

# Eagle Mountain City Planning Commission Minutes 2010

## *Dates of Planning Commission Meetings:*

- January 12, 2010
- February 9, 2010
- March 9, 2010
- April 13, 2010
- May 11, 2010
- May 25, 2010
- June 15, 2010
- June 29, 2010
- July 13, 2010
- September 14, 2010
- October 12, 2010
- November 9, 2010

**EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, JANUARY 12, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Preston Dean, Bonnie ElHalta

**Staff Present**

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Lianne Pengra, Planning Coordinator

**Others Present**

Tim Lindsey, Highlands Resident

Monte Kingston, Ames Construction

Dustin Jones, Mt Airey Resident

Roger Sharon, 8966 Jefferson Court

Steve Richard, Mt Airey Resident

Commissioner Maher called the meeting to order at 6:00 p.m.

**1. Pledge of Allegiance**

**2. Declaration of Conflicts of Interest**

None

**3. Planning Commission Chair and Vice Chair Appointments – Action Item**

**MOTION:** *Commissioner Linton moved to appoint Commissioner Maher as Chair of the Planning Commission.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION:** *Commissioner Maher moved to appoint Commissioner Linton as Vice Chair of the Planning Commission.*

*Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion passed*

**4. 2010 Planning Commission Meeting Schedule – Action Item**

**MOTION:** *Commissioner Linton moved to approve the 2010 Planning Commission meeting schedule.*

*Ayes: 5, Nays: 0. Motion passed.*

**5. Status Report from City Council**

**A. Pole Canyon Annexation, Master Development Plan, and Master Development Agreement**

Mr. Mumford said that the Pole Canyon Annexation, Master Development Plan, and Master Development Agreement were the main topics in December for Planning. He said that the water system repairs and

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transfer to the City needs to be completed by July 2010. He said that the sewer system transition after decommissioning of the lagoon needs to be completed once either a trunk line is built to the city's treatment plan, or once the lagoon reaches 85% capacity; it is at 80% currently.

Commissioner Bechtel asked what could be done there in the current state. Mr. Mumford said that about five homes can be built, roads can be built, and water and sewer lines can be built as of right now. He said that the developer is working on getting an industrial business out there and once that happens, the developer will build the trunk line. He explained that Questar said that they would not give up their service area; they will continue to serve White Hills and would serve any new connections. He said that any new development would either require a gas line to be brought in from the City, or would require an agreement with Questar to tie into their lines.

Mr. Mumford said that the developer agreed to put in an interim equestrian park in City Center by May 1, 2010, in time for a Pony Express Days rodeo. He said this will be the warm up arena and movable bleachers; these will be moved to the permanent facility, which is to be built by 2015 or when the value of the total property is above \$250 million.

Mr. Mumford said that phase 1 of White Hills Park will be completed within a year. He said the fire station property will be surveyed and donated to the City. The station will be built with impact fees and other standard ways the City builds fire stations. He said the developer will not build that station.

Mr. Mumford said the City could not legally require the developer to put in Pole Canyon Blvd solely for a connection to City Center. He explained that since Eagle Mountain emergency services currently provide service to White Hills, the city could not require a road and fire station to service those homes. He explained the developer will need to complete Pole Canyon Blvd.

Mr. Mumford said a Capital Facilities Plan is being completed for Pole Canyon and that will tie into the City's Capital Facilities Plan which is currently being updated.

Mr. Mumford said the annexation has not been recorded yet, but it was approved. He said that the last remaining agreements should be signed in the next few weeks.

Commissioner Maher asked if the final recordation would be reported to the press to allow businesses to see that Eagle Mountain City now has that industrial park area. Mr. Mumford said the annexation approval has already gone out to the papers. He said the City is working with a marketing firm to promote the image of the City through billboards and television ads. He said they are also working on a corporate video to send out to companies and the City will promote this industrial area.

Mr. Mumford said the City is working on getting a redundant 138KV power line over the mountain from Saratoga Springs. He said that most of the larger Fortune 100 or 50 companies require redundant power.

Commissioner Bechtel asked what the penalty is to the developer if the requirements aren't met. Mr. Mumford said that they will not be able to build.

**B. Development Code Amendments (Masonry Materials, Signage, and Group Homes)**

Mr. Mumford said the applicant-proposed amendment regarding masonry materials was not approved. He said the City Council said the applicant can use that product, but not as a bonus density material. He said the Council requested staff look at a tiered system with building materials for bonus density.

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Mr. Mumford said the temporary right-of-way signage was approved, but the yard sale signage was not. He said that was sent back to staff to change and bring back to Council.

Mr. Mumford said the changes to the group homes section was approved without any City Council changes.

**C. Rockwell Charter High School Temporary Seminary Building Extension of Time**

Mr. Mumford said the conditional use permit for the Rockwell Charter High School Temporary was extended for another two years.

**D. City Council Liaison**

Mr. Mumford said the Councilwoman Burnham was appointed as the Planning Commission liaison for 2010.

**E. Commissioner ElHalta sworn in to a 3-year term (January 2010 – December 2012)**

Mr. Mumford said that Commissioner ElHalta was sworn in for a three-year term on the Planning Commission.

**6. Approval of Minutes**

**A. November 10, 2009, Planning Commission Meeting Minutes**

**MOTION:** *Commissioner Linton moved to approve the November 10, 2009, Planning Commission Meeting Minutes.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.*

**7. Development Items**

**A. General Plan Amendment – Public Hearing, Action Item**

**B. Hole #12 Commercial Rezone – Public Hearing, Action Item**

[Items A & B were discussed together.]

Mr. Mumford showed the location of the property and explained that its odd shape does not lend itself well to residential development. He said it includes a tee box for Hole #12 on the golf course, as well as a cart path. He said that when the golf course was donated to the City, this portion was retained by the owner with an agreement in place that the owner would relocate the cart path and tee box and would allow the city to use the tee box and cart path until those changes are made. He said the changes must be made by July 2011.

Mr. Mumford showed the existing Future Land Use Plan and explained that this property is designated Mixed Use Residential on that map. He said that across the street to the north is Commercial property, and to the west and south is Mixed Use Residential. He said that there is not a designation for Open Space on the Future Land Use Plan. He explained that the Ranches Master Plan shows this portion zoned as Golf Course Open Space.

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Mr. Mumford said that the canal that runs through the property would need to be piped and covered according to the City's standards to make the lot buildable.

He explained that the property is located along a major street, it abuts the golf course, and is not shaped appropriately for standard residential use; multifamily could possibly fit on this property.

Mr. Mumford explained that the rezone criteria in the City's code requires the parcel to fit with the Future Land Use Plan, which is why the applicant is proposing to change the parcel from Mixed Use Residential to Mixed Use Commercial. He said that it also requires the new zone to be compatible with surrounding uses. He explained that staff feels this is compatible with the commercial property to the north, Rockwell Charter High School, the golf course, and is appropriate for the location along a major street, Ranches Parkway. He explained that the property does back up to five residential lots, but that one of the lots is a water retention basin. He explained that good planning practices show it is good to have similar uses across the street from each other; switching uses along rear property lines is better.

Mr. Mumford said that the code also requires a twenty foot buffer with trees, ground cover, and a fence or wall between this property and the residential lots in the Stonebridge subdivision.

Commissioner Maher asked Mr. Mumford to clarify what uses are allowed in Mixed Use Commercial. Mr. Mumford said that Mixed Use Commercial is for retail or office establishments. He said they can do residential development with a Conditional Use Permit, and that would most likely be multifamily housing. He explained that the applicant's intent in discussions with staff is that this parcel will be used only for retail use.

Commissioner Dean asked if there are limitations due to the proximity to the school. Mr. Mumford said that there are limitations on liquor. He said there are distance limitations from front door to front door, as well as along sidewalks. He said the Maverik sells alcohol in closed containers and they did meet the distance requirements between the gas station and the school.

Commissioner Maher opened the public hearing at 6:23 p.m.

Tim Lindsey, Highlands Resident. Mr. Lindsey asked if the uses really do comply. Commissioner Maher said that the current topic is zoning; specific uses will be decided with a site plan. Mr. Lindsey said he is concerned about a check cashing or pawn shop business coming into the area. He asked how citizens deal with those issues. Commissioner Maher said there is a list of approved uses for this zone. He said there are exceptions that can be allowed through a Conditional Use Permit.

Monte Kingston, Ames Construction. Mr. Kingston said this was originally part of the golf course. He said when the City was putting together how the 2000-1 SID was going to be paid, there was a 140-acre shortfall. He said that Epic Engineering said that this was a developable piece of property, so he has been paying SID assessments on it. He said that in order to make this work for his company, they have decided to develop it. He said they will pipe the wash and could possibly put two fast food restaurants or a bank on the lot. He said the shape is not conducive to a strip mall, which is where things like check cashing businesses tend to build.

Commissioner Linton asked if they will be moving the tee box. Mr. Kingston said they will just remove it, as it is rarely used.

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Mr. Kingston said that it will be about \$220,000 to reroute the cart path and pipe the wash, so residential development would not be logical.

Commissioner Dean asked if it was only one parcel. Mr. Kingston said it is only one. He said it is 2.41 acres, but the corner section is what will likely be developed.

Dustin Jones, Mt Airey Resident. Mr. Jones said he purchased his lot based on the current zoning. He said that he is not sure what kind of commercial property would even fit at that location. He said he is also concerned that they can put multifamily in this after it is rezoned. He asked if it was in the City's best interest to put this in the City's highest profile neighborhood. He said that the view is beautiful now and he doesn't want a commercial building ruining it.

Mr. Mumford clarified that if the parcel is zoned to commercial property, the following are permitted uses: retail, office, shopping center, grocery store, general retail services, multi-unit buildings, restaurants, banks, office buildings, medical buildings, fitness, childcare, and department stores. He said no industrial uses are permitted. He said that the following are conditional uses: anything to do with autos, anything with a drive through, laundry facility, hotel/motel, convenience stores. He explained that when a commercial establishment is going to be built, the applicant must go through a site plan review to ensure the proper buffering, landscape, parking and detailed commercial design standard requirements are met.

Mr. Mumford said that the conditional uses must be approved through a Conditional Use Permit process. He explained that if a negative impact on the surrounding properties is possible, the Planning Commission can put conditions on the proposed use to minimize any negative impacts. He explained that if the Planning Commission feels the proposed use would not work and would have too great of a negative impact on the surrounding area, they can deny the application.

Mr. Mumford said that the only way residential properties will be included in the parcel is if they are a second story unit, above commercial property. He explained that the current zone is Golf Course Open Space, which does not allow anything but open space.

[Unintelligible comments from residents in the audience.]

Commissioner Maher said that the entire street along this parcel will eventually be commercial development.

[Additional unintelligible comments from residents.]

Mr. Jones said that putting commercial in this parcel would only lower the values of the highest profile homes in Eagle Mountain City.

Mr. Kingston said there is only one lot that has any backing up to commercial use. He said they only intend to have something like a bank or office building, due to the shape of the parcel. He said that it will be a single user and due to the price they need to get out of the lot, it will most likely be a bank or an office building. He explained that there are office buildings surrounding this property already, so the impact will be very minimal.

Commissioner Linton asked how wide the thin area of the parcel is. Mr. Kingston said that the widest section is about 65 feet wide. He said they cannot fit any residential units along that portion of the parcel. Mr. Kingston said directly across from this parcel, a strip mall is being planned.

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Commissioner Bechtel asked what the frontage of the lot is. Mr. Kingston said the pad area will be the large section of the parcel; they won't be able to build the other section of the parcel. He said they have had the opportunity to put in low-income housing on 4,000 square foot lots with vinyl siding with 1,000 square feet homes, but they have high standards. He said they will not allow a use to go in that will hurt the surrounding neighbors.

Commissioner Dean asked if access would be allowed onto Ranches Parkway. Mr. Mumford said there would not be; it would not fit the standards.

Mr. Mumford said that the Stonebridge subdivision has only sold one lot and the subdivision was recently foreclosed on and is now bank-owned. He said no lots next to the parcel under discussion have been sold; no property owner has purchased land next to that with the intention of being next to open space.

Roger Sharon, 8966 Jefferson Court. Mr. Sharon said his property is within thirty feet of the proposed change. He said he is concerned about the relocation of the cart path. He said that he also likes that this is beautiful open space and wants other commercial areas to be developed before this one is changed to commercial.

Mr. Kingston showed the new location of the cart path. He showed where the golf course is and said that a large portion of the wash is an eyesore. He said that it is about four feet full of tumbleweeds.

Steve Richard, Mt Airey Resident. Mr. Richard said he moved from Salt Lake City to Eagle Mountain and the golf course and the view were large parts of his decision. He said he does play from the tee box that will be removed. He said that a twenty foot buffer is not enough. He said that the commercial land should be where the commercial land currently is.

Commissioner Maher asked if this land had ever been a part of the golf course. Mr. Kingston said that only the tee box and the golf cart path had been part of the golf course. Commissioner Maher clarified that they are not changing a part of the golf course to commercial zoning.

Commissioner Maher closed public hearing at 6:54 p.m.

Commissioner Bechtel had no comment.

Commissioner Linton said that this is due to a mistake by Epic Engineering. He said he can't see not recommending approval.

Commissioner Dean said that he appreciates the concern of the visibility issue. He would rather see a nice commercial building to City standards, than the current weeds and tumbleweeds that are currently there. He said that he agrees with staff's recommendations and that it is generally good planning practice to have different uses backing up to each other, rather than facing each other across a street.

Commissioner ElHalta said that she also appreciates the concerns of residents. She said that there since there is so much commercial land to choose from right now. She said that as someone in retails, she can't imagine choosing this location versus across the street where she could have a drive through. She only sees an office building going in here. She said in her mind, she is only adding on two acres to the same use across the street.

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Commissioner Maher reiterated that this is not going from a golf course to commercial. He explained that this site would be multi-unit housing if it is not changed.

Commissioner Dean also wanted it made known that this will also have to meet landscape requirements, which is better than the current state.

**MOTION:** *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the amendment to the General Plan Map, designating the property as Mixed Use Commercial.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.*

**MOTION:** *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the rezone of the property to Commercial with the following findings:*

- 1. It complies with the Future Land Use Plan;*
- 2. It is compatible with surrounding uses;*
- 3. Appropriate buffering will be addressed with the Site Plan process.*

*Commissioner ElHalta seconded. Ayes: 5. Nays: 0. Motion passed.*

**C. General Plan Amendments – Discussion Item**

Mr. Mumford said the Capital Facilities Plan is being updated with the Public Works Department and Horrocks Engineers.

Mr. Mumford said the Capital Facilities Plan is created to plan for and budget for future projects. He said having transportation corridors on this plan allows the City to get regional roadways on the MAG plan, as well as on the state transportation improvement program.

Mr. Mumford explained that the roads that will be included on this plan have been put there after extensive modeling and research by Horrocks Engineers, as well as from discussions with MAG, SITLA, and UDOT. He said that additional routes in and out of the City were needed, so they were included in the new plan.

Mr. Mumford showed the current Future Land Use and Transportation Corridors Plan and the proposed updated plan. He showed the Mountain View Corridor extension alignment as well as other major and minor arterials to be built in the future. He explained the location of the future Cedar Valley Freeway and the general alignment with the City's streets. He also showed the location of a proposed Hidden Valley Freeway. He explained that the city and other various property owners have voiced their concern over the location MAG has designated for this freeway. The City is designating this roadway as a highway or major arterial rather than a freeway.

Discussion ensued on future roadways.

Mr. Mumford explained that many of these roads will not be built for many years.

Commissioner Dean asked when the City starts to get easements. Mr. Mumford said that they start with the development, like with the Pole Canyon annexation. He said when that annexation was approved, the Pole Canyon developers dedicated right of way to the City.



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Mr. Mumford showed future transportation plans for the next 1-20 years and estimated costs.

8. Other Items

A. 2010 Outlook – Upcoming Projects

Mr. Mumford said a boundary agreement with Saratoga Springs is currently being worked on. He said that a Camp Williams buffering plan is also being worked on. He said that Eagle Mountain City is heading up the group of cities to put together a reasonable plan for the cities surrounding Camp Williams.

Mr. Mumford said that the General Plan is supposed to be rewritten every five to seven years; it was last updated in 2005, but since the City has grown so much, it is necessary to update it this year. He said there will be many open houses and public hearings to get resident input on any changes to be made.

Mr. Mumford said the City Center Open Space Completion Plan is almost complete.

Mr. Mumford said the City is also looking at changing the right of way classifications with the updated Future Land Use and Transportation Corridors map.

He said they are also looking into an option for residents to temporarily use open space adjacent to their properties.

Mr. Mumford said that there are also projects currently being worked on such as the Spring Run Master Development Plan and the Harmony subdivision that will be coming to the Planning Commission.

9. Adjournment

Commissioner Maher adjourned the meeting at 7:37 p.m.

APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 9, 2010.

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STEVE MUMFORD, PLANNING DIRECTOR

# EAGLE MOUNTAIN CITY

## PLANNING COMMISSION MEETING MINUTES

Tuesday, February 9, 2010 at 6:00 p.m.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

### **Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Preston Dean, Bonnie ElHalta

### **Staff Present**

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Lianne Pengra, Planning Coordinator

### **Others Present**

McKay Edwards, SITLA

Commissioner Maher called the meeting to order at 6:00 p.m.

#### **1. Pledge of Allegiance**

#### **2. Declaration of Conflicts of Interest**

None

#### **3. Status Report from City Council**

##### **A. General Plan Amendment and Commercial Rezone**

Mr. Mumford said the City Council held a public hearing for the rezone and General Plan amendment at the last City Council meeting. He said there were two or three comments from the public and the City Council approved both items.

##### **B. Temporary Garage/Yard Sale Sign Development Code Amendment**

Mr. Mumford said there was a lengthy discussion on yard sale and garage sale signs. He said they went back to create an easy way for residents to register their yard sale signs, while limiting staff and public time spent. He said staff proposed to have a registration online where residents could pay a small fee, staff recommended \$5.00, and register their yard sales. This would allow three signs to be placed in the right of way. He said the Code Enforcement Officer would print out the list of sales on the website and could easily distinguish between approved and not approved signage. He said City Council tabled the item to be brought back as a discussion item for the first meeting in March. He said the City Attorney recommended the item be brought back to the Planning Commission if significant changes are made.

Commissioner ElHalta asked if the temporary signage is being broken into two sections to deal with commercial and residential sales. Mr. Mumford said they are separate issues. He said the commercial retail and special event signage portion was approved at a previous meeting.

### **C. New Wastewater Treatment Facility Status**

Mr. Mumford said the system is up and running now. Commissioner Maher asked how the project came in as far as budget and time. Mr. Mumford said they had a few contract amendments, but he thinks the total project stayed under budget. He said they completed it close to the original timeline, but the contract amendments added a bit of time to the overall project.

### **6. Approval of Minutes**

#### **A. January 12, 2010 Planning Commission Meeting Minutes**

**MOTION:** *Commissioner Linton moved to approve the January 12, 2010 Planning Commission Meeting Minutes, with an adjustment to page 7: the "9" be changed to "0" on the Nays.*

*Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion passed.*

### **7. Development Items**

#### **A. Amendment to the Future Land Use and Transportation Corridors Map – Public Hearing, Action Item**

Mr. Mumford said there are a few minor changes to the plan since the Planning Commission saw it at the last meeting. He said the Capital Facilities Plan is currently being updated, along with an updated Transportation Master Plan, and both are close to completion. He said this plan sets up a budget and priority list for the larger transportation projects. He said Horrocks Engineers have done extensive traffic modeling, discussions have taken place with Mountainland Association of Governments, the Westlake Vision Study was taken into account, as were the existing master plans and Future Land Use Plan. Mr. Mumford said that landowners and developers who would be impacted by this plan were consulted, as well.

Commissioner Maher asked if staff spoke with all impacted land owners. Mr. Mumford said that this item does not require a direct mail notice, but they did get the information out and spoke with many of the affected land owners. He said the notice also went in the paper ten days in advance.

Mr. Mumford said this plan is vital to the future growth of the City. He said it helps with the City's planning, residents' planning, and funding for future projects. He showed the proposed map and said the designations are now in lanes, rather than in feet for each right of way. He showed the existing map and pointed out the main roads in Pole Canyon, the location of SR-73, and the major roads into Saratoga Springs.

Mr. Mumford said that the Cedar Valley Freeway is the major freeway in and out of Eagle Mountain. He said they are including it in future plans in order to get it on the State Transportation Improvement Program to get state funds for its completion. He said staff has met with Camp Williams to discuss the proper alignment of the freeway.

Mr. Mumford showed Airport Road and said it will be a major north/south road through Eagle Mountain. He showed the location for Pole Canyon Blvd. and said it will be a major East/West road through the City.

Mr. Mumford said the Hidden Valley Highway is new to the plan. He said this is a five-lane arterial road. He explained it came about from discussions with PRI and FRI. He said they have approached Eagle Mountain City, Saratoga Springs, and MAG to get a freeway going through the Hidden Valley area and south into the valley. He explained that the city has decided to propose this road as an arterial, rather than a freeway. He said this is due to the affect it will have on the Hidden Valley project, as well as the scarring on the hillside; this will need significant cut and fill for a freeway. He explained that with a highway, it would be easier to control and plan the access points than it would be with a state-funded freeway. He explained that PRI discussed having no access points through Hidden Valley, so the benefits would be limited for the City.

Commissioner Maher asked if the Hidden Valley highway would be built within twenty years and what the benefit is to building it. Mr. Mumford said that the LDS Church has significant land holdings in Utah County and in Elberta and a freeway south would benefit any development there. He explained that the LDS Church has let the City know that they would like a freeway, not a highway.

Commissioner ElHalta asked if a lighting plan was associated with the different street designations. Mr. Mumford said that there are City standards for lighting and UDOT most likely has standards for their roads, as well.

Commissioner Linton asked what the right of way is for SR-73. Mr. Mumford said they have 150 feet total. He said the freeway cross section is about 300 feet. Commissioner Linton asked what kind of commercial signage would be allowed along the freeways and highways and if there is any way for the City to reduce or limit the number of billboards along the state roads. Mr. Mumford said they can look into what would be allowed. He explained that they can't do much to restrict billboards.

Mr. Mumford showed the location of a few roads, including the major collector that connects Lone Tree up to SR-73, an east-west minor collector in the North Ranch area, and a minor collector running through the Hidden Valley area. He said they changed the alignment on a few roads running north-south to line up with regional plans.

Mr. Mumford said the east-west minor collector in the middle of the map was changed back to the original Future Land Use Plan location. He explained that an approved plat showed the location of that minor collector as what was previously approved on the Future Land Use and Transportation Corridors Plan. He explained that the Public Works Director felt that was an oversight when Horrocks tried to match up the roads.

Mr. Mumford said the other change was in the width designation key. He explained that the minor arterial road cross section should be five lanes, not three. Commissioner Linton asked if the major and minor arterials are both five lanes. Mr. Mumford said that the speed and the buffer distances are different between the major and minor designations, but the number of lanes for each is the same.

Mr. Mumford went over future projects and possible costs of those projects.

Commissioner ElHalta asked if emergency evacuation and growth were factored into the plan. Mr. Mumford said they were. He explained that the plan only goes out twenty years, but that it can be changed and updated as needed. He said he doesn't know if specific studies were done on emergency evacuation routes. He said the City administration can use examples like the large snow storm to highlight the need for routes in and out of the city in order to get county, state, and federal funding.

Commissioner Maher opened the public hearing at 6:37 p.m.

McKay Edwards, SITLA. Mr. Edwards said they support the proposed transportation plan. He said they have worked with City staff and with Horrocks and they believe it is a good plan. He said that they do not want a highway through Hidden Valley, but they think a highway is better than a freeway. He said that a new version of Hidden Valley may be coming in due to the highway. He said a property owner with land in Saratoga Springs and Goshen Valley would benefit from a freeway, but he does not believe that idea does not pay attention to terrain.

Commissioner Linton said that the Planning Commission had an onsite meeting at Hidden Valley site and they found that the view is what makes Hidden Valley so special.

Mr. Edwards said they staked out a possible grading option onsite and found it would take large pieces out of the hillsides, possibly ½-acre cuts.

Commissioner Maher closed the public hearing at 6:45 p.m.

Commissioner ElHalta said the plan is a good plan. She would like people to keep lighting and signage in mind when planning the roads.

Commissioner Dean said he likes the proposed roundabouts and proposed street lights on the plan.

**MOTION:** *Commissioner Linton moved to recommend approval to the City Council of the proposed Future Land Use and Transportation Corridors Map.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.*

**B. Development Code Amendment: Chapter 5.05 Business License – Public Hearing, Action Item**

Mr. Mumford said this is a basic change. He said the Consolidated Fee Schedule was amended in August, 2009 to change business license fees. He said the Development Code was not updated at the same time. He explained that staff is proposing to remove the set fee from the Development Code and have it refer to the Consolidated Fee Schedule.

Mr. Mumford said that the current code differentiates between home-based and commercial seasonal and temporary businesses. He explained that there are not home-based seasonal or temporary businesses, so staff is proposing to remove that designation.

Commissioner Maher opened the public hearing at 6:48 p.m. and closed it due to lack of comments.

**MOTION:** *Commissioner Linton moved to recommend approval to the City Council of the amendment to the Development Code, Chapter 5.05 Business Licenses, as proposed.*

*Commissioner Bechtel seconded. Ayes: 5, Nays: 0. Motion passed.*

**C. Development Code Amendment: Chapter 17.65 Home Businesses – Public Hearing, Action Item**

Mr. Mumford said currently all exceptions to home-based business licenses have to be denied with the appeal coming to the Planning Commission. He said the proposal is to amend that to allow staff to approve minor exceptions. He explained that a minor exception can only be approved by the Planning Director if it doesn't adversely affect the surrounding properties or the residential characteristic of the neighborhood.

Mr. Mumford said that a case came to the Planning Commission because the business wanted two part-time employees and the Code limits it to one employee. He explained situations like that are considered minor. He said another minor example would be going 30 minutes before or after the allowed operation time.

Commissioner Maher opened the public hearing at 6:52 p.m. and closed it due to lack of comments.

**MOTION:** *Commissioner Linton moved to recommend approval to the City Council of the amendment to the Development Code, Chapter 17.65, Home Businesses, as proposed.*

*Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion passed.*

**D. Development Code Amendment: Chapter 17.25 Residential Zone – Public Hearing, Action Item**

Mr. Mumford said there have been several accessory structures which had to be approved according to the Development Code, but have caused problems with residents. He said one was very large, one was a two-story building used for storage that appears to be a home, and another situation was due to the number of structures on a lot. Mr. Mumford said the proposal limits the number of structures to two in the residential zone. He said the base density areas did not have a size limitation. He explained that the proposal for Tiers I and II states that the total combined square footage of the accessory structures cannot exceed 50% of the square footage of the footprint of the home.

Mr. Mumford said that in a scan of the aerial photos of the city, it was difficult to find lots with more than two accessory structures. Commissioner Dean asked if lots over one acre would be

affected by the amendment. Mr. Mumford said they would be limited to two structures, but not limited on the size. He explained that the number limit came from the Building Department and an issue with a home with numerous accessory structures.

Commissioner Linton said that he did not see how someone with seven acres could have the same number limitation as those in much smaller lots. He said there needs to be a mechanism in place to allow for those who own larger lots to have more freedom in the use of the property.

Commissioner Dean asked if there was an Agricultural/Residential zone. Mr. Mumford said that there is an agriculture zone, but most of the homes here are in the residential zone.

Commissioner Bechtel asked if Commissioner Linton felt an additional one or two structures per lot was reasonable. Commissioner Linton said he would like to send it back to staff because any changes they make would require a re-write of the proposal.

Mr. Mumford said one of the main issues is the size, rather than the number. He said the Building Department really wanted a limit on the number. He said if the Planning Commissioners would not like to limit the number of accessory structures, that section can be taken out.

Commissioner Dean asked if there have been concerns from neighbors relating to the number of accessory structures and crowding property lines. Mr. Mumford said there hasn't been.

Mr. Mumford said that the other part of the proposed amendment allows agriculture- and farm-related accessory structures in the Base Density and Tier I to be up to fifty feet in height, and all other accessory structures to be up to twenty feet tall.

Mr. Mumford said the other change would be that accessory structures to be used for storage would only be allowed to be one story. He said this relates to the two-story storage building in Meadow Ranch that looks like a home and could possibly be used as a second house, rather than for storage.

Commissioner Dean said that the Building Code should deal with the storage issue. Mr. Mumford said it doesn't restrict storage to certain levels. He said it does restrict the type of storage, such as flammable materials.

Commissioner Maher asked the height restriction needed to be 50 feet. Mr. Mumford said the fifty feet limit is for structures such as silos and windmills.

Commissioner Dean asked what is considered an accessory structure. Mr. Mumford said an accessory building would be a barn, windmill, or farm-related building. Commissioner Maher said that they would like to remove the fifty foot allowance from the code. He said since windmills and silos are basically the only structures to reach fifty feet, those can be dealt with on another ordinance. Mr. Mumford said a windmill ordinance will be coming in the next three months.

Commissioner Maher said they would like the ordinance broken down by lot size, rather than tier.

Commissioner Maher opened the public hearing at 7:13 p.m. and closed it for lack of comments.

**MOTION:** *Commissioner Linton moved to table the amendment to the Development Code, Chapter 17.25, Residential Zone, and continue the public hearing to the next scheduled Planning Commission meeting.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.*

## **8. Other Items**

### **A. City Center Open Space Improvement Plan – Discussion Item**

Mr. Mumford said the project has gone through some changes in the trails section due to the new elementary school being built. He said an open house was held last week specifically for the subdivisions affected by the new elementary school. Residents gave input on possible walking routes for the students in those areas.

Mr. Mumford showed the first priority in the trail section (Shadow Drive to Sweetwater). He also showed the trail that the school district will construct before the 2010-2011 school year. He showed the second priority trail through Pony Express Park for the children in Autumn Ridge and Eagle Park.

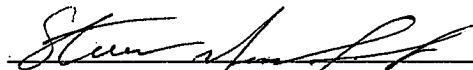
Mr. Mumford showed the next priorities for the trail system and explained how they will help the students get to the new elementary school.

Mr. Mumford showed the cost and material breakdown for each trail on the priority list.

## **9. Adjournment**

Commissioner Maher adjourned the meeting at 7:35 p.m.

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 14, 2010.

  
Steve Mumford, Planning Director



**EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, MARCH 9, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Bonnie ElHalta

**Staff Present**

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Chris Trusty, Public Works Director

Lianne Pengra, Planning Coordinator

**Others Present**

McKay Edwards, SITLA

Ron Phillips, Farmland Reserve Inc and Property Reserve, Inc.

Commissioner Maher called the meeting to order at 6:00 p.m.

**1. Pledge of Allegiance**

**2. Declaration of Conflicts of Interest**

None

**3. Status Report from City Council**

**A. Future Land Use and Transportation Corridors Map**

Mr. Mumford said this item was approved at the previous City Council meeting with a few changes, which will be discussed with the first Development Item.

**B. Open Space Improvement Plan**

Mr. Mumford said this was approved at the last City Council meeting with a few changes. He said that instead of a trail from Autumn Ridge to the Pony Express Park, a trail will be halfway between the round-about and Pony Express Park where the church is being built. He said this is to have a safer crossing.

**4. Development Items**

**A. Development Code Amendment: Chapter 16.35 Development Standards for Required Public Facilities, Table 16.35.130(b), Right-of-Way Classifications -- Public Hearing, Action Item**

Mr. Mumford said several roadways were approved on the new map which were not existing on the Right-of-Way Classification Table. He said they have updated the Right-of-Way table with the new classifications and corrected some discrepancies between what the Public Works department would require and the table.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, MARCH 9, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Mr. Mumford said the Freeway designation was on the map as the Cedar Valley Freeway. He said this was previously noted as a Highway and was changed to a Freeway, which is usually built by the State. He said showing the specifications of a freeway will give landowners an idea of how much property will be affected by a freeway.

Mr. Mumford said the Expressway was a new classification given to the Hidden Valley road. He said the Planning Commission recommended approval of that street as a 4-lane Arterial Highway, but the City Council changed it to an Expressway after hearing public comments. He said it has six lanes of traffic and is more like a mini-freeway with limited access points, rather than an arterial with stop signs.

Mr. Mumford said discussions on that specific roadway have taken place since the City Council approved the map, and the map may return again to the Planning Commission and to City Council.

Mr. Mumford said the only highway on the map now is SR-73. He said most of the right-of-way along this road through the city is 150 feet. He said to expand this right-of-way, property would need to be purchased and some homes would need to be torn down. He showed the highway cross section of 162 feet and the layout of the six lanes of traffic, median, and shoulders.

Mr. Mumford showed a new 7-lane arterial highway designation. He said it is the same width as the expressway (176 total feet). He said there is only one section on the map that has this road designation.

Mr. Mumford said the Local Streets with Alleys designation was removed from the table as there was very little difference between that designation and the Local Street designation.

Mr. Mumford said many roads do not meet the exact standards of the new table, as the table is updated as needs in the city change.

Mr. Mumford said that the item being discussed is the Right of Way Table, not changes to the transportation map. He said that since the City Council added some roadways to the map, the table needs to be updated to include those designations.

Commissioner Maher opened the public hearing at 6:25p.m.

McKay Edwards, SITLA. Mr. Edwards said he is concerned that the removal of the designation of streets with alleys may negatively change the distance between intersections. He said if the minimum distance is 200 feet, it makes higher density planning difficult.

Discussion followed regarding how to allow shorter distances. Mr. Mumford said he understands what is being asked and will work a solution into the final draft of the table.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, MARCH 9, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Mr. Edwards said SITLA supports a major arterial through Hidden Valley. Discussion regarding the Hidden Valley highway followed. Commissioner Maher asked to bring the discussion back to the table.

Ron Phillips, Farmland Reserve Inc and Property Reserve Inc. Mr. Phillips said that the expressway classification is appropriate but has concerns about the right-of-way. He said he believed it was to be a 300 foot right-of-way, not 174 feet. He said he didn't feel that distance would accommodate all the required elements.

Mr. Trusty said the plan of expressway were to allow something between a freeway and major arterial. He said if the expressway designation were set to a 300-foot right-of-way, there would be no middle ground between the arterial and freeway.

More discussion regarding the Hidden Valley area ensued.

Commissioner Maher closed the public hearing at 6:47p.m.

Commissioner ElHalta said she would like the definition of the 7-Lane Major Arterial more specific.

Mr. Mumford said they can add a note clarifying what that designation is for.

Commissioner Linton asked for clarification regarding what is required for utilities in the road designations.

Mr. Trusty said the designations that allow for planter strips offer enough room for the required utilities. He said the major power line corridors do not run through the transportation corridors.

Commissioner Linton asked if all future streets would allow for snow plowing. Mr. Trusty said they would.

**MOTION:** *Commissioner Linton moved to recommend approval of Chapter 16.35 Development Standards for Required Public Facilities, Table 16.35.130(b), Right-of-Way Classifications, with the local streets to be reconsidered with a notation to allow 75-200 feet between intersections, as approved by staff.*

*Commissioner ElHalta seconded. Ayes: 3, Nays: 0. Motion passed. (Commissioner Bechtel was absent from the vote.)*

**B. Development Code Amendment: Chapter 17.25 Residential Zone – Public Hearing, Action Item**

Mr. Mumford said the purpose of this amendment is to limit negative effects of accessory buildings on neighbors. He said there is not a limit set on number of stories of storage buildings, nor is there a limitation on total number of accessory buildings. He said the base density zone

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has no limitation on size or number of structures. He said within Tier I, lots over 1 acre have no limitation and lots between .5 and 1 acre can have accessory structures that cover up to 75% of the square footage of the home footprint. He said that lots under ½ acre can have accessory structures that cover up to 50% of the square footage of the home footprint.

Mr. Mumford said that the proposed height in the base density limits all structures to 35 feet. He said the proposal in Tier 1 limits agricultural buildings to 35 feet and all others to 20 feet.

Mr. Mumford showed some examples from throughout the city.

Commissioner ElHalta asked if there were many examples in the city that did not fit the proposed code. Mr. Mumford said there weren't many.

Commissioner Maher opened the public hearing at 7:04p.m. and closed it for lack of comments.

**MOTION:** *Commissioner Linton moved to recommend approval of the Development Code Amendment to Chapter 17.25 Residential Zone.*

*Commissioner ElHalta seconded. Ayes: 3, Nays: 0. Motion passed. (Commissioner Bechtel was absent from the vote.)*

**C. Development Code Amendment: Chapter 17.80 Sign Regulations and Sign Permits  
-- Public Hearing, Action Item**

Mr. Mumford said a discussion was held at the last work session of City Council in regards to sign regulations. He said the proposal states the signs must be no larger than 4 square feet and must be on private property, unless registered with the City. The signs can be up the day of the sale only.

Mr. Mumford said the registration process would be simple. He said they would register on the city website with the address and the date of the sale. He said there would be no fees for the residents. The list would be posted weekly online for residents to know where the sales are.

Mr. Mumford said the temporary information signs such as lost pets and enrichment night signs would be exempt from any approval process. He said the signs would not be allowed to promote a business.

Commissioner Maher opened the public hearing at 7:13p.m.

Nicki Wickman 2766 Fort Hill Road. Ms. Wickman asked if other information such as lost pets can be put on the website, rather than on signs throughout the city.

Commissioner Maher closed the public hearing at 7:14p.m.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, MARCH 9, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**MOTION:** *Commissioner Linton moved to recommend approval of the Development Code Amendment to Chapter 17.80 Sign Regulations and Sign Permits.*

*Commissioner ElHalta seconded. Ayes: 3, Nays: 0. Motion passed. (Commissioner Bechtel was absent from the vote.)*

**D. Concept Plan: Pony Express Partners -- Discussion Item**

Mr. Hadley said this has been through the Concept Plan process before. He said the project consists of 54 townhomes with an average density of 6.17 units per acre. He said the property is Mixed Use Residential and is not a part of the Ranches Master Development Plan.

Mr. Hadley said the largest problem with the plan is the lack of a secondary access point. He said staff recommended with the last proposal to include two 24-foot lanes to allow for emergency vehicle access. Mr. Hadley said another issue is the slope terrain. He said there are non-buildable areas in the lot layout of the concept plan.

Commissioner Maher asked what staff felt about the design of the plan. Mr. Hadley said it is pretty dense, especially not knowing what will be developed on either side of the plan.

Tom Davis, Pony Express Partners. Mr. Davis said this is the eighth revised plan they have made. This plan would include a boulevard, rather than walking into row housing. He said they will conform to the stringent architectural requirements of the city.

Commissioner Maher asked about the elevations and how parking would work with the boulevard.

Mr. Davis said they pushed all of the buildings back to allow for the wide corridor in the middle. He said they feel it is a good plan.

Discussion regarding distance between the buildings ensued. [Most discussion was away from the microphone and is inaudible.]

**5. Other Items**

**6. Adjournment**

Commissioner Maher adjourned the meeting at 7:39 p.m.

APPROVED BY THE PLANNING COMMISSION ON OCTOBER 12, 2010

  
Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, APRIL 13, 2010 AT 6:00 P.M.  
Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commission Members Present: Karleen Bechtel, Preston Dean, Bonnie ElHalta (arrived 6:25 p.m.), John Linton, Tom Maher

Staff Members Present: Mike Hadley, Melanie Lahman

Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None

3. Status Report from City Council

- A. ROW Classifications
- B. Yard Sale Signs
- C. Business License Amendments
- D. Aquatics Center

4. Development Items

- A. Amendments to the Future Land Use and Transportation Corridors Map-- Public Hearing, Action Item

The map was presented once again to the Planning Commission to provide for proper noticing of changes that were made by the City Council. Additional changes were proposed by City staff. The proposed changes were specific to the transportation corridors. No land use changes were proposed. In order for the city to get state and federal road funding, the transportation map has to be in place.

*\*\*Mr. Maher opened the public hearing at 6:18 p.m.\*\**

Elise Erler, SITLA, asked that the Planning Commission consider increasing Ranches Parkway from SR 73 to the Cedar Valley Freeway from a five-lane arterial to a seven-lane arterial and increasing Airport Road to a five- or seven-lane arterial, as the City will need the increased traffic capacity in the future.

McKay Edwards, SITLA, said that changes were made to the FLUTC map this afternoon, so they were not available for the public to see before tonight's meeting. He said that he met with MAG this morning. They estimated that Eagle Mountain will have 97,000 residents by 2040, unlike the higher numbers that have been brought up. The major arterial approved a couple of months ago is the right road.

Darren Montgomery, Meadow Ranch, requested more detailed copies of the transportation map. He said the Mayor has received a number of emails that she has not responded to. Everyone moved to Eagle Mountain because they liked open space, they didn't want to live by a freeway. Mike Hadley responded that copies of the transportation map are available in the office and a more detailed map could be created and put on the website. Mike Hadley said that in order to get funding for any roads, this plan has to be in place.

Erin Madsen, North Ranch, said it will take an act of Congress to get approval for a road on Camp Williams land, which is a fatal flaw in the plan.

Rusty Allen, Meadow Ranch, lives right at the border with Camp Williams. The only place for the road to go is right by his land. If the transportation map had existed six years ago, he would not have moved here.

Doug Woodruff, North Ranch, read sections of a letter from Charlotte Ducos, which said that all planners and elected officials in the city should do all they can to influence the placement of the road in a way that makes sense. There was a resident concern expressed in the very first meeting held after residents were made aware that the road existed. A large-capacity road should be buffered from residents. She requested that those planning the road seek an alignment that provides a buffer for residents and compensation for Camp Williams. The City should be an advocate for its residents. Doug concurred with Charlotte's comments.

Dave Konold said it was his right to state his opinion about the highway, even if 50 -100 people said the same thing. He said residents fought the gravel pit and it was constructed. He said the Planning Commission passes things when the residents' backs are turned. He asked why the City doesn't expand SR 73. No one wants the highway going behind their subdivision.

Tyler Hansen, Elk Ridge Road, has been in construction and has built houses between highways, which causes a lot of sound. Building the new road will also bring down property values.

Troy, Meadow Ranch, said there isn't room for the road without cutting into the mountainside substantially. Residents' animals don't need cars going by all day long. And animals get out of their enclosures periodically, so they might go onto the road and cause an accident.

Jennifer Konold was frustrated that residents never know what's happening. She found out about this through a rumor. She thought if it affected residents, they would get a letter. She couldn't find the agenda on the website. She was concerned that, because the map is a working document, it might be changed without the residents knowing. She emailed Mayor Jackson about whether she got funding for the Cedar Valley Freeway through Sen. Bennett, but didn't get a response.

Mike Hadley responded that letters to individual residents were not required. The public hearing was posted in the newspaper and the agenda was posted on the state website and at City Hall, but may not have been posted on the city website, as the person who normally posted it was no longer with the Planning Department. Residents are always welcome to call the Planning Department for information. The City hasn't received any funding for the road.

Elena Jennings, North Ranch, wanted to know if it was true that there was a MAG map that didn't coincide with the City's map and asked if there was communication between MAG, UDOT and the City. She didn't think the planned roads made any traffic pattern sense. Mike Hadley responded that the organizations do communicate.

?? said the road will benefit City Center, but North Ranch and Meadow Ranch will get all the noise.

Patricia Sherry said she was shocked. Today was the first time she heard of this. She wanted to know where the road would connect. She didn't know why there would be another road, when SR 73 is already there. Mr. Maher said it would connect to 2100 North, which will connect Redwood Road and I-15. SR 73 is already congested and UDOT is not going to allow it to be more than four lanes.

Nikki Wickman, 2756 Fort Hill Road, said she was against the Cedar Valley Freeway and the Hidden Valley Expressway, but she was very happy to see so many residents at this meeting. She said residents can't get mad about not knowing what's happening when they don't come to the meetings. They need to come to the meetings and be involved.

Brian Johnson, North Ranch, suggested the City Council go back and review the original plan, which had the road going closer to Camp Williams. He said the road between Heber and Park City supports economic development, but this plan will not. He said the road will go through rural residential land, which will be the most negatively affected by this plan.

Ron Phillips, consultant representing Farmland Reserve and Property Reserve, said both freeways are necessary for use at some time in the future. The corridors need to be protected now to prevent a congestion problem like Lehi Main Street has now. He provided a suggested alignment.

Doug Konold, North Ranch, asked if the Planning Commission had looked at mass transit.

Jen Gare, Meadow Ranch, didn't want her home between two major roads.

Brian Johnson said the original plan placed the road through the Camp Williams munitions range. The City could receive a lot of grant money for cleaning up that site to benefit financially.

*\*\*Mr. Maher closed the public hearing at 7:05 p.m.\*\**

Bonnie ElHalta was glad to see everyone at the meeting. She said that the Planning Commission is a volunteer board, there to benefit the city, and yelling at them is not nice. She said that residents now in the city like living in the country, and more residents will be coming. Transportation has to be planned to provide enough capacity for everyone who will live here.

Preston Dean asked if the five-lane arterial was changed to an expressway because higher traffic capacity would be required in the future. Mike Hadley said it was because more limited access points would allow for more and faster traffic. Preston asked what the issues are on getting Camp Williams land and federal funding. Mike said it is a complicated process that starts with the proposed roads being placed on the state transportation plan. Only roads on that plan will receive funding. Preston said that increased transportation won't bring people here, it will only provide for people who will inevitably come.

Karleen Bechtel was concerned that residents didn't know that this plan was in process. The city needs to provide more information and the citizens need to make more use of the information available. She empathized with those who were concerned about the planned roads being too near their homes, but she didn't see anywhere else to put the roads.

Tom Maher said that issues that still need to be resolved include the SR73/Cedar Valley Freeway connection, Airport Road capacity, downtown interchanges, the size and need for the



Hidden Valley Freeway, location of the Cedar Valley Freeway and land acquisition at Camp Williams.

John Linton incorporated his comments into his motion.

John Linton **moved** to table the Future Land Use and Transportation Corridors Map until the following issues were resolved:

- Location of some highways may be too close to City Center
- Camp Williams area
- Freeway alignment
- Highway noise
- Value decreases
- Don't know how the planned roads encroach on residents' property
- Residents' purchase of homes in the country – didn't plan to be adjacent to major roads
- Concerns about public hearing notification
- Funding with or without Sen. Bennett's help
- MAG map vs. city map
- Funding and communication between organizations
- Have you looked at everything?
- Commission learned at the beginning of the meeting that information was coming in at mid-afternoon today.
- Neither citizens nor staff have adequate understanding if information came in this afternoon.

Preston Dean seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher.

#### 5. Other Items

None

#### 6. Adjournment

The meeting was adjourned at 7:19 p.m.

APPROVED BY THE PLANNING COMMISSION ON APRIL 27, 2010.

  
Steve Mumford, Planning Director

MINUTES  
EAGLE MOUNTAIN PLANNING COMMISSION MEETING

**May 11, 2010**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham, City Council

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Jenalee Harper, Deputy Recorder.

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None

3. Approval of Minutes

- A. April 27, 2010 Planning Commission Meeting Minutes

Karleen Bechtel asked that her comments from page 4 of the minutes read that she felt SR73 was inadequate.

**MOTION:**           *Preston Dean moved to approve the April 27, 2010 minutes subject to the change Mrs. Bechtel requested. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher. The motion passed with a unanimous vote.*

4. Development Items

- A. Pro-Backdoor Verizon Wireless Cell Tower—Public Hearing, Action Item

Mike Hadley explained that Verizon has submitted an application to build a 100 foot high monopole and 250 square foot equipment shelter to be located just off of SR73 on the south side, west of Sage Valley and Airport Road. He explained that the applicant had proposed chain link fencing to surround the area but that the City preferred that it be a wood fence. He stated that the applicant agreed to build a wood fence. He explained that UDOT has permitted access to the site and that the Fire Department has also given their approval of the project. He said that the FFA has no issues with the tower because it is not within 5 miles of any airport.

Tom Maher asked if this was an appropriate area for the cell tower to be located.

Mr. Hadley explained that the general plan classifies the area as a commercial zone therefore allowing things such as cell towers to be put in the area.

Mr. Hadley said that administration approved of this plan but that they recommended that towers like these be placed on City property.

Steve Mumford explained that the City Administrator has worked in previous Cities in which cell towers are located on City property so that everyone can benefit instead of just one property owner. He said that this is not something that the City is currently pursuing but that it may be something to look into in the future.

Mr. Maher asked what the height of previous cell towers has been.

Mr. Hadley stated that the one by Sweetwater is 80 feet high and that he was unsure of the height of the other towers.

Mr. Maher asked if anything could be done to make the site more attractive because it is right next to SR 73.

Bonnie ElHalta asked how this cell tower would affect the commercial area.

Mr. Maher explained that it is fairly common to see cell towers in commercial areas.

Mr. Hadley explained that it's 100 feet from SR73 and that in the future as the commercial area is developed they may be able to renegotiate with applicant to come up with a more aesthetically pleasing design.

Mrs. ElHalta asked if the same requirements can be made for other cell towers such as the no chain link fence requirement. She does not want to see chain link fences because they collect tumble weeds and are unattractive.

Doug Kofford, a representative of Verizon Wireless, stated that the cell tower is needed because Verizon needs more coverage. He explained that with the new smart phones coming out and all of the data downloads the current towers can't handle it all. He said that this location was chosen because of the engineering design of the tower. He said that additional carriers can also locate on the pole if they choose to. He explained that they had originally proposed a chain link fence so that if maintenance on the tower needs to be done at night the maintenance people can shine their vehicle lights through the fence to see. He said that they will make a change to a wood fence at the City's request.

Mr. Maher asked how much population one tower can handle.

Mr. Kofford explained that he couldn't answer that question because antennas only work as someone is on a call driving by. He said that it also depends on how many Verizon customers in the area use their cell phones. He also went on to explain that it is recommended that the cell tower is not painted and just left the way that it comes from the manufacturer. He gave an example of a cell tower in Cache County that had been painted six times at the request of a City until they finally decided to leave it alone. He

explained that studies have proven that if the pole is left unpainted the brilliance from the metal will eventually fade and it ends up looking more aesthetically pleasing in the long run.

*Tom Maher opened the public hearing at 6:15 p.m.*

No comments were made.

*Tom Maher closed the public hearing at 6:15 p.m.*

**MOTION:** *Preston Dean moved to approve a conditional use permit application for the Verizon Wireless cell tower subject to the following conditions:*

- 1. PERMISSION. That the applicants submit evidence that the property owner is in agreement with the application.*
- 2. BUILDING PERMIT. That a building permit is obtained from the building department.*
- 3. E-FILE. That the e-file for the easements and site be submitted for verification and addressing of the site.*
- 4. UTILITIES. The applicant contract through the City for design of site.*
- 5. ADDITIONAL CARRIERS. As additional carriers want to install antennas the plans must be reviewed by the planning director or designee.*

*Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher. The motion passed with a unanimous vote.*

**B. Harmony Preliminary Plat-- Public Hearing, Action Item**

Mr. Mumford explained that the Harmony Preliminary Plat is a 772-acre project located southwest of the Overland Trails Subdivision and west of Sweetwater Road. He said that the project contains 2,137 single family lots, 182 alternative design block units, 92 acres of future multifamily property with a potential of 1,935 units, 27 acres of commercial land, 36 acres of parks and improved open space, 6 church sites, and a junior high school site. He said that the applicant expects this to be a 25 to 30 year plan. He reviewed the general plan map and the plat map with the Planning Commission.

Mr. Mumford reminded the Commission that this project can be processed under the 1997 code or the current code. He highlighted the following important aspects of the 1997 code:

- A parks requirement of 2.5 acres per 400 proposed dwelling units.
- No minimum frontage requirement for single-family lots.
- Alleys are required for development of 4 units/acre and above.

- Architectural design review standards, including the requirement of garage doors not facing the street unless the garage is set back 75 feet or more from the front property line.
- Storm detention basins may be counted in the park requirement.

He explained that several past applications have been reviewed under a hybrid 1997/current code and given special allowances which created some negative aspects to current subdivisions. He said that the applicant has asked that this project be reviewed under the 1997 code with allowance for 40 foot lot frontages, parks calculation under the 1997 code, no alley requirement and no architectural design review requirements. Mr. Mumford explained that these allowances have been approved in past projects.

Mr. Mumford explained that this project will have four alternative design blocks that will be designed in the future as a single-family detached courtyard or green court. He said that the homes/lots fronting onto a green court may have a minimum frontage of 35 feet, and the homes/lots fronting a public street may have a minimum frontage of 40 feet with no garages facing the public street. He explained that staff feels that the 10.3 units per acre is too high. He said that it would be almost impossible to fit the number of units shown in an attractive single-family courtyard or green court design. He said that the City recommends that the maximum units per acre be changed to 8.5.

Mr. Mumford stated that a preliminary plat approval vests the applicant with lot layout, street configuration and density. He said that the standard for developers is to get vested with as much density as they can.

Mr. Mumford said that several of the multi-family areas are located immediately across the street from single-family lots. He feels that the multi-family areas should be designed with appropriate transitions from the lower, medium and high-density areas. He said that staff would like to see these areas designed according to the future City Code at the time of site plan application.

Mr. Maher asked if a preliminary plat has an expiration.

Mr. Mumford said that there is no expiration of preliminary plats and that the developer is vested in density if a preliminary plat is approved.

Mr. Mumford explained that a traffic study showed poor levels of service along Eagle Mountain Boulevard and SR73, eventually. He explained that the developer may be required to pay for road widening if the level of service on the road becomes a level of service of D and that development would be put on hold until the road is widened.

Mr. Mumford said that the 1997 code requires 2.5 acres of open space for every 400 units/lots. He said the applicant has included 35.96 acres of improved open space which consists of landscaped detention basins, parks of various sizes, and some decorative landscaped areas.

Mr. Mumford explained that the current code only requires that 75% of the building exterior materials consist of masonry materials. He said that staff has had some concern

with corner lots in this project and that staff is recommending that all corner lots contain a corner cutoff setback to allow for proper distance for gas and electric utilities to round the corners of a lot.

Mr. Mumford explained that some changes will be needed for some street names.

Mr. Mumford explained that in the past water right documentation has been required at the preliminary plat stage. He said that the applicant has stated that they have sufficient water rights for the first 5 years of development and that they expect to use the City's CWP water for the remainder of the project. He explained that no documentation has been submitted so the City does not have assurance that there will be enough water rights. He stated that the City Attorney has advised that a process needs to be agreed upon for allowing developers to "sign up" for CWP water rights and how those will be distributed. He also explained that the CWP water is pending litigation that the City hopes will be resolved shortly but until then the City does not know what the requirements for obtaining approval of using CWP water will be at this point.

Mr. Mumford said that the City is looking at doing a development agreement for this project. He stated that staff recommends that this item be tabled to the June 15, 2010 Planning Commission Meeting.

Mr. Maher asked how the water rights would be coordinated for 30 years.

Mr. Mumford stated that 15,000 acre feet of water could potentially allow for 25,000 homes to be built. He said that applicants can sign up for the CWP water but cannot use it until the current litigation is over.

Mr. Dean asked if the developer could sell back the water rights if they became more valuable than land and decided not to develop their project.

Mr. Mumford explained that a policy has not yet been created for the CWP water shares and that he was unsure if this would be a possibility.

Mike Wren, a consultant to the developer, explained that the multi-family is not being approved at this time and that it will have to come back to the Planning Commission in the future. He said that anything submitted after 2017 will be submitted under the current code at that time. He stated that it is in the City's best interest to overstate the number of units allowed for engineering purposes so that there aren't potential intersection problems and storm drainage issues. He said that they have proposed to the City that they not be vested in water for this project. He said that it will take approximately 1750 acre feet of water to complete this project and that they currently have 1450 acre feet of water. He said that they would like to see the City not require them to be vested in water. He said that Pony Express Park will eventually be a full sized park and that it will add to the Harmony project. He said that he is certain that the majority of the multi-family units will not be developed under the 1997 code and that they will come in under the future code. He stated that he was opposed to the 75% masonry material restriction. He asked that wainscoting be added to the list of masonry materials permitted. He asked that the masonry material restriction only be for the front of the house.

Mr. Mumford explained that the requirement of 75% masonry materials was not discussed with the applicant but was included in the staff report. He said that because of the concerns the Planning Commission had back in September regarding this project staff decided to include this recommendation in the staff report.

Mr. Wren stated that he was not opposed to trying to work something out regarding the building materials.

Mr. Maher asked why Eagle Mountain Properties is coming forward with this project at this current time.

Mr. Wren explained that the developer wants this plan approved so that potential buyers and residents can see what is going to be built in the future.

Mr. Maher stated that he is concerned with approving 1,000 single family homes in a "race track" type of design. He feels that there is no flexibility with design.

Mr. Wren feels that this will avoid patchwork transportation by approving this type of plan. He said that a lot of effort was put into the plan and feels that it will be a good place to live.

Mr. Mumford said that all of the lots located along the trail systems are between 6,500 and 9,100 square feet with the majority of them being approximately 8,000 square feet. He said that there are large lots next to the Overland Trails subdivision transitioning down to smaller lots.

Mr. Wren said that the old code required 26 acres of open space and they are providing approximately 37 acres. He said that it is very common to have detention ponds used as parks and that it is very unlikely that nuisance water from storms generally will not back up. He stated that they raised the portion of the ponds containing the playground equipment up and put the soccer fields down in the lower areas.

*Tom Maher opened the public hearing at 7:35 p.m.*

Cliff Murk, 1378 E Springwater Way, said that he would like the Planning Commission to follow the Council's recommendations and not approve any preliminary plats until the water situation is resolved.

Nikki Wickman, 2766 Fort Hill Road, said that the City is changing a lot and would like to see the current code being used. She does not want to see any more projects being grandfathered in under old codes. She asked if there was a requirement that a certain number of homes had to be filled before the following phases of the project could be built. She stated that the condos in the ranches has garbage and parking issues and asked who is responsible for taking care of these things 20 years down the road. She asked if the developer could build without the water rights.

Alan McFarland, Rock Creek Condos, stated that the higher density areas need to have parks and areas for the children to play. He said that from his experience there is never enough area for children to play and asked that the developer take this into consideration when developing this project. He also asked that all landscaping, and everything on the plans be completed before the bond is released back to the developer.

McKay Edwards, SITLA, said that SITLA was happy to see that the Pony Express Trail corridor is being preserved. He said that the transportation elements of the plan meet SITLA's needs. He explained that on the west side of the project there is an intersection that the City may want to have that road carry more traffic than it is anticipating. He feels that there is not an adequate amount of open space for the density that is being proposed. He feels that there needs to be more open space because a lot of the homes will have little to no backyards.

Mrs. Bechtel stated that she agreed with Mr. Edward's comments regarding open space.

Mr. Dean asked if there was any room in the proposed master plan to obtain a regional park and community parks.

Mr. Mumford explained that one of the parks in the south east area is approximately 13 acres in size but that there is no area for a regional park. He said that the Pony Express Regional Park is next to the proposed development and will provide some regional park requirements for part of the project.

Mr. Dean asked if the total amount of open space being provided by the developer includes open space requirements for the future multi-family areas.

Mr. Mumford explained that the open space does not include the multi-family area but that in the future when a plan comes forward for the multi-family area the developer will be required to provide some useable open space.

Mr. Wren agreed with Mr. Mumford's comments.

*Tom Maher closed the public hearing at 7:59 p.m.*

Mr. Wren stated that this project will have an HOA because it is impossible to enforce CC&R's without one. He said that the regional park for this project already exists and that it is the Pony Express Regional Park. He explained that all of the trails will connect to the parks. He explained that water rights are paper, and that wet water is water within wells. He said that in the past the City was behind on their infrastructure which caused the wet water issue. He said that there are enough water rights and therefore the developer is happy to not have the project be tied to a specific amount of water rights. He explained that the developer felt that the smaller neighborhood parks were needed to provide children with areas close to home where they can play.

Mr. Mumford said that a performance bond and bonds for all public infrastructure are required. He stated that those bonds are kept until they are complete, have been inspected and have exited their warranty period. He explained that the developer in Rock



Creek had left and gone under which is why they have experienced a lot of issues with common area and parks within the development. He said that there are some legal issues with requiring bonds on private amenities.

Mr. Dean asked if builders were required to have construction bonds.

Mr. Mumford stated that a \$5,000 construction bond is required per builder but that it only covers things like broken sidewalks during construction. He said that these bonds have been used before to fix things that have been safety hazards but that typically that money is not used to improve areas. He said that bond is not required up front with a preliminary plat.

Mrs. ElHalta said that she does not want to see pods because the City has many problems with them. She is concerned with how much traffic Eagle Mountain Boulevard will be able to handle. She also wants to see people using the parks but is more concerned with traffic rather than parks. She wants to make sure that all of the road will match up with future plans so that there aren't transportation problems in the future.

Mr. Mumford said that the school will alter roads and traffic but that there is not much the City can do other than try to plan around it.

Mrs. ElHalta explained that she does not want to see Eagle Mountain Boulevard turn into the next SR73 right through town.

Mr. Mumford stated that the future land use and transportation corridor map can always be updated to accommodate future growth. He said that impact fees are also collected to widen roads. He also stated that if Eagle Mountain Boulevard reaches a level of service D, development will be put on hold and the City and the developer will be required to widen the road, after which the developer will be reimbursed.

Mr. Dean asked if density within the project can be transferred if they cannot make it fit within the current layout.

Mr. Mumford explained that under the development agreement they may be allowed to transfer density.

Mr. Dean stated that he liked the idea of the alternative design blocks to give variety to the project. He would like to see the masonry materials issue discussed and resolved.

Mrs. Bechtel asked if water rights were an issue.

Mr. Mumford explained that the City feels that the water issue should be fixed before this project is approved. He said that in the future there will be something in place where the developer has to purchase water from the City for their project or sign an agreement saying they will purchase a certain amount required for their project.

Mr. Maher asked why water was an issue when the developer already has almost enough water rights for the entire project.

Mr. Mumford said that currently there is litigation going on with the developers water rights. He explained that if the developer can provide documentation proving that they have water, the City then can approve parts of the developments that would have water rights.

**MOTION:** *Preston Dean moved to table the Harmony Preliminary Plat to the June 15, 2010 Planning Commission Meeting to give the City ample time to create a policy for the CWP water and for the City and applicant to create a development agreement that resolves the issues as stated in the staff report or if Eagle Mountain properties can prove that they have enough water rights to proceed without it. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher. The motion passed with a unanimous vote.*

## 5. Other Items

### A. Small Wind & Solar Energy Conversion Systems—Discussion Item

Mr. Mumford explained that the State is now giving rebates for small wind and solar energy conversion systems. He said that staff is proposing that solar energy be permitted as an accessory use so that it does not have to go to Planning Commission or City Council. He stated that they would not be able to be higher than the roof ridge line and would have to lay flat with the slope of the roof. He explained that the code has a location priorities section that gives direction on where to put the solar panels. He said that several City departments will inspect and review these panels to make sure they comply with code.

Mr. Dean asked if the LDS Church approached the City regarding their “Green” church located on Eagle Mountain Boulevard.

Mr. Mumford said that they have spoken to the City about doing some sustainable things within the building but they have not discussed the solar panels.

Mrs. ElHalta asked if it was required for panels to be placed according to the location priorities.

Mr. Mumford explained that at this point it is just a guide for people wanting to have solar energy and that the City won’t be able to enforce where individuals place the panels.

Mr. Dean suggested that you could have a restriction that doesn’t allow the panels to cover more than 30% of the surface of the home.

Mrs. ElHalta stated that the City needs to decided to go green or not to because if you restrict people to much then they can’t go green all the way.

Mrs. Bechtel feels that the guide should be in place even though it can't necessarily be enforced.

Mr. Mumford said that solar energy will be a permitted use and that wind energy will be a conditional use because it typically has more of an impact. He stated that windmills will be permitted on ½ acre to 5 acre lots at 45 feet or less in height. He said that with 5 acre lots and higher they will be permitted at 65 feet or less. Mr. Mumford reviewed other proposed code specifications from the code. He said that windmills will be required to have a safety feature that slows the windmill if the speed gets too fast. He said that roof mounted wind systems will be permitted in commercial and industrial zones and will not be allowed to project more than five feet above the roofline of buildings.

Mrs. ElHalta asked if it was reasonable to have the same decibel restriction on one windmill in a residential area as well as several windmills on one building in a commercial area.

Mr. Mumford stated that he would have to look further into the issue. He also reviewed photographs of areas within the City.

Mr. Dean feels that people can't be restricted according to what is built on their neighbor's lot.

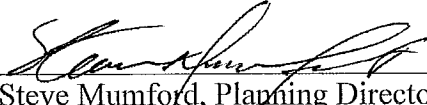
Mr. Mumford said that there is a 50% distance on each lot and feels that this should cover the spacing issue. He said that with larger windmills the wind should be studied for at least a year to determine if it is worth installing several windmills to produce energy.

Mr. Maher feels that the lot size is restrictive enough and that the setbacks are appropriate.

## 6. Adjournment

Tom Maher adjourned the meeting at 9:05 p.m.

APPROVED BY THE PLANNING COMMISSION ON MAY 25, 2010.

  
Steve Mumford, Planning Director

# EAGLE MOUNTAIN CITY PLANNING COMMISSION MEETING MINUTES

Tuesday, May 25, 2010 at 6:00 p.m.

Eagle Mountain City Conference Room, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

## Eagle Mountain City Planning Commission Policy Session – Conference Room

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, John Linton and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham, City Council

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Steve Turner, Intern; Jenalee Harper, Deputy Recorder.

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

### 1. Pledge of Allegiance

Tom Maher led the Pledge of Allegiance.

### 2. Declaration of Conflicts of Interest

None

### 3. Approval of Minutes

#### A. May 11, 2010 Planning Commission Meeting Minutes

**MINUTES:** *Karleen Bechtel moved to approve the May 11, 2010 minutes. Preston Dean seconded the motion. Those voting aye: Karleen, Bechtel, Preston Dean and Tom Maher. John Linton abstained. The motion passed with a unanimous vote.*

### 4. Status Report from City Council

#### A. Camp Williams Joint Land Use Study (JLUS) Interlocal Agreement

Mr. Mumford explained that this study is being conducted with cities and counties surrounding Camp Williams. He said that the Department of Defense has initiated this study to be able to give out grant money and to also ensure that Camp Williams is protected as future development comes along.

#### B. Eagle Mountain / Saratoga Springs Cooperative Boundary Agreement

Mr. Mumford stated that a common boundary was agreed upon between Eagle Mountain and Saratoga Springs. He reviewed a boundary map with the Commission.

#### C. Amendments to the Future Land Use and Transportation Corridors Map

Mr. Mumford said that the transportation map had been approved and that the Planning Commission's recommendations were upheld. He explained that the City will continue to work with Camp Williams.

Mr. Maher asked that the Planning Commission be kept up to date on those meetings.

D. Spring Run Annexation Petition

Mr. Mumford explained that the Spring Run Annexation consist of the gravel pit area along S.R. 73.

Mr. Linton asked what the motivation was for annexing this land into Eagle Mountain.

Mr. Mumford said that the NSA Facility has the potential to encourage economic development growth and that this area would include land for business to locate on.

4. Development Items

A. Development Code Amendment – Chapter 17.76 Small Wind & Solar Energy Conversion Systems—Public Hearing, Action Item

Mr. Mumford explained that modifications to the code had been made since the last Planning Commission meeting. He stated that accessory structures were modified in the setbacks area of small wind energy facilities to include only accessory structures with living space, or accessory dwelling units. He said that setback would not be required from a shed or detached garage.

Mr. Linton asked if this element was added to prevent homes being damaged if a tower were to fall over.

Mr. Mumford stated that this code would allow enough distance so that if a tower were to fall over it should not hit a neighbor's home.

Mr. Mumford stated that the Planning Commission had been added to the approval section of small wind energy facilities and roof mounted wind energy systems. He explained that language was also modified within the code to include "collectors may be required to be removed if proven to be a safety hazard."

Mr. Mumford explained that the location priorities section was changed to location standards and that it now contains the following language:

*Priority will be given to collectors that are not readily visible from a public street. Collectors may be located on accessory structures. Collectors located on the front of a primary structure are limited to 50% of the front roof area.*

Mr. Mumford said that this was written to try to restrict the visibility of collectors on the front of homes. He said that with the commercial buildings the intent is to make it so that you cannot see energy systems from the street.

Mr. Dean asked if there was anything within the commercial design standards on these units.

Mr. Linton feels that the street visible sides of buildings should be addressed.

Mr. Mumford explained that the mechanical code states that all mechanical equipment shall be screened so as not to be visible from the street.

Mr. Linton stated that he would like to see that verbiage included in the proposed code.

Mr. Mumford explained that windmills generally cause more concern to neighbors because they affect views and have noise impacts. He said that it is staff's recommendation to have a conditional use process for windmills, and that they are considered for all lots larger than ½ acre. He said that after reviewing several lots within the City, staff felt that lots larger than ½ acre would be adequate enough to allow windmills on them. He explained that rooftop windmills would be allowed through a conditional use permit process as well. He said that the City is trying to promote green energy and feels that this will be a positive thing.

Mr. Linton asked if there was anything within the code that doesn't allow more than one windmill per lot.

Mr. Maher said that in a prior discussion some lots may be allowed to have more than one windmill.

Mr. Mumford said that this code does not specifically address windmill farms. He stated that it is only for private use and that currently there is very little incentive for a property owner to install more than one windmill. He said that eventually the City will get to the point of writing code for large windmill farms.

Mr. Linton stated that a section of the code said that windmills could not produce noise louder than 65 decibels or they would not be allowed. He asked how that number was determined, and if there was a comparison.

Mr. Mumford said that sound testing was done at the skate park and that with a motorcycle driving by on the road it spiked the sound up to 80 decibels.

Mr. Linton said that standing adjacent to a running vacuum cleaner is about 65 decibels. He feels that neighbors are not going to want to hear that noise 24 hours a day.

Mr. Maher stated that the setback requirements should mitigate the noise from the windmill.

Mrs. Bechtel asked if a windmill would produce 65 decibels of sound all of the time, or if it is just when it is windy.

Mr. Mumford said that the faster it spins the louder it sounds. He said that there is generally a protection on the windmills that restricts them from spinning too fast so that they don't break.

Mr. Mumford said that CC&R's will take precedence if they are more restrictive than City Code.

Mr. Linton asked that this be noted in the proposed code.

Mr. Mumford explained that he has met with Brian Haskell who runs the Ranches HOA and has discussed this new code with him to get his input. He feels that the City will be seeing more solar panels rather than windmills.

Mr. Dean stated for clarification that windmills will require a conditional use permit and that solar panels will only require a building permit.

*Tom Maher opened the public hearing at 6:43 p.m.*

McKay Edwards stated that the City will most likely see a lot of solar being installed with this new code being put in place. He said that this is a constant topic at planning meetings because many are doing this for sustainability.

Mr. Dean hopes that people will consider solar panels from a design standpoint as well to get maximum efficiency while meeting the code requirements.

Mr. Linton said that Irvine California's code does not allow solar panels to be visible on homes which restrict many people from having solar.

Mr. Dean said that Utah has passed a code that allows the collection of rainwater and suggested that the City looks into it.

*Tom Maher closed the public hearing at 6:53 p.m.*

**MOTION:** *Mr. Linton moved to approve Chapter 17.76 Small Wind & Solar Energy Conversion Systems of the Development Code as proposed and subject to the following conditions:*

- *That a section be added to the code that states that CC&R's take precedence if they are more restrictive than the City Code.*
- *That solar and wind energy systems are not visible from the street in commercial areas.*

*Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

5. Adjourn to a Work Session – The Commission will adjourn to a work session to discuss planning related items, including the City General Plan.

The Planning Commission adjourned into a work session at 6:55 p.m.

#### **Eagle Mountain City Planning Commission Work Session – Conference Room**

*No Minutes or Action taken.*

#### **6. Work Session Discussion**

##### **A. Eagle Mountain City General Plan Re-Write**

*This is the beginning of a re-write process for the City General Plan document. A community vision will be discussed, as well as other General Plan elements.*

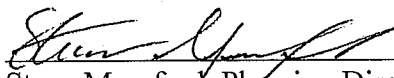
#### **7. Other Items**

##### **A. Next Meeting – June 15**

#### **8. Adjournment**

Tom Maher adjourned the meeting at 10:41 p.m.

APPROVED BY THE PLANNING COMMISSION ON JUNE 15, 2010.

  
Steve Mumford, Planning Director

**EAGLE MOUNTAIN CITY**  
**PLANNING COMMISSION MEETING MINUTES**

Tuesday, June 15, 2010 at 6:00 p.m.

Eagle Mountain City Conference Room, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**Eagle Mountain City Planning Commission Policy Session – City Council Chambers**

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham, City Council.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Melanie Lahman, Deputy Recorder.

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance

Tom Maher led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. May 25, 2010 Planning Commission Meeting Minutes

**MOTION:**           *John Linton moved to approve the May 25, 2010 minutes. Preston Dean seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

Bonnie ElHalta arrived at 6:03 p.m.

4. Status Report from City Council

A. Small Wind and Solar Energy Systems Code Amendment

Mr. Mumford explained that this item was approved at City Council with some changes. The conditional use process for windmills was changed to a building permit process with approval from the Planning and Energy Departments. The section on abandonment was removed, as was the phrase "to the greatest extent possible."

Solar energy systems were approved with no restrictions on the location of the panels. The phrase "to the greatest extent possible" was removed from this section, also.

A net metering agreement will be brought before the City Council at their next meeting.



## B. Accessory Structures Code Amendment

The Council approved this item without changes.

## 5. Development Items

### A. Harmony Preliminary Plat – Action Item

The Harmony Preliminary Plat is a 772-acre project located southwest of the Overland Trails Subdivision and west of Sweetwater Road. The project contains 4,257 total single-family and multi-family lots/units, 27 acres of commercial land, six churches, a junior high school site, and various parks. This item was tabled from the May 11, 2010 meeting.

Mr. Maher said having CWP water prevents the developer from having to invest its money in water rights. Mr. Mumford wants to set up the agreement so the developer has to pay an annual fee to maintain rights to the water.

Mr. Mike Wren spoke in behalf of the applicant. He's a consultant to the owner. He said it sounds like the City needs more time to review this project.

On item 7, multi-family review: Mr. Mumford said that code was badly written for multi-family projects, so a hybrid code approval should apply. Mr. Wren said the master development agreement is valid until 2017. The staff condition as written nullifies the agreement, so the code under the agreement should apply until 2017. Mr. Linton said item 7 needs to be eliminated.

Mr. Wren said John Walden co-signed for the City on bonds in exchange for a favorable master development agreement.

On item 8, review of phases D, E, F: Mr. Wren said the language is not acceptable to the owner. Mr. Dean said it assumes that D, E & F would be developed last, but that's not necessarily the case. Ms. ElHalta said if Pole Canyon is annexed, that could happen. The commission members said that the City can't pick phases.

On item 13, utilities and easements, the condition doesn't limit the easements to those within Harmony. Mr. Wren said the applicant is already involved with the State Ombudsman's Office over land that the City has crossed without permission. He asked that the language specify "within the boundaries of Harmony."

On item 17, the water rights agreement referred to is too undefined. Mr. Wren said it looked to him like the City needs more time. Ms. ElHalta said the City has historically required developers to have water rights up front. Mr. Wren said that's true of final plats, but preliminary plats only require the developer to show it has water rights available. He pointed out developments that were approved without water rights and schools that are being served with water without having water rights.

Mr. Maher said the issue is December 31. Mr. Mumford said the City needs to create a standard form for water agreements, which can't be done until legal issues are resolved with Cedar Fort and CWP water. Since that can't be done for at least three months, another option would be to require water rights with the project.

Mr. Maher said requiring water is the only way to prevent developers to get vesting without having water. He asked what effect waiting for the new form would have on the applicant's deadlines. Mr. Wren said that the development agreement says any project not denied within 90 days after submittal is deemed approved. Mr. Maher said City Attorney Jerry Kinghorn didn't think that is applicable.

Ms. ElHalta asked what time limit is placed on the City signing. How can the City move the project ahead in a timely manner? What parts of the process can be completed while the City waits for the resolution of the lawsuit?

Mr. Wren suggested that completion of the agreement be required before the first plat in Harmony is approved.

Mr. Linton said that precedent shouldn't be set. He suggested that the agreement be written so that the water shares could be withdrawn in favor of CWP water.

Mr. Wren said that the applicant is working with potential industrial opportunities that will require some or all of that water.

Mr. Wren said it sounds like the City needs more time. Mr. Linton suggested working on another item and coming back to the water item later.

Mr. Wren said the architectural guidelines negate the development agreement. He said the only way commercial developers will build in City Center is by building more rooftops. Larger houses have a better profit margin, but create fewer rooftops. The language as written could change the lot sizes and make the subdivision impossible. Mr. Linton said he read it to mean construction materials and not lot sizes. This language would allow the developer to use materials that aren't currently available. Mr. Wren said he had confused one item with another. His concern was with architectural requirements. Mr. Maher said the City doesn't just want rooftops, it wants an attractive community.

Preston Dean was excused at 7:30 p.m.

Mr. Maher asked if Mr. Wren would be comfortable with using the 1997 code until 2017, then revert to the current code. Mr. Wren said that would be acceptable, as long as lot sizes were not included.

On item 3, Mr. Wren said the amount of improved open space exceeds the required amount by about 12 acres. The paragraph requires the multi-family projects to have their own open space, but the open space already exceeds the requirement. He would like one or the other. Mr. Wren said he would give up the 75% exterior if the applicant didn't have to put a park in between the multi-family units. The Planning Commission removed the last sentence of item 3.

The discussion returned to water. Mr. Maher suggested approving all the conditions with the exception of water rights. Mr. Mumford suggested tabling the project until the water rights issue is resolved. The Commission did not want any other issue remaining to be discussed.

Ms. ElHalta said the Commission needed to avoid writing verbiage that made the City liable, since they can't write legal language.

Mr. Wren specified that the applicant is slightly short of the water required for the entire project. He asked if the Commission could create a new condition list and just leave the water issue to be resolved. Ms. Bechtel asked if the Commission could table the project with all the conditions approved except for the water rights.

**MOTION:** *John Linton moved to table the Harmony preliminary plat until an agreement is reached regarding item 17, Water Rights, but that the staff report be revised as follows:*

1 Church Sites. The Project includes six church sites located throughout the development. In the event the church sites are not purchased, and remain undeveloped, the owner may elect to re-plat these blocks to a density of up to 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in any re-platted church block shall have a width of less than fifty feet, and no multi-family product may be platted on the church blocks. No lot or street configurations are vested for these parcels.

2 Junior High School Site. The Junior High School block has been reserved for a future school. In the event the school district does not choose this block for another school, the school block may be platted to a maximum density of 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in this re-platted block shall have a width of less than fifty feet, and no multi-family product may be platted on the school blocks. No lot or street configurations are vested for these parcels.

3 Improved Open Space. The improved open space areas are to be designed in detail along with each final plat or site plan application. All parks which are used as open space should have drainage piped through the park so that the park becomes usable and nuisance water is allowed to flow through, and bubble up when flows begin to exceed historical runoff. Also, a pad for pavilions, tot lots, and other amenities should be provided above the pond water mark to allow full use of these facilities without increasing the required maintenance. These will be designed with each phase of development.

4 Trails. The "development" trails shall be built along with the infrastructure for each associated subdivision.

5 Park Completion / Timing. A park must be designated with each final plat for partial improvement along with required infrastructure for that plat at time of submittal. Parks must be improved at a rate of at least 2.5 acres per 400 lots, or approximately 273 square feet per lot. For example, Plat A-1 includes 34 lots, so 9,282 square feet of park space plus amenities must be improved in a park within 1,320 feet of the plat as part of the infrastructure improvements for that plat. The location and type of improvements and amenities are to be approved as part of the final plat application. A fee-in-lieu of improved open space may be approved at the discretion of the City Council along with

each final plat application.

6 Alternative Block Designs. Blocks A through D as noted on the Preliminary Plat are to be platted and designed as either single-family detached courtyard or green court developments, substantially similar to the examples in Exhibit 3, or other similar product as approved by the Planning Commission and City Council. The homes/lots fronting onto a green court may have a minimum frontage of 35 feet, and the homes/lots fronting a public street may have a minimum frontage of 40 feet, with no garages facing the public street. The fronts of homes shall face the public street or the green court. The final design will be approved at the Final Plat and Site Plan stage. The City makes no guarantee that the density shown on the preliminary plat for these areas can be achieved.

7 Multi-Family Review. All multi-family or commercial site plans or plat applications for this project shall comply with the Eagle Mountain City 1997 Interim Development Code if submitted by the expiration of the Eagle Mountain Properties Master Development Agreement. All other multi-family and commercial applications shall comply with the current City Code at the time of submittal. These areas are not vested with density, and any reference to the number of units on the Preliminary Plat must be removed. The multi-family areas must be designed with appropriate density and product transitions between the single family lots and the high density or commercial areas.

8 Corner Lots. All corner lots shall contain a "corner cutoff" setback to allow for proper distance for gas and electric utilities to round the corners of a lot while still keeping the required distance from a building foundation. This includes taking a triangle out of the potential building pad measuring five feet each direction at the corner of the setbacks.

9 Phasing of Construction. Phasing shall generally follow the phasing included in the Project Overall Phase Index, but the City understands that variations to this phasing for various reasons will occur. Every phase shall include approved emergency vehicle access and turnaround, and no more than fifteen (15) lots may be built on a dead-end street or cul-de-sac.

10 Traffic Studies / Road Failures. All roads within the development that are not included in the City's Master Transportation Plan or Future Land Use and Transportation Corridors Plan must be paid for by the developer. The City Engineer shall have the discretion to require traffic studies with each final plat application, and if the next plat would likely reduce the level of service to D or worse on Eagle Mountain Boulevard, Sweetwater Road, or SR73, the developer would be required to fund the difference between the project cost and any impact fees previously collected by the City toward the required road project, under the terms of the Eagle Mountain Properties Master Development Agreement (2.6.7). An impact fee credit will then be applied to the Project to effectively reimburse the owner/developer for this additional cost over time.

11 Easements – Rocky Mtn Power, Mountain Bell. The cost of the Rocky Mountain Power facilities that run through this property shall be paid to the City by the developer to then be transferred to Rocky Mountain Power, as is done in other cities. The developer shall also pay for additional costs of connecting the Rocky Mountain Power facilities to the City's facilities in order to maintain service to downstream customers. The developer shall also work out a solution to the Qwest easements with Direct Communications and Qwest. These facilities shall be taken care of by the developer prior to recording any final plat that is affected by the facilities/easements.

13 Utility Services and Infrastructure Improvements. Except as provided in a reimbursement agreement which may be entered between the City and the Developer, the

Developer agrees to dedicate and donate free and clear of all encumbrances to the City all required spaces for the location of City owned utilities, utility facilities and improvements for the construction and use of utilities, roads, and other public ways within the boundaries of Harmony.

14 Off-Site Utilities. Necessary off-site utility improvements must be completed to the satisfaction of the City Engineer prior to issuance of any building permits in a phase that requires such off-site improvements.

15 Storm Drainage. Storm drain detention basins must be installed prior to issuance of any building permits for lots that would drain into such basin. Easements are required for all offsite storm drain infrastructure. Detention ponds that are designed to allow for a discharge may be designed as temporary retention ponds until the phasing allows for the completion of the offsite outfall storm drain, provided that an overflow storm drain can be provided. Drainage plans are required to be submitted along with each final plat for approval.

16 Street Names. The street names provided with this preliminary plat are considered reserved, following any changes required by City staff. Several streets require name changes for addressing and safety purposes, as well as avoiding any duplication or confusion, including: Doris Parkway (changed to Pole Canyon Boulevard), Brittany Street, Oquirrh View, Gracie Way, and Natahki Street (changed to Shumate Street), and others. Street names will require review and approval by the City staff prior to any final plat approvals.

17 Water Rights. The developer must sign an agreement with the City and comply with the terms of such agreement in order to utilize City-owned CWP water rights for this project. This agreement must include an approved quantification of the amount of water required for the vested single-family residential portion of the project, along with a requirement for payment of all of the initial CWP fees (reimbursement to the City) with the execution of the agreement. This agreement must be signed by the applicant/owner by December 31, 2010, or the approval of this preliminary plat is considered revoked, along with all vested rights. No final plat application may be processed until the agreement is signed and all terms of the agreement are met. The applicant may also choose to provide documentation guaranteeing privately owned water rights sufficient for the project by December 31, 2010.

18 Not-A-Part. The areas labeled "Not a Part" are not a part of the Project, and are not vested with any density, road configuration, or lot layout.

19 Fencing. Fencing or a decorative block wall is required to be installed by the developer for all rear lots along a collector or arterial road. This fencing shall be included in a bond with the City.

20 Architectural Standards. All homes within the development must comply with the Architectural Design Review standards found in Chapter XII-M of the 1997 Interim Development Code (except for XII-M-f) until the expiration of the Eagle Mountain Properties Master Development Agreement. All homes reviewed after that date shall be reviewed by the current code at time of submittal.

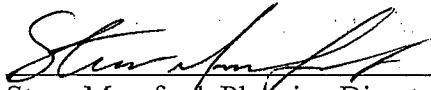
*Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

8. Adjournment

Tom Maher adjourned the meeting at 7:51 p.m.

The next meeting will be a work session at 6:00 p.m. on June 28.

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 14, 2010.

  
\_\_\_\_\_  
Steve Mumford, Planning Director

# EAGLE MOUNTAIN CITY PLANNING COMMISSION MEETING MINUTES

Tuesday, June 29, 2010 at 5:00 p.m.

Eagle Mountain City Conference Room, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

## Eagle Mountain City Planning Commission Closed Executive Session – 5:00 p.m. – Conference Room

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher.

ELECTED OFFICIALS PRESENT: Donna Burnham, Councilmember

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Steve Turner, Jenalee Harper, John Hendrickson and Jerry Kinghorn.

Planning Commission Chair Tom Maher called the meeting to order at 5:05 p.m.

1. A closed executive session will be held for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.
2. Adjourn to a Work Session

**MOTION:** *Karleen Bechtel moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher. The motion passed with a unanimous vote.*

The Planning Commission adjourned into a closed executive session at 5:06 p.m.

## Eagle Mountain City Planning Commission Work Session – 6:00 p.m. – Conference Room

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher.

ELECTED OFFICIALS PRESENT: Donna Burnham, Councilmember

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Steve Turner, Jenalee Harper, John Hendrickson, and Jerry Kinghorn.

Planning Commission Chair Tom Maher called the meeting to order at 6:05 p.m.

1. Work Session Discussion (*No minutes or action taken*)
  - A. Eagle Mountain City General Plan Re-Write

*This is a continuation of a re-write process for the City General Plan document.*

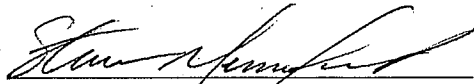
2. Other Items

- A. Next Meeting – July 13

3. Adjournment

Tom Maher adjourned the meeting at 7:45 p.m.

APPROVED BY THE PLANNING COMMISSION ON JULY 13, 2010.

  
Steve Mumford, Planning Director



**EAGLE MOUNTAIN CITY**  
**PLANNING COMMISSION MEETING MINUTES**

Tuesday, July 13, 2010 at 6:00 p.m.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**Eagle Mountain City Planning Commission Policy Session – 6:00 p.m.**

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher.

ELECTED OFFICIALS PRESENT: Donna Burnham, City Councilmember

CITY STAFF PRESENT: Steve Mumford, Melanie Lahman.

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. June 29, 2010 Planning Commission Meeting Minutes

**MOTION:** *John Linton moved to approve the June 29, 2010, meeting minutes. Preston Dean seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta and Tom Maher. Those abstaining: John Linton. The motion passed with four aye votes and one abstention.*

4. Status Report from City Council

A. Oquirrh Mountain Master Development Agreement

The City Council approved the Oquirrh Mountain Master Development Agreement. Oquirrh Mountain is located on the north side of Unity Pass, west of Pony Express Parkway/Sweetwater Road. It's approved for 417 dwelling units, parks and a church site. Mr. Linton commented that the developers of this project cooperated with and exceeded all requirements.

The Hidden Valley area may be divided into upper and lower master development plans.

5. Development Items

A. The Village at Simpson Springs Plat A Amended Final Plat

This is an amendment to a final plat that was approved in 2001 and recorded in 2007 for 22 twin home units. The plat is presented as a PUD rather than a "condominium"

subdivision for financing purposes. The property is now bank-owned and the bank has requested the change. Changes have been made to the building pads and the unit elevations. Drainage has been changed to underground piping, and some DRC items remain to be resolved.

The applicant, Ron Johnston of Desert Peak Management Group, was asked to comment. Mr. Maher asked him when he thought the units would be built. He said two of the units are started. Future units will be built as soon as they're sold. The builder is Mitchell Dean.

**MOTION:** *John Linton moved to recommend that the City Council approve an amended final plat for The Village at Simpson Springs, Plat A. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

6. Adjourn to a Work Session – The Commission will adjourn to a work session to discuss planning related items, including the City General Plan.

Tom Maher adjourned the meeting to a work session at 6:20 p.m.

**Eagle Mountain City Planning Commission Work Session – Immediately Following Policy Session**

1. Work Session Discussion

- A. Eagle Mountain City General Plan Re-Write

*This is a continuation of a re-write process for the City General Plan document.*

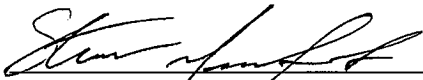
2. Other Items

- A. Next Meeting – July 27

3. Adjournment

Tom Maher adjourned the meeting at 6:38 p.m.

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 14, 2010

  
Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, SEPTEMBER 14, 2010 AT 6:00 P.M.  
Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**Eagle Mountain City Planning Commission Policy Session – 6:00 p.m.**

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Jerry Kinghorn, Melanie Lahman.

Planning Commission Chair Tom Maher opened the meeting at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. February 9, 2010 Planning Commission Meeting Minutes

**MOTION:** *Karleen Bechtel moved to approve the February 9, 2010, meeting minutes. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

B. June 15, 2010 Planning Commission Meeting Minutes

**MOTION:** *Karleen Bechtel moved to approve the June 15, 2010, meeting minutes. Preston Dean seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

C. July 13, 2010 Planning Commission Meeting Minutes

**MOTION:** *Karleen Bechtel moved to approve the July 13, 2010, meeting minutes. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

4. Development Items

A. Harmony Preliminary Plat – Consideration of tabled Harmony Project application and vote to set prospective Harmony Class II permit application hearing.

City Attorney Jerry Kinghorn has reviewed the status of the Harmony application and sent a letter to the applicant and their counsel, Craig Call. Mr. Kinghorn recommended that the development be processed under the 1997 Development Code. The 1997 Code requires a Class II permit. An application will be given to the applicant this evening. Mr. Kinghorn believed that all of the submittals required for a scoring hearing have been submitted, but Mr. Mumford will confirm that. The application should go through a scoring hearing and then go to the City Council. A preliminary plat application could be processed concurrently.

Mr. Kinghorn recommended that the tabling of the Harmony development, approved on June 15, 2010, be continued pending results of the scoring hearing. The conditions agreed to at the June 15 meeting can be incorporated into a development agreement, if it's appropriate to do so.

Craig Call, attorney for Eagle Mountain Properties, referred to a letter he sent in June, which Mr. Kinghorn responded to last week. He said the goal wasn't to alter the substance of the process. He read five things that he believed Mr. Kinghorn and the Commission assume: 1) that the applicants have not already filed a Class II permit application, 2) that there's been no initial plan review, 3) that there's been no review by the City Engineer, Fire Dept, etc., 4) that the City hasn't waived its right to require this process, and 5) that the application is not deemed approved. These assumptions need to be entered on the record if they are decisions. Without a land use decision, the applicant has no vehicle for contesting them, which they may or may not do. He proposed that those issues be scheduled for consideration.

He didn't think there was very much difference between what the developer wants and what the City requires.

Mr. Kinghorn said that the City hasn't received a Class II application, but does have all the submittals required for a scoring hearing. He recommended that Mr. Call provide him the information he just referred to in writing. Mr. Kinghorn could then furnish Mr. Call with the submittal materials, followed by a discussion about the issues.

Mr. Maher asked if a Class II application could be given to Mr. Wren tonight.

Mr. Kinghorn said that the Planning Dept. would have to prepare a staff report before the scoring hearing. The clearer the City can make the record, the more options the city can provide to the applicant. Mr. Call gave copies of his concerns to Mr. Kinghorn, Mr. Mumford and the Planning Commission, which are attached to these minutes.

Mike Wren of Eagle Mountain Properties said he has been working on this submittal for over a year and a half. At one point the City wouldn't even meet with him for five months. He was very frustrated and felt that an unnecessary burden has been placed on him two years after the process started.

**MOTION:**

*John Linton moved to continue the tabling of the Harmony Project, pending counsel's review of the assumptions as noted and response to them and the providing of a Class II application and preparation for the scoring, and that a review of these matters be set as soon as those things can be considered and responded to. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

**B. Development Code Amendment – Chapter 16.35.090 Privacy Fencing – Public Hearing, Action Item.**

This amendment is to clarify the timing requirements of installation of required privacy fencing for residential subdivisions. The current code requires developments with rear lots facing an arterial or collector road to install fencing. At times, builders and developers try to make each other responsible for installing fencing. This amendment specifies that developers must install fencing before building permits are issued for that phase.

Jerry Kinghorn, City Attorney, said that the City shouldn't be involved in enforcing CC&Rs. They should be dealt with among the homeowners. His opinion was that the City should make the fencing requirements, including style, color, timing and who is responsible for installation, part of the development agreement. Then it can be enforced by the city as a matter of agreement.

Mr. Linton asked if the City could require a sign-off sheet showing that the HOA approved of the fencing the developer planned to install. Mr. Kinghorn said there used to be a similar requirement as part of submittals, but it sometimes wasn't filled out and the City got into battles with homeowners and HOAs.

*Commission Chair Tom Maher opened the public hearing at 6:39 p.m. As no comments were made, he closed the hearing.*

**MOTION:**

*John Linton moved to accept the findings of the staff report, with the correction under 16.35.090 Privacy Fencing, that there be a period placed instead of the comma on the last sentence, and that the wording be "to require a specific material and color for the fencing," deleting the words "and the fencing should comply with the existing CC&Rs." Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

**C. Development Code Amendments – Chapters 16.10, 16.20, 16.25, and 17.100 Expirations of Development Approvals – Public Hearing, Action Item.**

Expirations for plat approvals have been discussed in the past. Recently, both the City Council and the Planning Commission asked that the issue be revisited. This Development Code amendment adds expirations of approvals for preliminary plats, final

plats, master site plans, site plans, and master development plans. Staff suggests the following amendments:

Preliminary Plats – Expire 2 years from date of approval by the Planning Commission if a final plat application has not been approved by the City Council within that time.

Final Plats – Expire 1 year from date of approval if not recorded at the County.

Master Site Plans – Expire 2 years from date of approval if a site plan application has not been approved by the Council.

Site Plans – Expire 1 year from the date of City Council approval if a building permit has not been obtained for the project.

Master Development Plans – Expire 2 years from the date of approval by City Council if a Master Development Agreement has not yet been approved. Expiration of MDA would be as included in the specific MDA.

Under the terms of the amendment, developers would be able to request an extension prior to the expiration of a plat approval, subject to specified conditions. The Planning Director would decide whether to grant the extension. A denial could be appealed to the Planning Commission and then to the City Council. Expired projects could be resubmitted.

Discussion ensued as to whether an expired, resubmitted plan would fall under the Code in place at the original submittal or when the plan is resubmitted. Mr. Kinghorn said it depends on what changes have been made. Normally, it would fall under the current code.

This amendment would not apply to projects that have already been approved.

Mr. Kinghorn recommended that the phrase “bond amounts” should be changed to “improvement collateral requirements.”

Mr. Maher asked about water rights. Mr. Kinghorn said that water rights are dedicated to the City just before recordation, so they are not an issue for expiration of approvals.

*Commission Chair Tom Maher opened the public hearing at 7:03 p.m. As no comments were made, he closed the hearing.*

**MOTION:**

*John Linton moved to recommend that the City Council approve amendments to sections 16.10, 16.20, 16.25, and 17.100 of the Development Code, as proposed in the staff report, with the following changes: the applicant must be compliant with the current Development Code; the applicant must provide written supporting documents; the Planning Director may grant up to a single year extension; and improvement collateral requirements shall be calculated, rather than bond amounts. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

5. Other Items

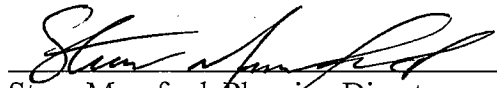
John Linton requested reconsideration of the Commission's decision on hobby breeders. As approved, the requirement doesn't specify how much property should be required per animal. It should be based on size of available space per animal, not on lot size. Mr. Mumford said that staff will research how other cities regulate hobby breeders and kennels and bring the issue to the Commission as soon as possible.

The next meeting is expected to be held on September 28.

6. Adjournment

The meeting was adjourned at 7:14 p.m.

APPROVED BY THE PLANNING COMMISSION ON OCTOBER 12, 2010

  
Steve Mumford, Planning Director

THE LAW OFFICES OF  
ANDERSON CALL & WILKINSON, P.C.

*A Professional Corporation*  
2400 UNIVERSITY CLUB BUILDING  
136 EAST SOUTH TEMPLE STREET  
SALT LAKE CITY, UT 84111  
TELEPHONE (801) 521-3434  
FAX: (801) 521-3484

September 14, 2010

Tom Maher, Chair  
Eagle Mountain Planning Commission  
1650 East Stagecoach Run  
Eagle Mountain, UT 84043

RE: Status of Approval – Harmony – A Planned Community

This office represents Eagle Mountain Properties, LC, which is the applicant submitting an application for preliminary approval for Harmony, a 25 year project for Eagle Mountain Development. That application is the subject of correspondence between our firm and the City of Eagle Mountain and Gerald Kinghorn, legal counsel for the City. Copies of this correspondence is attached to this letter.

As we understand the current status of that application, the Planning Commission has placed it on the agenda for tonight's meeting under the heading "Harmony Preliminary Plat – Consideration of tabled Harmony Project application and vote to set prospective Harmony Class II Permit application hearing."

We received general notice of this pending agenda item in a letter from Gerald Kinghorn, delivered to our office by US Mail on September 7, the day after the Labor Day Weekend. It was also sent electronically to Mike Wren, a representative of Eagle Mountain Properties, LC. No staff report was provided with those communications.

According to Mr. Kinghorn's letter, he was advising the commission to place the project plan review on the agenda for a future meeting, entertain a motion to set the application for a hearing to score the application in compliance with the Class I Permit requirements and procedure of the 1997 Code, and rescind instructions given to staff in the motion made on June 15, 2010. We do not know if the City considers Mr. Kinghorn's advice to constitute a "land use decision" for



purposes of the provisions of Utah Code Ann. 10-9a-701 through 10-9a-801, or not. We also do not know if the City considers Mr. Kinghorn to be a "land use authority" as defined in statute or if the following assurances made in his letters are "land use decisions":

1. That the Developer has not filed a Class II Permit application – that the materials and documents provided do not constitute such an application.
2. That there has been no initial plan review as required prior to filing a Class II Permit application.
3. That there has been no review of the application by the Mayor, City Engineer, Fire Department, and other officials.
4. That the City has not waived its right to require this process and procedure through the operation of the development agreement entered into between the City and Eagle Mountain Development LC and its predecessors in interest or because of principles of fairness and equity or some other legal basis.
5. That the application is not "deemed approved" under the terms of the development agreement because of the time that has passed since it was filed and for the other reasons explained in my attached correspondence.

This leaves us in a dilemma as to how to respond. We respectfully request that the Planning Commission take no official action on this matter tonight and that the Commission or the Administrator designated as a land use authority by the City for purposes of dealing with this type of development approval conduct a fair process, in harmony with considerations of due process and the fairness requirements of the development agreement, to determine what land use decisions are needed and what those decisions should be. We will participate in that process and are confident that as we work together we can achieve a result that is both legal and fair.

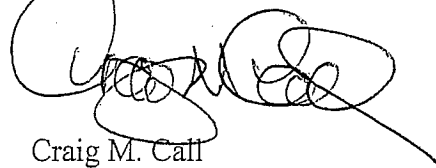
If the Commission is considering taking action tonight, we object to such action because of the short time allowed for our response to the issues raised and the difficulty posed by our not knowing what issues are before you and the status of the matters outlined in Mr. Kinghorn's letters without the benefit of any decision by a land use authority. We request that this letter and the attachments to this letter become a part of the record of any decision that you may make tonight.

We are also eager to determine if there is any other method of proceeding that makes sense to all involved. The City officials, including your commission and the City Council, can together with the applicants, put together some process that would advance all of our goals without being

Eagle Mountain Planning Commission  
September 14, 2010  
Page 3

locked into either existing codes, the 1997 code, or past agreements. We would be willing to discuss whatever options you may prefer to review instead of a more formal and perhaps adversarial process.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig M. Call", with a large, looping flourish extending from the end of the signature.

Craig M. Call  
Anderson Call & Wilkinson, PC

cc: Gerald Kinghorn  
Mike Wren

THE LAW OFFICES OF  
ANDERSON CALL & WILKINSON, P.C.

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June 25, 2010

Mayor Heather Jackson  
City of Eagle Mountain  
1650 East Stagecoach Run  
Eagle Mountain, Utah 84043

Fionnuala Kofoed, City Recorder  
Gina Peterson, City Recorder  
City of Eagle Mountain  
1650 East Stagecoach Run  
Eagle Mountain, Utah 84043

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: Development Approval – Harmony – A Planned Community

Dear Mayor Jackson and Ms. Kofoed;

This office represents Eagle Mountain Properties, LC, ("EMP") which is party to the Amended and Restated Development Agreement between the Town of Eagle Mountain, Utah, Monte Vista Ranch and Eagle Mountain Properties dated December 22, 1997 (the "Agreement").

This letter is directed to you, Mayor Jackson, as the logical person who has succeeded to the office held by Mayor Debbie Hooe in December of 1997, and also to you, Ms. Kofoed, as the successor in office to Gina Peterson. Mayor Hooe is named as the person to be served notice under the Agreement. Ms. Peterson's name is currently listed on the official database at the Utah Department of Commerce as the designated person by the City of Eagle Mountain under the provisions of the Utah Governmental Immunity Act for purposes of providing notice of pending legal issues with the City. Please advise me immediately if, for any reason, you do not consider yourself as the appropriate person to receive this letter under the terms of the Agreement or for any other reason.

The Agreement remains in full force and effect today, and both the Town, which is now a City, and the developers involved in the Agreement have benefitted from its terms and the opportunities it provides for long term visioning and careful, thoughtful, planning for a beneficial mutual future.

In the Agreement, at page 2, the parties express their intention to assure fair and equitable treatment for the developers and the community in the process of realizing its anticipated mutual benefits. The Agreement also clearly states on that page that the Owner/Developer is relying

upon the execution and continuing validity of the Agreement and the municipality's faithful performance of its obligations to justify the developers' investment of substantial funds into the community. In an extraordinary gesture to that mutual desire to work toward fair and efficient development, as you know, the developers also guaranteed bonds and notes for the Town and otherwise incurred substantial expense and risk toward your and their mutual goals.

An essential part of the Agreement is articulated in item 2.8.2 of the Agreement, which reads:

Deemed Approved. Any development application, subdivision plat or amendment, certificate of compliance, conditional use, variance, building permit or other approval required from the Town which is requested by Owner/Developer and which is not denied by the Town within ninety (90) days after the submission of a completed application shall be deemed approved by the Town.

This provision is to be considered in the context of the entire Agreement, which also states at item 4.5:

Non-Waiver. Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

In February, 2009 EMP delivered to the City an application for preliminary plat approval of Harmony, a 25 year project for Eagle Mountain Development. Prior to submittal, EMP had prepared extensive documentation and exhibits that demonstrate that the proposal is complete and suitable for review by the City. Representatives of EMP also had extended discussions with City staff about the project and its characteristics and the advantages posed by such a comprehensive, long-term vision for the future of both the development and the community.

Under the provisions of the applicable code (the September, 1997 Eagle Mountain Interim Development Code), at item III-B-2-a, a subdivision application is deemed an application for a "Class II Permit". On page 6, at item II-E-4, the code explains that it is the duty of the Town Council to review and approve applications for Class II permits. Now that Eagle Mountain is a City, it would follow that only the City Council can deny an application for a Class II permit.

Under the current code (which the Developer under the Agreement can elect to use in lieu of the 1997 Code) at Section 16.20.050 E, the Planning Commission is designated as the entity that approves or disapproves preliminary plat applications.

On May 19, 2009, Steve Mumford, acting on behalf of the City, sent a letter to Michael Wren of EMP outlining some issues that the City had raised about the application. The letter stated that the application was "rejected". With Mumford's letter was a letter from Gerald Kinghorn, legal counsel for the City, also raising issues and stating that the application "fails to conform" to the applicable ordinance. Neither letter states on its face that it is an official action by the city, and

neither letter is a denial or approval of the application under the provisions of the relevant municipal ordinances. This means that the EMP application was not "denied" for purposes of the Agreement within 90 days of its submission.

Since this correspondence, those representing EMP have attempted to work with the City to discuss the project in great detail, and point out how the conclusions expressed by the correspondence referred to above and in other settings during the review process are incorrect and unreasonable. During this effort to accommodate the City's concerns, many days more than 90 days have passed without an official denial by the City.

During that entire time, both officials of the City and of EMP have consistently and repeatedly reminded those involved that the Agreement calls for action by the City within 90 days of the submission of development applications.

In March, 2010 EMP again submitted additional materials for the City's review. These new submittals addressed issues raised and significantly modified the application to conform to concerns expressed by those involved in the review process. More than 90 days have also now passed from this additional submittal without any official action by the City. That renewed submission has also not been "denied".

At this time, we can only conclude that the application for Harmony is thus deemed approved. This conclusion is based on the clear language of the Development Agreement, including a reference to the relevant codes which provides a means by which either the City Council or the Planning Commission alone can approve or deny a project; by the provisions of the Agreement stating clearly that EMP does not waive the right to assert the 90 day deemed approved language because it may or may not have asserted it before, and by the simple fact that more than ninety days has run, not only since the first submittal but also from the most recent submittals provided in an effort to work with the City.

The application was a subdivision application which is the type of application governed by the deemed approved language of the Agreement. It was submitted by a party to the Agreement who is entitled to rely on and indeed has relied on the provisions of the Agreement. The application was submitted more than 90 days ago and has not been denied. No waiver of the applicant's rights to assert the deemed approved language has occurred.

This letter is, therefore, provided to advise the City officially that EMP considers its application for preliminary plat approval to be "deemed approved". Our clients will consider the last plat provided in March of 2010 as the approved plat, and will now proceed to work with the City staff and leadership to refine the plans and prepare final documents to be reviewed under the provisions of the appropriate code. EMP certainly wants to make accommodations to reflect your and their mutual concerns about parts of the code that have become impractical in the context of this proposal, and will look forward to a fair and equitable review of its additional submittals as they are provided.

Mayor Jackson/Ms. Kofoed  
July 15, 2010  
Page 4

Any meeting that EMP representatives attend after the date of this letter considering the Harmony development, any correspondence that is exchanged, and any other process involved in preparing for the project will be considered by EMP as relating to final plat approval, and not the preliminary plat, which is deemed approved.

If, for any reason, you or your legal counsel disagrees with this conclusion, please advise me immediately of that conclusion. If this position seems inappropriate, we would certainly want to discuss another option, but would remind those working with you that the Agreement is clear – there was to be no circumstance under the Agreement when an application for land use approval was to take longer than 90 days to be reviewed. Both parties to the Agreement were represented by competent counsel in the matter and the spirit and letter of the Agreement should be respected for the mutual benefit of all concerned.

Thank you for your assistance with these matters. Our clients appreciate your common efforts to enhance the future of Eagle Mountain.

Sincerely yours

Craig M. Call  
Attorney at Law

cc: Gerald H. Kinghorn  
Parsons, Davies, Kinghorn & Peters  
185 South State Street, Suite 700  
Salt Lake City, UT 84111



COURTESY  
COPY

GERALD H. KINGHORN  
ghk@pkhlawyers.com

PARSONS KINGHORN HARRIS  
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Salt Lake City, Utah 84111  
Phone 801 363 4300  
Fax 801 363 4378  
www.pkhlawyers.com

September 3, 2010

Craig M. Call  
ANDERSON CALL & WILKINSON, P.C.  
2400 University Club Building  
136 East South Temple Street  
Salt Lake City, UT 84111

**Re: Harmony Project Application / Your Correspondence of  
June 25, 2010**

Dear Craig:

We have been asked to respond to your June 25, 2010 correspondence addressed to Mayor Jackson and to the City Recorder of Eagle Mountain City. We have taken the time to review a very detailed history of communication with the Applicant and consideration of the Project by the City staff. We also reviewed minutes of meetings of the City Planning Commission concerning the Harmony Project going back to the first concept application. In addition, we have studied the provisions of the "1997 Development Code" of the Town of Eagle Mountain, which is the default Development Code applicable to the Harmony Project under the "Amended and Restated Development Agreement" (December 22, 1997) between the City, Monte Vista Ranch, L.C. and Eagle Mountain Properties, L.C. We understand that the Harmony Project owner is a successor-in-interest to Monte Vista Ranch or Eagle Mountain Properties.

Under the 1997 Development Code, a Class II Permit and Development Agreement are required for the Harmony Project before preliminary subdivision plat approval can be valid. We are aware that the Harmony Project proponents have verbally requested waivers of some of the provisions of the 1997 Code or tried to request approval of the Project under the current City Development Code while picking and choosing those sections of the 1997 Code which they believe are favorable to the Project.

Our recommendation has been universally and is now to reject this "pick and choose" Code to Code approach because it does not legally protect the City or the Applicant and does not clearly identify the rules which apply to any particular land-use decision or development process and can result in bypassing important provisions of both Codes.

Based on our review of the 1997 Code and the Harmony Project history, we disagree with your claim that the Harmony Project preliminary plat has been "deemed approved". We believe the Project is best characterized as being in the "pre-permit application plan review phase" defined in Chapter 3. H.1. of the 1997 Code. We have recommended to the City that the approval process continue under the 1997 Code to consider a Class II Permit application and Development Agreement and the preliminary plat Application. A copy of our recommendation is enclosed for your information.

We understand that Steve Mumford is prepared to provide a Class II Permit Application to the Harmony Project development representative and to go through the Class II Permit Application requirements checklist. The City will give credit to the Harmony Project Applicant for prior submissions where the submissions meet the requirements of the 97 Code. We do not intend to require duplicate filings. We understand that the City will work with the Applicant to give the process priority.

Under the 1997 Code, the City can concurrently process a preliminary plat application and we understand that the City is prepared to treat the preliminary plat application submitted by the Harmony Project Applicant as a concurrent application which can be considered in conjunction with the Class II Permit Application. There are additional preliminary plat requirements in the 1997 Code which need attention. The City will work with the Project developer's agent to identify those items.

We understand that the Planning Commission will set the matter for its agenda at its next regularly scheduled time and will consider vacating the prior motion and scheduling a "scoring hearing" which is required under the procedures of the 1997 Code to score the Class II Permit application under the Absolute and Relative Performance Standards requirements of the 1997 Code. We will prepare a Class II Development Permit Development Agreement which will eventually be considered by the City Council if the Project receives a positive score at the Planning Commission scoring hearing. A Class II Development Permit may be issued by the City Council upon a recommendation from the Planning Commission, but the process requires a Development Agreement. We will provide a draft of that Development Agreement to the Harmony Project Applicants.

Please let us know if you will continue to represent the Harmony Project



Craig M. Call  
ANDERSON CALL & WILKINSON, P.C.  
September 3, 2010  
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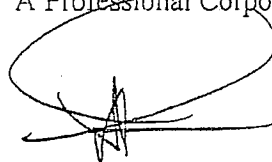
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Applicants during this process and we will furnish you with the documents we draft as the process goes forward.

Please call me if you have any questions.

Very truly yours,

PARSONS KINGHORN HARRIS  
A Professional Corporation

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by 'K' and 'H'.

Gerald H. Kinghorn

GHK/jld  
Enclosure

Cc: Heather Anne Jackson, Mayor  
John F. Hendrickson, City Administrator  
Fionnuala B. Kofoed, City Recorder  
Stephen Mumford, Planning Director

P | K | H

FILE COPY

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July 30, 2010

Eagle Mountain City  
Planning Commission  
Attn: Tom Maher, Chair  
1650 E. Stagecoach Run  
Eagle Mountain, UT 84005

Re: Harmony Project Application

Dear Chair Maher and Members of the Planning Commission:

This is provided to you to confirm our verbal recommendation to the Planning Commission at the recent closed *Executive Session* and to incorporate additional detail which we believe is necessary, in light of the unusual circumstances here, and which you requested that we provide.

#### SUMMARY OF RECOMMENDATION

The Applicant elected to not use the current City Development Code and to have the Harmony Application considered by the City under the terms of the "Town of Eagle Mountain 1997 Interim Development Code" (the "1997 Code"). The Applicant has the legal right under the "Amended and Restated Master Development Agreement" between the City, Eagle Mountain Properties, and Monte Vista Ranches to require the City to process development in the Eagle Mountain Properties Master Development Plan Area under the 1997 Code.

The Planning Commission should place the project plan review on the agenda for a future meeting, entertain a motion to set the application for a hearing to score the application in compliance with the Class II Permit requirements and procedure of the 1997 Code (See: Chapter III, Sec. H.) and rescind instructions given to staff in the motion made on June 15, 2010. The City should not mix provisions of the 1997 Code with the

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Attn: Tom Maher, Chair  
July 30, 2010  
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current Code; only the 1997 Code should apply to the review and processing of the application.

### ANALYSIS AND DISCUSSION OF ISSUES

In December of 1997, the Town Council of the Town of Eagle Mountain entered into an "Amended and Restated Master Development Agreement" between the Town and Developer entities known as "Eagle Mountain Properties and Monte Vista Ranches, L.C.". The Agreement incorporated a Master Development Plan which permits a total of 22,930 residential units to be developed on the Master Development property. The Development Agreement vests the Developer with the entitlement to use the provisions of the Town of Eagle Mountain 1997 Interim Development Code in the development of the properties in the Master Development Plan and certain after acquired properties. The Harmony applicant is the Developer applicant under the Amended and Restated Development Agreement and is entitled to have the Harmony project application considered as a Class II Permit and preliminary plat application under the 1997 Eagle Mountain Interim Development Code.

A copy of the 1997 Interim Development Code is provided to you to assist you in the future in the review of this project and others proposed by Eagle Mountain Properties, Monte Vista Ranch or its successors in interest. Under Chapter III, B. 2. of the 1997 Code, the Harmony project requires a Class II Permit for the subdivision since it is not specifically exempted by other provisions of III, C in the 1997 Code. The Class II Permit procedure is found under III, H of the 1997 Code and requires an initial plan review before filing an application for a Class II Permit. Because the Developer has not filed a Class II Permit application, we believe the project is in the allowed plan review stage at this date.

We believe the staff should work with the Developer applicant to incorporate all of the submittals prior to this date by the Developer applicant and consider the submittals as the request for a Class II Permit plan review under Chapter III H.1. (1997 Code). Plan review is intended as a pre-application review by the Planning Commission similar to the concept review process in the current Code.

After the plan review, the Code allows the Developer to file a properly completed Class II Permit application with all required supporting materials. We will work with the staff to develop the permit application form for the Developer to use anticipating that the

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Developer intends to go forward with the Harmony project and that the Developer does not have a Class II Permit application form.

Under the 1997 Code, the application and all accompanying materials must be submitted for review by the Mayor, the City Engineer, the Fire Department, and all other professionals responsible to the Town and the "Superintendent of the Alpine School District." Upon receipt of reports from all of the parties reviewing the application, the staff must prepare a written report explaining how the development complies or fails to comply with the requirements of the 1997 Code.

The Planning Commission is required to receive the report of the staff and conduct a hearing under Chapter III, H. 7, on the application and "take testimony" to determine whether the development complies with the requirements of the 1997 Code. Under the 1997 Code, the project is scored by the Planning Commission based on absolute and relative performance standards. A recommendation for approval is forwarded to the City Council if the project complies with all absolute performance standards and has a score of zero or more on relative performance standards under the 1997 Code.

If the proposed development fails to comply with any applicable absolute performance standard or has a score of less than zero on the relative performance standards, the application for the permit should be disapproved by the Planning Commission.

If the matter is forwarded to the City Council for approval, the 1997 Code requires that the City Council approve the application for the permit, but may do so under conditions attached as permitted by the 1997 Code. In addition, each Class II Permit is required to be accompanied by a Development Agreement which is required to be in a standard format for Class II Permit approvals. We will prepare a standard format Development Agreement for Class II Permit use concurrent with the additional proceedings required under the 1997 Code. Under the terms of Appendix B to the 1997 Interim Code, the Developer may elect to submit a preliminary plat as part of the Class II Permit process.

The requirements for preliminary plats are found in Appendix B, in Chapter IV and Chapter XII and other parts of the 1997 Code. We will work with staff to develop a checklist which incorporates the requirements of the various Chapters of the 1997 Code with respect to preliminary plats and review the Developer's submittal as both a Class II Permit and concurrent preliminary plat application to avoid redundant submittals.

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I will be present at your future meetings where the Harmony applications are considered by the Planning Commission to assist the Commission, if necessary.

Very truly yours,

PARSONS KINGHORN HARRIS  
A Professional Corporation

A handwritten signature in black ink, appearing to read 'G. Kinghorn', is written over the company name.

Gerald H. Kinghorn

GHK/jld

Cc: Heather Anne Jackson, Mayor  
John F. Hendrickson, City Administrator  
Stephen Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, OCTOBER 12, 2010 AT 6:00 P.M.  
Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta (arrived 6:10 p.m.), John Linton and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Melanie Lahman

**Eagle Mountain City Planning Commission Policy Session – 6:00 p.m.**

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. March 9, 2010 Planning Commission Meeting Minutes

**MOTION:** *John Linton moved to approve the March 9, 2010, meeting minutes. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

B. September 14, 2010 Planning Commission Meeting Minutes

**MOTION:** *John Linton moved to approve the September 14, 2010, meeting minutes. Preston Dean seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

4. Development Items

A. Flagpole Variance – Richmond American Homes

Consideration of a variance application for a 70-foot high flagpole for an American flag to be located at a model home in the Northmoor subdivision.

Mr. Maher was concerned that allowing this pole would create a precedent. Mr. Hadley said that the City Attorney had instructed him that a variance application may not be approved unless it meets all criteria required in the Development Code: not granting the variance would cause unreasonable hardship, the variance addresses special circumstances related to the property, granting the variance is essential to the enjoyment of a substantial property right

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possessed by other property, and the variance will not substantially affect the general plan and will not be contrary to the public interest.

**MOTION:** *John Linton moved to deny a variance application for a 70-foot-high flagpole for an American flag to be located at a model home in the Northmoor subdivision, with a reminder to the applicants that they may install a 35-foot-high flagpole. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

5. Other Items

A. Discussion – City Business

The Planning Commission discussed potential amendments to the Development Code:

Hobby Breeders. The discussion was primarily about dogs: number of dogs permitted per lot, noise disturbance and other nuisances from the animals, and restricting number of animal by lot size, as is done with family pets. The members asked that annual inspection regulations be enforced.

Neighborhood Plans. Mr. Mumford proposed neighborhood area plans that would be required as a sub-master development plan. These would be required for large development within an existing master development plan.

Neighborhood Commercial Zone. Mr. Mumford discussed adding a neighborhood commercial zoning classification to the City Code, allowing small commercial areas which would encourage walkability.

Street Trees. The members discussed requirements for street trees regarding responsibility for planting, irrigation, maintenance and pruning; and which aspects should be the responsibility of the city, developer or homeowner.

Bonus density. Adjustments in standards for bonus density were discussed.

6. Adjournment

The meeting was adjourned at 8:03 p.m.

The next meeting is tentatively scheduled for October 26, 2010.

APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 9, 2010.

  
Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, NOVEMBER 9, 2010 AT 6:00 P.M.  
Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

COMMISSION MEMBERS PRESENT: Karleen Bechtel, Preston Dean, Bonnie ElHalta (arrived 6:10 p.m.), John Linton and Tom Maher.

ELECTED OFFICIAL PRESENT: Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Melanie Lahman

**Eagle Mountain City Planning Commission Policy Session – 6:00 p.m.**

Planning Commission Chair Tom Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. October 12, 2010 Planning Commission Meeting Minutes

**MOTION:** *John Linton moved to approve the October 12, 2010, meeting minutes. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

4. Development Items

A. Final Plat – Eagle Mountain Professional Suites Plat A – Action Item  
Consideration of an application to split Lot 3 of the Eagle Mountain Business Campus Plat A into two separate lots.

The owner of Lot 3 has built one building on the lot and another building has been approved. He would like to market the new building as a separate lot. If the applicant stays with the approved site plan, the item will not require a new site plan review. If any of the approved design is changed, a new site plan will be required.

**MOTION:** *John Linton moved to approve a lot split for Lot 3 of Eagle Mountain Business Campus, Plat A. Karleen Bechtel seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, John Linton and Tom Maher. The motion passed with a unanimous vote.*

B. Master Development Plan – Lower Hidden Valley – Public Hearing, Action Item  
This master plan is the northwest portion of the approved Hidden Valley Master Development Plan, consisting of 1,256 residential units over 244.6 acres of land. This is



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simply to move this area forward toward a master development agreement without impacting the existing master plan.

Sage Communities would like to move forward with developing its portion of the Hidden Valley Master Development. This proposal excludes an area owned by The Ranches LC that has gone into foreclosure, as well as some smaller properties on the western portion of this plan. Densities and land uses would remain the same as previously approved.

Scott Kirkland described the details of the requested master development agreement. He said Sage has been working with the other property owners on planning and marketing.

Mr. Linton asked whether the streets would be wide enough to meet City standards. Mr. Kirkland said that part of the area was so narrow that some of the streets were planned at four feet narrower than City standards. The difference will be made up by allowing parking on only one side of the street.

*Mr. Maher opened the public hearing at 6:17 p.m.*

Elise Erler represented SITLA, one of the landowners in Hidden Valley. She said the property owners are working on an agreement with the City. Since the agreement is not in place yet, Ms. Erler wanted to make some comments for the record. While SITLA supports what Sage Communities wants to do, the in-valley landowners want to make sure that the vesting approved in December 2008 is not harmed by the application being presented tonight. SITLA was concerned that the major water line be looped and be sized to serve the entire development area. SITLA would also like the entry off of Pony Express Parkway be a major feature.

Mr. Kirkland was concerned that this item is being reviewed, when it has already been reviewed and the request is only for a master development agreement. This request is also not intended to affect the rights of any other party. No change in density is being requested.

Ron Phillips of Farmland Reserve said it was unusual to have a development agreement on a portion of a master development plan. He understood that actually vesting entitlement does not occur until a master development agreement is in place. He asked if this agreement would negatively affect the arterial road planned for the area.

Mr. Mumford said that he has met with the City Attorney and will meet in the next few days with additional City staff. No decision has been made, but portions of Hidden Valley not included in this application may be required to request a new master plan, as Sage Communities is doing tonight. The major arterial shown on the City's transportation plan should be shown on the plan. While the land uses, densities and major road configurations are vested by the land use element, zoning is contingent on the

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development agreement being approved. Bringing this forward as a master plan makes it subject to further review. City staff is working in good faith with the applicants.

Bill Turnbull of OMR Investments said that he and Mr. Kirkland entered into this process with the understanding that the vesting held by the other property owners would not be affected. If that became an issue, the application would likely be withdrawn.

Mr. Maher stated that no density change is being approved.

**MOTION:** *John Linton moved to recommend to the City Council approval of the land use element of the Lower Hidden Valley master development plan, with the conditions listed in the staff report and for the reasons set forth in the staff report. Bonnie ElHalta seconded the motion. Those voting aye: Karleen Bechtel, Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

***Conditions listed in the staff report:***

- 1. Water System. Most of the lower Hidden Valley is within Zone 2 of the water system. Appropriate connections and PRV system will need to be installed.***
- 2. Secondary Access. Secondary access is required.***
- 3. Storm Drain. The storm drain master plan will need to be followed for pipe sizes, etc. to provide for future phases.***
- 4. 25% Slope. There will be no building on 25% or greater slopes.***
- 5. Trail Widths. Trails along major streets to be 8 feet and additional trails put in by the developer above and beyond what is called for by the Development Code can be narrower depending on their use and purpose.***
- 6. Street Widths. The “two-lane local street with parallel parking on one side only” must be increased to 51 total feet of right-of-way, consistent with city standards.***
- 7. Traffic. The mitigation requirements suggested in the traffic report must be installed at the designated times.***
- 8. Water. Individual plats must show proper water pressure and looping.***
- 9. Wastewater. It is the preferred alternative of the City that any wastewater that requires a lift station be routed to the SSA (see attached letter from Chris Trusty, Public Works Director).***

**5. City Business**

Mr. Mumford said that MAG is presenting their draft transportation plan to the Utah Lake Technical Committee on Monday. They presented it to the Regional Council of Governments last Thursday.

The next Planning Commission meeting will either be in two weeks or four weeks. The Planning Dept. will let the Commission know what the date will be.

EAGLE MOUNTAIN CITY  
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Ms. ElHalta asked that the 2011 Planning Commission meeting schedule be ready for the next meeting. She also said an overview of approved plans and subdivisions was discussed several meetings ago and she would like to see that come to the Commission.

6. Adjournment

Mr. Maher adjourned the meeting at 6:43 p.m.