devaluation of affected properties:

1. **In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMPs statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.**

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent from the vote.

Chairman Woolley said the motion carries so we will not table this to the 26th. The information we have heard from both sides was good and I would hope that RMP will be receptive and open to the information, even though we can't act on it tonight, to respectfully consider it. We will hold you to you word that there will be some latitude as you work within the guidelines that you gave us tonight of placement, etc. should you move forward.

Staff Attorney Sheeran said typically we approve the minutes and that becomes the record. In this case we will do written findings and my office would make that document be circulated through you so you know what the analysis is and we would approve that at the next Planning Commission.

Commissioner Holbrook thanked the public for all of their hard work on this. It shows that you were very well organized, very well read, and very respectful. I applaud you for your efforts.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

None

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Holbrook motioned to adjourn the March 12, 2019 Planning Commission meeting. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

The February 12, 2019 Planning Commission Meeting adjourned at 10:30 p.m.

Meeting minutes were prepared by City Recorder, Anna West.

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SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: 03-26-2019

Issue	**DAYBREAK VILLAGE 8 PLAT 6 PRELIMINARY PLAT**
Location:	6230 West 11140 South
File No:	PLPP201801060
Applicant:	Daybreak Communities

Submitted By: Greg Schindler, City Planner
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready): Approve File No. PLPP201900036 as proposed.

STANDARDS FOR SUBDIVISION REVIEW

The Planning Commission shall receive public comment at a public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the proposed subdivision does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.

BACKGROUND

ACREAGE	37.885 acres
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (A-1)/Vacant South- Large Scale Master Planned Community (P-C)/Village 8 Plats 2 and 3 East - Large Scale Master Planned Community (P-C)/Vacant West - Large Scale Master Planned Community (P-C)/Vacant

Daybreak Communities has filed an application for preliminary subdivision plat approval for the Village 8 Plat 6 subdivision. The proposed subdivision will divide the property into 146 residential lots, 11 park lots and associated public and private rights-of-way.

ANALYSIS

The residential density of this proposal is 3.8 units per acre (gross density) and 8.1 units per acre (net density), which is consistent with the P-C zone and adopted Community Structure

Plan for Daybreak. The proposed lot sizes range from 3,171 sq. ft. to 9,759 sq. ft. with an average lot size of 5,356 sq. ft.

The PC zone provides for the approval of Design Guidelines developed for a specific subdivision or site plan. The Design Guidelines for this plat will be the same as those approved for Village 8 Plats 2 through 4, 5A and 5B.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

- The Daybreak Community Structure Plan designates this area as Village.
- Section 17.72.020 describes the Village Land Use Designation as follows: "This category is designed for medium density mixed use development that includes residential (single and multi-family), office, commercial, industrial, public/semipublic and recreation/open space uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of twenty five (25) units per acre."
- All PC zone and Kennecott Master Subdivision requirements will be met regarding the preliminary subdivision plat.
- All State and Local subdivision review requirements have been followed.
- The proposal meets all City ordinances
- All lots in the proposed subdivision will have culinary water (South Jordan City) and sanitary sewer available (South Valley Sewer District).

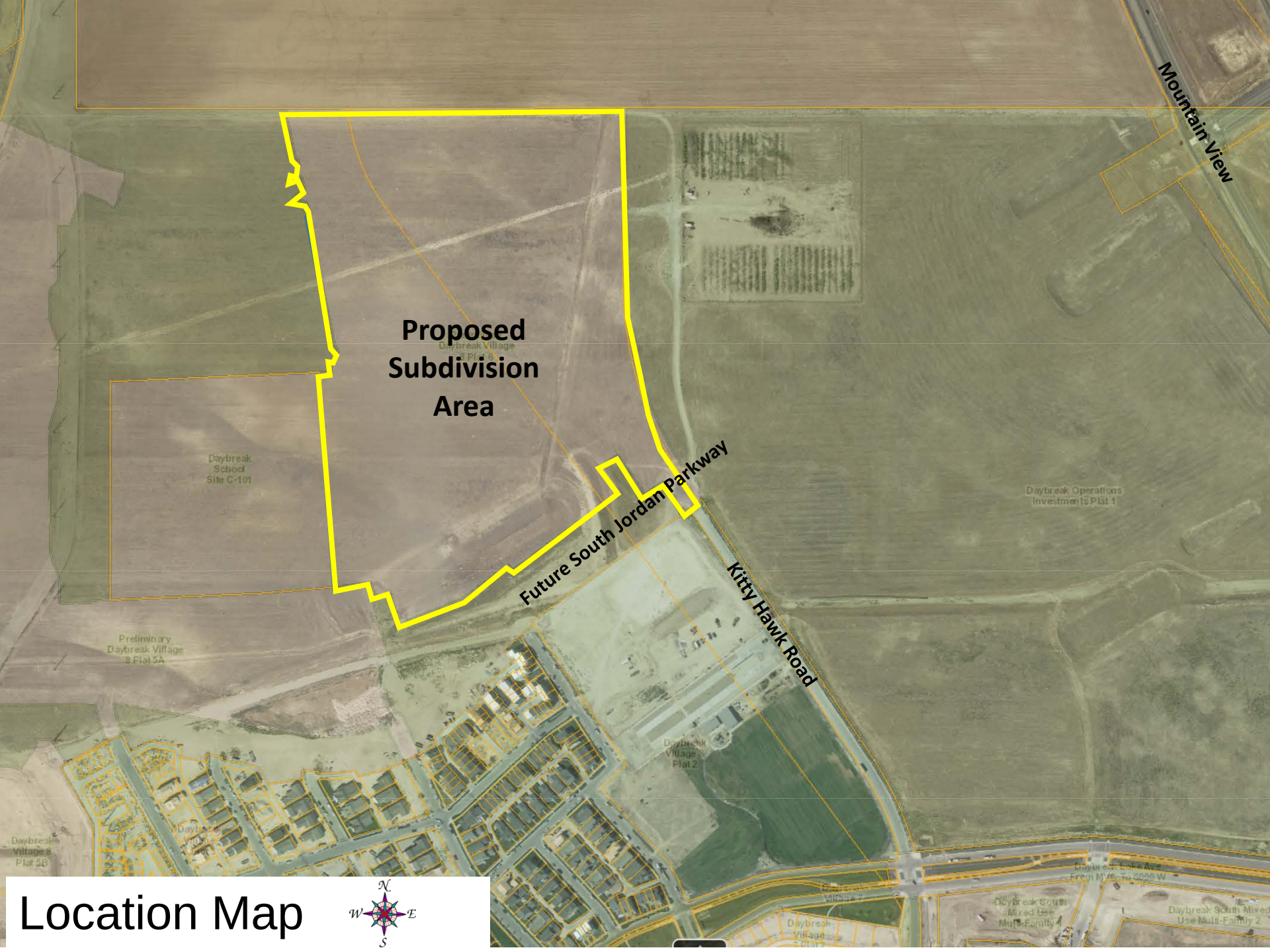
Conclusions:
- The proposed subdivision is consistent with the Community Structure Plan and meets the standards of review for subdivisions in the P-C zone.

Recommendation:
- Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

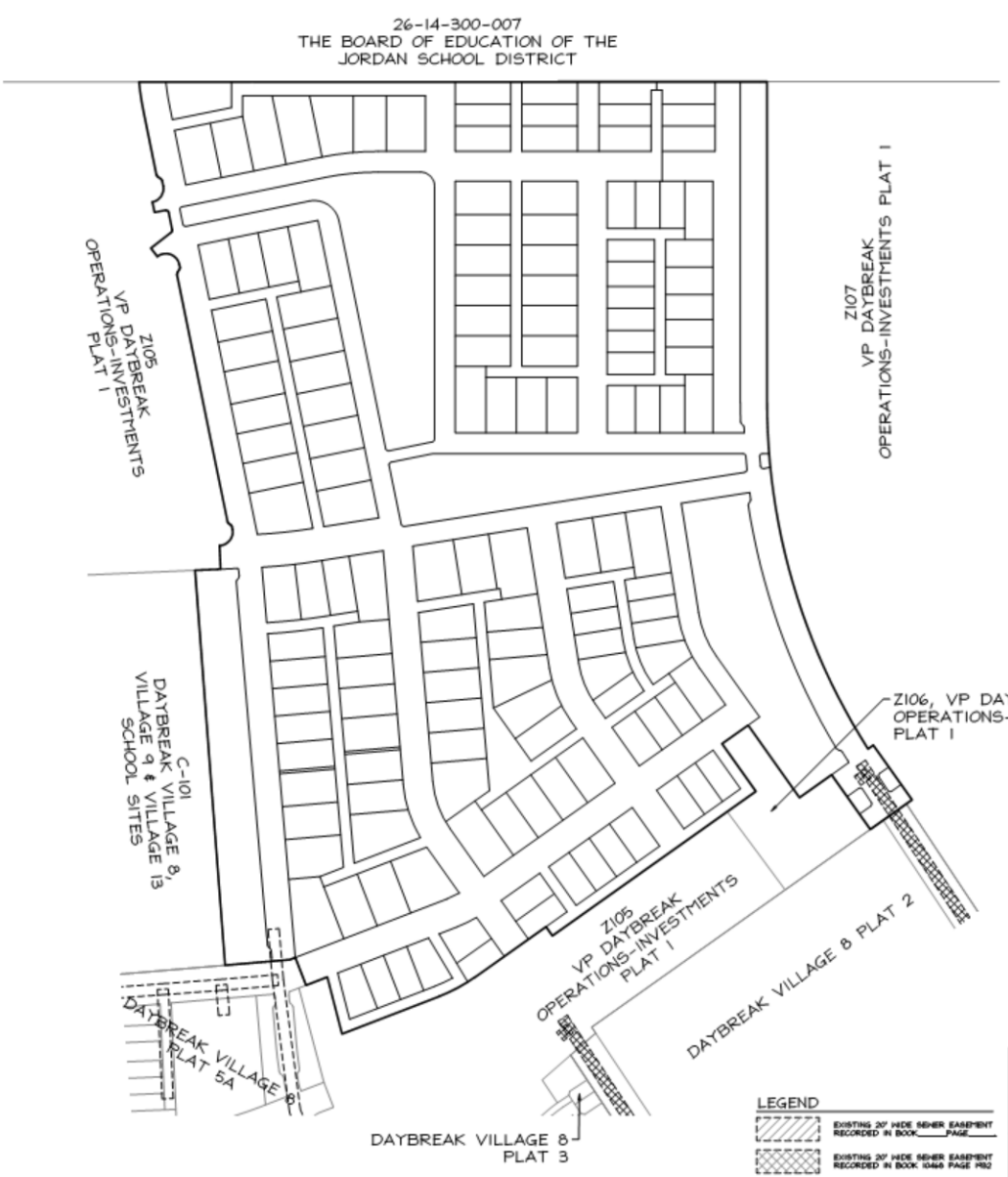
FISCAL IMPACT:
- Minimal.

ALTERNATIVES:
- Approve the preliminary plat.
- Deny the preliminary plat.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:
- Aerial Map
- Preliminary Plat



Location Map



N

GRAPHIC SCALE

-100 0 50 100 200

(IN FEET)
1 inch = 100 ft.

Sheet 5 of 9

PROPERTY CORNERS

PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.

PERIGEE
CONSULTING
CIVIL • SURVEYING • SURVEY
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801.635.6004 TEL 801.760.6911 FAX
WEST JORDAN, UT 84088
WWW.PERIGEEUSA.COM

LEGEND

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK____PAGE____

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 10468 PAGE 9182

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK XX PAGE XX

DAYBREAK VILLAGE 8 PLAT 6 SUBDIVISION
AMENDING LOTS Z105, Z-106 & Z107 OF THE VP DAYBREAK
OPERATIONS-INVESTMENTS PLAT 1

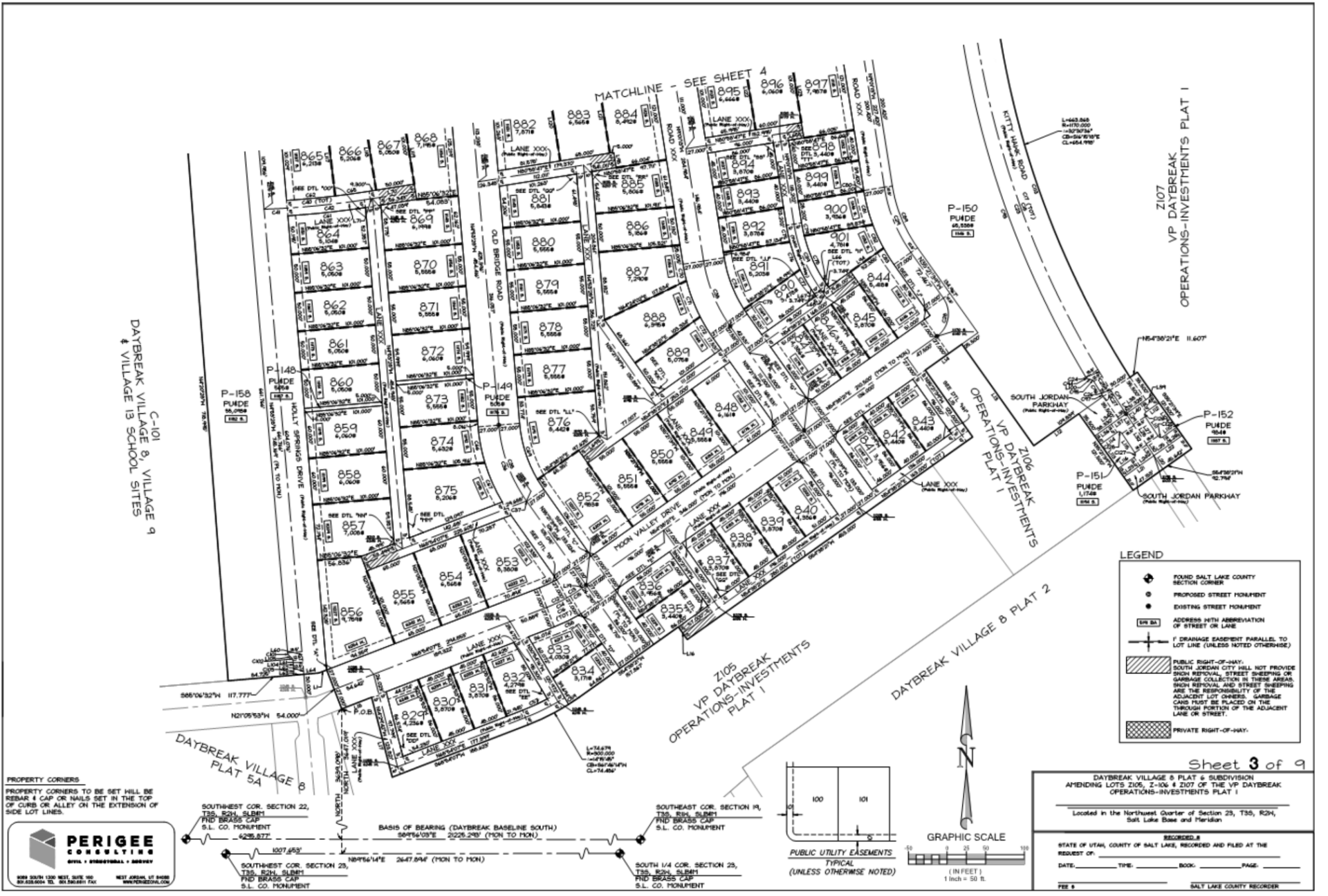
Located in the Northwest Quarter of Section 29, T3S, R2W,
Salt Lake Base and Meridian

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE $ _____ SALT LAKE COUNTY RECORDER


MATCHLINE - SEE SHEET 4
DAYBREAK VILLAGE 8, VILLAGE 9 & VILLAGE 13 SCHOOL SITES
C-101
Z107 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Z106 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Z105 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
DAYBREAK VILLAGE 8 PLAT 2
DAYBREAK VILLAGE 8 PLAT 5A
OLD BRIDGE ROAD
MOON VALLEY DRIVE
HOLY SPRINGS DRIVE
KITTY HAWK ROAD
SOUTH JORDAN PARKWAY
P-148 PUIDE
P-149 PUIDE
P-150 PUIDE
P-151 PUIDE
P-152 PUIDE
P-158 PUIDE
P.O.B.
S88°06'32"W 117.777'
N21°05'53"W 54.000'
N85°06'32"E 54.634'
N85°38'21"E 12.796'
N54°38'21"E 11.607'
LEGEND
FOUND SALT LAKE COUNTY SECTION CORNER
PROPOSED STREET MONUMENT
EXISTING STREET MONUMENT
ADDRESS WITH ABBREVIATION OF STREET OR LANE
7' DRAINAGE EASEMENT PARALLEL TO LOT LINE (UNLESS NOTED OTHERWISE)
PUBLIC RIGHT-OF-WAY: SOUTH JORDAN CITY WILL NOT PROVIDE SNOW REMOVAL, STREET SWEEPING OR GARBAGE COLLECTION IN THESE AREAS. SNOW REMOVAL AND STREET SWEEPING ARE THE RESPONSIBILITY OF THE ADJACENT LOT OWNERS. GARBAGE CANS MUST BE PLACED ON THE THROUGH PORTION OF THE ADJACENT LANE OR STREET.
PRIVATE RIGHT-OF-WAY.
PROPERTY CORNERS
PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.
SOUTHWEST COR. SECTION 22, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
4295.877'
1007.653'
SOUTHWEST COR. SECTION 23, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
BASIS OF BEARING (DAYBREAK BASELINE SOUTH) S89°56'03"E 2225.243' (MON TO MON)
N89°56'14"E 2647.894' (MON TO MON)
SOUTHEAST COR. SECTION 19, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
SOUTH 1/4 COR. SECTION 23, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
PUBLIC UTILITY EASEMENTS TYPICAL (UNLESS OTHERWISE NOTED)
GRAPHIC SCALE
(IN FEET) 1 inch = 50 ft.
PERIGEE CONSULTING
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Sheet 3 of 9
DAYBREAK VILLAGE 8 PLAT 6 SUBDIVISION
AMENDING LOTS Z105, Z-106 & Z107 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Located in the Northwest Quarter of Section 23, T3S, R2W, Salt Lake Base and Meridian
RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:
DATE: TIME: BOOK: PAGE:
FEE $
SALT LAKE COUNTY RECORDER



C-101
DAYBREAK VILLAGE 8,
VILLAGE 9 & VILLAGE 13
SCHOOL SITES

PROPERTY CORNERS

PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.

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SOUTH JORDAN CITY
PLANNING COMMISSION REPORT Meeting Date: 03-26-2019

Issue	**DAYBREAK PROSPERITY ROAD DEDICATION PLAT PRELIMINARY PLAT**
Location:	Approx. 6420 W. 11800 South
File No:	PLPP201900057
Applicant:	Daybreak Communities

Submitted By: Greg Schindler, City Planner
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready): Approve File No. PLPP201900057 as proposed.

STANDARDS FOR SUBDIVISION REVIEW

The Planning Commission shall receive public comment at a public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the proposed subdivision does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.

BACKGROUND

ACREAGE	5.115 acres
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (P-C)/Vacant South- Large Scale Master Planned Community (P-C)/Herriman city limits East - Large Scale Master Planned Community (P-C)/Daybreak Village 8 Plat 4B Single Family West - Large Scale Master Planned Community (P-C)/ Vacant

Daybreak Communities has filed an application for preliminary subdivision plat approval for the Daybreak Prosperity Road Dedication Plat. The proposal will dedicate the first segment of Prosperity Road that will begin at 11800 South/6420 West and extend north approximately 670 ft. at this time. As further development occurs the road will be extended further north until it connects to the existing Prosperity Road which now terminates near 10400 S. Included in the subdivision will be a 3.591 acre park lot (P-lot) that will serve primarily as open space storm drain detention/retention and will also contain an existing 60 ft. wide power easement along Prosperity Road.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

- The Daybreak Community Structure Plan designates this area as Village.
- All PC zone and Kennecott Master Subdivision requirements will be met regarding the preliminary subdivision plat.
- All State and Local subdivision review requirements have been followed.
- The proposal meets all City ordinances

Conclusions:

- The proposed subdivision is consistent with the Community Structure Plan and meets the standards of review for subdivisions in the P-C zone.

Recommendation:

- Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

FISCAL IMPACT:

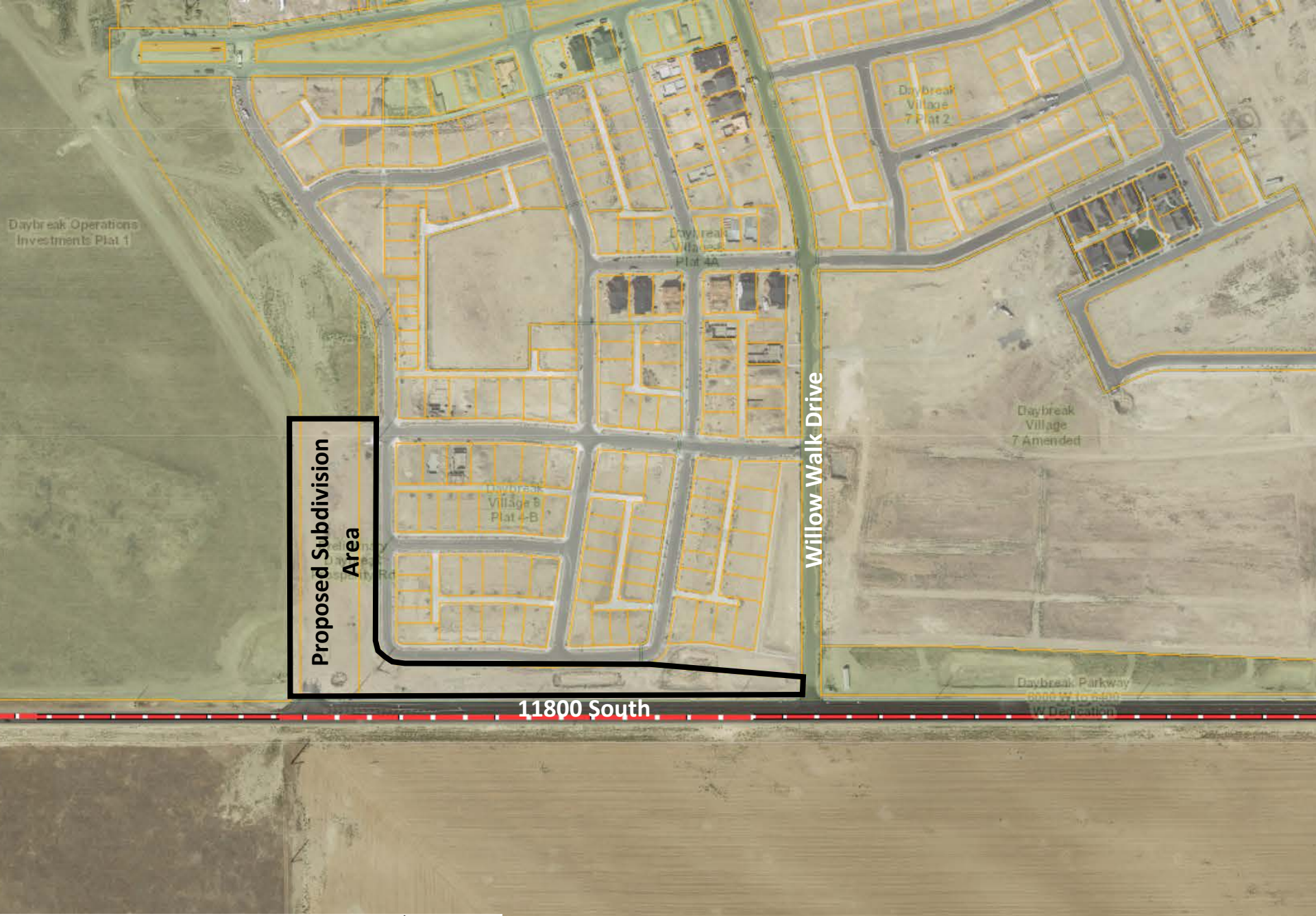
- Minimal.

ALTERNATIVES:

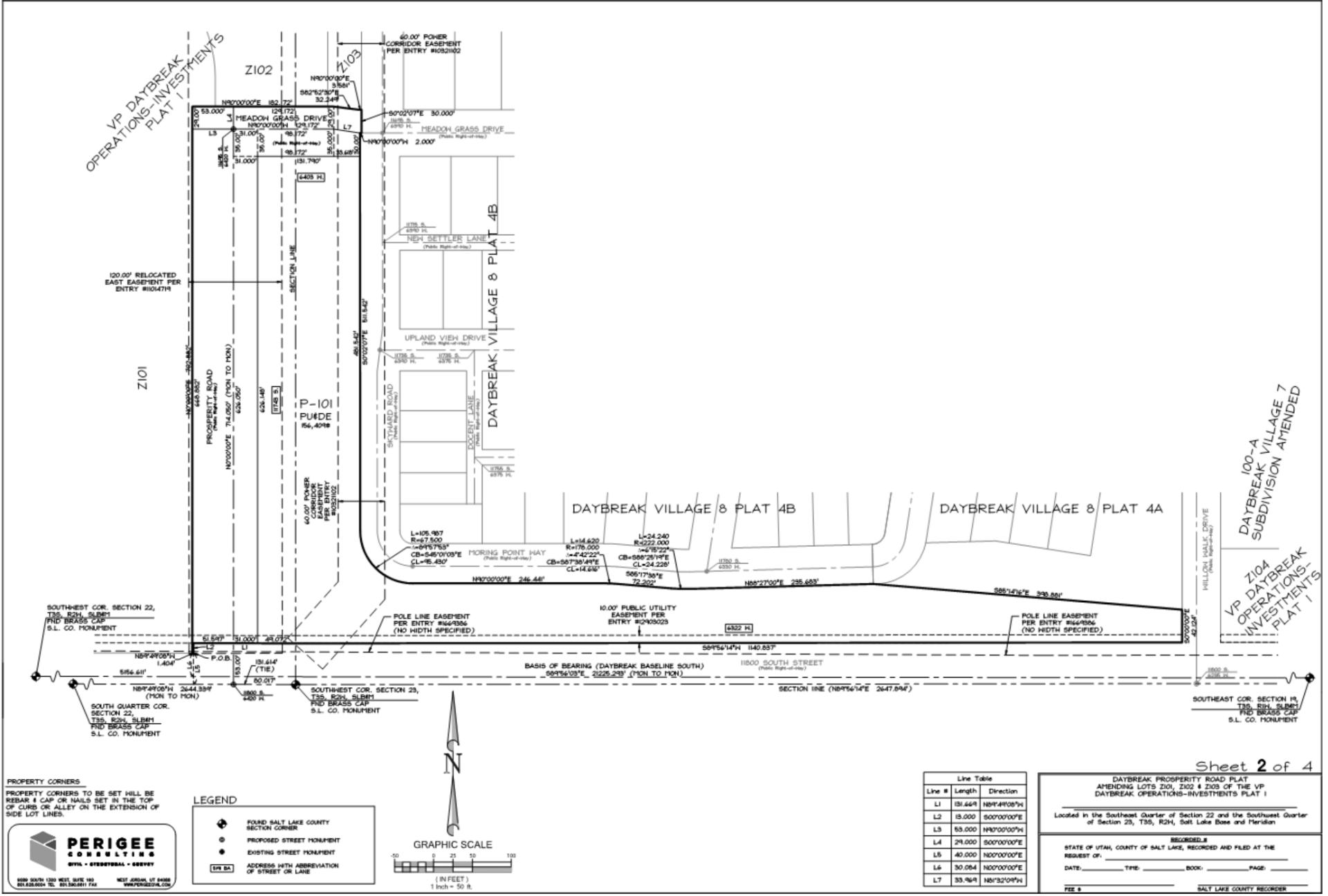
- Approve the preliminary plat.
- Deny the preliminary plat.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Preliminary Plat



Location Map



Sheet **2** of 4

Line Table		
Line #	Length	Direction
L1	131.669'	N89°49'08"W
L2	15.000'	S00°00'00"E
L3	53.000'	N90°00'00"W
L4	29.000'	S00°00'00"E
L5	40.000'	N00°00'00"E
L6	30.084'	N00°00'00"E
L7	33.968'	N81°32'09"W

DAYBREAK PROSPERITY ROAD PLAT
AMENDING LOTS Z101, Z102 & Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1

Located in the Southeast Quarter of Section 22 and the Southwest Quarter of Section 23, T3S, R2W, Salt Lake Base and Meridian

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CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS
March 12, 2019

Present: Commissioner Mark Woolley, Commissioner Julie Holbrook, Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner John Ellis, Commissioner Michael Haynes, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Staff Attorney Todd Sheeran, City Recorder Anna West

Absent: Commissioner Sean Morrissey

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone present. He said if you are intending to speak tonight, please fill out one of the blue public speaking cards. This will help us manage the Public Hearing if we have a lot of speakers. He noted that all Commissioners are present except Commissioner Morrissey and he is excused tonight.

B. Motion to Approve Agenda

Commissioner Holbrook said we need to move Item D. to go before Item C. so that the Rocky Mountain Power item is heard last.

Commissioner Holbrook made a motion to move Item D.1. to go after Item B.1. on the Agenda and approve the March 12, 2019 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

C. Approval of the Minutes from the Meeting held on February 26, 2019

Commissioner Holbrook made a motion to approve the February 26, 2019 Planning Commission Meeting minutes with changes. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

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B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Woolley opened Citizen Comment.

Joseph Shurn, South Jordan; he said they have put no right turn lights on that new 106th South and River Front Parkway road and you are not allowed to turn right. Everybody runs that light and it is just not working. I don't see any reason to have that light there. It jams traffic and wastes energy and gasoline.

Chairman Woolley asked Jeremy Nielson to check into that. Jeremy said that was a UDOT decision but we will go ahead and look into the issue.

Chairman Woolley closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

A.1 **Issue:** **Daybreak Oquirrh Plat Amended Subdivision Amendment**
Location: 10521 South Lake Avenue
File No: PLPLA201900074
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. This meets all state and local requirements for subdivision amendment and staff is recommending approval.

Chairman Mark Woolley opened the Public Hearing. No comments. He closed the Public Hearing.

Commissioner Ellis asked if the plan is to leave the western lot as open space or are you planning to develop that into something else.

Gary Langston, Daybreak Communities, said the intent of this is to do two things. We are preparing to transfer the lake to the HOA. We have an agreement with Harmons to build a little Neighborhood Market at the north end. At some point in the near future you will see another amendment to the big parcel to the

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north, which will further subdivide and create all of the parcels for the future and commercial and residential. We are not modifying the open space by Lake Avenue.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Holbrook made a motion to approve Project No. PLPLA201900074 subject to all South Jordan City Requirements are met prior to recording the subdivision amendment. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

B.1 Issue: **106 Exchange II Site Plan**
Location: 489 West South Jordan Parkway
File No: PLSPR201801175
Applicant: Greg Goffin/Thrive Development

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. The ARC has reviewed this and recommended approval. This meets all Code and City requirements.

Chairman Mark Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Jolley made a motion to approve the 106 Exchange II Site Plan, file number PLSPR201801175, with the following requirement(s):

1. **The necessary waterline easement(s) shall be recorded prior to any construction.**
2. **The Applicant shall provide 'will serve' letters and/or other final approvals from utility entities prior to construction.**

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

This Item D.1. was moved to follow B.1. at the beginning of the meeting.

D.1 Issue: **Ashcroft Acres Subdivision**
Preliminary Subdivision
Location: 10700 South 1055 West
File No: SUB-2016.01
Applicant: Charles Judd, J Lamar Holdings, Inc.

City Planner Schindler reviewed the background information on this item from the Planning Staff Report. This application is located just off of 1055 West which was declared a Historic Road a few years ago. Because of that, there will not be any further widening of the road or improvements. Some lots are large enough to have farm animals and they are properly zoned; however, there has been a note placed on the plat that states no large animals will be allowed on any lot in the subdivision. They will put up masonry walls on the north side and along the entire south side. This meets all of our requirements for code and staff is recommending approval.

Commissioner Jolley asked if the wall will go in front of parcel A on the north side.

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City Planner Schindler said no, because there is no one living there so it is not required.

Commissioner Jolley said if that becomes a buildable lot in the future will it be required. City Planner Schindler said yes. They would have to amend the plat at that time.

Chairman Mark Woolley opened the Public Hearing.

Don Reese, my property adjoins the property on our south end and their north end. I have a major concern I would like to address. The water that runs down that ditch is surface water and it is now supposed to be covered and it is not. It needs to be covered completely before they put yards in there because the yards will push down against that and against the retaining wall. My recommendation would be to make sure that the pipe that is there now is removed and a new pipe be put in adequately because the water from that ditch now runs over partly on my property and is causing a problem there for me. I need to see that that is addressed before I can look favorably towards this.

Chairman Wooley asked Jeremy Nielson of Engineering is he was aware of that irrigation water. Mr. Nielson said no I am not aware of it but I will make sure that the staff engineer is aware of it.

Mr. Reese said that water is privately owned so we can't block it off and there is no accessibility to my property or accessibility to the Judd property. If they put a subdivision in there, and the lots are pushed down as they level the lots out, my concern is that it will either be covered or if not covered adequately, it will stop the flow of the water. My other concern is the traffic on 1055 West. We have addressed this several different times. I have the backing of all of the citizens on the street and can give a proclamation to state that we are not in favor of having additional traffic on that little private road.

City Planner Schindler said I would like to make a correction, they do plan to build a wall all the way across the detention basin.

Chairman Woolley closed the Public Hearing.

Michael Judd, I am Charles Judd, the applicant's oldest son; he is in Guatemala on a humanitarian trip right now.

Commissioner Jolley asked Mr. Judd to address the concerns regarding the open ditch. He asked is it a surface draining ditch or a ditch that carries water that is owned by other individuals.

Mr. Judd said yes; that is my understanding. My understanding squares with Mr. Rees's statements that it is water that is used by people primarily to the east across 1055. We are more than happy to follow whatever instructions the City gives. We want it to be safe and we do not want to interfere with private rights of others.

Commissioner Jolley asked are you aware of an easement that exists there for this pipe or ditch to exist there. Mr. Judd said no. Like Don said, we believe those rights belong to people who were there before and have had those rights a long time. Often we hear about those kinds of things just by word of mouth.

Commissioner Jolley said if there is legal water that is owned that crosses his property, there should be an easement; is that correct? Jeremy Nielson said there probably should be. A lot of times those old irrigation lines and ditches, there is not. There is a prescribed right to the water users. We need to

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accommodate that and make sure that the water continues to go through the way it normally goes through.

Don Reese said that water comes from Beckstead Estates. In the late 40's early 50's, put in a drainage system that drains surface water into that ditch that runs from the back of Beckstead Estates all the way down and across 1055 West. That is surface water that is pumped out so that water doesn't go into the basements of the homes. That land was, originally where Beckstead Estates now sits, was quite swampy so they put in a tile irrigation system underground and it is still in effect today. That is where most of the water comes from. It is owned by Cal Robbins. He is currently in Philadelphia on a mission.

Chairman Woolley asked Jeremy Nielson what he can tell us about 1055 West and what can be done. He also asked what the City's long term plans are for traffic concerns on 1055 West.

Deputy City Engineer Nielson said traffic really hasn't been a concern on 1055 West. The plan is to keep the road at the 25' width.

City Planner Schindler said most of the developable parcels are on the east side of the road and they may have opportunity to not use 1055 West as access. We have had multiple concepts that staff has come up with over the years showing connections to some of the roads that are down in the River Park Development that stub into those properties and at some point to connect them up to South Jordan Parkway. I can't say that nothing will ever be added to 1055 West but there is a private portion of the lane further south that ties in. We try to direct everything to the other direction.

Commissioner Ellis said as I understand, the water currently flows down the back property line of these lots 1, 2, & 3 and spills into the property to the north and it belongs to the property to the east. What provisions can we employ to ensure that the water doesn't get pushed onto the property to the north?

Chairman Woolley said we can discuss this with staff again and have them give us a recommendation that we can include in our motion or we can include in our motion to direct staff to address that issue specifically.

Deputy City Engineer Nielson said I am fine with either of those options. We as staff can look into that and make sure that it is engineered adequately.

D.2 Potential Action Item – (See VI.D.1)

Commissioner Ellis made a motion to approve the Ashcroft Acres preliminary subdivision plat, File No. SUB-2016.01, with the condition that the City ensures proper design for passage of the water through that property. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.

Chairman Woolley said before we begin this next Public Hearing, we have a lot of people in the audience and we appreciate you being here. If you would like to speak on this item, please fill out one of the blue speaker cards. We will first have our staff report, then we will have comments from other members of our city staff and legal team. We have invited a representative from Rocky Mountain Power to do a 20-minute presentation, and then there is a large group of citizens who have requested to speak for the majority of you and have designated 12 speakers to this. We have allotted 1 hour for that group to speak and then we will open for other speakers.

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C.1 Issue: **Rocky Mountain Power Line Upgrade Conditional Use Permit**
Location: Redwood to Draper
File No: PLCUP201800742
Applicant: Lisa Romney

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. Rocky Mountain Power (RMP) filed a Conditional Use Permit (CUP) application proposing to upgrade an existing power line (transmission line) from 46 kV to 138 kV and to upgrade 29 pole Structures in the process (generally referred to as "proposed work" or "proposal"). The location of the proposal will run from the South Jordan substation located at 10735 South Redwood Road to the Draper substation located at approximately 500 West 12300 South. The proposal will follow the same path as the existing lines, generally through and adjacent to the rear, side and sometimes front property lines of lots and parcels. RMP submitted all the recorded easements that show that it has rights to perform the proposed work at the proposed location. This transmission line has already been upgraded from 46 kV to 138 kV north and south of the area designated on the current CUP application.

From the Planning Staff Report:

Findings:

• *Easements*. After thorough review, staff agrees that the Planning Commission may not determine the validity of the recorded easements. However, as with any person or entity proposing to do work in the City, the City needs assurances that the person or entity has legal authority to do that work. This case is no different. Even though RMP submitted all the recorded easement documents with an associated location map, the residents have raised concerns that the easements are not sufficient for RMP to perform its proposed work. To resolve this concern, the residents requested that the Ombudsman resolve the easement dispute. Because there is a pending dispute with a body that has statutory authority to address and opine on such disputes (recognizing that the Ombudsman decision is not binding), the pending easement dispute does not give the City assurance that RMP has the proper easements to do its proposed work. Accordingly, if the Planning Commission approves the CUP, staff recommends that the Planning Commission attached the following condition to mitigate the anticipated detrimental effect:

Before RMP commences its proposed work, this conditional use permit is conditioned on:
1. The Ombudsman finding that the easements are legally sufficient to do the proposed work; or
2. RMP acquiring easements that are legally sufficient to do the proposed work. "Acquiring" may include, among other things, RMP's statutory right of condemnation or through negotiated agreements with the property owners.

• *EMFs*. Even though both parties have submitted some form of documentation that states their position on the EMF issue, neither party has submitted expert testimony validates their statements. The evidence submitted seems to conflict or is inconclusive. Additionally, there is no federal or state agency that regulates EMFs. Based on the lack of regulation, it is unlikely that EMF may be a detrimental effect that could be upheld in court.
• *Safety and Design*. Staff recommends the Planning Commission weigh the evidence presented.

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• *Property Values*. Staff recommends that if a devaluation of property is shown to be a valid anticipated detrimental effect, staff proposes the following condition be attached to mitigate that detrimental effect:

Before RMP commences its proposed work, this permit is conditioned on RMP completing appropriate property value analysis and mitigation.

• *Other Issues - Alternative Routes and Non-Compliance with RMP's Guidelines*. The alternative route issue is not an issue that the Planning Commission can consider because it is a legislative issue.

Conclusion:
Based on the application materials and the findings listed above, if substantial evidence is presented at the hearing, the proposal may have at least two reasonably anticipated detrimental effects: (1) sufficient easement scope; and (2) decreased property values. Notwithstanding, any condition imposed must be the least restrictive method to mitigate the detrimental effect.

Recommendation:
Staff recommends that the Planning Commission take comments at the public hearing and approve (with the conditions stated herein and other necessary conditions) the Conditional Use Permit Application File No. PLCUP201800742 for the installation of an upgraded 138 kV power line and associated replacement power line support structures between the South Jordan power substation located at 10735 South Redwood Road and the Draper power substation located at approximately 500 West 12300 South, unless during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

City Planner Schindler said Rocky Mountain Power has provided evidence that they have engineers that are hired to make sure of the safety in the design of their structures, the design of the lines, and that they meet all of the requirements that are required by the National Electric Safety Code which regulates Rocky Mountain Power. The City itself does not have regulation on these structures; they are regulated by another source. Rocky Mountain Power has provided statements from their independent engineers that they have hired to make sure that everything is designed correctly for safety. Everything we received from both RMP and the citizen groups has been posted on our city web for everyone to review. Our Staff Attorney, Todd Sheeran would like to review the changes to the conditions.

Staff Attorney Todd Sheeran said, after talking with Brent Bateman at the Ombudsman office and the RMP attorneys, I just wanted to clarify the conditions that we have put in the staff report and explain why we are changing them a bit. Even though the evidence has not been submitted to you yet, we anticipate more evidence coming today. I am not necessarily saying this is the language we will stick with, but evidence that has been submitted this is the language that we proposed. It is important to know the process in requirement of the public utilities. As it is written in the staff report, the city does not allow things to be done on other people's properties without permission from the property owner. This is their right to that property. The city is also looking for those assurances in this case, but because RMP is a public utility, they have statutory rights through condemnation to obtain easements, which is similar to a builder's option to purchase. They can obtain the easements if needed and they have that process under state statute. There is the question if the current easement allows for the proposed work that RMP is asking us to approve. It is not a question for the Planning Commission, but rather for a court to determine what does the easement mean, and what is the scope of the easement. The Planning Commission is not trained to answer that question, a judge is. We have a condition that if it is determined that RMP does not have sufficient

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easement, then they obtain the necessary easement(s) to perform the proposed work. The second part of the detrimental effect that we identified as property values, which is also wrapped up in this same process. If RMP were to use their statutory right, there would be a determination of property value in the court system. We believe that there are two detrimental effects but one condition would satisfy both.

Chairman Mark Woolley opened the Public Hearing.

Lisa Romney, RMP Regional Business Manager (Applicant); she brought a presentation to review (see Attachment B). She thanked Commissioners and City Staff as well as all of the residents who have invested a considerable amount of time on the project. The thanked everyone for being respectful and professional interactions that have led to this hearing. She said on August 6, 2018, RMP submitted an application for a Conditional Use Permit to upgrade an existing 46 kV line that has been operation since the late 1950's and will be converting it to a 138 kV transmission line. She introduced supporting RMP staff that are to respond to technical or legal questions that may come up this evening. Ben Clegg – Project Manager, Brett Reich – VP & Litigation Counsel. I organized my presentation to follow your staff report. More than 100 years ago, Salt Lake City became the 5th city in the world to have central station electric street lighting. Since that time, thanks to the electricity and the power we rely on, we have our smart phones, kitchen appliances, air conditioners, computers, the manufacturing businesses in our communities, data centers, electric vehicles and services as vital as health care. Our modern economy and communities have been built on the grid and on Rocky Mountain Powers ability to keep pace with this demand.

She refers now to her presentation (Attachment B):

- Background – Purpose and Need (P.2)
    - If something goes down, we can't transfer that amount of load to neighboring circuits. Any amount of outage has tremendous impact on the businesses that operate in our communities. This upgrade is absolutely necessary to meet the growth needs.
- Background – Project Facts (P.3)
    - We will rebuild 1 mile of existing 46 kV to 138 kV. We will rebuild 2 miles of existing 46 kV to single circuit 138 kV to the Draper substation. Portions have already converted to 138 kV during other major projects and developments in the city. Goal is to have construction complete by April 2020 at an investment of 11.8 million dollars
- Background – Project Details (P.4)
    - 20 rebuilt poles proposed. 16 wood and will remain wood and 4 steel to remain steel.
    - Average height 70'. Smallest 45' and largest 103'.
    - Future size of insulators is 60"
- Background – Project Details – Before and After (P.5)
    - Before – image looking South in South Jordan from 10760 South near 1600 West
    - After – image looking north in South Jordan from 10760 South near 1600 West.
- Double Circuit 46 kV and 138 kV compared to single circuit 46 kV (P.6)
- Background Maps (P.7 – P.8)
    - 10760 South 1500 West shows poles that need to be changes indicated by red dot
- Background – Community Outreach (P.9)
    - Personally knocked doors, hand delivered project flyer & invitation to open house to homes with poles in yard or wires overhead.
    - Mailed info & invitation to open house to property owners within 325'
    - Presentation to City Council August 7, 2018; City Council Work Session August 7, 2018.
    - Meetings and tours with political leadership at the State and local levels

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  - Met onsite with landowners and worked with property-owners to discuss pole placement and design. Offer expertise and tree vouchers to property owners with easements.
  - This hearing is actually the only public outreach requirement of RMP for this permit.
  - We have done our best to reply to all inquiries and our intention is always to provide a service to the public and be an excellent Community partner.
- Community Concerns (P.10)
- Easements (P.11)
  - RMP purchased and recorded the majority of easements to operate, maintain, and replace a transmission line in the 1950s. Two types of easements – Centerline and Fixed-width.
  - No action by this commission alters the condition of the existing transmission line easements.
  - There is a legal process and pathway for property owners to resolve easement disputes outside of South Jordan City.
  - RMP has provided easement documentation showing easements are sufficient for this application
  - The easement granted by Wendy & Thomas Edsmond in July 19, 1958, granted a perpetual easement and right-of-way for the erection and continued maintenance, repair, alteration and replacement of the electric transmission, distribution and telephone circuits. RMP has already purchased these rights. If a court were to determine that these easements were not sufficient, and no resolution could be reached with property owners, RMP would exercise our statutory rights to acquire sufficient easements.
- Electromagnetic Fields (EMF) (P.12)
  - The scientific community has not linked electromagnetic fields from high voltage power lines to any impact on health
  - Because of that, no safety or health organization recognizes EMF from high voltage power lines as an issue.
  - There are no federal requirements to mitigate EMF
  - There are no State of Utah requirements to mitigate EMF
  - There are no electric codes or guidelines to mitigate EMF
- Safety and Design (P.13)
  - Our line has been in place since the 1950s. Then development came in and families bought homes with an existing transmission line and transmission line easement. Even though the power line was located here first, our design has taken into consideration all clearances required so that we have minimal to no impact on property owners.
  - Our design has taken into consideration all clearances, horizontal, vertical, transitional
  - This upgrade will bring the entire line between South Jordan Sub and the Draper Substation to current standards. The upgrade will be better overall.
- Property Values & Lending (P.14)
  - Some residents raised to the City Council a reduction in property values as a potential impact.
  - RMP did research on this and found the study that showed the impact to be nominal.
  - Because of the study, we contacted Troy Lund who had done the work directly, to understand his research. Troy gave his expert opinion from both his research and his work as an appraiser. In a letter submitted to the Commission on Jan. 2nd he provided a

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clarification letter today (Attachment C) His professional opinion is that because the line exists, it is unlikely to create any change in property values.
    - Regarding lending, although it has been stated that the line upgrade will make it difficult to receive loans, we have found no proof of that. The line predates the homes and the home loans. No requirement makes it impossible to receive these types of loans.
- Utah State Property Ombudsman (P.15)
    - To date we know that residents submitted a request to the Ombudsman
    - RMP has responded in writing with willingness to mediate
    - Residents had a meeting with the Ombudsman but no further mediation action at this time.
- Alternatives vs. Alternative Routes (P.16)
    - Neighbors have been concerned that RMP mentioned alternatives at the Open House but we have not provided those alternative routes. These are two different things.
    - In our long range plan we considered several alternatives to upgrading the existing 46 kV lines such as upgrading other substations; those were determined to be too far apart and too far away from the necessary capacity.
    - This was determined to be the best solution to the capacity constraints and is the most cost effective option.
    - An Alternative Route study must be requested by an interested entity and paid for by the requesting entity. No official request for a study was made so none were done.
    - We could not identify any alternative route that would not impact the residents and businesses with a new corridor. Building a new kV line would double the impact of transmission corridors on the community of South Jordan.
- Community Planning (P.17)
    - Salt Lake County Electrical Plan Local Planning Handbook developed in Sept. 2010
    - This is a guideline to minimize when possible, the impact of power infrastructure in the communities we serve.
    - Residents are aware of this Plan and claim RMP has not given it consideration.
    - We are following the High Priority from this Plan to upgrade existing facilities before building new facilities.
    - This line was identified in the Plan as an existing facility that would change
- Future Plans (P.18)
    - It is not in our long range plan to upgrade the operation of this corridor above 138 kV
    - The State has additional siting guidelines for 230 kV and above
- Summary (P.19)
    - Hope that I have made the need clear
    - This project brings vital transmission and distribution capacity and reliability to the Salt Lake Valley
    - RMP as the applicant believes the application and project meet all standards for a Conditional Use Permit
    - RMP requests the Planning Commission approve this application for a Conditional Use Permit to upgrade the existing 46 kV line to 138 kV

Ms. Romney said, in summary, having gone through all of this information, I hope that I have made the need clear. Information like 92% utilization and 105% utilization may not mean a lot to you, but it truly means a lot to businesses. It may mean that we would have to delay power deliveries to new businesses in the immediate future until new infrastructure can be sited, built and put into operation.

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Extended time lines to deliver service could mean that South Jordan and neighboring communities lose economic development opportunities. We ask that the Planning Commission approve our application for a Conditional Use Permit to upgrade the existing 46 kV lines to 138 kV.

Chairman Woolley said we will now continue with the Public Hearing. I have a list of 12 designated speakers so we will go in the order on the list (Attachment D).

Dave Kowallis, SJC – I represent a large group of residents who are here tonight to voice their opposition to this project. I would say we have well over 100 residents present. He handed out a printed presentation by the residents that they will follow (Attachment E). He said we are appreciative of the positive interactions we have had with the City and the Planning Commission on this topic. Tonight we will present substantial new evidence that has not previously been presented or considered. This evidence has a direct bearing on your decision on this CUP request and we believe it provides more than sufficient cause to only conditionally approve the permit at worst and more appropriately, to be denied outright. We acknowledge that the applicant represents a key member of our community and they provide a vital service to our community. We all want and need for them to remain viable. We don't want them to go bankrupt like their sister company in California, which resulted largely from the multitude of law suits they lost pertaining to fires proven in court to have been caused by transmission lines such as these. In fact, PG&E has even acknowledged in a press release that their transmission lines were likely determined to be the cause of the 2018 camp fire that devastated the city of Paradise California, killing 85 people. We also acknowledge Rocky Mountains rights to maintain, repaid and replace, the current 46 kV line within the current easement; however, this application represents a clear overstatement of their rights. We adamantly reject their rights to expand the current line within the existing corridor and easement. We believe this hearing is premature. Per the Utah Code Ann. § 10-9a-509.5(2) used by the applicant to force this hearing, the law requires that they submit a complete application. We will present information tonight that clearly indicates that the documents submitted in support of the permit application, is incomplete. Per South Jordan City Code, "*a use is conditional because it may have unique characteristics that detrimentally effect the zone and are therefore not compatible with other uses in the zone, but could be compatible if certain conditions are required to mitigate the detrimental effects*." This project as proposed is incompatible with other uses in the zone and it would create a multitude of severe detrimental effects on our neighborhood, which we will help identify for you. The application is incomplete because the applicant has failed to demonstrate how it will mitigate the detrimental effects. The application is incomplete because the applicant has failed to provide all of the relevant documents that have baring on the applicants rights, or lack thereof, to even do this major expansion within their existing easements. If the application is incomplete, it is within this body's right to deny the permit until these requirements are met. My task tonight is to introduce the overall basis for our opposition and then I will have other members of our community who will go into further detail on these topics as shown in our presentation material (Attachment E). Summary of our Opposition: 1) Applicant's easements are not unlimited/undefined; 2) Applicant's easements, as defined, are insufficient for this project; 3) Detrimental impact on property values and sale ability of homes; 4) detrimental impact on our health and safety (page 4 of Attachment E).

Brett Hastings, Hastings Law (Property Rights & Real Estate Attorney) – Easements Pages 5-27
I was brought on to assist a group of 22 of the residential homeowners to advise them on the legalities of these claimed easements within the residential section of this expansion. Our legal analysis included a review of all of the 1958 easements that are related to the residential section of this plan. It also included examination of a number of other document which have not been presented to this body which establish what RMPs easement rights are. That is why we believe that this meeting tonight is premature because

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those things have not been considered. Tonight, based on the legal analysis, we will show that RMP has actually abandoned the unbounded center-line easements in favor of a bounded 20-ft. wide utility easement. We will also provide evidence from the 1958 easements themselves that the easements are insufficient for the planned expansion. The easement through the residential section of this line was not abandoned and it has been extinguished because of RMPs inaction in objecting to the building of homes, pools, garages, and other things within the 60 foot wide easement that would normally be required for such an expansion. We did make these concerns know to RMP and in a response that they wrote to Brent Bateman, the Ombudsman, they said that the plat maps may erroneously state that the easements are 10-ft. public utility easements, but RMP never abandoned any of their deed of property rights; so this survey error is of no legal consequence. You will see by what we present this evening that the statement is incorrect. RMP did indeed abandon the 60-ft. unbounded center-line easement in favor of a bounded and defined 20-ft. easement through this corridor. He presents an aerial photo P.8; the orange line is the location of the expansion. The colored areas are all of the various subdivisions that have been built over the years. These easements in this section were originally center-line easements that were issued more than 60 years ago. A time when this property was open farm land. Over the years it has been developed and was developed with the knowledge of RMP and their predecessors and there have been grants and changes and actions taken to modify these easements. The Jordan Meadows Subdivision (highlighted in blue P.8) was approved by the city back in 2002. On P.9 is the plat that was approved and P. 10 there is a dashed line which is 20 feet in width; 10-ft. on each side of the power line, which also corresponds with the property line. That 20-ft. easement is what exists in the Jordan Meadows Subdivision. P.12 "an easement is abandoned where there is action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." UP&L reviewed this plat and approved this new definition of their easement – a 20-ft bounded easement, not a center-line unbounded easement. Abandonment of easements has long been a recognized principle here in the State of Utah. In a recent Utah appellate court case they defined it as "an easement is abandoned where there is an action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." The evidence is in black & white – RMP did sign a document that abandoned a portion of their easement, p.13. On page 14, he shows a picture, with quote sent in an email to the property owner "Rocky Mountain Power does have the right within the easement area to cut and remove timber, trees or other obstructions." They cut the trees to the 10-ft easement on this side of this property line. I have reviewed all of the plat maps as shown on the aerial photo, (P. 15), and none of the other plat maps, other than Jordan Meadows, has an expressed signature by either RMP or UP&L. We do know that as part of the process of having subdivisions approved, the city and Planning staff meets and talks with the utility provider. We believe there are documents and communications between the City and RMP regarding all of these subdivisions in which RMP or UP&L would have viewed and approved the proposed plats. Each plat shows a bounded 20-ft. easement with regards to this power line. We have filed a GRAMA request with the city to get copies of all of those communications and we believe that they will show that RMP was aware of and agreed to a bounded 20-ft. easement through this corridor. Points out yellow dots on P. 17 showing each of the power poles as they currently exist and will be expanded. They are 40-45 feet tall and the proposal is that they be almost double in height and tripled in capacity. It is a major impact on this section of the line. The Jordan School District is one of the entities that granted an easement. Their easement specifically states that there are to be no guy anchors and no poles within the scope of their easement. The map on P. 19 shows there are 2 poles within that easement. There are approximately 10 easement documents that create the easement through this section of the proposed project and 5 of those call for no poles. 7 of the 13 poles would be in violation of the easements granted. There is no way for RMP to upgrade this line because they would be in violation of 5 of those easements from 1958. See P. 22 – An easement can be extinguished by prescription. If the easement holder allows the property to be used in a manner that is inconsistent with the easement, their

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easement can be changed by prescription. Homes, pools, and garages and living quarters were built within the area that they would need to upgrade the line. See additional easement info Pages 23-27.

Cami Hodlmair – Property Value Impacts (Pages 28-30)
I have been a resident of South Jordan for 17 years. On South Jordan City's government portal, referenced to by City Planner Schindler, we read a cover letter submitted by Troy Lunt (Attachment C) stating a belief that the proposed project would have no impact on property values. Mr. Lunt states that he had not looked specifically at this project. Mr. Lunt is a co-author on a study that did quantify statistically significant declines in property values. Page 29, Property Value Impacts from Transmission Lines, Sub-transmission Lines, & Sub-Stations, was published in 2016. It examined over 125,000 single family home transactions in the state of Utah between the years 2001 and 2014. Spencer Hall, RMPs Marketing & Communications manager is quoted as saying 'every resident opposing this line purchased a home with a pole in the yard or a line overhead." Page 213 of that study states that homes within 50 meters of a 46kV line see no effects on property value. Mr. Hall's belief that the homes under the existing 46 kV lines experienced a detrimental effect of depressed property value is simply not supported by the research. This contradicts Ms. Romney's assertion that property value loss is carried forward as homes are bought and sold. The study claims that the 138 kV line generates the most significant effect to property value (P.29). See potential Property Value Loss on P. 30 of the presentation. We ask that South Jordan City officials not rely on vague or contradictory cover letters. We ask that you utilize the primary data available in examining detrimental effects of high voltage transmission lines on property values. The loss of value on homes is a detrimental effect that can't be conditioned; therefore, the project in question is not compatible with real estate usage within the zone of the South Jordan / Draper transition line proposal.

Paula Gordon, Mortgage Underwriter – Detrimental Effect: Financing (Pages 31-38)
I have been asked to provide some information that I researched with regards to the financing restrictions that will affect all residents along the proposed line with the changes requested by RMP. In general, any power line along a home is considered a detrimental effect on value and can cause limitations on financing. With the 60-ft. easement that is required by RMP or this type of upgrade or change, VA, FHA, FNMA and FHLMC all have standards for power line requirements and lending. These are the government entities that all lenders follow for guidelines for lending. VA guidelines states that high voltage transmission lines cannot be over any part of the residential structure or be located within a high voltage electric transmission line easement. FHA and FHLMC are considered conventional loans. Freddie Mac Financing (P.33) requires utility easements be ascertainable and fixed, not unlimited. The easements cannot interfere with the use and enjoyment of the property improvements for any part of the mortgage premises. None of the owners of this property considered the RMP change request an enjoyment and consider this with the interference of their home. Fannie Mae allows above service public utility easements that extend along the property line only as long as they do not extend more than 12 feet from the property line and do not interfere with any of the buildings or improvements within the property itself (P.34). FHA Loans require (P.35) all overhead electric power transmission lines are required to not pass directly over any dwelling, structure, or related property improvement, including pools. See P.36 Loan Types in Utah 2018. P.37 total of 96.3% for all financing options that would not be available to us. That leaves only 3.7% other financing options. This would make this extremely difficult to sell or even re-finance our homes with the changes the RMP is requesting and is not acceptable.

Adam Kirkham, President of SL Board of Realtors in 2018 – (Pages 39-40)
I am not a resident of South Jordan, I live in Salt Lake City. I was asked by a homeowner to give my thoughts on this because of my position. Cami did a great job of speaking to specifics when it comes to values. I spent time with appraisers and they all have their guidelines to value a home. Each of them said at

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some point they have to use their brain and decide what affects a property value and what doesn't. In Real Estate, Agents use comparative market analysis to get value on a property. They look at market trends, the condition of the home, and look at items that negatively or positively affect the property. Negatives are objections and can come in many different forms. The objection we are talking about tonight is called external obsolescence. That is something that is out of the owners control and can't be remedied. I did my own research and for anyone that thinks that pole size or voltage doesn't negatively affect property is mistaken. Any time you set a limitation on a property or you have to cut down a tree or you can't get financing or you can't build something, then that lowers the potential number of buyers, and the potential enjoyment of that property, and therefore, lowers the value of the property. I don't know any of the property owners that are affected by this, I just think this is an issue of private property rights and they concern me enough to come and speak to you today about this.

Susanna Willey – Title Insurance Claims (Page 41)
I have lived in South Jordan about 14 years. Upon review of the easement documents provided by RMP on the South Jordan City portal, I became aware of a discrepancy between RMPs definition of their easements and the complete lack of easement information provided to my at closing upon the purchase of my home. Because of this discrepancy, I have filed a claim against my title company. I received confirmation from my title company that the claim has merit and that they have engaged legal counsel in examining the issue. Most home owners along the proposed transmission line are in possession of plat maps that clearly state a 10 foot easement on their property. This discrepancy between a 10-foot easement and a 30-foot easement has inspired others to file title claims as well. To date approximately 20 property owners have filed a claim and more are to follow. It is our position that any hearing on this cup application submitted by RMP concerning the South Jordan-Draper transmission line, is premature. We ask that the Planning Commission withhold any judgements on the merit of the application until the conclusion of all investigations by the title companies of those properties along the proposed route.

Cam Steadman – RMP admits property value loss, (Page 42)
In 2013, RMP completed the 100 mile long Oquirrh to Mona high voltage transmission line. Tooele residents and city officials spent years voicing concerns about the project and discussion centered around property value loss, safety, and property rights. One mile of this transmission line crossed land owned by the school and institutional trust lands of administration SITLA. SITLA determined that a $4.5 million dollar loss in property value was in play. When land held in a trust loses value, school kids in Utah lose funding. RMP has asserted their claim that these high voltage transmission lines do not negatively affect property value but countered with an offer of only $70,000 in an attempt to resolve the property value discrepancies. In early 2014, just days before this legal dispute was to be heard by the Utah Supreme Court, RMP agreed to pay SITLA $2.5 M. RMPs agreement to pay this settlement can be interpreted as an admission that the presence of high voltage transmission lines does in fact negatively affect property values.

Jeff Hodlmair – Safety, (Pages 43-49)
Today I am talking about safety. Safety is not something that can be quantified. My goal is simply to share the concern the community has in terms of school safety, community safety, and home safety. He goes on to talk about earthquake danger, school playgrounds, home fires, and wildfire potential (P.46). Page 47 reviews Pole installation fall risks; it is impossible for the applicant to install poles staying within their 10 foot easement (P. 47). RMP states this route is safe by schools (P.48); He played a video/audio link of Lisa Romney stating at a City Council meeting that they abide by the special standards when installing projects by schools. I have worked with RMP endlessly over the past 6-9 months and have tried to keep a good relationship with communicating with them. If this were a new line, you would never think of putting all of those transmission lines there. I have a pole in my front yard and I understood it as a 10 foot easement from

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a center line. They said they wanted to be "safe." What is safe? Commissioner Woolley is originally from the Napa area. I would like to ask him what happen in Napa about 2 years ago and what is continuing to happen with Pacific Gas & Electric. They are not only bankrupt, but now, the Planning Commission of all of California is under investigation for the negligence that they took in making sure they have properly secured the right safety procedures for California. Commissioner Woolley noted three major catastrophes in northern California, both the Santa Rosa, the Napa earthquakes and fire and the campfire, not only affected family but was devastating to the communities as large because not only lives were lost, but tremendous damage was done. Mr. Hodlmair said when we look at everything that could go wrong, we are looking at Murphy's Law; anything that can go wrong, will go wrong. I understand that the Planning Commissions rights are limited, but my goal is to talk about what is the danger that we all face in living under these lines. We say please don't approve this because we feel that it is the path of least resistance and put this back on the citizens a second time.

Annie Kartchner – South Jordan Elementary School Community Council, (Page 50)
Back in October, they came to us and gave us information about power lines and we signed as a letter (P.50) "we therefore urge all parties involved to reconsider the proposed project plan, and identify safer alternatives that do not expose our school population to such potential risks."

Rinda Clyde – EMF intruding into our homes from power lines can't be turned off, (Pages 51-55)
I would like to mention that appliances and household items such as hair dryers, microwave ovens, and cell phones can be turned off. The magnetic fields from power lines penetrate into homes at a low frequency non-ionizing constant radiation 24/7 365 days a year. P.52 shows RMP EMF simulation after proposed project. P.53 230 foot EMF range as per RMP. P.54 We expect the Planning Commission to hold RMP accountable for no cost EMF mitigation a promised, as has been done in other locations.

Jeff Hodlmair – Why SAFE is important to South Jordan, (Page 56)
In conclusion, the idea here is what we are looking for in safety is the fact that there are legitimate safety concerns. Every single one of the Commissioners lives here in South Jordan City and most of the people in this room reside in South Jordan City. The goal is finding out as a city, what we can do to mitigate not just the safety risks, but the long term health and financial benefit.

Jana Fullmer – Powering Our Future, (Pages 57-69).
Back in July, we as residents received this flier and there has been numerous marketing tools that have use this direct quotations that state "This project was anticipated by the Salt Lake County Electrical Plan, which was developed in consultation with area business, government and community leaders in September of 2010 and has been presented to all Planning Commissions in the region." I have interviewed participants of this project and was told they did not evaluate specific routes, nor easements or plats. It was merely a higher level capacity growth discussion. She refers to two quotes from the 2010 handbook (P.58). They are conflicting quotes with very different directives. One is situational "wherever possible," and the other is absolute "avoid." RMP focuses on the term NEW because they felt that this project is not new. They can justify plowing it right through our neighborhood, over schools and close proximity to an elderly care center. We argue that it is NEW. RMP has stated in various places that everything is new; new poles, new lines, and a new and much higher voltage, new safety easements and regulations. (P.59). This is a new line and not alterations of their existing line. When we learned about this route, we immediately asked about alternative routes. Two clips were shown from the presentation; audio is poor. Ms. Fullmer said I will summarize – it is quoted that it would be 35,000 to 90,000 dollars. By dramatically increasing the cost for analysis, any discussion with city leaders simply ended with we just don't have that kind of money. This situation exposes a problem for the state to decide. RMP controls the route, the cost, the cost to get the

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route analyzed, and they put the cost for any additional changes back onto the party requesting it. We request that the Planning Commission ask RMP the questions on Page 65 before a provisional permit is granted. We feel the application is incomplete until the conditions listed on Page 67 are met. Summary of our opposition – Page 68. We ask that you reject the application, Page 69. We ask that you take a stand and choose to represent the residents that you have been appointed to represent and deny this permit and determine that it is not considered for future review until all of the issues are fulfilled. The worst thing you could do is approve the permit with conditions because who then would verify that all the conditions are met prior to starting their project. The reason why we are all here tonight is because RMP feels that they have already met all of their requirements for this permit and chose to pull the rip-cord to force the decision even though, as shown tonight, there are multiple issues left unresolved. The applicant should rethink the fact that they do not have adequate easements and abandon this outdated line. They should re-route this instead of putting profits above safety hazards and undue burdens on residents. RMP could bury this line within their current easements, mitigating nearly all of the detrimental effects noted and we believe this is compelling enough reason for them to consider alternative options.

Chairman Woolley said we have a resident that is not able to be here tonight and we have a video we will play for her. Teresa Hobbs testimonial (Attachment F) was shown. I wanted to express my concerns as someone who is part of a sensitive population. I had a chronic illness that makes me more vulnerable to this potential increase in voltage than the average person and to let you know there are people like myself that could be affected in ways that you may not understand. The power lines run right past my bedroom. I have been sick and housebound for four years from a whole body collapse and that left my hypersensitive to outside stimulation to any kind of stress. I wanted to express my concerns about this upgrade in voltage because of how close it runs to my bedroom and the unknowns about it. I wanted to let you know that there are people who are going to be more sensitive to this than the average person. Please consider how this will impact people like me.

Chairman Woolley said we will take additional speakers now and will cut it off at 9:20 p.m.

Melissa Lambson, 978 W. Park Palisades Dr.; I have children who attend South Jordan Elementary and I wanted to say that I was never notified by RMP about any upgrades of the power lines near the school. I am upset that I was never informed by RMP for several reasons; (Attachment G).

Lyman Moulton, 11021 Woodfield Rd; I am a professional electrical engineer attorney. I am registered by the federal government to cross state lines and deal with matters of technical law. I would like to call into question, RMP expert Mr. Vernon Black; (Attachment H). He stated that the design of this project will meet or exceed all industry and PacifiCorp standards and best practices for ensuring public safety. As an electrical engineer I have gone through this code every single page, there are hundreds of pages. There is not one page that addresses safety to anything but structures. In my letter I have provided you there are three references that are in contradiction to what Mr. Vernon Black says.

Walt ??, Woodfield Road; my cell phone does not work in my back yard when I am within 15-20 feet of the power line. I also can't play a radio in my back yard at all, I don't get reception. If I go just inside my home the radio works fine. I believe there will be a major impact by increasing the voltage.

Steven Pohlman, Holladay; I am a retired research scientist. RMPs statement that no organization has seen any negative effect of EMP is totally bogus. If you select the data that they select and leave the other data from other health organizations, that may be true. You have to take in effect all of the data. I spoke with AEP of Ohio, which is the largest transmission company in the US and also with UAMPS here in Utah.

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Their concern is safety. AEP Ohio actually routed their existing line around a city for three miles because they were concerned, not only with clearance but with safety. The concept of re-routing is not something that never occurs. Re-routing does occur. He said there are a lot of reports that show that there is a biological impact on long term EMF and we know that there is a malfunction of pacemakers and this goes over a rest home. It says that the most vulnerable population effects by EMF is children, pregnant women, elderly, and people with chronic illness. RMP has stated in some of their documents that they can widen the width of their easement as long as it doesn't show a burden. We have seen a lot of burdens; Health, safety. The presentation showed a lot of potential burdens. I have a lot of links and reports for you that I can email to the Planning Commission.

Scott Halladay, 11017 Woodfield Dr.; in the Development Services and Planning Department letter to RMP dated October 1, 2018, the city requests Item B.1. prior to the Planning Commission hearing; They asked to "*include a legal description of the easement and a survey drawing (stamped by a professional land surveyor) showing the legal description of the easement together with the GPS location of the poles and other equipment that is affected by the upgrade project*." Upon reviewing the maps provided by RMP, I see no GPS coordinate for the poles listed on any of the maps. RMP did not provide the required information and should not receive a permit predicated on providing that information. I am working on some backyard renovations and obtained a building permit for my backyard. That permit said I would have three steps coming off the deck, when I put four as needed for the height, I was instructed by the inspector to resubmit my building permit and get it approved for the four steps and then have it re-inspected again. That level of exactness that is asked for by the city for its citizens, I feel should be required by RMP as well. Their submissions and what is asked for needs to be complete and included in the permit to provide the GPS location of the poles or the permit be denied.

Mike Mennich, 10996 S.; I don't have a dog in this fight other than I respect many of the residents here tonight. As a commercial agent or residential agent, I don't know how in good faith that I could show any one of these people's properties without making a buyer watch this entire video and read all of the notes from this meeting. I do believe that will lower people's property values. I would ask the applicant this; knowing how many people are in this room and how they feel, if you continue to try to pursue this, is your relationship with your customers going to get better or worse. I really appreciate many of the things that many of you have been doing here in our city are very positive and it doesn't go unnoticed.

Dennis Higbee, 11669 S. River Front; I also did not receive the fliers and notices that were said to be given to all of the people affected. We purchased our home in 2018. There was a big huge pole in the corner of our back yard and I did some research on RMF. I felt that the voltage going through the lines and the proximity to the areas for me, an old guy, would be acceptable. Had I known that they intend to increase the number of lines from 3 to 12, increase the voltage I never would have purchased the home. I am concerned for my grandchildren who will be coming to play in our backyard. It makes me feel like I retrospectively felt when I listened to the tobacco companies stating that cigarettes were not harmful to your health. I am concerned that I will be dead and long gone before the full effects of RMFs are fully understood. I strongly recommend that we do everything we can to mitigate what possibly could be RMF damage or at least understand it more fully before we move forward.

Christopher Bremser, 11318 S. Green Grass Court; I have power lines that go over my front yard. In spring of 2004 we were enjoying dinner at my in-laws house and there was a transmission line that goes through their neighborhood much like the one that goes through our neighborhood. A spring storm rolled through the area and lightning hit the pole in their front yard. It knocked the power line off the pole and it landed on a neighbor's home which started a fire on the home. We stood across the street and watched that

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home burn with the fire department who could not do anything because power was still live in that line. The home burned to a total loss. Luckily the family had gone to dinner and was not present in the home. Had they been present, the electricity blew out the electricity and could have killed the members of the home. I do not want this to happen in our South Jordan neighborhood.

Annie Kartchner, the school board is currently looking at what to do for South Jordan Elementary, and they either have to build a new school or they are currently looking to expand the school off of the back. Just in consideration as we worry about safety, that building is about to be expanded.

Chairman Woolley closed the Public Hearing.

Chairman Woolley said to the Commissioners, we have several options at this point. We can discuss, we can ask questions of the applicant. He invited RMP representatives to come back up. Please introduce yourselves again for the record and then as questions are asked, you can defer to whoever is best to answer the question.

Brett Reich; Vice-President, Chief Litigation Counsel for RMP.

Benjamin Clegg, Project Manager for RMP.

Lisa Romney, Regional Business Manager, RMP.

Commissioner Holbrook said there is one thing I would like clarified. Is the easement that you have now, is that what you will use to refurbish and upgrade this line?

Mr. Clegg said that is correct. Commissioner Holbrook said I kept hearing a 60' easement if it is a new line. How does this work? Mr. Clegg said the question was asked at the open house meeting, what would the easement we would get if we were going through a green field for a new transmission line from point A to point B. The standard easement we would get today is 30-feet. RMP is not claiming a 30-foot easement in this case. We are planning on using the existing easements and this is standard practice.

Commissioner Holbrook asked if a 20-foot easement is 20 feet from the center line on both sides or is it 20-foot total.

Mr. Clegg said it could be both; it depends on who the easement is written. Most of our easements are written as an offset. If it is a 30-foot offset from centerline, then that would be 60-feet.

Commissioner Ellis asked them to address the idea that the permit application is incomplete.

Mr. Reich said I didn't hear what was missing from the application. There was some reference to the plat maps.

Commissioner Ellis said it sounds like the Ombudsman's process has not been worked through.

Mr. Reich said this is a great process and this is great for us to hear these concerns. With respect to the Ombudsman, the point was already made that it is not a binding decision from the Ombudsman. Whether or not he were to decide for RMP or the property owners, it really has no legal significance. That is one of the reasons we support the recommendation that was floated early in the meeting that said all of these matters

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raised tonight can be properly resolved in a court of law. There is a specific process already set in place to respond to property valuations, easement, and safety concerns. That is what the district courts are there for. That is the forum that any of these property owners can use to mitigate any of these impacts.

Commissioner Ellis asked how fair a fight in court is that; given the resources we've heard here tonight.

Mr. Reich said by the attorneys that represented the land owners tonight, they are very confident and they spoke well and they understand the issues. I am an attorney and that is a question of the court system. I believe it would be just. The whole court system is based on justice. With respect to the plats, there was a point made by one of the attorneys that, somehow our easements have been extinguished. This whole point sets up the support that this needs to be decided in a district court. These issues are complex and have a lot of legal ramifications, but we have private easements. We have negotiated those private easements and we have purchased those easements in the 50's. When you buy an easement they contain certain rights and one of those rights is the right to modify and alter this existing line. We have paid for that. The PUE shown on the plat does not extinguish our easement. We have an easement that has been recorded and we co-exist with public utilities all the time. We have used our easement since the 50's. We have had this power line in place and we have never abandoned it.

Chairman Woolley said in the video's we saw tonight there was a discussion about safety and safety being addressed. In today's world you have a much wider easement for safety purposed. Can you help me understand why a wider easement is not safer?

Lisa Romney said that the width easements were designed for clarity because we have issues of people building over our lines or planting trees over our lines. They clarify what exactly can be done.

Mr. Clegg said to add more clarity, for a transmission line that we were to design new today, without distribution, you might have 340 or 400 feet between poles. The pole height would be designed to make sure there was ground clearance from structures, etc. The other thing that we look at is how far wide, if the wind were blowing or something like that, these conductors could swing. The 30-foot was established because that is what lines up with our standard; it's clear that within that 30-foot offset, with a four hundred foot stand, with blow-out, that would fall within NEFC. We have a 3-foot safety factor that we apply on top of NEFC. When we rebuild the line, we don't necessarily have those maximum stats for various reasons.

Commissioner Jolley asked what the distance is between center-line and the proposed improvements from center-line to the outside limits of your furthest mechanical structure.

Mr. Clegg said that depends on the specific expand. Where we have 25-foot easements where the original easement was retired and a new easement was granted when the development occurred, I reviewed those specifically. This is predominantly on the southern portion of the line in the application. With 3-feet of safety factory on either side, so 6-feet total, 48.3, 48.3, 48.4, 48.5 … so we are within our safety factor that we apply.

Commissioner Jolley said so it is approximately 21 feet to the outside physical limit of the new lines plus three feet? Mr. Clegg said yes.

Commissioner Haynes said we heard tonight that there were several concerns that RMP was not willing to spend any money to pay for any risk mitigation research. Can you explain what you have done pertaining to mitigating the risks for this specific area?

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Mr. Clegg said what was looked at was whether or not we would review an underground study option. Jurisdictional entity has the right to request a study be done to underground the lines or do something other than what was applied for. If that is chosen, the requester has to pay all of the costs associated with that. A study can be requested but no formal request was received. I want to clarify one thing brought up on cost recovery; I want to make it clear that RMP doesn't make more profits by spending more or less money. It makes the same amount of profits based on how much money is expended. It is in the best interest of the rate payers to lower costs associated with power infrastructure.

Commissioner Ellis said, was the problem with PG&E that the easements were not wide enough so that the growth was not maintained in those easements. Mr. Reich said it depends on which fire you are talking about. There are a lot of things that are different about PG& E. I think the references made that they are our sister company are incorrect; they are not. We are aware of the situation with PG&E and we watch that closely and we try to learn from it. We take this very seriously.

Commissioner Ellis said is 46 kV medium or high voltage? Mr. Clegg said the original transmission lines were 46 kV. The larger 138 kV transmission lines with the higher voltage.

Commissioner Ellis asked about the lending restrictions on homes with high voltage lines in their yards. Mr. Clegg said anything above 46 kV as transmission.

Commissioner Jolley said I own a business out west by some transmission lines and we lease some of the property under the lines to utilize for the business. The power company flies that line frequently and if we were to dump a load of soil under the line we would be contacted about it. Have you been watching this 40 kV line over the years and my question is, why you have not objected to some of the structures that have been built in the easement.

Mr. Clegg said the transmission lines you are talking about are the extra high voltage lines. There are specific requirements that and inspections that are required for those. With a centerline easement, NEFC does not disallow pools near transmission lines. That is one thing we accommodated in the design; we identified these pools and made sure that as we reviewed those that FEFC was met. Nothing precluded their use with our continued central line easement.

Commissioner Jolley said what about some these permanent structures like garages. Mr. Clegg said one of our current easement forms actually specifies certain things that can't be built underneath the power line easement. One reason why the form changed was because it gives quite a bit of clarity for the property owner as well as the utility.

Commissioner Ellis said when we talk about safety there are three kinds of safety. We are talking about an easement that provides safe access for RMP to work on the towers and poles and an easement that allows for safety when the lines move or fall. We are also talking about distances that Lisa showed in a diagram of the house that provide for clearance from EMF. Are the easements and the clearances sufficient for you to feel comfortable that you are providing for all three safety elements. Mr. Clegg said yes. We believe we have designed that into our project.

Chairman Woolley earlier someone stated there was an intent or the ability to adjust some pole locations based on some specific property needs. Help us to understand what that process is and is there a cost to the property owners should there need to be a pole relocation.

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Mr. Clegg said it is our standard practice that when we are rebuilding a line residents should contact us directly, me specifically, and we would look at it from a technical perspective, if we can do it. There are some conditions where we get mismatched stresses on the poles and pole heights, etc. We have had some contact us and in some cases we have been able to accommodate them.

Commissioner Ellis asked for an explanation of what the configuration of the 138 kV lines that it mitigates EMF at the ground level.

Ms. Romney said as you saw in the pictures, each circuit has three wires and three conductors. They are phases; A, B &C. What we have found is how we configure those next to each other along that double circuit, has some EMF cancelling effect. It is very important to note that EMF dissipates very quickly with distance. It is also conceivable that the taller poles are also a mitigating factor for EMF.

Commissioner Jolley said during the presentation by the residents that talked about a Public Service Commission investigation being incomplete; can you address that?

Ms. Romney said to the best of my understanding, I know that they have spoken with the Public Service Commission and the PSC would have given it to the Division of Public Utilities to review. The Division of Public Utilities put it back and ultimately the residents were given the documents and paperwork in which to file a formal complaint. We have not seen a formal complaint.

Commissioner Jolley asked what their backup plan is. If this were to move forward, that there is going to be litigation involved and other complexities that would not allow this to be complete by April 2020. What is your Plan B?

Ms. Romney said I will address the question of timing. Because the resolution from the courts may be financial, that can be resolved after construction. Right now the intent would be for there not to be a stay of the project and that it be completed. Any impacts found by the court would be resolved financially. I have not spoken to our engineers about our worst case scenario and how do we make sure we are able to maintain a safe and reliable system. It is clear that the load in this area, the capacity and demand, really requires this upgrade to 138 kV to our system to meet that demand.

Mr. Reich said one of the land owners questioned if we really cared about our customers would we still move forward with this project. We have a really tight balancing act to perform here and we do care about everybody in this room and our customers. There is certainly a big need to have the power when you turn that light switch on. We already have an existing corridor so that is why we are proposing that this line get upgraded. If for some reason a court were to determine that we didn't have the right to do this, then we would have to use our power of imminent domain to obtain the rights.

Commissioner Ellis asked if RMP has considered what the cost would be to re-route or take the line underground.

Ms. Romney said the numbers I gave we not given under duress. We went back and looked at some of the costs and have seen from communities who have requested that we bury the lines; that is where my numbers came from. The real cost would be answered in an alternative route study. We would need a specific proposal for the study. We can't answer that question at this point.

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Chairman Woolley said some of the information given us by the residents indicated some potential detrimental effects regarding easements and how a mortgage company looks at that. What has RMP done to cross-reference those complaints and how your current plan will impact those for future sales?

Mr. Reich said we have a sister company, a mortgage company, and I contacted an underwriter and asked them about the impacts of upgrading a 46 kV to a 138 kV and he said there would be no difference. The underwriting requirements don't distinguish between those two types of lines. If you have a 46kV line and you have a mortgage then you were able to get your loan. There is no difference between the two lines with regards to refinancing or getting a new loan. He said some underwriters may look at the two lines but in his experience there is no difference. None of the regulations shown here tonight distinguish between the two lines.

Commissioner Holbrook said I don't know how the rest of the Commission feels or how RMP feels, but Paula Gordon, Lyman Moulton and Steve Pullman had some links to this. I wouldn't mind reviewing some of the links to what they feel are important and it would give us some extra time to look at that. It would also give you some time to do a rebuttal.

Chairman Woolley said I know that tonight being the public hearing, this is where we receive any evidence that we can consider. When we conclude with that, which we have now done, we have the right to be able to adequately review that. The question to you as the applicant, would you allow us to table this to consider the new information for us to review.

Mr. Reich, you said with deadlines, what are you talking about.

Chairman Woolley said it would be the shortest time possible.

Ms. Romney said we have had discussions with city staff and knew there was potential to table this issue and that it would be brought back at the next Planning Commission meeting.

Chairman Woolley asked City Planner Schindler and Staff Attorney Sheeran if we set some specific timelines for this additional information to be in the city staffs hands and everyone can review it, and set the date for the next Planning Commission for this to come back.

Staff Attorney Sheeran said yes we could do that as long as RMP agrees with it.

Ms. Romney said we are comfortable with the two week timeline.

City Planner Schindler said we can provide our email address to those who have links and studies for us.

Chairman Woolley said we would need that within 48 hours which takes us to Thursday. Provide them to City Staff so that they can then get that to RMP.

Ms. Romney said the City has been fantastic in making sure that everything that has been submitted is posed on the website. We would like whatever was submitted from residents to be posted as well.

Commissioner Ellis said will you please in the interest of just dotting the last i, be sure that the GPS for the existing and proposed pole locations are included in the application.

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Staff Attorney Sheeran said I think it would be appropriate to go through the issues and the legal significance of those issues and have discussion about that. That way when you are reviewing the information, you are directed on how to review the information.

Chairman Woolley asked Paula Gordon, Steve Pohlman, and Lyman Moulton to step up and clarify for us in a short sentence the significance of the information you have or will provide to us.

Paula Gordon, the four major lenders, FHA, VA, Fannie Mae and Freddie Mac, they dictate the lending requirements to all home lenders. The only ones that would not meet that would be a cash buyer or hard money loan and private lenders. Of course we all have those types of loans now because right now we do meet the standard of the 10-foot easement that we all understood. That is what our lenders went by. Their proposal that requires the full 60-feet, is what will have us not meet the standards as well as the higher poles.

Steve Pohlman, what I will provide you with is, it was stated by RMP that there are no technical studies that indicate that there is any health risk or danger associated with EMF. I will provide you with links to that you can read this within 48 hours.

Lyman Moulton, you have my links. The only thing I would like to add is a link for the National Electric Safety Code, because it is very easy for you to see there is nothing in there that speaks to person safety. It is all geared to structure safety.

Chairman Woolley said I will entertain a motion that will table our decision tonight and move it forward two weeks to the March 26th Planning Commission meeting.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Holbrook made a motion to table this item to a time specific of March 26th and during that period we will have links to information within 48 hours that was given tonight so that we may review it and give the applicant time to respond. Commissioner Ellis seconded the motion.

Staff Attorney Todd Sheeran said I didn't know if you wanted to have discussion before you vote on this motion. I think it would be appropriate to look at the issues and the legal implications of what my advice would be to you on each issue. You can still table it, but I think it is important to first have that discussion tonight rather than at the next meeting.

Chairman Woolley said I think I speak for the Commissioners that we would like to have the opportunity to digest that information so we will look to you as our legal advisor. Are you comfortable with us taking that time frame and allowing us to do that?

Staff Attorney Sheeran said yes; I am comfortable with you tabling it but I think we should have the discussion right now about what the issues are and what my legal advice would be on the issues. This is a lot of information to take in but you should also have my advice moving forward.

Chairman Woolley said the question that Ms. Gordon brought up when I reviewed the documents quickly, I realized some of this is going to play out with how the easement issue plays out. It concerns me that if mortgages were obtained based on an easement that is different than what it is going to be or perceived to be, that would have a significant impact on both RMP as well as the property owners. I think it would be

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good to review that ourselves, have a chance to study that and specifically have RMP have the opportunity to look at that specific information that was introduced tonight.

Commissioner Ellis said I am confused by your question. The easement won't change. It is what it is. What will change is the height of the polls and the voltage running through the lines.

Chairman Woolley said based on some of the documentation I have reviewed, there is a question as to some of the easements and what the width of those easements could or couldn't be. If there are mortgages today based on there being 20+ complaints being filed with title companies, based on easements and if a mortgage was granted based on a specific easement and that easement is perceived to be different, then that is a claim against the property?

Staff Attorney Sheeran said here is my analysis on it. With the easement issue there are two sub-issues. There is the location of the easement and then the scope of the easement. The location of the easement, the residents have concerns that it didn't show up on their title or it wasn't recorded. We requested that RMP provide a surveyed map of that and they also linked each document of that recorded easement. The location of it according to the professional surveyor states the easement is there, there is a meets and bounds description on those easements. It is a center-line easement so that the location issue of the title company not picking it up is between the property owner and the title company. It does not include RMP or the City.

Chairman Woolley said I agree with that. What I am concerned about is that was for existing title mortgages. Going forward today it could change. I feel like we have the responsibility to review that.

Staff Attorney Sheeran said the second issue with the easement is the scope. That what this width issue, which is before the Ombudsman, is not appropriate before the Planning Commission. Only a court can determine that. The residents understand that, RMP understands that and even the Ombudsman decision is not binding here. Brett mad a lot of legal arguments and legal theories that the Planning Commission can't come to a determination on. If a court determines that the easements are not sufficient, then RMP would have to go through the process of obtaining the necessary easements to do the line. RMP states on the record that they are willing to go through that process to get those easements in the event that they are needed. The second part of the process is determining valuation. That is to be determined by a court not by the Planning Commission. We can determine whether or not there is substantial evidence of a detrimental effect of a property value, but the way it is mitigated is through the court process. I put some copies of our proposed language out on the table and the language that I suggest from a legal standpoint is:

> In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMPs statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.

Staff Attorney Sheeran said, in my opinion and my advice to the Commission is that the condition satisfies both detrimental effects. Both the easement language and the scope of that and the property value.

Staff Attorney Sheeran said under the conditional use language in Utah Code it states that we can approve a conditional use permit and attach a condition to mitigate the reasonably anticipated detrimental effects of the

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proposed use in accordance with applicable standards. It also says, the imposition of the reasonable conditions are to achieve compliance with applicable standards. The question is, especially for EMFs, what is the applicable standard. City code does not address EMFs; the state does not address EMFs; the federal government does not address EMFs. If there are no applicable standards for EMFs, how do we attach a condition to bring that into compliance with a standard that is not there? My legal opinion to you is that where there is no standard for EMFs there cannot be a detrimental effect.

Commissioner Ellis asked if the standard can be interpreted as what is currently on the ground now.

Staff Attorney Sheeran said no; because there is no standard for that current EMF. You can't get to a condition without an applicable standard.

Staff Attorney Sheeran said we have this general other safety concern of the residents regarding clearances, structure strength, foundation design, lightning strikes, earthquakes, stray voltage. RMP did provide a letter from a licensed professional stating that this proposed project is in compliance with the NEC and it exceeds RMPs standards. I did not see anything saying it wasn't out of compliance. Whether RMP abides by its own guidelines is not for the Planning Commission to consider. These other safety issues, you are going to want to look at what is the standard for safety issues and if there is something out of compliance, what condition can we put on it to mitigate that potential detrimental effect.

Chairman Woolley said the citizens indicated that one of their requests would be that there be a third party inspector specifically to the foundation support structure for the poles. When we build homes in our city there are codes that we follow and we have a building department that has an inspection team that inspect various points in the process for compliance. In the case of a Public Utility when they are putting in infrastructure like this that is in our city limits, I know it is not our engineering department and I know it is not the building department that would inspect this. Is it a requirement that they have a third-party inspector look at that, and then who oversees that?

Staff Attorney Sheeran said the Public Utilities are regulated by state. I don't know the answer on who inspects, but they are required to follow state code.

Ben Clegg said the state of Utah adopts the IVC code and there is an exemption in the first section of the IVC code for the infrastructure for the transmission and distribution of electricity. As far as some other entity looking at that, there is not one. Under the IVC there is this idea of a special inspection, which is typically anything outside of normal building inspection. We follow those best practices and we actually hire a third-party to inspect those foundations.

Commissioner Ellis asked Staff Attorney Sheeran to speak to the idea that the permit application was not complete.

Staff Attorney Sheeran said this was the first time I heard that. It is really at a staff level. We may have requested information and depending, the response is we have moved on from that point. As far as the exact location of the poles, RMP wanted some flexibility they requested with those. From my eyes it was a complete application.

Chairman Woolley said there was some discussion throughout the night about alternate routes and I know that we have had discussion in other meetings about this but would you just comment briefly about in our city that being a legislative item and how that works and who is responsible.

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Staff Attorney Sheeran said the residents wanted to know the alternatives of not upgrading this line, whether it could be buried or re-locate the line. Under Utah Code we could request the City Council to request an alternative route study. If they did that, then depending on what the City Council wanted, there could be multiple things that would be encompassed in that study and that would determine how much that study would cost. We would have to pay for that cost. Then if we decided to choose one of those such as undergrounding, we the city would have to pay the difference between the proposed line expense and the cost of undergrounding, which would be millions of dollars. The City Council decides not to go down that road. That is a legislative item and the Planning Commission cannot consider it.

Staff Attorney Sheeran said there was discussion about RMP not following its own procedures and we don't determine whether it is appropriate or inappropriate or if they did or didn't follow their own internal procedures. They presented their application and we are reviewing that application. We don't go further into their process.

Commissioner Holbrook said after asking these three individuals to give us additional information it was on easement, safety and home values. We are not the court. We can't decide on those issues. I don't know why we would table this for two weeks if we can't act on the information.

Chairman Woolley said you can rescind your motion if you want.

Commissioner Holbrook withdrew her motion.

Chairman Woolley said based on what we have heard tonight and the new information, which we most likely will not be able to act on, is that a detrimental effect?

Staff Attorney Sheeran said with the easement issue, you would need to determine what the detrimental effect is and whether there is substantial evidence to support that. The property value issue is kind of that same detrimental effect but the condition is one. The mitigating effect is that they would figure it out in court.

Chairman Woolley said is the new language that we have in our possession, which would be the condition, does that in your legal opinion meet the concerns that you have heard from us tonight adequately enough that it would put it into the courts hands for the final decision, or do we need to deliberate further on some of the information we have received tonight? Staff Attorney Sheeran said I think that is the most defensible position in the event there is an appeal.

Chairman Woolley said I hear the arguments on both sides and I struggle with so many components of it and yet I understand the issues and yet our power and limitations are such that it really comes down to what is going to be determined both by the Property Rights Ombudsman and then the will of either the citizens or RMP to take that one step further into litigation. The arguments for or against that will come out of the decision of the Property Rights Ombudsman are going to carry some weight in court. We don't know that answer and we are not going to know that answer, nor will we be able to opine on that answer.

Commissioner Ellis said given that, it doesn't sound like there is a lot of purpose in tabling this.

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Commissioner Holbrook made a motion to Approve File No. PLCUP201800742 with the following condition in order to mitigate the reasonably anticipated detrimental effects of not having sufficient easements for the proposed work and the devaluation of affected properties:

1. **In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMPs statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.**

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent from the vote.

Chairman Woolley said the motion carries so we will not table this to the 26th. The information we have heard from both sides was good and I would hope that RMP will be receptive and open to the information, even though we can't act on it tonight, to respectfully consider it. We will hold you to you word that there will be some latitude as you work within the guidelines that you gave us tonight of placement, etc. should you move forward.

Staff Attorney Sheeran said typically we approve the minutes and that becomes the record. In this case we will do written findings and my office would make that document be circulated through you so you know what the analysis is and we would approve that at the next Planning Commission.

Commissioner Holbrook thanked the public for all of their hard work on this. It shows that you were very well organized, very well read, and very respectful. I applaud you for your efforts.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

None

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Holbrook motioned to adjourn the March 12, 2019 Planning Commission meeting. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.

The February 12, 2019 Planning Commission Meeting adjourned at 10:30 p.m.

Meeting minutes were prepared by City Recorder, Anna West.

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BACKGROUND, FINDINGS, AND CONCLUSION

Application:	Rocky Mountain Power South Jordan to Draper Transmission Line Upgrade
File No:	PLCUP201800742
Applicant:	Rocky Mountain Power c/o Lisa Romney

BACKGROUND

Rocky Mountain Power (RMP) filed a Conditional Use Permit (CUP) application proposing to upgrade an existing power line (transmission line) from 46 kV to 138 kV and to upgrade 29 pole structures (generally referred to as "proposed work" or "proposal"). The location of the proposal will run from the South Jordan substation located at 10735 South Redwood Road to the Draper substation located at approximately 500 West 12300 South. The proposal will follow the same path as the existing lines, generally through and adjacent to the rear, side and sometimes front property lines of lots and parcels. RMP submitted a map that references all the recorded easements that show that it has rights to perform the proposed work at the proposed location. RMP already upgraded this transmission line from 46 kV to 138 kV north and south of the area designated on the current CUP application.

On March 12, 2019, RMP presented its application and proposed work to the Planning Commission. The Planning Commission held a public hearing and many residents raised concerns (both as a group and individually) regarding the proposal.

LEGAL STANDARD

City Code § 17.18.050.F states:

> The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.
>
> The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

See also Utah Code § 10-9a-507.

Residents raised many issues before and during the hearing. Some issues were appropriate for the Planning Commission to consider while other issues were outside the Planning Commission's scope and purview when reviewing a land use application. The issues outside the scope and purview related to (1) alternative routes/options and (2) RMP's compliance with its own policy and guidelines. Therefore, those issues are addressed below.

Some residents claimed that the Planning Commission could not consider the application because their questions about the scope and sufficiency of RMP's easement, among other concerns, meant that the application was not "complete" under Utah Code § 10-9a-509.5. However, a "complete application" is a legal term defined by Utah Code. Accordingly, RMP's application was "complete" as defined by Utah Code because it was "in a form that complies with the requirements of applicable ordinance and [RMP] pa[id] all applicable fees." *See* Utah Code § 10-9a-509(1)(c).

FINDINGS OF FACT

The Planning Commission considered information and evidence submitted by RMP, the residents and City staff. While many issues were raised, the Planning Commission makes specific findings to only the main and potentially relevant issues raised. If an issue was raised on the record but not discussed below, it is because the Planning Commission did not find the issue would cause any additional detrimental effects beyond the detrimental effects listed below. Accordingly, the Planning Commission makes the following findings of fact with respect to this application:

A. <u>RMP may not have recorded easements at the location of the proposed work.</u>

1. RMP provided sufficient and credible evidence that it had easements for the location of the proposed work.

2. Any disagreements about the sufficiency of RMP's easements must be resolved between property owners and RMP. It is beyond the Planning Commission's scope and purview to review the sufficiency of RMP's easements beyond the evidence RMP provided.

B. <u>RMP may not have legal right to perform the proposed work.</u>

1. The City requires some proof of a legal right to that the use or ownership of any property that is the subject of a land use application before it will process an application. The "legal right" may be in a form of an option to purchase, owner's consent form, etc.

2. One difference between a developer and RMP is that RMP has statutory condemnation authority in order to obtain any necessary legal right to use or own property. This statutory right would be analogous to an "option to purchase" by a developer.

3. The following substantial evidence was presented showing a detrimental effect for this issue:

i. The pending dispute before the Ombudsman indicates there is a legitimate dispute between RMP and the owners of property that are subject to RMP's easements.

ii. The presentation by attorney Brett Hastings.

C. <u>Devaluation of property values.</u>

1. A purpose of the Planning and Zoning Code is to "maintain or improve property values." City Code § 17.04.020.C.

2. Substantial evidence was presented by Paula Gordon that a decrease in properties values could occur by the proposed work including, but not limited, there may be mortgage lending restrictions on properties under the transmission line.

D. Safety - EMFs.

1. A requirement of conditional uses (under both City Code and Utah Code) are "to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Utah Code § 10-9a-507 (underlining added). Additionally, "…imposition of reasonable conditions [are] to achieve compliance with applicable standards…" *Id.* (underlining added). The question then becomes, "What are the applicable standards for EMFs"?

2. The City has not adopted any standards on EMF levels or EMF mitigation. Additionally, although the City requires that conditional uses comply with "state and federal laws" (City Code § 17.18.050.(I)(1)(c)) there are no state or federal laws or agencies that regulate EMFs.

3. Accordingly, no evidence was presented to the Planning Commission showing what applicable standards apply to EMF. Furthermore, even if there were an applicable standard for EMFs, no evidence was presented showing the proposal was not in compliance with that standard or that the City has the authority to enforce that standard.

E. Other safety concerns (clearances, structure strength, foundation design, lightning strikes, power line fires, earthquakes, and stray voltage).

1. As stated above, a requirement of conditional uses (under both City Code and Utah Code) is "to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Utah Code § 10-9a-507 (underlining added). Additionally, "…imposition of reasonable conditions [are] to achieve compliance with applicable standards…" Utah Code § 10-9a-507 (underlining added). The question then becomes, "What are the applicable standards for 138 kV transmission lines"?

2. General concerns about transmission lines or the operation and maintenance of power lines by other power companies are not evidence that this proposal will not meet all the applicable standards. *See Kilgore Companies v. Utah County Bd. of Adjustments*, 2019 UT App 20 (finding that the residents' general health and safety concerns were related to the operation of the bonded asphalt batch plant and were not focused on the health and safety concerns from the additional height increase of two silos that were the subject of the conditional use permit).

3. RMP provided a letter from a licensed and registered professional engineer who stated that the proposal "will meet and/or exceed all industry and PacifiCorp standards and best practices for ensuring public safety. This includes adhering to the 2017 National Electric Safety Code (NESC)."

4. While evidence was presented that the proposal may not meet or exceed PacifiCorp's internal company standards, no evidence was provided showing that PacifiCorp's standards are "industry" standards or are required by state or federal law.

5. Accordingly, no evidence was presented showing the proposal will not meet all applicable standards, including the NESC.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Planning Commission makes the following conclusions of law:

A. There is substantial evidence on the record showing RMP may not have sufficient easements to do the proposed work.

B. There is substantial evidence on the record showing the proposed work may decrease the property values of adjacent properties.

C. No other detrimental effects were found.

DECISION

F. Based on the information and evidence submitted by RMP, the residents, and City staff, the Planning Commission unanimously approves File No. PLCUP201800742 with the following condition:

1. In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. "Acquire" may include, among other things, RMP's statutory rights to obtain such easements through use of eminent domain or through negotiated agreements with the property owners. As part of the condemnation process and in accordance with Utah law, RMP shall pay just compensation for the properties that a court determines are devalued.

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: 03-26-2019

Issue	**DAYBREAK VILLAGE 8 PLAT 6 PRELIMINARY PLAT**
Location:	6230 West 11140 South
File No:	PLPP201801060
Applicant:	Daybreak Communities

Submitted By: Greg Schindler, City Planner
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready): Approve File No. PLPP201900036 as proposed.

STANDARDS FOR SUBDIVISION REVIEW

The Planning Commission shall receive public comment at a public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the proposed subdivision does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.

BACKGROUND

ACREAGE	37.885 acres
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (A-1)/Vacant South- Large Scale Master Planned Community (P-C)/Village 8 Plats 2 and 3 East - Large Scale Master Planned Community (P-C)/Vacant West - Large Scale Master Planned Community (P-C)/Vacant

Daybreak Communities has filed an application for preliminary subdivision plat approval for the Village 8 Plat 6 subdivision. The proposed subdivision will divide the property into 146 residential lots, 11 park lots and associated public and private rights-of-way.

ANALYSIS

The residential density of this proposal is 3.8 units per acre (gross density) and 8.1 units per acre (net density), which is consistent with the P-C zone and adopted Community Structure

Plan for Daybreak. The proposed lot sizes range from 3,171 sq. ft. to 9,759 sq. ft. with an average lot size of 5,356 sq. ft.

The PC zone provides for the approval of Design Guidelines developed for a specific subdivision or site plan. The Design Guidelines for this plat will be the same as those approved for Village 8 Plats 2 through 4, 5A and 5B.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

- The Daybreak Community Structure Plan designates this area as Village.
- Section 17.72.020 describes the Village Land Use Designation as follows: "This category is designed for medium density mixed use development that includes residential (single and multi-family), office, commercial, industrial, public/semipublic and recreation/open space uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of twenty five (25) units per acre."
- All PC zone and Kennecott Master Subdivision requirements will be met regarding the preliminary subdivision plat.
- All State and Local subdivision review requirements have been followed.
- The proposal meets all City ordinances
- All lots in the proposed subdivision will have culinary water (South Jordan City) and sanitary sewer available (South Valley Sewer District).

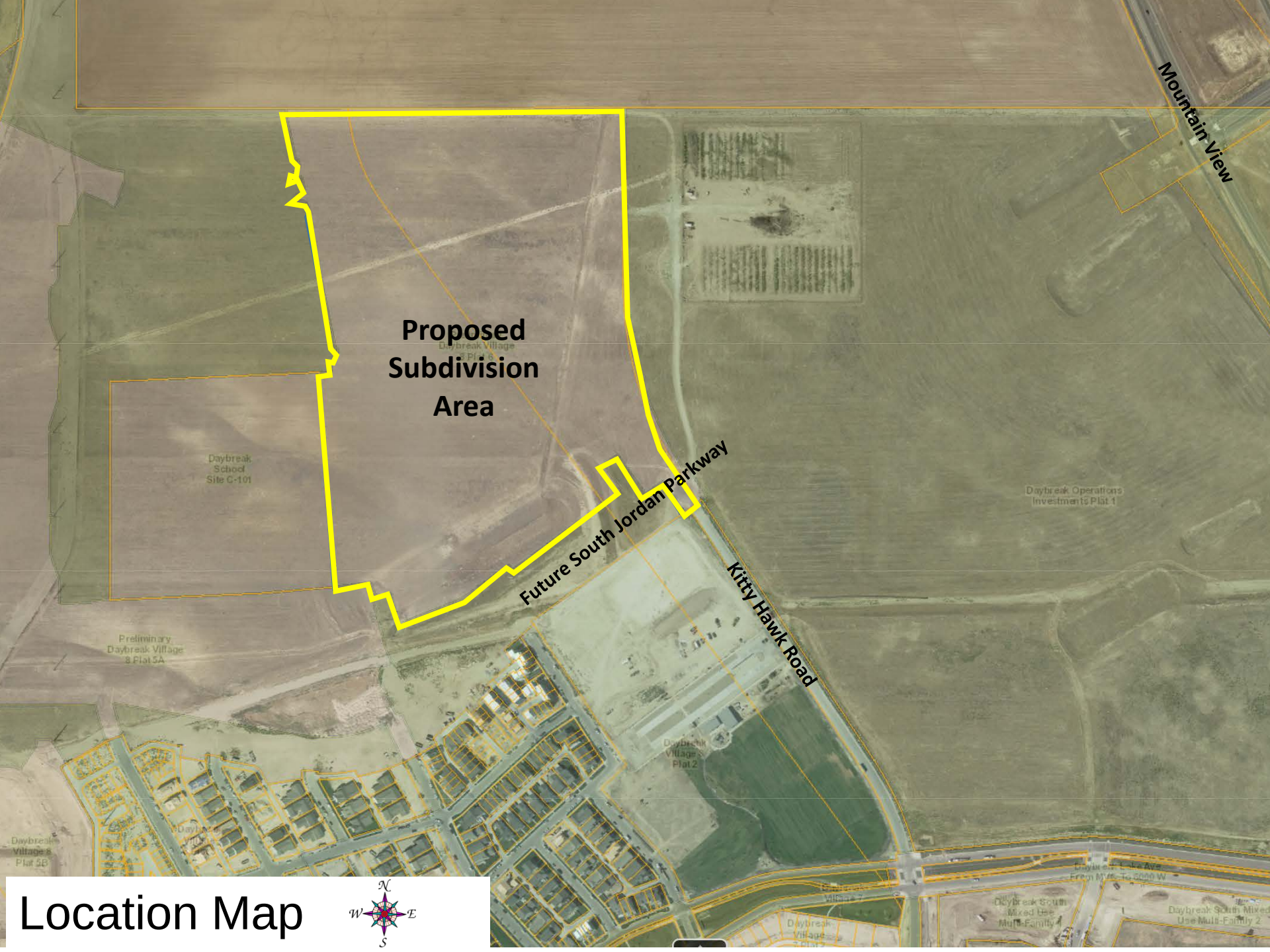
Conclusions:
- The proposed subdivision is consistent with the Community Structure Plan and meets the standards of review for subdivisions in the P-C zone.

Recommendation:
- Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

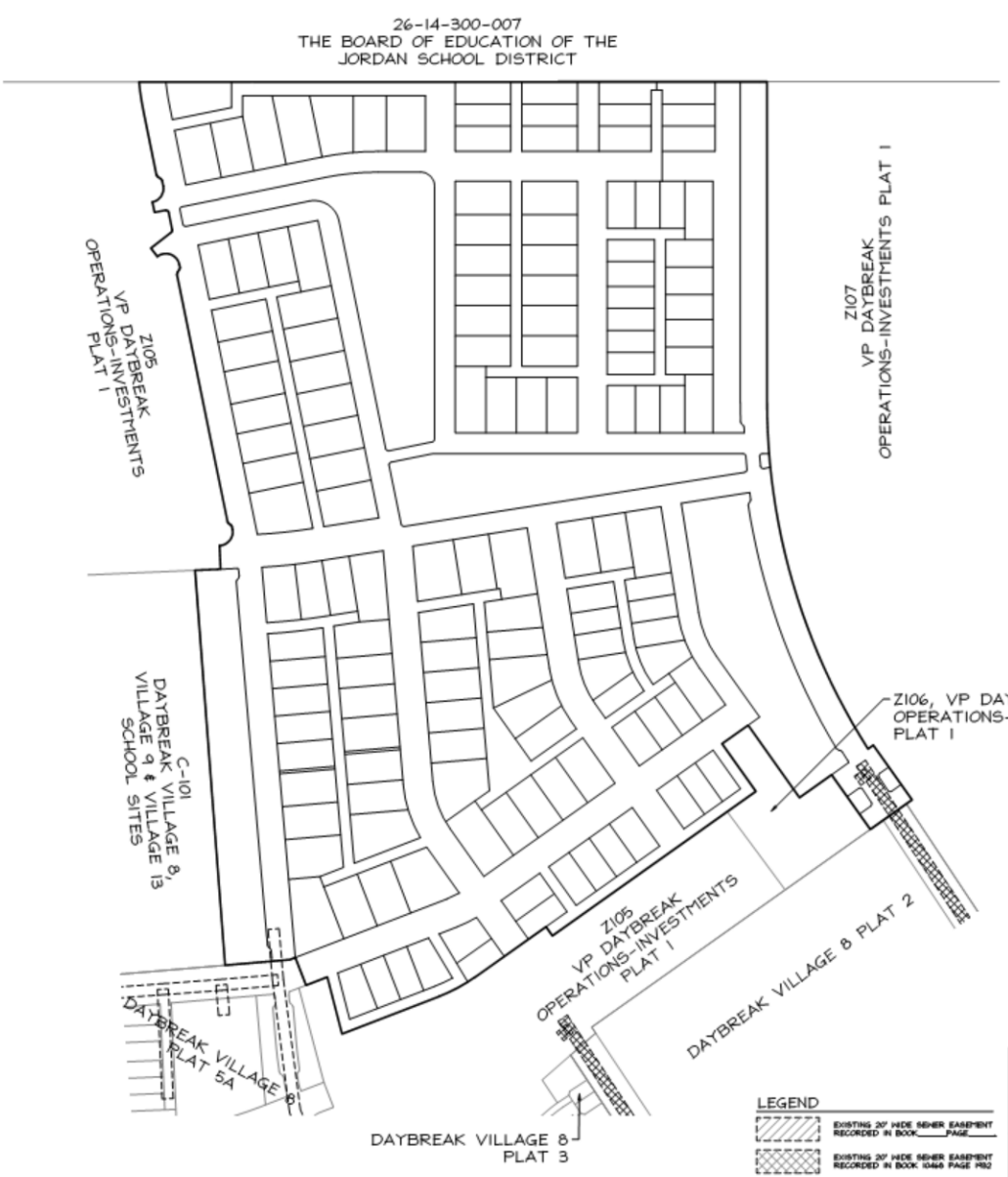
FISCAL IMPACT:
- Minimal.

ALTERNATIVES:
- Approve the preliminary plat.
- Deny the preliminary plat.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:
- Aerial Map
- Preliminary Plat



Location Map



N

GRAPHIC SCALE

-100 0 50 100 200

(IN FEET)
1 inch = 100 ft.

Sheet 5 of 9

PROPERTY CORNERS

PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.

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WEST JORDAN, UT 84088
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LEGEND

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK____PAGE____

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK 10468 PAGE 9182

EXISTING 20' WIDE SEWER EASEMENT RECORDED IN BOOK XX PAGE XX

DAYBREAK VILLAGE 8 PLAT 6 SUBDIVISION
AMENDING LOTS Z105, Z-106 & Z107 OF THE VP DAYBREAK
OPERATIONS-INVESTMENTS PLAT 1

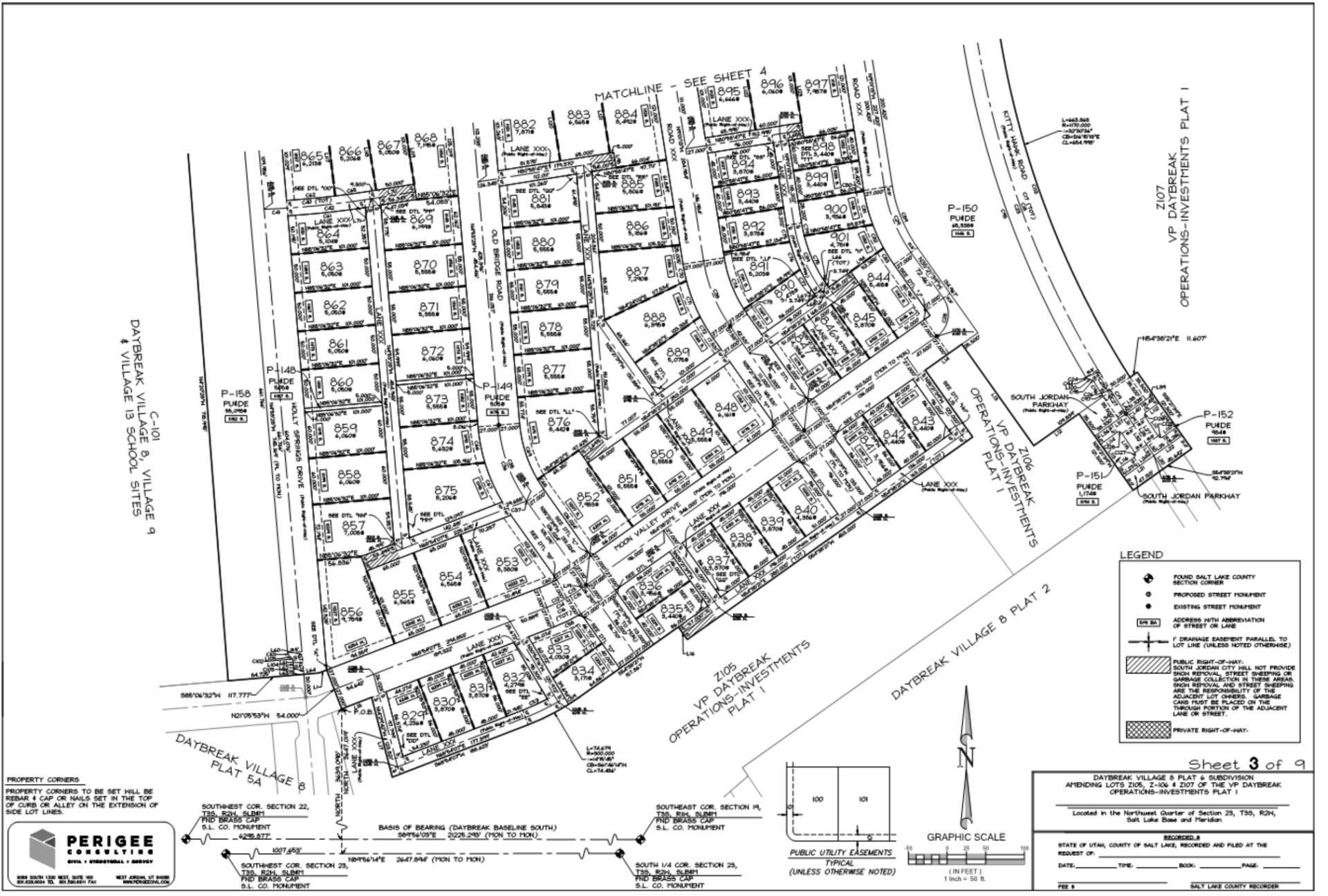
Located in the Northwest Quarter of Section 29, T3S, R2W,
Salt Lake Base and Meridian

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE $ _____ SALT LAKE COUNTY RECORDER


MATCHLINE - SEE SHEET 4
DAYBREAK VILLAGE 8, VILLAGE 9 & VILLAGE 13 SCHOOL SITES
C-101
Z107 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Z106 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Z105 VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
DAYBREAK VILLAGE 8 PLAT 2
DAYBREAK VILLAGE 8 PLAT 5A
OLD BRIDGE ROAD
MOON VALLEY DRIVE
HOLY SPRINGS DRIVE
KITTY HAWK ROAD
SOUTH JORDAN PARKWAY
P-148 PUIDE
P-149 PUIDE
P-150 PUIDE
P-151 PUIDE
P-152 PUIDE
P-158 PUIDE
P.O.B.
S88°06'32"W 117.777'
N21°05'53"W 54.000'
N85°06'32"E 54.634'
N85°38'21"E 12.796'
N54°38'21"E 11.607'
LEGEND
FOUND SALT LAKE COUNTY SECTION CORNER
PROPOSED STREET MONUMENT
EXISTING STREET MONUMENT
ADDRESS WITH ABBREVIATION OF STREET OR LANE
7' DRAINAGE EASEMENT PARALLEL TO LOT LINE (UNLESS NOTED OTHERWISE)
PUBLIC RIGHT-OF-WAY: SOUTH JORDAN CITY WILL NOT PROVIDE SNOW REMOVAL, STREET SWEEPING OR GARBAGE COLLECTION IN THESE AREAS. SNOW REMOVAL AND STREET SWEEPING ARE THE RESPONSIBILITY OF THE ADJACENT LOT OWNERS. GARBAGE CANS MUST BE PLACED ON THE THROUGH PORTION OF THE ADJACENT LANE OR STREET.
PRIVATE RIGHT-OF-WAY.
PROPERTY CORNERS
PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.
SOUTHWEST COR. SECTION 22, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
4295.877'
1007.653'
SOUTHWEST COR. SECTION 23, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
BASIS OF BEARING (DAYBREAK BASELINE SOUTH) S89°56'03"E 2225.243' (MON TO MON)
N89°56'14"E 2647.894' (MON TO MON)
SOUTHEAST COR. SECTION 19, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
SOUTH 1/4 COR. SECTION 23, T3S, R2W, SLB&M FND BRASS CAP S.L. CO. MONUMENT
PUBLIC UTILITY EASEMENTS TYPICAL (UNLESS OTHERWISE NOTED)
GRAPHIC SCALE
(IN FEET) 1 inch = 50 ft.
PERIGEE CONSULTING
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8989 SOUTH 1300 WEST, SUITE 100 WEST JORDAN, UT 84088
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Sheet 3 of 9
DAYBREAK VILLAGE 8 PLAT 6 SUBDIVISION
AMENDING LOTS Z105, Z-106 & Z107 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1
Located in the Northwest Quarter of Section 23, T3S, R2W, Salt Lake Base and Meridian
RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:
DATE: TIME: BOOK: PAGE:
FEE $
SALT LAKE COUNTY RECORDER



C-101
DAYBREAK VILLAGE 8,
VILLAGE 9 & VILLAGE 13
SCHOOL SITES

PROPERTY CORNERS

PROPERTY CORNERS TO BE SET WILL BE REBAR & CAP OR NAILS SET IN THE TOP OF CURB OR ALLEY ON THE EXTENSION OF SIDE LOT LINES.

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WEST JORDAN, UT 84088
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DAYBREAK VILLAGE 8 PLAT 6 SUBDIVISION
AMENDING LOTS Z105, Z-106 & Z107 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1

Located in the Northwest Quarter of Section 23, T3S, R2W, Salt Lake Base and Meridian

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE $ _____ SALT LAKE COUNTY RECORDER

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT Meeting Date: 03-26-2019

Issue	**DAYBREAK PROSPERITY ROAD DEDICATION PLAT PRELIMINARY PLAT**
Location:	Approx. 6420 W. 11800 South
File No:	PLPP201900057
Applicant:	Daybreak Communities

Submitted By: Greg Schindler, City Planner
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready): Approve File No. PLPP201900057 as proposed.

STANDARDS FOR SUBDIVISION REVIEW

The Planning Commission shall receive public comment at a public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the proposed subdivision does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application.

BACKGROUND

ACREAGE	5.115 acres
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (P-C)/Vacant South- Large Scale Master Planned Community (P-C)/Herriman city limits East - Large Scale Master Planned Community (P-C)/Daybreak Village 8 Plat 4B Single Family West - Large Scale Master Planned Community (P-C)/ Vacant

Daybreak Communities has filed an application for preliminary subdivision plat approval for the Daybreak Prosperity Road Dedication Plat. The proposal will dedicate the first segment of Prosperity Road that will begin at 11800 South/6420 West and extend north approximately 670 ft. at this time. As further development occurs the road will be extended further north until it connects to the existing Prosperity Road which now terminates near 10400 S. Included in the subdivision will be a 3.591 acre park lot (P-lot) that will serve primarily as open space storm drain detention/retention and will also contain an existing 60 ft. wide power easement along Prosperity Road.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

- The Daybreak Community Structure Plan designates this area as Village.
- All PC zone and Kennecott Master Subdivision requirements will be met regarding the preliminary subdivision plat.
- All State and Local subdivision review requirements have been followed.
- The proposal meets all City ordinances

Conclusions:

- The proposed subdivision is consistent with the Community Structure Plan and meets the standards of review for subdivisions in the P-C zone.

Recommendation:

- Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

FISCAL IMPACT:

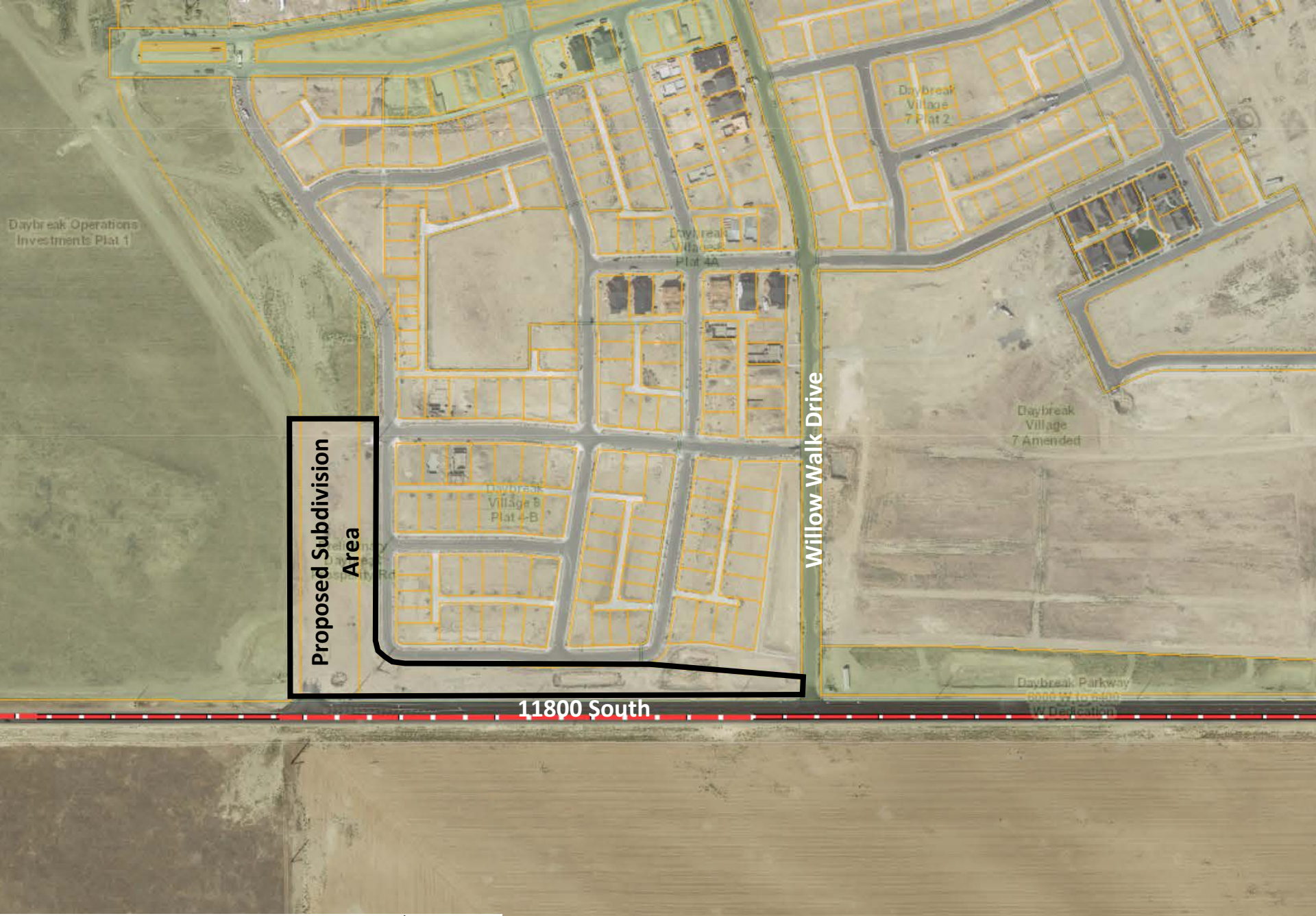
- Minimal.

ALTERNATIVES:

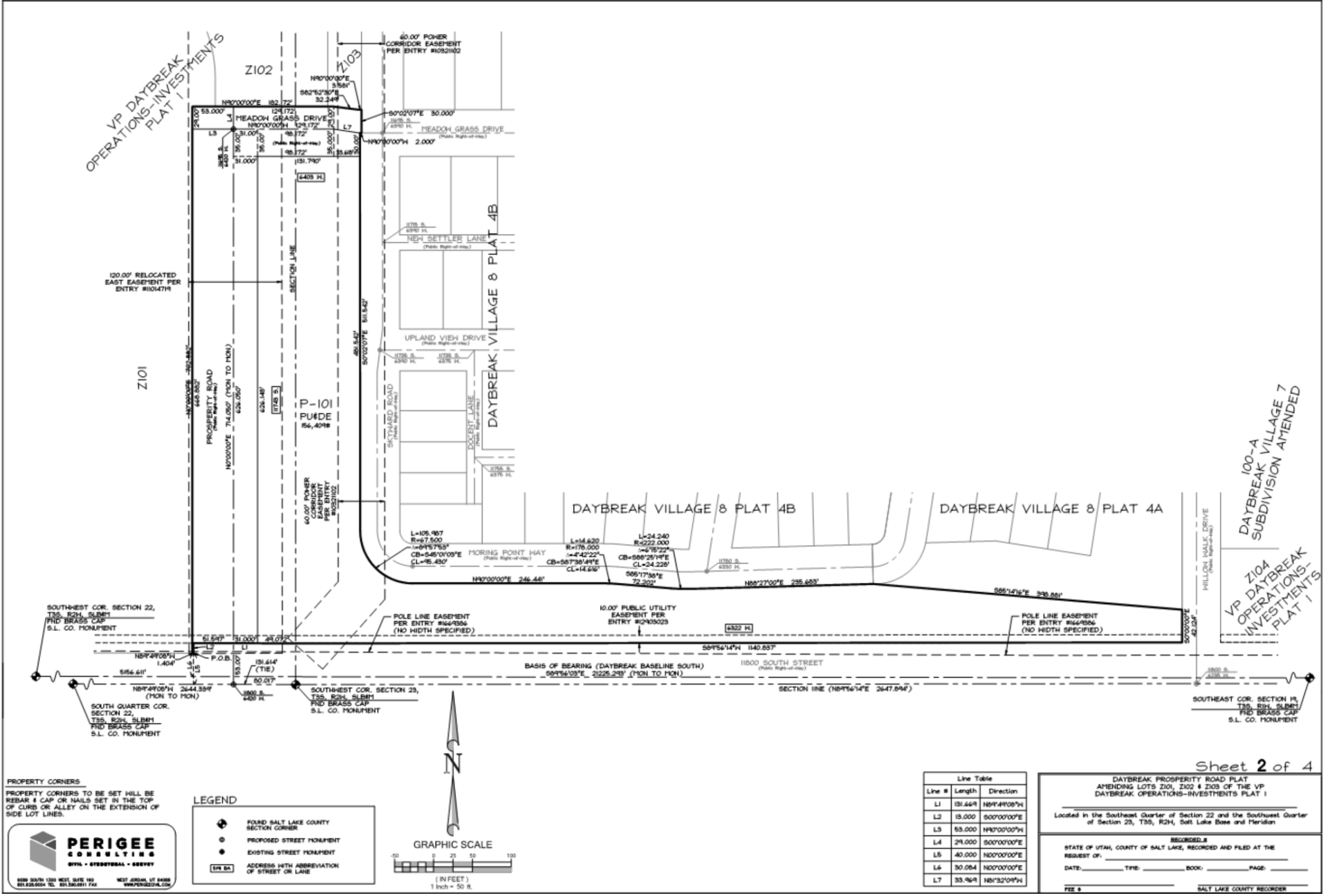
- Approve the preliminary plat.
- Deny the preliminary plat.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Preliminary Plat



Location Map



Sheet **2** of 4

Line Table		
Line #	Length	Direction
L1	131.669'	N89°49'08"W
L2	15.000'	S00°00'00"E
L3	53.000'	N90°00'00"W
L4	29.000'	S00°00'00"E
L5	40.000'	N00°00'00"E
L6	30.084'	N00°00'00"E
L7	33.968'	N81°32'09"W

DAYBREAK PROSPERITY ROAD PLAT
AMENDING LOTS Z101, Z102 & Z103 OF THE VP DAYBREAK OPERATIONS-INVESTMENTS PLAT 1

Located in the Southeast Quarter of Section 22 and the Southwest Quarter of Section 23, T3S, R2W, Salt Lake Base and Meridian

RECORDED #

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE $ _____ SALT LAKE COUNTY RECORDER

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: 03/26/2019

Issue: **OQUIRRH MOUNTAIN PAD 13C SITE PLAN**
Address: 10621 S. 4000 W.
File No: PLSPR201900068
Applicant: Ted Didas, McNeil Engineering

Submitted by: Damir Drozdek, Planner III
Shane Greenwood, Supervising Senior Engineer

Staff Recommendation (Motion Ready): **Approve application** PLSPR201900068 to allow for construction of a multi-tenant commercial building to be located at 10621 S. 4000 W.

ACREAGE:	Approximately 0.5 acres
CURRENT ZONE:	P-O (Professional - Office) Zone
CURRENT USE:	Vacant Lot
FUTURE LAND USE PLAN:	O (Office Use)
NEIGHBORING ZONES/USES:	North – P-O / Vacant Lot South – P-O / Vacant Lot West – R-2.5 / 4000 West East – P-O / Lot with building in construction

STANDARD OF REVIEW:

All proposed commercial, office, industrial, multi-family dwelling or institutional developments and alterations to existing developments shall meet the site plan review requirements outlined in chapter 16.24 and the requirements of the individual zone in which a development is proposed. All provisions of titles 16 & 17 of the City Code, and other city requirements, shall be met in preparing site plan applications and in designing and constructing the development. The Planning Commission shall receive public comment regarding the site plan and shall approve, approve with conditions or deny the site plan.

BACKGROUND:

The proposed multi-tenant commercial building is part of a larger office/commercial development located to the south of the Oquirrh Mountain Marketplace shopping center. The building is located at 11621 South 4000 West. The access will come off 4000 West street. There is an access to the north of it that is currently under construction. It will be finished before the building is completed. Another access, located to the south of it, will be completed at a future time as more development ensues at this location.

The proposed building is a single-story commercial building with approximately 5,000 sq. ft. of floor space. The building exterior will consist of split-face and honed block, eifs and metal siding. The building will top off at roughly 24' in height. The mechanical equipment will be located on a rooftop. It will be screened from view by parapet walls and its location away from the building edge.

The vast majority of public improvements are finished along 4000 West and only minimal improvements relating to this project will be required, such as a new fire hydrant that will be located to the north of the building. No fencing will be required nor is proposed to be installed with the project. Landscaping along 4000

West is complete. The new landscaping will be installed around the building and will consist of various trees, shrubs and ground cover. The sod will mostly be installed to the west of the building, in between the road and the building itself.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- The project meets the Planning and Zoning (Title 17) and the Subdivision and Development (Title 16) Code requirements.
- The Architectural Review Committee reviewed the proposed building on February 13, 2019. The committee unanimously recommended approval of the project.
- The project conforms with the following Goals and Policies of the General Plan:
  - Policy LU-3.1 Require commercial uses to meet development standards that promote attractive and compatible commercial development while providing needed services and economic benefits to the City.
  - Policy ED1.12 Seek a better balance of the 'jobs to dwelling unit' ratio in the City by promoting new businesses and job opportunities for City residents, including seasonal and part time jobs for youth.

Conclusion:

- The proposed project will meet the Goals and Policies of the General Plan and also meet the requirements of the Subdivision and Development (Title 16) and the Planning and Zoning (Title 17) Codes and thus should be approved.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and **approve** the Application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

- Generally, commercial developments have a net positive fiscal impact, in other words they generate more money in revenue than they require in services. This project should follow the trend.

ALTERNATIVES:

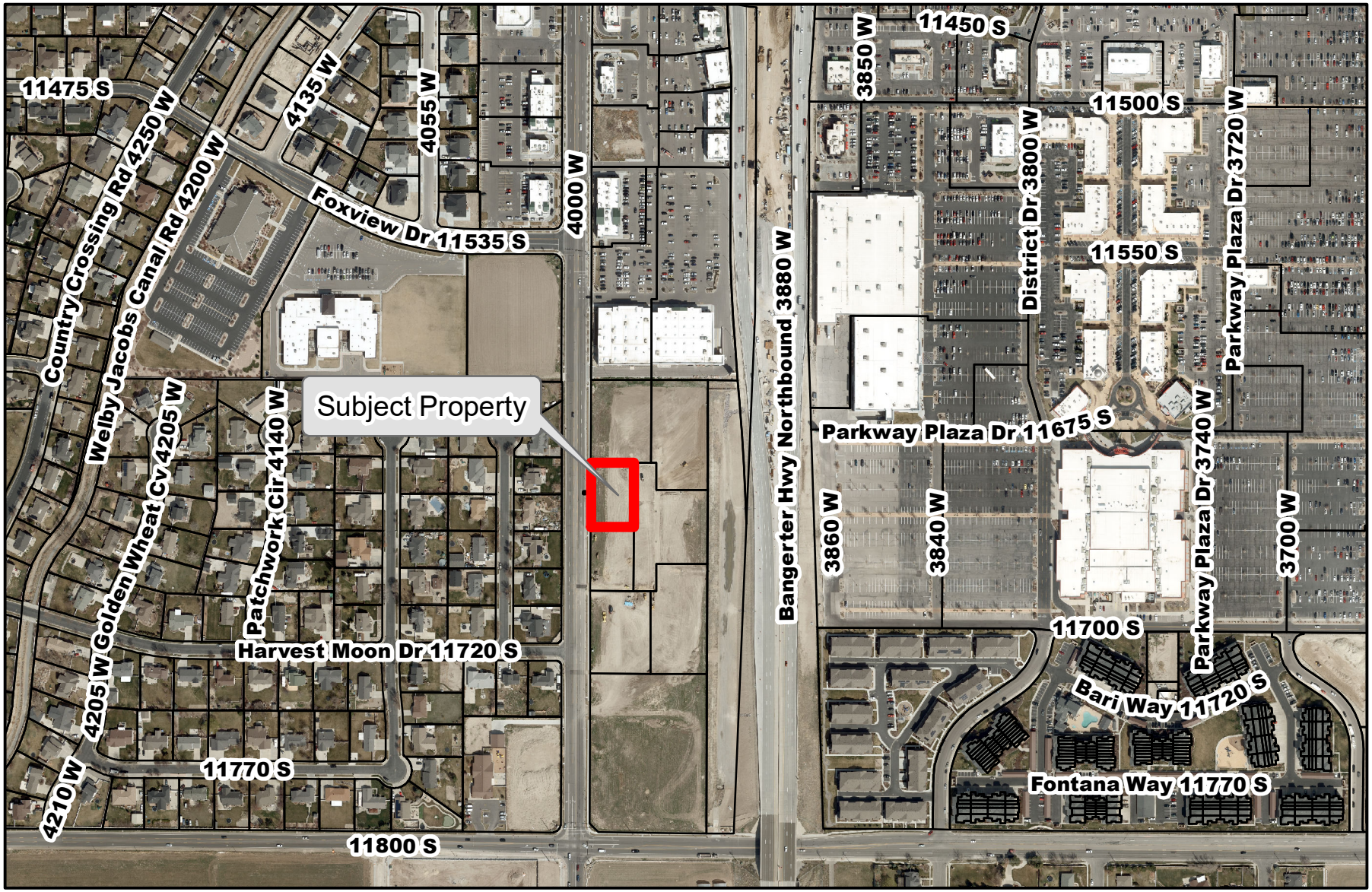
- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Zoning Map
- Site Plan C1.01
- Landscape Plan L1.01
- Building Elevations A3.1
- Building Rendering



Damir Drozdek, AICP
Planner III
Planning Department



Legend

STREETS

PARCELS

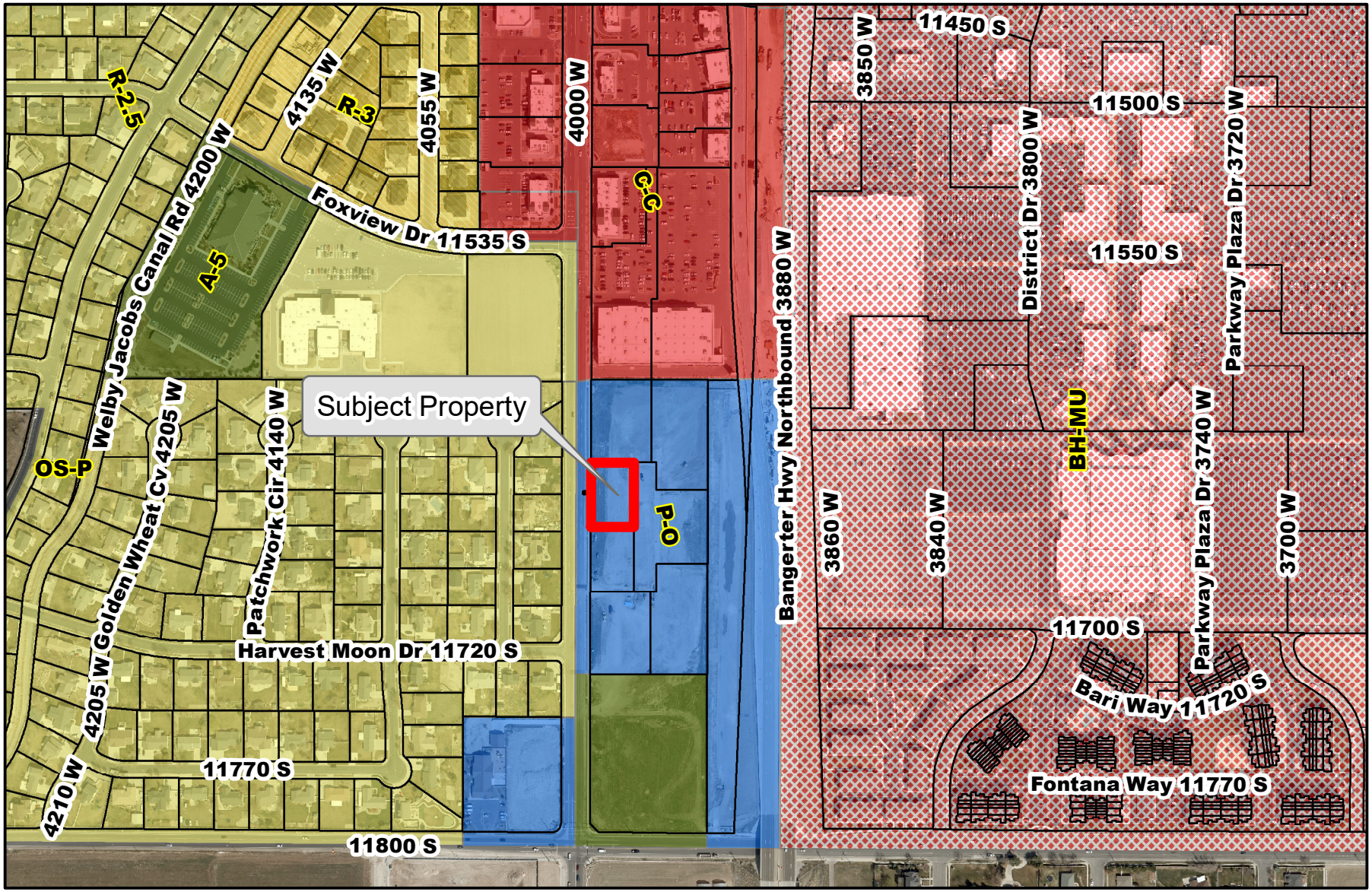
Aerial Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
2018

ESRI



Legend

STREETS

PARCELS

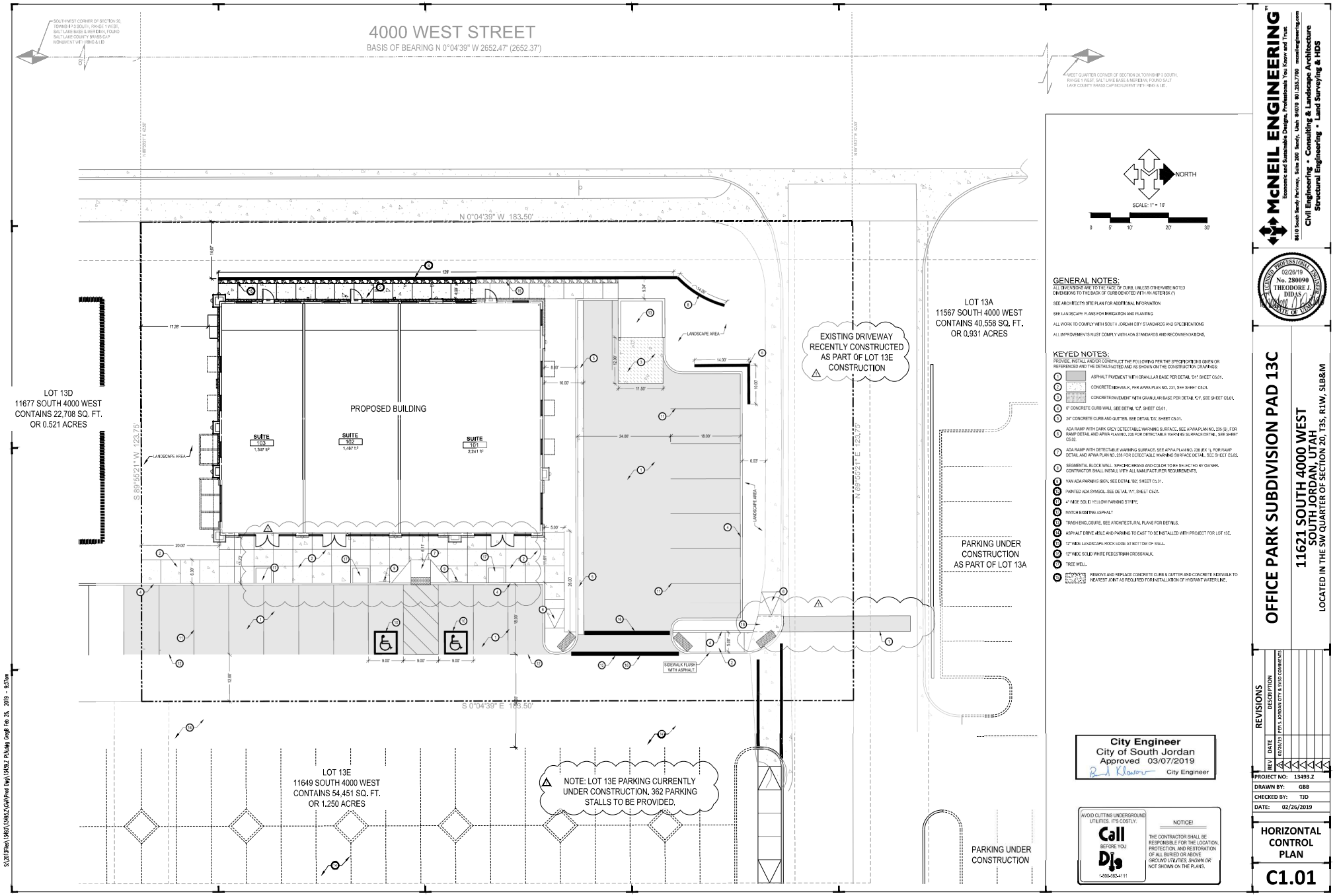
Zoning Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
2018

ESRI



GENERAL NOTES:

ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED
DIMENSIONS TO THE BACK OF CURB DENOTED WITH AN ASTERISK (*)

SEE ARCHITECTS SITE PLAN FOR ADDITIONAL INFORMATION

SEE LANDSCAPE PLANS FOR IRRIGATION AND PLANTING

ALL WORK TO COMPLY WITH SOUTH JORDAN CITY STANDARDS AND SPECIFICATIONS

ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.

KEYED NOTES:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS.

1. ASPHALT PAVEMENT WITH GRANULAR BASE PER DETAIL "D1", SHEET C5.01.
2. CONCRETE SIDEWALK, PER APWA PLAN NO. 231, SEE SHEET C5.01.
3. CONCRETE PAVEMENT WITH GRANULAR BASE PER DETAIL "C1", SEE SHEET C5.01.
4. 6" CONCRETE CURB WALL, SEE DETAIL "CZ", SHEET C5.01.
5. 24" CONCRETE CURB AND GUTTER, SEE DETAIL "C5", SHEET C5.01.
6. ADA RAMP WITH DARK GREY DETECTABLE WARNING SURFACE, SEE APWA PLAN NO. 235 (S), FOR RAMP DETAIL AND APWA PLAN NO. 238 FOR DETECTABLE WARNING SURFACE DETAIL, SEE SHEET C5.02.
7. ADA RAMP WITH DETECTABLE WARNING SURFACE, SEE APWA PLAN NO. 236 (EX 1), FOR RAMP DETAIL AND APWA PLAN NO. 238 FOR DETECTABLE WARNING SURFACE DETAIL, SEE SHEET C5.02.
8. SEGMENTAL BLOCK WALL, SPECIFIC BRAND AND COLOR TO BE SELECTED BY OWNER. CONTRACTOR SHALL INSTALL WITH ALL MANUFACTURER REQUIREMENTS.
9. VAN ADA PARKING SIGN, SEE DETAIL "B2", SHEET C5.01.
10. PAINTED ADA SYMBOL, SEE DETAIL "A1", SHEET C5.01.
11. 4" WIDE SOLID YELLOW PARKING STRIPE.
12. MATCH EXISTING ASPHALT
13. TRASH ENCLOSURE, SEE ARCHITECTURAL PLANS FOR DETAILS.
14. ASPHALT DRIVE AISLE AND PARKING TO EAST TO BE INSTALLED WITH PROJECT FOR LOT 13E.
15. 12" WIDE LANDSCAPE ROCK EDGE AT BOTTOM OF WALL.
16. 12" WIDE SOLID WHITE PEDESTRIAN CROSSWALK.
17. TREE WELL.
18. REMOVE AND REPLACE CONCRETE CURB & GUTTER AND CONCRETE SIDEWALK TO NEAREST JOINT AS REQUIRED FOR INSTALLATION OF HYDRANT WATER LINE.

City Engineer
City of South Jordan
Approved 03/07/2019
City Engineer

AVOID CUTTING UNDERGROUND UTILITIES. IT'S COSTLY.
Call BEFORE YOU Dig
1-800-662-4111

NOTICE!
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES, SHOWN OR NOT SHOWN ON THE PLANS.

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Civil Engineering • Consulting & Landscape Architecture
Structural Engineering • Land Surveying & HDS

LICENSED PROFESSIONAL ENGINEER
02/26/19
No. 280090
THEODORE J. DIDAS
STATE OF UTAH

OFFICE PARK SUBDIVISION PAD 13C

11621 SOUTH 4000 WEST
SOUTH JORDAN, UTAH
LOCATED IN THE SW QUARTER OF SECTION 20, T3S, R1W, SL B&M

REVISIONS

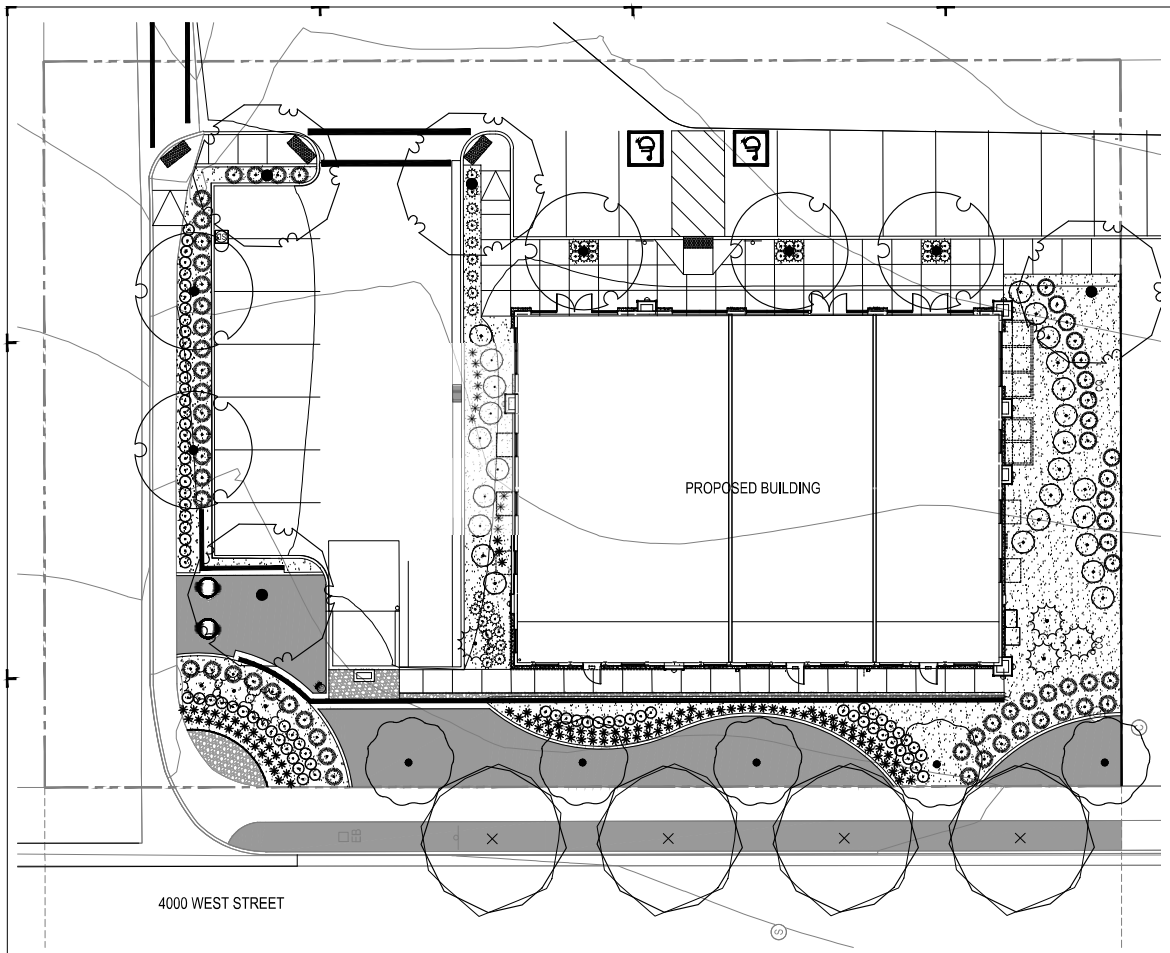
REV	DATE	DESCRIPTION
	02/26/19	PER S. JORDAN CITY & SVSD COMMENTS

PROJECT NO: 13493.2
DRAWN BY: GBB
CHECKED BY: TJD
DATE: 02/26/2019

HORIZONTAL CONTROL PLAN

C1.01

S:\2013\Plans\13493.1\13493.2 CivilVPlotPlot Dwg\13493.2 PLNdwg Oregon Feb 26, 2019 - 9:37am



PLANT SCHEDULE

TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE	DETAIL
	4	EXISTING COMMON HACKBERRY TO REMAIN			
	4	SHADEMASTER HONEYLOCUST	GLEDITSIA TRIACANTHOS 'SHADEMASTER'	2" CAL	D/L4.01
	7	COLUMNAR NORWAY SPRUCE	PICEA ABIES 'CUPRESSINA'	7' HT	E/L4.01
	5	CHINA SNOW TREE LILAC	SYRINGA PEKINENSIS 'CHINA SNOW'	2" CAL	D/L4.01
	5	GREENSPIRE LITTLELEAF LINDEN	TILIA CORDATA 'GREENSPIRE'	2" CAL	D/L4.01

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	CONT	DETAIL
	79	CRIMSON PYGMY BARBERRY	BERBERIS THUNBERGII 'CRIMSON PYGMY'	5 GAL	B/L4.01
	15	BEYOND MIDNIGHT BLUE MIST SPIREA	CARYOPTERIS X CLANDONENSIS 'BEYOND MIDNIGHT'	5 GAL	B/L4.01
	26	ARCTIC FIRE DOGWOOD	CORNUS SANGUINEA 'ARCTIC FIRE' TM	5 GAL	B/L4.01

ORNAMENTAL GRASSES	QTY	COMMON NAME	BOTANICAL NAME	CONT	DETAIL
	46	OVERDAM FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'OVERDAM'	1 GAL	A/L4.01
	108	ELIJAH BLUE FESCUE	FESTUCA GLAUCA 'ELIJAH BLUE'	1 GAL	A/L4.01
	38	SAPHIRE FOUNTAIN BLUE OAT GRASS	HELICTOTRICHON SEMPERVIRENS 'SAPHIRSPRUDEL'	1 GAL	A/L4.01

DECORATIVE STONE

229 s.f.	COBBLE, 1"- 6" "WEBER RIVER ROCK" FROM STAKER & PARSON COMPANIES (801) 816-9089 OR APPROVED EQUAL INSTALLED A MINIMUM 6" DEEP.	INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC. ROCK SHALL BE WASHED AND FREE OF DIRT AND OTHER FOREIGN DEBRIS. MIX AN EQUAL 1/3 PORTION OF 1" TO 2", 2" TO 4" AND 4" TO 6" ROCK SIZE.	SEE DETAIL B/L4.01 & PLANTING NOTE 5
3,981 s.f.	STONE MULCH, 1 1/2" DIAMETER "COPPER CANYON" CRUSHED ROCK FROM STAKER PARSON COMPANIES (801) 816-9089 OR APPROVED EQUAL INSTALLED A MINIMUM 3" DEEP.	INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC. BARK MULCH SHALL BE FREE OF DIRT, ROCK AND OTHER FOREIGN DEBRIS.	SEE DETAIL B/L4.01 & PLANTING NOTE 5

LAWN

1,526 s.f.	LAWN SOD, "IMPERIAL BLUE" FROM CHANSHARE FARMS (866) SOD-EASY OR APPROVED EQUAL	INSTALL OVER MINIMUM 5" TOPSOIL LAYER.	SEE DETAIL J/L4.01 & PLANTING NOTE 3

PLANTING NOTES

1. ALL QUANTITIES ARE SHOWN AS AN AID ONLY. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR FOR ALL QUANTITY CALCULATIONS BASED ON THE PLANTING PLAN.
2. PLANT COMMON NAMES ARE SHOWN AS A REFERENCE ONLY. USE COMPLETE BOTANICAL NAMES WHEN PURCHASING ALL PLANT MATERIAL.
3. EXCAVATE, REMOVE AND FEATHER EXISTING SOIL ALONG ALL EDGES OF WALKS, MOWSTRIPS, CURBS AND OTHER APPLICABLE SITE ELEMENTS SO THAT THE FINISH GRADE OF THE NEW LAWN IS HELD DOWN 1" FROM THE TOP OF SAID ITEMS. FEATHER NEW GRADE INTO THE EXISTING SO THAT THERE IS A SMOOTH AND SUBTLE TRANSITION FROM THE EDGES OUT INTO THE LANDSCAPE AREAS.
4. RESTORE EXISTING GRADE AND LAWN AT ALL AREAS DAMAGED BY WORK COMPLETED UNDER THIS CONTRACT - SEE PLANTING NOTE 3. DO NOT USE SOD PIECES LESS THAN 12" LONG OR WIDE.
5. APPLY A PRE-EMERGENT HERBICIDE TO ALL PLANTING BED AND COBBLE AREAS FOLLOWING INSTALLATION OF PLANT MATERIAL BUT PRIOR TO PLACING FABRIC AND MULCH. AREAS SHALL BE FREE OF EXISTING WEED GROWTH BEFORE APPLICATION OF HERBICIDE.

SOUTH JORDAN P-O ZONING CITY DATA		
TOTAL SITE AREA	22,705 SQ. FT.	
TOTAL LANDSCAPE AREA ON-SITE	5,580 SQ. FT.	
CODE	REQUIRED	PROVIDED
LANDSCAPE AREA	15%	25%
PARKING LOT TREES	1 TREE EVERY 3 STALLS = 6	6
	1 TREE @ END OF EACH ROW = 3	3
STREET TREES	1 @ 30' O.C. = 4	4
ON-SITE TREES (EXCLUDING PARKING LOT & PARK STRIP)	1 PER 500 S.F. = 11	12
ON-SITE TREES TO BE EVERGREEN	30% = 4	58% = 7

AVOID CUTTING UNDERGROUND UTILITIES. IT'S COSTLY.
Call BEFORE YOU Dig
1-800-662-4111

NOTICE!
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES, SHOWN OR NOT SHOWN ON THE PLANS.

NORTH

SCALE: 1" = 10'

0 5' 10' 20' 30'

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STATE OF UTAH 10/17/2018 SCOTT A SCHOONOVER 349751 LANDSCAPE ARCHITECT

OM OFFICE PARK PAD C

11621 SOUTH 4000 WEST
SOUTH JORDAN, UT

REVISIONS

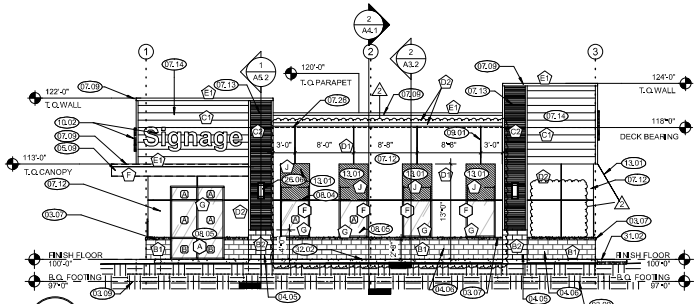
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PROJECT NO: 13493.Z
DRAWN BY: TG
CHECKED BY: SS
DATE: JANUARY 2019
PROP NO:

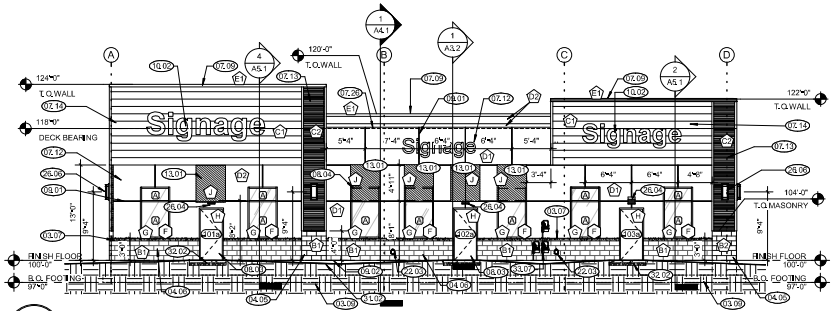
LANDSCAPE PLANTING PLAN

L1.01

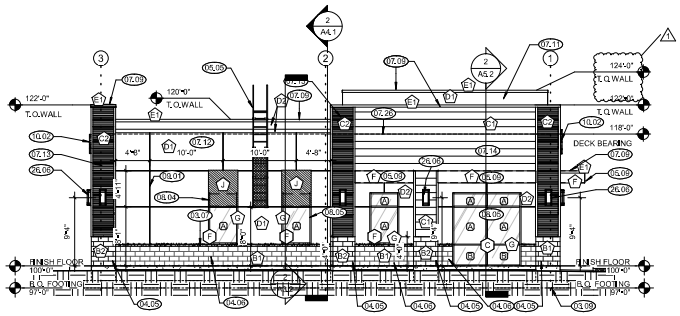
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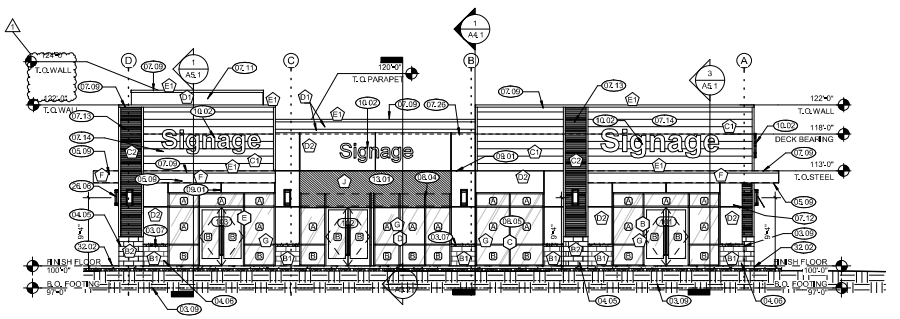
1 A3.1 **NORTH ELEVATION**
scale: 1/8" = 1'-0"



2 A3.1 **WEST ELEVATION**
scale: 1/8" = 1'-0"



3 A3.1 **SOUTH ELEVATION**
scale: 1/8" = 1'-0"



4 A3.1 **EAST ELEVATION**
scale: 1/8" = 1'-0"

REFERENCE NOTES:

03. CONCRETE

03.07 PRE-CAST CONCRETE SILL. SEE WALL SECTIONS.
03.09 THESE DASHED LINES INDICATE THE FOOTING AND FOUNDATION, SEE STRUCTURAL.

04. MASONRY

04.05 8" MASONRY WAINSCOT, SEE STRUCTURAL. SEE FINISH LEGEND FOR COLOR AND FINISH. ALL MASONRY SHALL BE SEALED, SEE SPECS. GROUT TO MATCH ADJACENT BLOCK COLOR. WITH 1" AIR GAP OVER (USE LIQUID-APPLIED VAPOR BARRIER).
04.06 4" MASONRY WAINSCOT, SEE STRUCTURAL. SEE FINISH LEGEND FOR COLOR AND FINISH. ALL MASONRY SHALL BE SEALED, SEE SPECS. GROUT TO MATCH ADJACENT BLOCK COLOR. WITH 1" AIR GAP OVER (USE LIQUID-APPLIED VAPOR BARRIER).

05. METALS

05.05 ROOF ACCESS LADDER. SEE DETAIL 1.2/A7.1.
05.09 TUBE STEEL TRELLIS/CANOPY, PAINTED. SEE STRUCTURAL FOR CONNECTIONS AND DETAILS.

07. THERMAL & MOISTURE PROTECTION

07.09 FACTORY PAINTED STANDING SEAM PARAPET CAP/FLASHING AND CONTINUOUS METAL COPING WITH DRIP FLASHING AND HOLD DOWN CLIPS BOTH SIDES.
07.11 EIFS OVER 3/4" RIGID INSULATION OVER SHEATHING, SEE STRUCTURAL. SEE ELEVATIONS FOR COLORS.
07.12 SYNTHETIC STUCCO (EIFS) OVER 1 1/2" RIGID INSULATION BOARD OVER MOISTURE BARRIER OVER SHEATHING OVER METAL STUD FRAMING.
07.13 METAL SIDING,(MBCI OR APPROVED EQUAL): HORIZONTAL REVERSE ROLLED 7.2 RIBBED WALL PANEL, EXPOSED FASTENER , OVER MOISTURE BARRIER. SEE ELEVATION FOR COLOR.
07.14 METAL SIDING, (MBCI OR APPROVED EQUAL): "12" (22 GAUGE) DESIGNER SERIES" PANEL EMBOSSED FINISH SEE DETAILS SHEET A6.2.
07.26 DASHED LINE REPRESENTS DECK BEARING BEHIND WALL.

08. OPENINGS

08.03 HOLLOW METAL SERVICE DOORS, PAINTED COLOR SHERWIN WILLIAMS, (SW 7641). SEE DOOR SCHEDULE.
08.04 DASHED LINES REPRESENTS WINDOW BEHIND AWNING.
08.05 ALUMINUM STOREFRONT SYSTEM THERMALLY BROKEN FRAME.

09. FINISHES

09.01 ¾"-GROOVE IN EIFS, SEE DETAIL 5/A7.1.
09.02 SAND PLASTER ALL EXPOSED FOUNDATION WALLS, TYPICAL.

10. SPECIALTIES

10.02 SIGNAGE PROVIDED BY OTHERS (PROVIDE ACCESS BEHIND PARAPET WALL OR ON INTERIOR SIDE OF WALL).

13. SPECIAL CONSTRUCTION

13.01 BLACK POWDER COATED AWNING FRAME W/ FABRIC COVERING, SEE WALL SECTIONS AND SEE FINISH LEGEND.

22. PLUMBING

22.03 OVERFLOW ROOF DRAIN ESCUTCHEON, VERIFY MOUNTING HEIGHT & LOCATION WITH PLUMBING DRAWINGS.

26. ELECTRICAL

26.04 WALL MOUNTED SECURITY LIGHTING, SEE ELECTRICAL DRAWINGS FOR SPECIFICATIONS.
26.06 WALL-MOUNTED DOWN LIGHT, SEE ELECTRICAL.

31. EARTHWORK

31.02 SLOPE GRADE AWAY FROM BUILDING ALL AROUND, TYPICAL. 1/4" PER FOOT MIN.

32. EXTERIOR IMPROVEMENTS

32.02 SLOPE SIDEWALKS AWAY FROM BUILDING ALL AROUND, TYPICAL. MAX. 1/4" PER FOOT IN FRONT OF EXIT DOORS. SEE CIVIL DRAWINGS FOR CONTINUATION OF SIDEWALKS. NATURAL COLORED CONCRETE SIDEWALK WITH INTEGRAL CURB WALL. ALL CONTROL JOINTS (CJ) AND EXPANSION JOINTS (EJ) SHALL BE HAND TOOLED. JOINTS SHALL BE ALIGNED WITH ARCHITECTURAL FEATURES. SPACING SHALL NOT BE LESS THAN 2'-0" OR GREATER THAN 6'-0". IN A FIELD OF SIDEWALK WITHOUT ARCHITECTURAL FEATURES, JOINTS SHALL BE EVENLY SPACED, EVERY FOURTH JOINT SHALL BE AN EXPANSION JOINT. SEE CIVIL DETAILS.

33. UTILITIES

33.07 GAS METER LOCATION, SEE PLUMBING DRAWINGS FOR DETAILS. GAS LINE SHALL PENETRATE WALL JUST ABOVE THE METER AND THEN BE RUN VERTICALLY ALONG THE INSIDE FACE OF THE WALL BEFORE BRANCHING OUT AND PENETRATING THE ROOF FOR DISTRIBUTION.

GENERAL NOTES

1. WINDOW MULLIONS ARE ASSUMED TO BE 2" THICK
2. FIELD VERIFY ALL FINISHED WINDOW OPENINGS PRIOR TO MANUFACTURING
3. PROVIDE SHOP DRAWINGS FOR ALL WINDOWS PRIOR TO MANUFACTURING
4. FIELD VERIFY CONNECTION CONDITIONS FOR REPLACEMENT STOREFRONT. IF OTHER THAN INDICATED IN DETAILS CONTACT ARCHITECT FOR ATTACHMENT CLARIFICATION.
5. DIMENSIONS ARE TO OUTSIDE OR CENTER OF MULLION.
6. INSTALL STOREFRONT SYSTEM PER MANUFACTURER'S RECOMMENDATIONS. SHIM WINDOWS AS REQ'D AT HEAD.
7. CONCRETE SPLASH BLOCK AT ALL DOWNSPOUT / ROOF DRAIN ESCUTCHEON LOCATIONS.

GLAZING TYPES:

(A) 1" CLEAR, INSULATED, LOW E, SEALED.
(B) 1" CLEAR, INSULATED, LOW E, TEMPERED GLASS, SEALED

GLAZING PERFORMANCE:

NOTE: GLASS TO HAVE THE FOLLOWING CHARACTERISTICS
VISIBLE LIGHT TRANSMITTANCE: 68%
SHGC: .39
U-VALUE: .29
SHADING COEFFICIENT: .43

FINISH LEGEND

(A) **WOOD SIDING:**
A: NOT USED

(B) **MASONRY: (LEHI BLOCK OR APROVED EQUAL)**
B1: SPLIT-FACED: AMCOR BLOCK, #29U CHARCOAL-U. SEALED
B2: HONED: AMCOR BLOCK, #1 IVORY CHIP. SEALED

(C) **METAL SIDING: (MBCI OR APPROVED EQUAL)**
C1: 12" FLAT PANEL "DESIGNER SERIES", SIGNATURE 300, BONE WHITE
C2: 7.2 PANEL, SIGNATURE 300, BONE WHITE
NOTE:
REVERSE ROLLED 7.2 PANEL USED IN HORIZONTAL APPLICATIONS SO THAT THE LAP FASTENERS CAN BE INSTALLED IN THE LOW RIBS

(D) **EXTERIOR FINISH INSULATION SYSTEM (E.F.I.S.): (StoDesign OR APPROVED EQUAL)**
D1: STO, COLOUR (16292), FINE FINISH
D2: STO, COLOUR (16288), FINE FINISH

(E) **METAL PARAPET COPING / FLASHING: (MBCI SIGNATURE 300 OR APPROVED EQUAL)**
E1: SIGNATURE 300, MIDNIGHT BRONZE

(F) **STEEL TRELLIS:**
F: PAINTED, SHERWIN WILLIAMS, MATCH MBCI MIDNIGHT BRONZE

(G) **ALUMINUM STOREFRONT SYSTEM: (ULS, ALUMINUM CORP, OR APPROVED EQUAL.)**
G: ALUMINUM STOREFRONT SYSTEM, DARK BRONZE ALUMINUM FINISH.

(H) **DOORS:**
H: PAINT EXTERIOR METAL DOORS/UTILITY EQUIPMENT, PAINTED, SHERWIN WILLIAMS (SW 7641).

(J) **FABRIC AWNING: (SUNBRELLA OR APPROVED EQUAL)**
J: CHARCOAL TWEED

(7) SCHEDULED WINDOW, SEE SHEET A6.2

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CONSULTANTS

OQUIRRH MOUNTAIN OFFICE

11750 SOUTH 4000 WEST
SOUTH JORDAN, UTAH

PERMIT SET

#	DATE	DESCRIPTION
1	02.05.2019	City Comments
2	02.14.2019	Owner Revision

ISSUE:	01.31.2019
PROJECT NO:	18063
DRAWN BY:	AO
CHECKED BY:	TA

SHEET TITLE

BUILDING ELEVATIONS

A3.1

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2/21/2019 10:19:26 AM
W:\Current Drawing Files\Oquirrh Mountain Office Park\Revit\Oquirrh Mountain Office.rvt



1 A9.3 **SOUTH ELEVATION**
scale: 1/8" = 1'-0"



2 A9.3 **EAST ELEVATION**
scale: 1/8" = 1'-0"



3 A9.3 **NORTH ELEVATION**
scale: 1/8" = 1'-0"



4 A9.3 **WEST ELEVATION**
scale: 1/8" = 1'-0"





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CONSULTANTS

OQUIRRH MOUNTAIN OFFICE

11750 SOUTH 4000 WEST
SOUTH JORDAN, UTAH

PERMIT SET

#	DATE	DESCRIPTION

ISSUE:	01.31.2019
PROJECT NO:	18063
DRAWN BY:	AO
CHECKED BY:	TA

SHEET TITLE

COLORED ELEVATIONS

A9.3

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2/1/2019 7:00:29 PM
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SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: 03/26/2019

Issue: **OQUIRRH MOUNTAIN – MUSIC SCHOOL (THE PIANO PLACE) CONDITIONAL USE PERMIT**
Address: 11621 S. 4000 W.
File No: PLCUP201900114
Applicant: Brady Davies, The Piano Place

Submitted by: Damir Drozdek, Planner III

Staff Recommendation (Motion Ready):

- **Approve** application PLCUP201900114 to allow for operation of a music school at 11621 South. 4000 West.

ACREAGE:	0.5 acres
CURRENT ZONE:	P-O (Professional - Office) Zone
CURRENT USE:	Vacant Lot
FUTURE LAND USE PLAN:	O (Office Use)
NEIGHBORING ZONES/USES:	North – P-O / Vacant Lot South – P-O / Vacant Lot West – R-2.5 / 4000 West East – P-O / Commercial Office (under construction)

CONDITIONAL USE REVIEW:

A use is conditional because it may have unique characteristics that detrimentally affect the zone and therefore are not compatible with other uses in the zone, but could be compatible if certain conditions are required that mitigate the detrimental effect.

To impose a condition on a use, the detrimental effect must be identified and be based on upon substantial evidence, not simply a suspicion or unfounded concern. Any condition must be the least restrictive method to mitigate the detrimental effect.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.

The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. Further, City Code § 17.18.050 provides:

I. COMPLIANCE AND REVOCATION:
   1. A conditional use may be commenced and operated only upon:
      a. compliance with all conditions of an applicable conditional use permit;
      b. observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and

c. compliance with all applicable local, state, and federal laws.

2. A conditional use permit may be revoked by the City Council at any time due to the permitee's failure to commence or operate the conditional use in accordance with the requirements of subsection A of this section.

BACKGROUND:

The Piano Place is a local music school with locations in Draper and Lehi. The business is looking to add a location in South Jordan at 11621 S. 4000 W. The school will be part of a larger office/commercial development located to the south of the Oquirrh Mountain Marketplace shopping center. A music school is regarded as "Instruction and training" under "Recreation and assembly" of the Municipal Code. As such, it is classified as a Conditional Use in the P-O Zone.

The school interior will mostly consist of classrooms where music lessons will be given. The interior finish will resemble other existing locations in Draper and Lehi. The hours of operation are mostly from 6:00-9:00 am and 3:00-9:00 pm. Most of the students are children that in majority of cases are dropped off and then picked up by the parents. The designated parent area is located in a parking area to the north of the building. The music school will occupy one of the suites in the aforementioned future multi-tenant commercial building.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- The proposed use is a conditional use in the P-O (Professional - Office) zone.
- Impact Control Measures of the City Code (see 17.18.040.G) require that a circulation and access plan be provided. The Applicant's plan is attached as "Office Park Subdivision Pad 13C – Construction Plans" under Support Materials. Staff reviewed it and found that it meets City requirements and circulation and access will not cause significant detrimental impacts.
- Impact Control Measures of the City Code (see 17.18.040.G) require that an operations plan is submitted. The Applicant's plan is explained in the letter filed under "Applicant's Letter" under Support Materials. Staff reviewed the plan and found that it meets the City requirements and the proposed operation will not cause significant detrimental impacts.
- City Code does not require any other Impact Control Measures for a music school use.
- Staff did not identify any other potential detrimental effects that the proposed use may cause that cannot be mitigated, or that are not already mitigated by the required Impact Control Measures.

Conclusion:

- The proposed change does not appear to violate any health, safety or welfare standards. In addition, staff could not identify any detrimental effects to the adjacent properties or the adjoining businesses.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and **approve** the Application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

- No significant impact.

ALTERNATIVES:

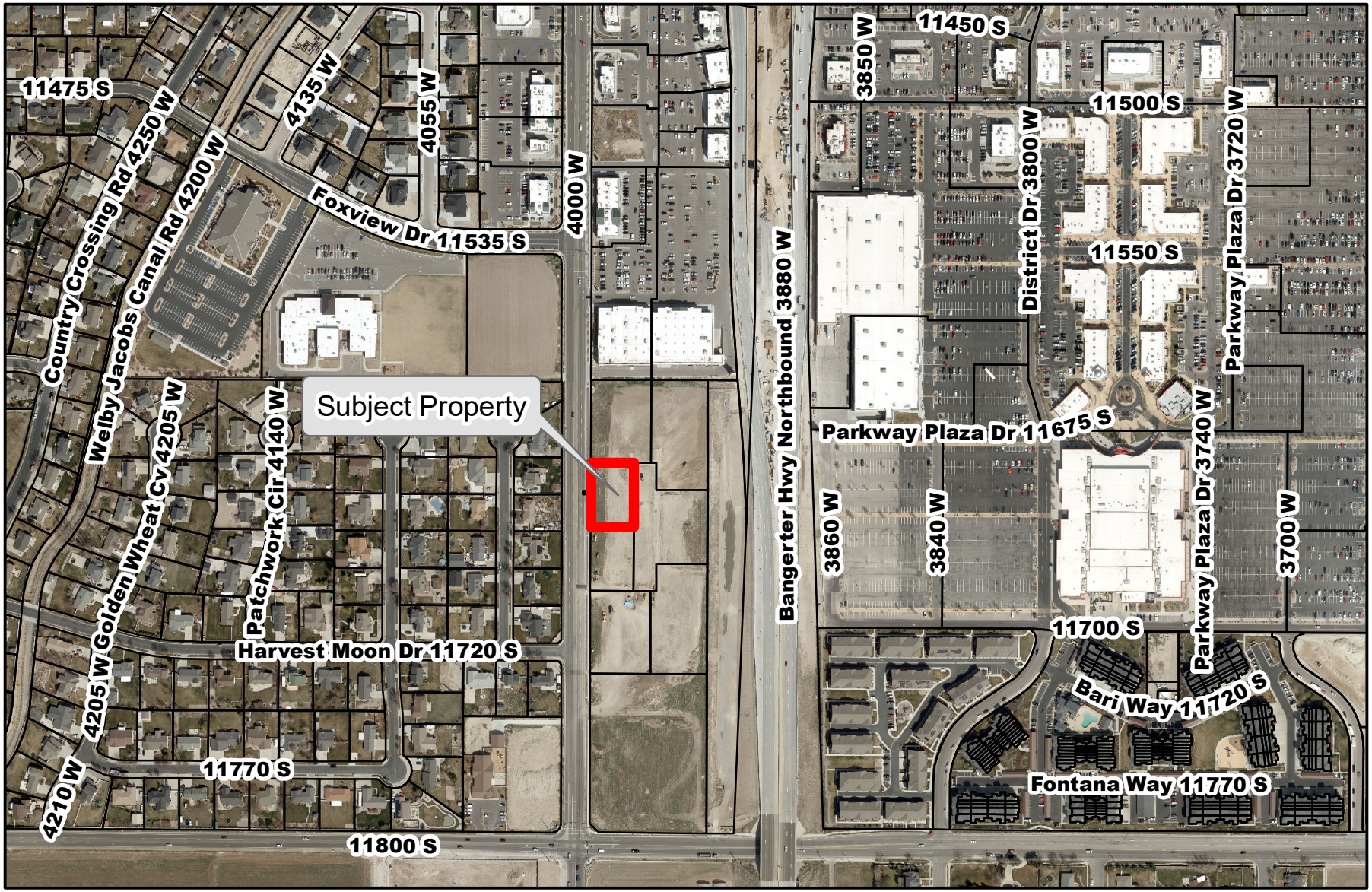
- Approve the Application with conditions.
- Deny the Application.
- Schedule the Application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Zoning Map
- Location Map
- Office Park Subdivision Pad 13C – Construction Plans (Circulation and Access Plan)
- Applicant's Letter (Operations Plan)
- Preliminary Floor Plan
- Existing Interior Space (other locations)



Damir Drozdek, AICP
Planner III
Planning Department



Legend

STREETS

PARCELS

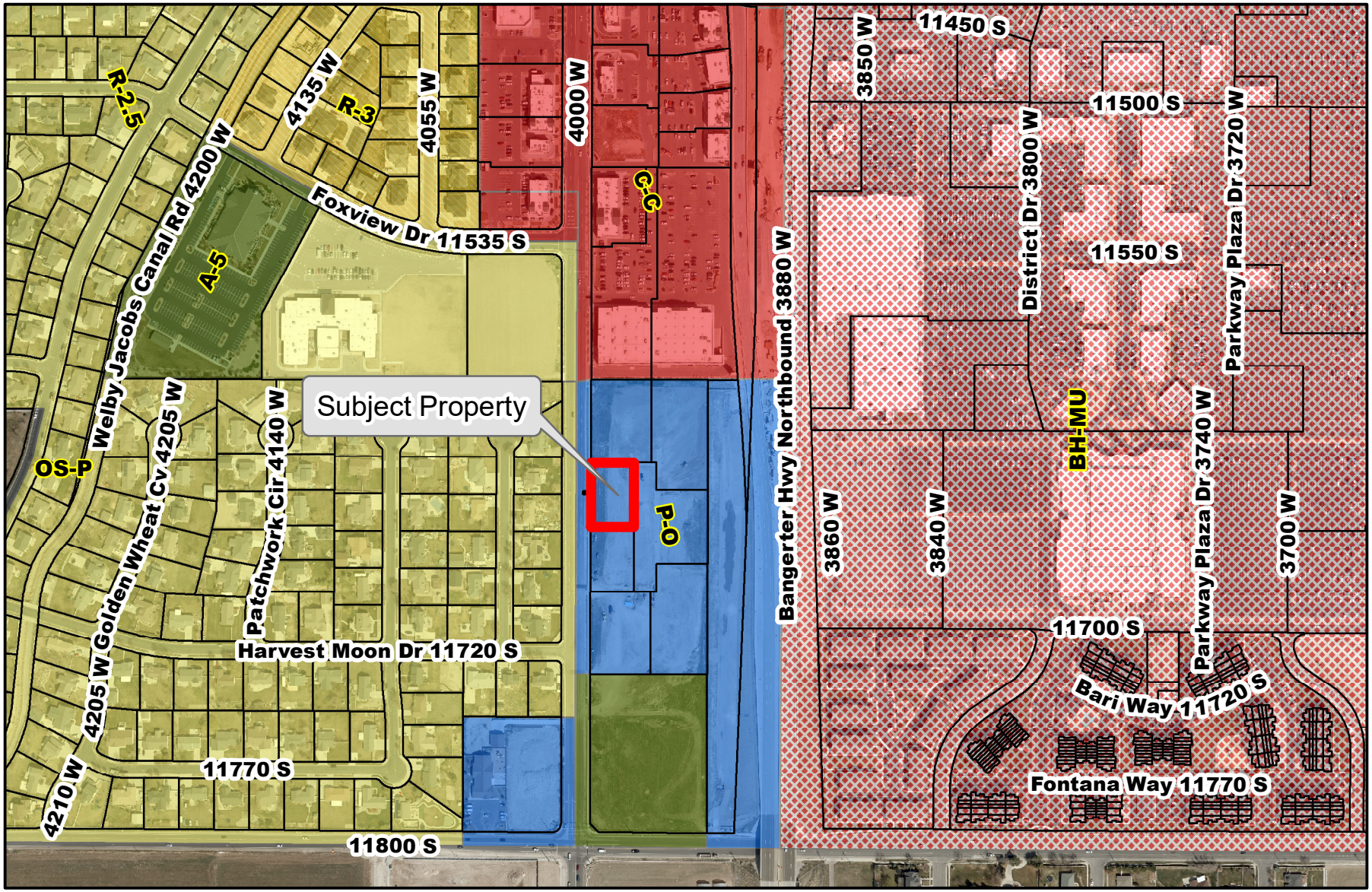
Aerial Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
2018

ESRI



Legend

STREETS

PARCELS

Zoning Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
2018

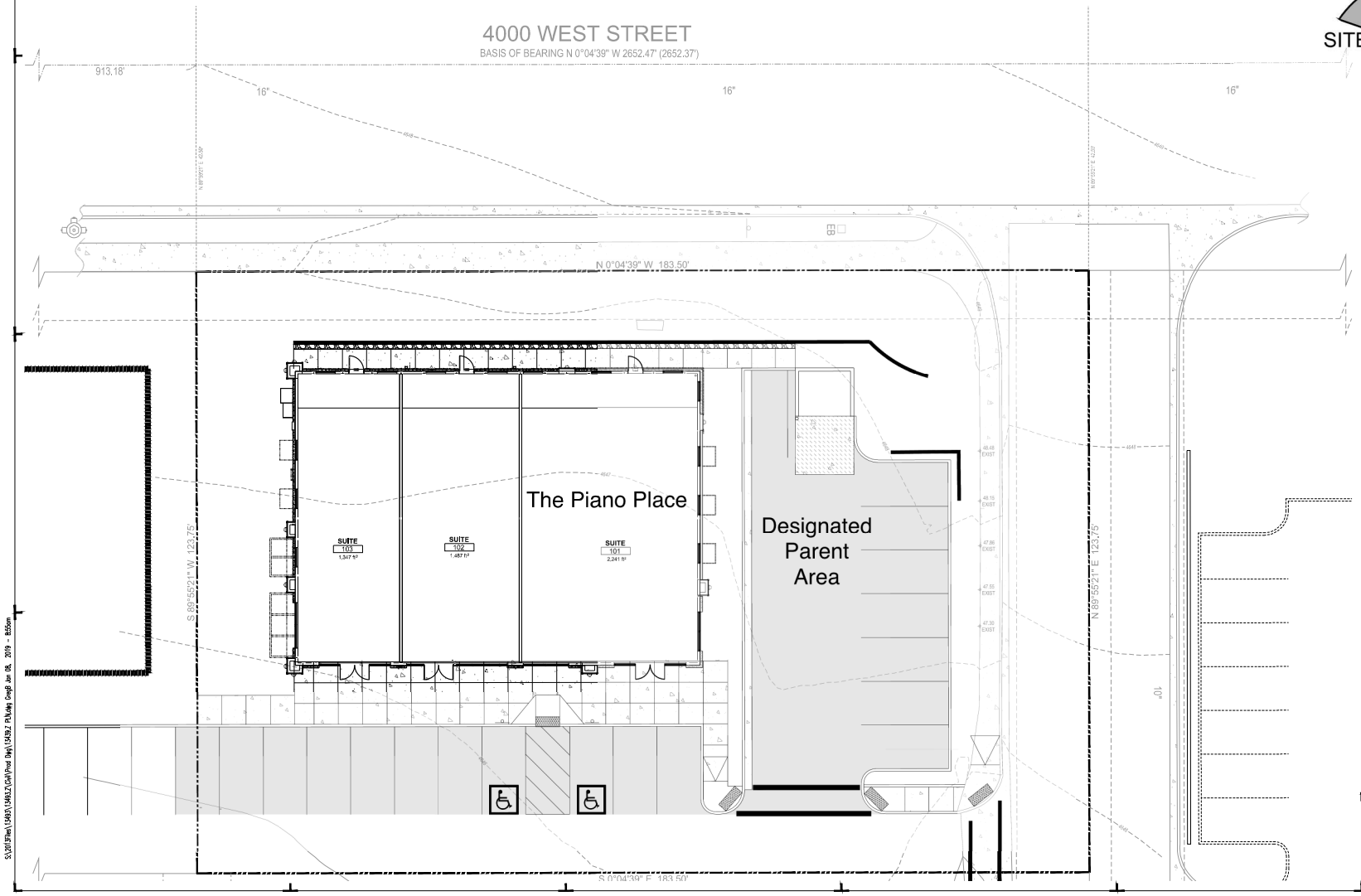
ESRI

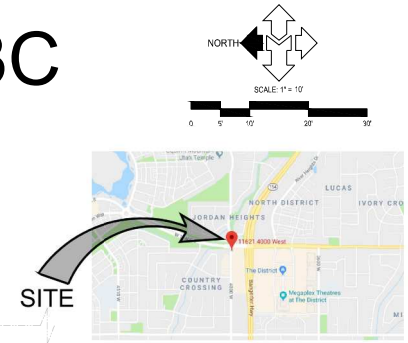

PAD B
3 story
10,000 sf pad
Up to 30,000 sf building
PAD E
3 story
21,000 s.f.
SOLD
PAD G
3 story
10,000 sf pad
Up to 30,000 sf building
PAD A
2 story
10,000 sf pad
Up to 20,000 sf building
PAD C
1 story
5,000 s.f.
UNDER CONTRACT
PAD F
2 story
10,000 sf pad
Up to 20,000 sf building

OFFICE PARK SUBDIVION PAD 13C

CONSTRUCTION PLANS

11621 SOUTH 4000 WEST
SOUTH JORDAN, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN





VICINITY MAP
N.T.S.

DRAWING INDEX

SHEET	DESCRIPTION
C0.00	CIVIL COVER SHEET
C0.01	GENERAL NOTES, LEGEND AND ABBREVIATIONS
C1.01	HORIZONTAL CONTROL PLAN
C2.01	GRADING AND DRAINAGE PLAN
C2.02	EROSION CONTROL PLAN
C4.01	SITE UTILITY PLAN
C5.01	CIVIL SITE DETAILS
C5.02	CIVIL SITE DETAILS

ALL WORK AND MATERIALS FOR WATER MUST CONFORM TO SOUTH JORDAN CITY STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS FOR SEWER MUST CONFORM TO SOUTH VALLEY SEWER DISTRICT STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS MUST CONFORM TO SOUTH JORDAN CITY STANDARDS AND SPECIFICATIONS

APPROVED BY SOUTH JORDAN CITY ENGINEER

SOUTH JORDAN CITY ENGINEER DATE

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Structural Engineering - Land Surveying & HDG

S:\2017\Plans\14403.1\14403.1Civil\Final Dwg\14403.2 PLAN.dwg Oct 08, 2019 - 8:55am

Hi,

We've sat down with Damir in the past and discussed this project with a committee. Our company is The Piano Place and we are owner/users in a multi-tenant building that we are building in South Jordan. We're told that our business (which operates as an after hours music lessons school) needs a C.U.P.

As we discussed in our meetings previously, we operate primarily between 6am-9am and 3pm-9pm. We're an off hours use and most students are dropped off by their parents which alleviates a lot of parking.

We look forward to the possibility of being a great addition to the community here in South Jordan.

Thank you,

Brady Davies

801-833-9459

SUITE
101

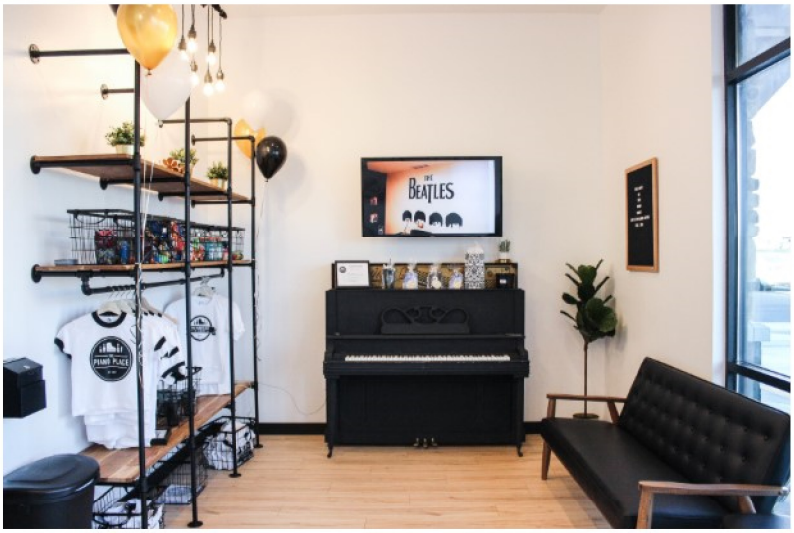
2,241 ft²

1
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8
9
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11
12
13
14

9'-0"
8'-0"
6'-0"
4'-0"
10'-10 1/2"
10'-10 1/2"
8'-0"
8'-0"
9'-0"
8'-0"
4'-0"
4'-0"
8'-0"
8'-2"
6'-0"
9'-0"
8'-0"
10'-10 1/2"
10'-10 1/2"
8'-0"
4'-0"
10'-10 1/2"
10'-10 1/2"
8'-0"
8'-2"
10'-0"
10'-0"
10'-6"
13'-9"
8'-0"
16'-11"
5'-0"




THE
PIANO PLACE


THE
BEATLES


THE
BEATLES


I'M IN A
New York
STATE OF
MIND.

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: 3/26/2019

Issue: **DW ESTATES**
PRELIMINARY SUBDIVISION

Address: 2549 West 11400 South
File No: PLPP201900118
Applicant: Brian Adams, Civil Science Eng.

Submitted by: Brad Sanderson, Planner III
Shane Greenwood, Supervising Senior Engineer

Staff Recommendation (Motion Ready):

Approve the DW Estates preliminary subdivision, with the following requirement:

Prior to plat recordation the existing accessory structure, shall either be removed or bonded for the cost of removal for a period of one year, to allow for a new primary dwelling to be constructed. The accessory structure shall meet all setback and accessory structure requirements per the R-3 Zone.

STANDARD FOR SUBDIVISION REVIEW:

The Planning Commission shall receive public comment at the public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions, or if the project does not meet city ordinances, sanitary sewer, or culinary water requirements, deny the preliminary subdivision plat application. (City Code Chapter 16.10.060).

BACKGROUND:

The property was rezoned to the R-3 Zone in August 2009 with the intent to subdivide at a later date.

Proposal:

Brian Adams, on behalf of the property owner, is proposing to subdivide the 1.15 acre parcel into three (3) single family residential lots. Each lot within the proposed subdivision will exceed the minimum 12,000 square foot lot size and minimum 85 foot lot frontage requirements of the R-3 Zone.

The existing house will remain on the north lot, while the existing accessory structure will remain on the proposed southernmost lot. Prior to plat recordation the accessory structure will either need to be removed or bonded for the removal thereof, for a period of one year. This is to allow some time for a new primary structure to be built, thus alleviating an extended non-conforming use and non-conforming structure on the southern lot.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

1. Each lot within the proposed subdivision will be approximately .34 acres in size or larger and will abut a public street with at least 89 feet of lot frontage.
2. There is an existing accessory structure which, once subdivided, will be separated from the primary dwelling and therefore considered non-conforming for a short period of time. City Staff is recommending, that the structure be removed prior to plat recordation or bonded for the removal of the structure, if in the interim, in order to allow the applicant to submit a building permit and construct another primary building, bringing the structure back into compliance.
3. There is an existing six foot (6') tall decorative masonry cider block wall along the west and south sides of the southern two lots. However, the City's code requires a six foot (6') tall decorative masonry wall along the west property line of the north lot as it too abuts property to the west which is both zoned for and large enough for large animals. City Code § 16.04.200.A.1.
4. There is an existing private irrigation system located along the west property line of all proposed lots. This will either be removed or a 15 foot private irrigation easement will be recorded in favor of any water users.

Conclusions:

Based upon the above findings Staff concludes that:

- Both the proposed plans and subdivision plat meet the "standards for review" as the development has access to sanitary sewer and culinary water services. Furthermore, each proposed lot will meet the minimum lot size, frontage, fencing, utility and overall density requirements for preliminary subdivision approval.

Recommendation:

Based on the Findings and Conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the DW Estates Preliminary Subdivision, Application File Number PLPP201900118, unless during the hearing facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

ALTERNATIVES:

- Deny the proposed subdivision
- Make additional requirements for approval
- Schedule the decision for a later date

SUPPORT MATERIALS:

- Aerial Map
- Proposed Plat
- Proposed Civil Plans

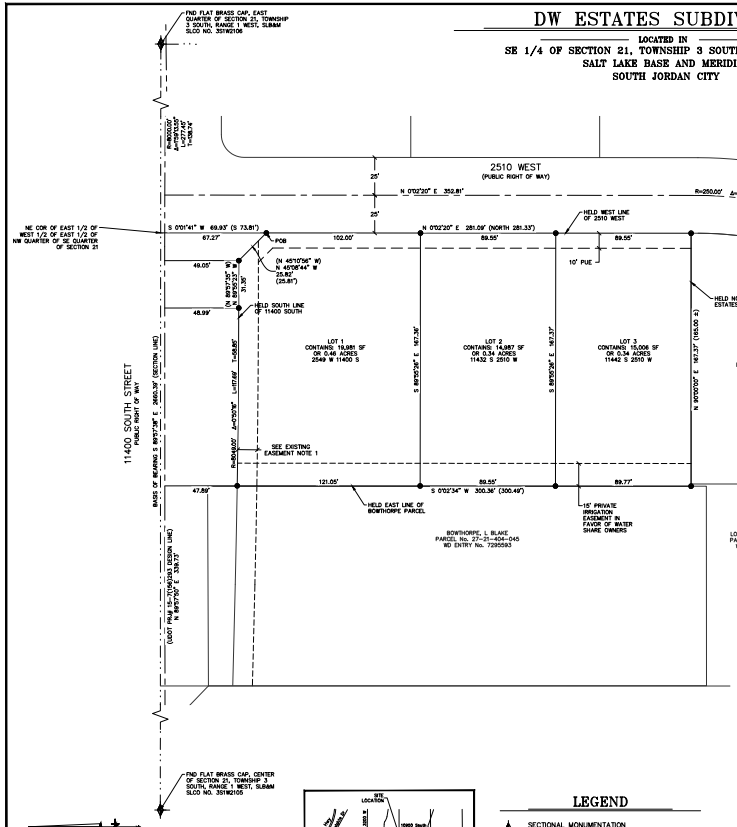
_____

Brad Klavano, City Engineer


11400 South
Subject Property
2510 West
N

DW ESTATES SUBDIVISION

LOCATED IN
SE 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
SOUTH JORDAN CITY



GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
1 inch = 30 ft.



LEGEND

- SECTIONAL MONUMENTATION (TYPE, LOCATION ETC. AS NOTED ON THE PLAT).
- SPECIFIES FOUND SURVEY CONTROL MONUMENT (CLASS 1, RING & LID).
- SPECIFIES FOUND SURVEY CONTROL MONUMENT (CLASS II, REBAR & ALUM. CAP).
- SET 5/8" REBAR AND PLASTIC CAP (STAMPED BUSH & GUDGELL), UNLESS OTHERWISE NOTED ON THE PLAT.
- SPECIFIES FOUND SURVEY CONTROL MONUMENT (RIVET).

NOTES

1. MANY AREAS IN SOUTH JORDAN CITY HAVE GROUND WATER PROBLEMS DUE TO HIGH GROUND WATER TABLE. APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION WILL SOLVE GROUNDWATER PROBLEMS, IF ANY.

2. POTENTIAL PURCHASERS OF PROPERTY LEGALLY DESCRIBED BY THIS PLAT ARE ADVISED TO FAMILIARIZE THEMSELVES WITH ALL NOTES, LOT INFORMATION, EASEMENTS AND OTHER PERTINENT INFORMATION CONTAINED WITH THIS PLAT AND ALSO WITH ANY CONDITIONS, COVENANTS AND RESTRICTIONS (CC&R) DOCUMENTS RECORDED AGAINST LAND LEGALLY DESCRIBED BY THIS PLAT. FAILURE TO ADHERE TO THESE NOTES, EASEMENTS CC&R'S OR OTHER DOCUMENTS RECORDED AGAINST THE LAND COULD RESULT IN FINANCIAL LOSSES TO OR CHANGES IN EXPECTED PROPERTY USE OF THE PROPERTY OWNER. PROPERTY OWNERS AND PURCHASERS ARE RESPONSIBLE FOR OBTAINING AND REVIEWING ALL DOCUMENTS, NOTES, PLATS, EASEMENTS, CC&R'S, AND OTHER RECORDED DOCUMENTS RELATED TO THIS PLAT, AS CURRENTLY EXISTING OR AS MAY FROM TIME TO TIME BE CHANGED OR AMENDED. FINISH FLOOR ELEVATIONS ARE NOT TO EXCEED FOUR FEET IN HEIGHT FROM THE TOP BACK OF CURB.

3. "SURVEYOR AND OR ENGINEER, CERTIFIES THAT ALL KNOWN OR RECORDED EASEMENTS, CLAIMS OF EASEMENTS OR ENCUMBRANCES LISTED IN THE TITLE REPORT DATED JANUARY 17, 2019 PREPARED BY BACKMAN TITLE SERVICES LTD. ARE SHOWN ON THIS PLAT, AND FURTHER CERTIFIES THAT THE LEGAL DESCRIPTION OF THE PROPERTY REFERENCED IN THE TITLE REPORT MATCHES THE DESCRIPTION SHOWN ON THIS PLAT."

4. FINISH FLOOR ELEVATIONS ARE NOT TO EXCEED FOUR FEET IN HEIGHT FROM THE TOP OF THE BACK OF CURB.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME GARY A. INGERSOLL, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME PAULA VANBOOTEN, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME CINDY REESE, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME MARIANNE ROGERS, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME DIANA MAY, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

ON THIS ____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME SANDRA ERICKSON, THE SIGNER(S) OF THE FOREGOING INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING AT: _____

COMCAST	ROCKY MOUNTAIN POWER	DOMINION ENERGY	CENTURY LINK
APPROVED THIS ____ DAY OF _____, A.D. 20____	APPROVED THIS ____ DAY OF _____, A.D. 20____	APPROVED THIS ____ DAY OF _____, A.D. 20____	APPROVED THIS ____ DAY OF _____, A.D. 20____
COMPANY OFFICER	COMPANY OFFICER	COMPANY OFFICER	COMPANY OFFICER

PLANNING DEPARTMENT	BOARD OF HEALTH	SOUTH VALLEY SEWER DISTRICT	CITY ENGINEER	OFFICE OF THE CITY ATTORNEY	SOUTH JORDAN CITY MAYOR
APPROVED THIS ____ DAY OF _____, A.D. 20____ BY THE PLANNING DEPARTMENT.	APPROVED THIS ____ DAY OF _____, A.D. 20____	APPROVED THIS ____ DAY OF _____, A.D. 20____ BY SOUTH VALLEY SEWER DISTRICT.	I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE	APPROVED THIS ____ DAY OF _____, A.D. 20____	PRESENTED TO THE SOUTH JORDAN CITY MAYOR THIS ____ DAY OF _____, A.D.20____, AT THIS TIME THIS PLAT WAS ACCEPTED.
SOUTH JORDAN CITY PLANNER	SALT LAKE VALLEY HEALTH DEPT.	SOUTH VALLEY SEWER DISTRICT	SOUTH JORDAN CITY ENGINEER DATE	SOUTH JORDAN CITY ATTORNEY	ATTEST: CITY RECORDER / CITY MAYOR

OWNER:	PROJ. #	FF19105.00
DIANA MAY	DATE	03/13/2019
2549 W 11400 S	DRAWN BY	OLZ/DTM
SOUTH JORDAN, UT 84095	CHECKED BY	DTM
PARCEL NO. 27-21-401-044		

CivilScience
Engineering | Surveying | Solutions
3160 WEST CLUBHOUSE DRIVE
LEHI, UT 84043
801.768.7200

SURVEYOR'S CERTIFICATE

I, DAVID T MORTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6436557 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO AN AMENDED LOT, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS THE DW ESTATES SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: _____
DAVID T. MORTENSEN
CIVIL SCIENCE
PROFESSIONAL LAND SURVEYOR
UTAH LICENSE NUMBER 6436557

BOUNDARY DESCRIPTION

A PARCEL OF LAND, BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, T3S, R1W, SLB&M, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 73.81 FEET FROM THE NORTHEAST CORNER OF THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, T3S, R1W, SLB&M AND RUNNING THENCE N 45°0'56" W 25.81 FEET; THENCE N 89°57'35" W 31.35 FEET; THENCE WESTERLY 117.69 FEET ALONG A 8049 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N 89°52'27" W 117.69 FEET) TO A POINT ON LESS TO THE EAST LINE OF PROPERTY CONVEYED IN WARRANTY DEED RECORDED SEPTEMBER 10, 1985 AS ENTRY No. 2110252 IN BOOK 5555 AT PAGE 1350 OF OFFICIAL RECORDS; THENCE NORTH 281.33 FEET TO THE SOUTH LINE OF GARDEN ESTATES; THENCE EAST ALONG SAID LINE 140 FEET MORE OR LESS TO THE WEST LINE OF 2510 WEST STREET; THENCE NORTH 281.33 FEET TO THE POINT OF BEGINNING.

CONTAINS 44,974 SQ FT, OR 1.15 ACRES, MORE OR LESS, 3 LOTS

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL BY THESE PRESENTS THAT WE/I THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS TO HEREAFTER BE KNOWN AS DW ESTATES SUBDIVISION, AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND GRANT AND CONVEY TO ALL PUBLIC UTILITY COMPANIES AND ANY OTHER ENTITIES OR PERSONS ACQUIRING AN INTEREST IN THE UTILITY EASEMENTS SHOWN HEREON THE RIGHT TO INSTALL, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET ASIDE OUR HANDS.

THIS _____ DAY OF _____ A.D. 20____

NAME: GARY A. INGERSOLL
NAME: PAULA VANBOOTEN
NAME: CINDY REESE
NAME: MARIANNE ROGERS
NAME: DIANA MAY
NAME: SANDRA ERICKSON

EXISTING EASEMENT NOTES

1. EASEMENT, AND THE TERMS AND CONDITIONS THEREOF; GRANTEE: SOUTH JORDAN CITY, RECORDED: NOVEMBER 5, 2009, ENTRY No.: 10832263, BOOK: 9777, PAGE: 3059 (AS SHOWN)

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF 11400 SOUTH STREET SHOWN HEREON AS S89°57'38"E, TYPE AND LOCATIONS OF WHICH ARE SHOWN ON THIS PLAT.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO CREATE A 3 LOT RESIDENTIAL SUBDIVISION. THIS PLAT WAS PREPARED IN CONFORMANCE WITH THE UTAH STATE CODE AND LOCAL ORDINANCES.

THE FOLLOWING DOCUMENTS OF RECORD WERE REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY. THERE MAY EXIST OTHER DOCUMENTS EITHER PRIVATE OR OF RECORD THAT WOULD AFFECT THIS SURVEY. ANY NEW EVIDENCE CONTRADICTORY TO THIS SURVEY SHOULD BE PRESENTED TO CIVIL SCIENCE FOR REVIEW AND CONSIDERATION.

CRABAPPLE COVE SUBDIVISION, RECORDED 6-30-94, IN BOOK 94-6, PAGE 196, IN THE SALT LAKE COUNTY RECORDERS OFFICE.
JACKSON DOWNS SUBDIVISION, RECORDED 9-13-07, IN BOOK 2007-P, PAGE 364, IN THE SALT LAKE COUNTY RECORDERS OFFICE.
GARDEN ESTATES SUBDIVISION, RECORDED 10-11-07, IN BOOK 2007-P, PAGE 390, IN THE SALT LAKE COUNTY RECORDERS OFFICE.
RECORD OF SURVEY S2012-05-0140, BY PSOMAS, UDOT PROJECT No. SP-15-7(106)393
RECORD OF SURVEY, BY BUSH AND GUDGELL, INC. AS JOB No. 17217A, DATED 1-17-18
WARRANTY DEED RECORDED 1-17-19 AS ENTRY No. 12923491
WARRANTY DEED RECORDED 1-17-19 AS ENTRY No. 12923247
WARRANTY DEED RECORDED 5-23-18 AS ENTRY No. 12345371
WARRANTY DEED RECORDED 5-08-13 AS ENTRY No. 11636685
WARRANTY DEED RECORDED 9-01-98 AS ENTRY No. 7074145
WARRANTY DEED RECORDED 2-18-10 AS ENTRY No. 10899610

DW ESTATES SUBDIVISION

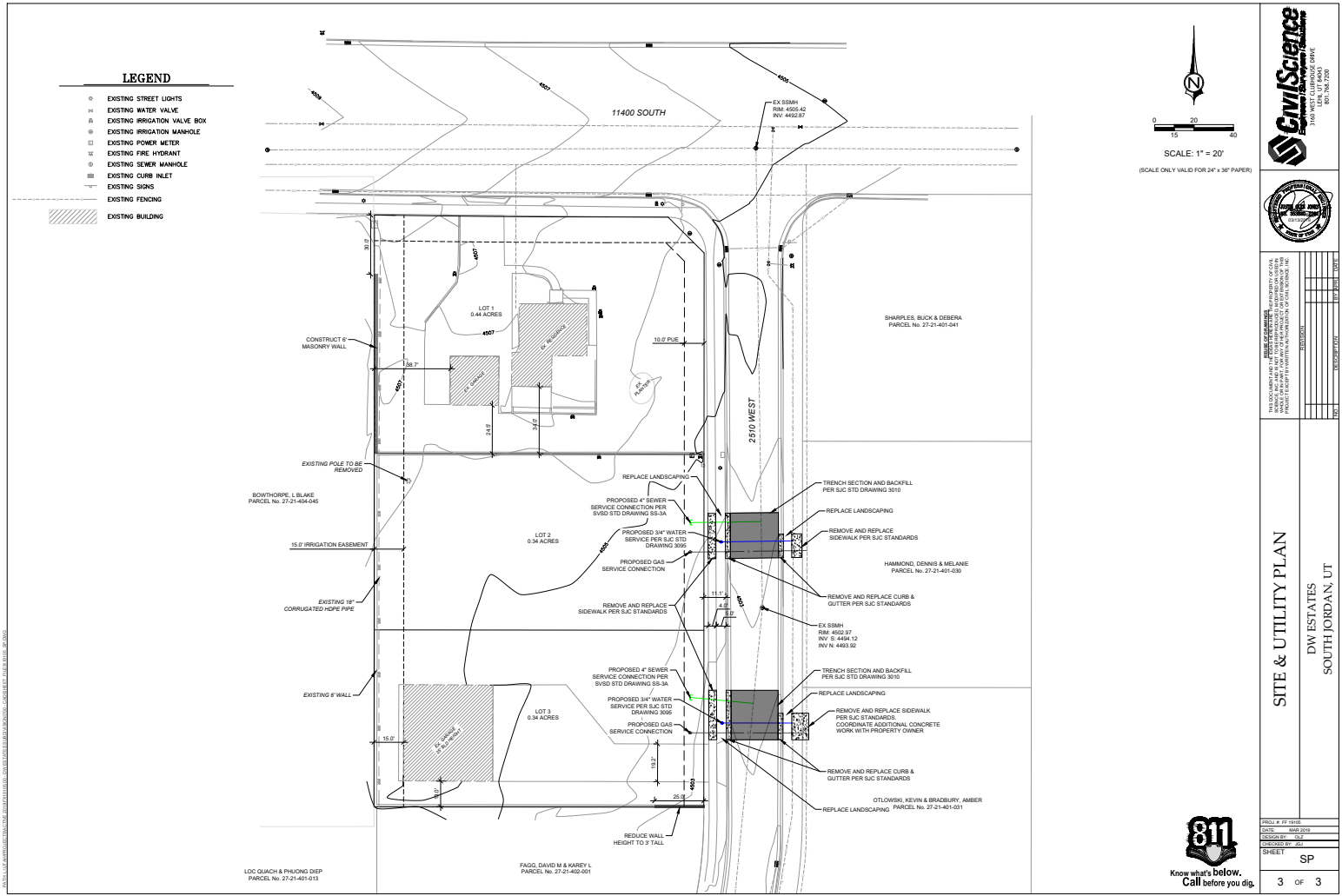
LOCATED IN
SOUTHEAST 1/4 OF SECTION 21,
TOWNSHIP 3 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
SOUTH JORDAN CITY
SHEET 1 OF 1

RECORDED#

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE $ _____ CHIEF DEPUTY, SALT LAKE COUNTY RECORDER



CivilScience
Engineering | Surveying | Solutions
3160 WEST CLINTON DRIVE
SUITE 200
801.768.7220

PLAN REVIEWED
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NO.	DESCRIPTION	DATE
	PRELIMINARY	03/19

SITE & UTILITY PLAN

DW ESTATES
SOUTH JORDAN, UT

PROJ. #: FF 19105
DATE: MAR 2019
DESIGN BY: GLZ
CHECKED BY: JDJ
SHEET SP
3 OF 3

811 Know what's below. Call before you dig.