

# Eagle Mountain City Planning Commission Minutes 2015

## *Dates of Planning Commission Meetings:*

- January 13, 2015
- February 10, 2015
- February 24, 2015
- March 10, 2015
- April 14, 2015
- May 26, 2015
- June 9, 2015
- June 23, 2015
- August 25, 2015
- September 22, 2015
- October 27, 2015
- November 10, 2015
- November 24, 2015
- December 8, 2015

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: John Linton, Miriam Allred, Wendy Komoroski, Daniel Boles, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner; Ken Sorenson, City Planner; Jeremy Cook, City Attorney and Johna Rose, Deputy Recorder.

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. December 9, 2014

**MOTION:** *Matthew Everett moved to approve the December 9, 2014 meeting minutes. Miriam Allred seconded the motion. Those voting aye: Miriam Allred, John Linton, Daniel Boles and Matthew Everett. Wendy Komoroski abstained. The motion passed with 4 ayes and 1 abstention.*

4. Development Items

A. Spring Run – Phase A Preliminary Plat & Master Development Plan Amendment; Public Hearing, Action Items

An amendment to the Spring Run Master Development Plan and consideration of a 71-lot single-family preliminary plat. The original Master Development Plan was approved on July 19, 2011. The Spring Run Master Development Plan is located north of SR73 and east of Meadow Ranch, and surrounds a 160-acre Industrial property that includes the gravel pits. In total, the plan includes approximately 520 acres and provides a mix of residential densities, a town center area, commercial/mixed-use areas, a business park, an industrial area, an elementary school site, and parks and trails. A total of 1,077 residential units were approved with various densities.

Mike Hadley explained that the original Spring Run Master Development Plan was approved with some open space and a school site located in the southwest portion of the overall plan. Since that first approval Alpine School District found a new location for the elementary school. The applicant is amending the Master Development Plan to reflect a proposed church site and open space to replace the original approval. By replacing the school with a

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

church there are an extra 19 lots added to the plan. This will not affect the density of the project. City staff supports the proposed amendment to the overall plan.

The Spring Run preliminary plat consists of 71 single family residences with varied lot sizes. The applicant will divide the preliminary plat into two separate final plats for approval by the DRC committee. This plat abuts the Meadow Ranch subdivision to the west. Instead of following the required buffering requirements for developments, 1 acre to road to ½ acre to smaller lots, the City and applicant agreed to an alternative buffering plan. The applicant is providing a 100 ft. open space buffer between Meadow Ranch lots and the Spring Run lots with an 8 ft. walking trail meandering throughout the provided open space buffer. The trail will connect with Hillside Dr. at the north of the plat, and Spring Run Pkwy (Ranches Pkwy extension) to the east. The open space buffer area will be landscaped with native seed mixes and irrigation. The minimum size lot that is allowed along the buffer area in Spring Run is 10,000 sq. ft.

Prior to approval of the first final plat in this phase, a plan for Neighborhood Park A will need to be submitted and approved. At the time of plat recordation a landscape bond is provided based on a fee for each lot in the plat. The bond will be used to construct the park. There is also a monument sign required for the overall project. The applicant has mentioned that they will install that with this phase of the project.

The applicant is providing a water model to determine pressure zones and available flows. There is a question about the number of units available to be built on in the northern water zone until additional capacity is available in the area.

Commissioner Linton stated that there is not a significant difference in the plan since the Planning Commission action in July 2011.

*Commissioner Linton opened the public hearing at 6:11 p.m.*

Fred Peebles, resident, said that he reviewed the City plans and map and noticed the City has no future master plans for placing fire stations. He wanted to encourage the City to look into conducting a master plan review for fire stations.

*Commissioner Linton closed the public hearing at 6:13 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval to the City Council of the Spring Ran Phase A preliminary plat. Matthew Everett seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

**MOTION:** *Wendy Komoroski moved to recommend approval to the City Council of the Spring Ran Master Development Plan Amendment. Matthew Everett seconded the motion. Those*

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

***voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred,  
John Linton and Matthew Everett. The motion passed with a  
unanimous vote.***

**B. Zion Recovery Center – Conditional Use Permit; Public Hearing, Action Item**

Steve Mumford presented the proposed request to modify a Conditional Use Permit application for the Zion Recovery Center, previously known as the Arcadia Residential Center, a residential rehabilitation and treatment facility for adults with disabilities. The facility, or group home, is located at 4682 E. Foxwood Drive, within the SilverLake neighborhood. The property is approximately 7,013 square feet in size, and the house is approximately 4,159 square feet.

The Planning Commission approved the original conditional use application on March 16, 2013 with the following conditions:

- a. A maximum of 2 vehicles may be allowed in the driveway at any time. No vehicles may park on the street.
- b. Therapy sessions may not take place outside.
- c. A maximum number of five residents.
- d. The applicant must allow DHS and/or the City access to the facility for inspections, when warranted by complaints or suspicion of noncompliance with City Code.
- e. Security surveillance must be installed monitoring the front entrance of the home, also be provided with a 30 day loop and maintained for access for security reasons.

The applicant did at that time submit a letter agreeing to the conditions, but with the expectation of coming back in the future to change the conditions or request additional residents. Zion Recovery Center wanted to show the City and neighbors that they would be good neighbors.

The applicant is requesting the following modifications to the original conditions of approval:

- Removal of the requirement to have a security camera on a 30 day loop
- Removal of the restriction of 2 vehicles allowed to be parked in the driveway at one time
- Removal of the restriction which prohibits vehicles to be parked on the street
- Increase the maximum occupancy of five clients to nine clients

In the original application, the applicant had requested a maximum of eight (8) unrelated adults for treatments and one staff member per eight clients. The applicant had also requested to place three vehicles in the garage, and up to four vehicles in the driveway (parking stalls are 9'x20'; the driveway is approximately 36' wide). According to the applicant's submitted materials, the residents of the home would not have vehicles. The



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

vehicles would include staff member vehicles, a transport van or vehicle for outings, and visitor vehicles for family therapy.

The Federal Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability. The act prohibits local government entities from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities. Persons with disabilities are individuals with mental or physical impairments which substantially limit one or more major life activities. The term "mental or physical impairment" includes, among others, people with drug addiction, alcoholism, and mental illness. "Persons with a disability" does not, however, include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are also not considered disabled under the Fair Housing Act. It also affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

In order to house more than three unrelated adults at the home, the applicant is requesting that "reasonable accommodations" be made and approved by the City. The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing. Reasonable accommodations are determined on a case-by-case basis. Not all requested modifications of rules or policies are reasonable. An accommodation is "reasonable" under the Fair Housing Act unless it imposes an undue financial and administrative burden on the City or requires a fundamental alteration in the City's land use and zoning scheme.

Eagle Mountain City Code defines "Family" to mean:

- Persons related by blood, marriage, adoption, guardianship, or under foster care arrangements;
- Or up to three unrelated persons;
- Or up to two unrelated persons and their children, living together as a single housekeeping unit.

If the application proposed three or fewer unrelated persons with a disability living in the residential treatment center, no application would be required because the use would be a permitted use in the residential zone and a business license would be granted by the City.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Since the application proposes up to nine unrelated persons with a disability be allowed to live in the home, the use is not a permitted use in a single family residential zone and is not required to be treated as a permitted use under the provisions of the Utah Municipal Land Use Act (10-9a-520, U.C.A., 2005).

The following are some requirements/items of note or concern for this proposal:

- Neighborhood Character – This home is on a 7,000 square-foot lot in the middle of a neighborhood with similar-sized lots. The home sits approximately twelve feet away from the homes to each side, and the backyard is only about 20 feet deep.

There are approximately 167 homes currently within a 1/4 mile of this property, with future planned neighborhoods to the east and south

- Number of Residents – The applicant is requesting up to nine residents in the home, in addition to staff members. This means that nine to ten adults will be living in this home on a 24-hr basis.
- Resident Background - The facility is not allowed to house anyone with a history of sexual or physical assault, voyeurism, felony crimes of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes.
- DHS - The applicant must comply with all requirements, regulations, and standards of the Utah State Department of Human Services. Prior to obtaining a business license the applicant will have to obtain a license from DHS for the facility. DHS will perform an annual review of the facility, as well as unannounced inspections based upon complaints and or issues. Noncompliance may result in fines, probation, and revocation of the license.
- Separation - The City's one-mile separation radius from another existing group home has been met with this proposal. The only other group home in the City is the Utah Addiction Center (previously known as Intervention and the Ark of Eagle Mountain) in the Westview Heights neighborhood.
- Nuisances & Danger - Any and all nuisances and potential threats of danger to persons or property must be completely controlled. A thorough screening process is required so that no person who may be a danger to neighbors will be accepted into the home. The definition of a nuisance will vary, but nine to ten adults in a small yard at one time could result in nuisance complaints, depending on their actions while outside, or while being heard from inside the home. This issue was addressed

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

in the original conditional use permit that required that no group therapy session be held outdoors.

- Parking – The current conditional use permit has two conditions for parking that restrict two vehicles to the driveway and does not allow street parking. The applicant has requested that these two conditions be removed to allow street parking and up to four vehicles in the driveway.
- Two sections of the City Code address parking for this type of facility. *Table 17.55.120(c) Required Parking by Land Use* requires the following:

Residential Facility	1 stall per patient bed
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Likewise, Section 17.75.060-C-7 of the City Code requires a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking. The proposed facility has only three stalls (parking in driveways behind garages is not considered a stall for purposes of the City Code) and therefore does not comply with this requirement.

Originally, the applicant requested a “reasonable accommodation” in order to obtain approval for a reduced number of parking stalls. The applicant had planned to place three vehicles in the garage, and had room for up to four vehicles in the driveway (parking stalls are 9’x20’; the driveway is approximately 36’ wide). According to the applicant’s submitted materials, the residents of the home would not have vehicles. The vehicles would include staff member vehicles, a transport van or vehicle for outings, and visitor vehicles for family therapy. Ultimately, the Planning Commission decided that three vehicles in the garage, two vehicles in the driveway, and no street parking was a “reasonable accommodation.”

The Planning Commission will have to consider whether the requested parking modifications would still be considered a “reasonable accommodation” and if these modifications will not cause an undue burden on the neighborhood.

- Supervision - The residents have to be properly supervised and monitored on a 24-hour basis. What is considered “proper supervision” would be up for debate, since a majority of each day there will only be one staff member for all eight residents.
- Violations - Conditions violated that are not enforced by DHS may lead to violation notices and fines by the City, and eventual revocation of the business license and conditional use permit. 1<sup>st</sup> violation = violation notice; 2<sup>nd</sup> violation w/in 18-month period = \$500.00 fine; 3<sup>rd</sup> violation w/in 18-month period = \$2,000 fine; 4<sup>th</sup> violation w/in 18-month period = revocation of conditional use permit and license.

He explained that the City has had only one complaint and the applicant resolved the issues and dismissed the client from the home. The City has contacted Jon Ortiz

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

from DHS, and he said that DHS has no records of complaints or inspection problems.

- Addictive Substances - All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the group home. The house rules for this facility prohibit any use of tobacco and caffeine as well.
- No Neighborhood Contact - No resident of the group home shall initiate any contact of any kind with residents of the neighborhood except: (1) in the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage; (2) residents who are cleared by staff to attend local worship services.

The increase from five (5) to nine (9) clients is also a concern. Increasing the maximum amount of clients to eight (8) may be a more “reasonable accommodation” that would not have as great an impact on the zoning and character of the surrounding neighborhood. If the maximum number of clients remains under eight (8), this particular residential facility would still be considered a “small group home, small group home” per the City’s Definitions listed in the Municipal Code. If the residential facility were to increase to nine (9) clients, it would then be considered a “large group home.” Above the threshold of a small group home, it becomes questionable if the surrounding neighborhood should be required to accommodate a large group home, considering the densities.

*Commissioner Linton opened the public hearing at 6:33 p.m.*

John Walsh, applicant’s attorney, stated that he was not there asking for a reasonable accommodation. He is asking the City to comply with the Fair Housing Act and the Americans with Disabilities Act. He also said that he is not asking for anything special or unique. He is only asking to be treated the same way as anyone on the street as per the Fair Housing Act. He said that Salt Lake City does not have Conditional Use Permits or public hears for these types of group homes. Salt Lake City’s process is automatic for this type of use, because it is governed by the ADA and the FHA. Because of the criteria the applicant has to meet with the Federal government, it’s not up to the State, City or him to say what should be allowed.

He stated that parking and the surveillance camera are a concern to him because it treats Zion Recovery Center differently than everyone on the street. He said that the Eagle Mountain City Code definition of a family excludes group homes. He said that the City Code states that “a residential facility established as a single housekeeping unit and shared by eight or more unrelated persons, exclusive of staff, who require assistance and supervision. A group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons”. So a group home is eight or more residents by the founding fathers of Eagle Mountain. The



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Code also states that a large group home is licensed by the state of Utah, so the State licenser (John Ortiz) is the one that should put the cap on how many residents are allowed in the group home. He invited the dispute from the Commissioner about not allowing nine residents within the group home. His solution was approving eight now and then if the State licensers approve nine then the City should allow nine. The reason the applicant is asking for nine is because the State licenser said that the group home can have nine.

Emily Koford, 4666 Foxwood Dr, started building her home in April 2013 and had to decide to take a financial loss or continue building their home. She keeps hearing about reasonable accommodations from the applicant and their attorney. The applicant has talked about how they want to be treated the same as everyone else, the neighbors are just asking for the same consideration. She stated that the neighborhood has been very accommodating. She is concerned about the security camera. She said if the group home already has one then it is not a financial burden on the applicant to keep the camera. She felt that the camera would benefit the group homes as much as the neighborhood. She also said that she moved into a residential neighborhood and would like to keep it residential. She would not like the street to turn into a parking lot.

David Ridge, 4692 Foxwood Dr, was concerned about parking. He stated that no other neighbor has eight or nine cars in their driveway. He asked Jeremy Cook how the business license statute affects the group home. Mr. Cook said that it is applicable as a business and is treated the same. But that is like a first step analysis, the City can't treat them differently than any other business and we can't use the business licensing code to prevent the group home from locating to Eagle Mountain. The second step analysis is that the group home can request reasonable accommodations to those business licensing provisions. Parking is one thing that the City looks at when approving a residential business license, if there is adequate parking and if it would change the fundamental character or zoning of the neighborhood. Mr. Ridge was fine with only the five residents that were approved for the group home. He wanted the City to know that there are no bedrooms in the newly finished basement of the group home. He thought that there was a requirement for one resident bed per parking stall.

Greg Strong, 4676 Campbell Cir., asked the City to consider density when making reasonable accommodations for the neighborhoods.

Eileen Strong, 4676 Campbell Cir., treats her home differently now that the group home is in the neighborhood. She said that when she packs for a trip she has to put her garage door down to feel comfortable. She worries that the residents of the home can see her packing and know that she is leaving for the weekend. The only thing that makes the home bearable is that it looks like every other home in the neighborhood. The applicant's attorney says that they want to be treated like everyone else on the street. No other home in the neighborhood has nine adults living in it. She feels that nine residents in the home is excessive and will bring a difference to the group home. The excess cars will make the home look abnormal.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Lisa Huston, 4674 Foxwood Dr., is the home's next door neighbor. She said that there has been incidents and that she has spoken to John Ortiz. She is concerned with allowing parking on the street because that always means parking in front of her home. She feels that the City has already made enough reasonable accommodations.

*Commissioner Linton closed the public hearing at 6:55 p.m.*

Commissioner Boles asked if the residents of the group home are allowed visitors and what type of traffic is generated. Matt Jacobson, Executive Director of Zion Recovery Center, said that they do not allow visitors. The only time visitors will come is for family therapeutic therapy sessions. They have had family members park on the street, and they had to go out and ask the family member to park in the driveway. That is why they are asking for an reasonable accommodations when it comes to parking. He explained that everyone that comes to the home has to have an appointment and come at a reasonable hour.

Commissioner Komoroski asked why Zion Recovery Center wants to remove the security cameras if they are already in place. Mr. Walsh said that it's not legally allowed in the Fair Housing Act. They find the cameras an unnecessary burden.

Commissioner Allred asked what kind of hardship they are having with parking. Mr. Walsh said that the group home wants to be treated like everyone else. The home conducts AA meetings on Sunday morning and people come in mass to be a part of this program.

Commissioner Everett asked how many time a week family therapy clients are coming and going from the home. Benjamin Jones, Clinical Program Director, said that group home clients are not allowed a vehicle. Each client is allowed one family therapy session a week, with a maximum of two cars per family therapy session. For the Sunday AA meeting session there can be a maximum of four cars. He said clients don't understand why they have to park in the driveway when they can park on a public street.

Mr. Jones said that the cameras are a concern because it makes their clients feel like they are in lock down. Commissioner Linton explained that he was on the Planning Commission when the group home was approved, and his understanding was that the camera system was much more for the group home's safety than the neighborhood.

Commissioner Linton asked how many staff members' cars are at the home. Mr. Jones said there are two to three cars during the day and one car at night.

Mr. Cook asked if it is a fair statement to say that the regulations on parking haven't impaired their ability to operate the facility; that it is more of a nuisance. Mr. Jones said that because of the current restrictions that only allow two cars in the driveway, it does impair their ability to operate. Mr. Jacobson said because of the restriction they have had



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

to pick up clients and bring them to the facility. He said that it does impair things that they would like to do in the facility. Commissioner Allred asked if there would be significant issues parking if the City allows the four cars to be parked in the driveway. Mr. Jacobson said that it would help relieve the parking, but the issue is that the group home is not being treated like everyone else on the street.

Commissioner Allred explained that it is because the home is not as desirable in the community as they would like it to be. The Commissioner are trying to make accommodations for both ends.

Mr. Cook explained that some of the statements made by Mr. Walsh are not entirely correct. The family definition in the City Code is three or more persons and excludes the group homes. So that means they are families but it excludes them from the definition. He was surprised by the statement that the group home is not requesting reasonable accommodations, he believes that they are requesting reasonable accommodations. The business license statute are applicable in this case, so the City is allowed to look at restricting parking and surveillance. The City is already accommodating more than the City Code allows. He also explained that there are two definition in the City Code for group homes Mr. Walsh only gave the definition for a large group home. The City statute allows up to eight individuals in a group home. He believes eight residents in the home is reasonable. He also said that once the home gets up to nine residents, with the parking and surveillance the City is getting back into a gray area.

Commissioner Boles asked if there was leeway with the City code on beds per parking stall. Mr. Mumford read the code 17.75.060 C. A. 7. "parking plan and improvement schedule shall be submitted, including a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking, landscaping to screen the parking areas, and a schedule for completion of the additional parking and landscaping. A pickup and delivery area shall be provided if appropriate. Parking areas shall not be allowed to change the residential character of the property." He stated that there is no leeway in this section of the Code or any other section of the City Code. So Zion Recovery Center is asking for a reasonable accommodation.

He also read part of a joint statement of the Department of Justice and Department of Housing and Urban Development which says:

What is a reasonable accommodation under the Fair Housing Act?

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods. By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and un rebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

He also explained that eight is a very standard number of residents in a group home. The City and the City Attorney did extensive research back in 2008 with the Ark of Eagle Mountain and also with this facility back in 2013.

Commissioner Everett was concerned about removing the street parking restriction completely because it would become more of the standard. He also felt that changing the amount of residents in the home from five to nine changes the fundamental character of the neighborhood.

Commissioner Allred felt that the camera could help with security for everyone. She also felt that four vehicles allowed in the driveway would help them avoid parking in the street. Commissioner Komoroski said that she would prefer four cars to be parked in the driveway than on the street.

Commissioner Boles said if they allow the four vehicles in the driveway then that should bring the number of residents in the home to seven.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 13, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**MOTION:**

***Wendy Komoroski moved to approve the Zion Recovery Center Conditional Use Permit with the following conditions:***

- a. A maximum of 4 vehicles may be allowed in the driveway at any time. Street parking only when there is no available driveway parking.***
- b. Therapy sessions may not take place outside.***
- c. A maximum number of eight residents.***
- d. The applicant must allow DHS and/or the City access to the facility for inspections, when warranted by complaints or suspicion of noncompliance with City Code.***
- e. Security surveillance or camera must be installed monitoring the front entrance of the home, also be provided with a 30 day loop and maintained for access for security reasons.***

***Miriam Allred seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, and John Linton. Those voting nay: Matthew Everett. The motion passed with a 4 to 1 vote.***

- 5. Discussion Items
  - A. Code Amendments

- 6. Adjournment

The meeting was adjourned at 7:45 p.m.

APPROVED BY THE PLANNING COMMISSION ON FEBURARY 10, 2015.

  
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Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
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**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: John Linton, Miriam Allred, Daniel Boles, and Matthew Everett. Excused: Wendy Komoroski

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner; Ken Sorenson, City Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. January 13, 2015

**MOTION:**

***Miriam Allred moved to approve the January 13, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, John Linton, Daniel Boles and Matthew Everett. The motion passed with a unanimous vote.***

4. Development Items

A. North Substation – Preliminary Plat; Public Hearing, Action Item

Steve Mumford presented this item. The north substation, located in The Ranches south of the golf course reservoir and north of the Ridley's Parkside development, is being included in the sale of the power company to Rocky Mountain Power. Included with the substation property will be additional property to the east and the west for future substation expansion and potential equipment storage, including property beneath the power lines. Combining these properties results in one 6.3-acre parcel.

B. Public Works Property – Preliminary Plat; Public Hearing, Action Item

Mr. Mumford presented this item. The Public Works building, located at 2545 N. Pony Express Parkway, is being included in the sale of the power company to Rocky Mountain Power, since their employees need an office and storage bays until they eventually build another building. In preparation for this sale, we are proposing to subdivide the property to create a separate lot for the Public Works building, and to join together the remainder



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

of the City's property in this area into one lot.

The subdivision creates a 2.2-acre parcel (the Public Works parcel to be sold) and a 91.51-acre parcel that includes the City's Energy building and yard, the wastewater treatment facilities, and future expansion areas. Lot #2 contains some strange curves on the south side, which are designed so that the vehicles servicing the wastewater treatment facilities can turn around, while staying on City owned property.

*Commissioner Linton opened the public hearing for items A. & B. at 6:09 p.m.*

None

*Commissioner Linton closed the public hearing for items A. & B. at 6:09 p.m.*

**MOTION:** *Miriam Allred moved to recommend approval to the City Council of the North Substation preliminary plat. Matthew Everett seconded the motion. Those voting aye: Daniel Boles, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

**MOTION:** *Miriam Allred moved to recommend approval to the City Council of the Public Works property preliminary plat. Matthew Everett seconded the motion. Those voting aye: Daniel Boles, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

**C. South Substation – Preliminary Plat; Public Hearing, Action Item**

The south substation, located along Lake Mountain Road, northeast of the Pioneer Addition neighborhood, is being included in the sale of the power company to Rocky Mountain Power.

Mr. Mumford removed this item from the agenda, because there was no plat.

**D. Eagle Top Phase 2 – Preliminary Plat; Public Hearing, Action Item**

Ken Sorenson explained that the proposed Eagle Top Phase 2 subdivision is 0.629 acres, includes 4 lots and is located next to the existing Eagle Top subdivision.

This project does not meet the bonus density standards. The base density for this zone is two dwelling units per acre, and the proposed project is 4 dwelling units per acre. To meet the requirements for the additional 2 dwelling units/acre, staff suggests that the applicant provides front and side yard landscaping which will allow one dwelling unit per acre, and to utilize masonry materials which allows an additional dwelling unit per acre.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

The applicant has not provided any improved open space and may elect to pay a park fee-in-lieu to go toward parks adjacent to the project.

The road and associated curb and gutter have already been completed through previous development in the area. However, the developer will need to complete the sidewalk along Golden Eagle Road and provide an inlet for the storm drain ditch where it meets Golden Eagle Road.

The area has existing utilities, but the developer will have to confirm that utilities are stubbed to each lot.

*Commissioner Linton opened the public hearing at 6:13 p.m.*

Bryce Hansen, applicant, said that he reviewed the recommended conditions earlier and has no problems or concerns with the conditions.

*Commissioner Linton closed the public hearing at 6:14 p.m.*

**MOTION:**

***Matthew Everett moved to recommend approval to the City Council of the Eagle Top Phase 2 preliminary plat with the following conditions:***

- 1) Provide front and side yard landscaping, and utilize masonry materials to meet the bonus density requirements for 4 dwelling units per acre.***
- 2) Pay park fee-in-lieu of \$12,603.65.***
- 3) Demonstrate proper drainage from hillside north of project.***
- 4) Install sidewalk along Golden Eagle Road.***
- 5) Install inlet for storm drain ditch where it meets Golden Eagle Road.***

***Miriam Allred seconded the motion. Those voting aye: Daniel Boles, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.***

**E. Evans Ranch Phase A – Preliminary Plat; Public Hearing, Action Item**

Mr. Mumford explained that the plat includes 26 lots on 10.67 acres that were included on the approved Evans Ranch Master Development Plan. The project includes 3.54 acres of open space. Evans Ranch Plat A is the third residential phase of the approved Evans Ranch Master Development Plan. The lots in this plat have not changed from the approved master plan.

Lot Frontage / Lot Design – The approved Evans Ranch Master Development Plan allows lot frontages that are smaller than the standard in the Code for this project, in order to test this unique “coving” design.



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Pedestrian Easements & Setbacks – Since these lots are planned with very specific build-to lines for the homes, there are pedestrian easements that extend onto each lot, allowing for the sidewalk to be located outside of the street right-of-way. The setbacks also must follow the approved Evans Ranch Master Plan setback. No more than 50% of the length of a home can be between 10 and 15 feet of another residence.

Fencing – The approved master plan contains a fencing exhibit as well, requiring split-rail fencing along the south and west edges of the park and adjacent to the trail on the back side of the homes. The plan also requires 6-foot vinyl fencing behind the lots along the open space. This fencing is shown on the landscaping plan. The fencing for lot 27 shall be required along with Phase C.

Community Improvements – A cash bond is required until the public open space has been improved and dedicated to the City. The cash bond shall be funded to total anticipated costs to complete the public open space, multiplied by a fraction, where the numerator is the number of lots within the subject plat (27 in this case), and the denominator is 242, but must be a minimum of \$2,000 per buildable acre ( $11.03 \text{ acres} \times 2,000 = \$22,060$ ). These community improvements (\$2,000 per acre) are to be spent on public amenities in the northern portion of the project, above and beyond the minimum park improvements shown on the Evans Ranch Master Development Plan. Developer shall make all of the required improvements (including amenities) to the public open space and dedicate it to the City prior to 50% of the building permits being issued in the single-family areas of the master plan.

Open Space Improvement –

- Total Improved Open Space – The developer's original plan was to work together with the City, utilizing impact fee funds to make improvements to the Tickville Wash. This plan has not materialized, however, as the City has other priorities for the impact fees. So the developer has moved the trail closer to the homes and further from the wash for safety reasons. While staff likes the increased safety, this has reduced the acres of improved open space in the overall plan. The developer is requesting that the Commission approve their plat, since they are improving sufficient open space for Plat A, and that they come back in the future with a plan for how to make up for the reduction in open space. This plan will likely include additional amenities or improvements to the slope of the wash to increase safety. We recommend that the developer bring back an open space proposal for approval along with Phase D, and that a plat for Phase D not be approved until an open space proposal has been approved.
- Amenities – The approved master parks and open space plan includes exercise stations along the trail. Since the developer moved the trail away from the wash, they are requesting instead to build a swing set and basketball court. Ideally, the

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

developer wants to build a pickleball court or a sport court that could be used for pickleball and basketball.

- Timing – the open space improvements shown in this plan should begin along with the infrastructure for the project and be completed by no later than 50% of the building permits being issued in this plat.

Commissioner Linton was concerned about getting site plan approval for each lot. Mr. Mumford explained that the Building Department already gets a site plan for each lot but this is to ensure with each lot that the utilities don't conflict with the driveway.

Commissioner Boles asked about the design of the sidewalks and development.

Commissioner Everett felt that if the subdivision behind Ridley's Market includes exercise stations along the trail then maybe different amenities for this development would work better.

*Commissioner Linton opened the public hearing at 6:31 p.m.*

Greg Rawlinson, resident, is currently building a house in Evans Ranch. He and other future homeowners of Evans Ranch were told by the developer that he was not intending to build the fence behind their home. The fence is shown on the Evans Ranch Master Development Plan.

Nate Shipp, applicant, appreciated the faith everyone had in this project. Going to this unique design he felt that the developer captured the historical topography of the area and was able to enhance the views and community within itself. Commissioner Boles said that most sidewalks are on the public right-of-way but this developments sidewalks are on private property. He asked what kind of issue the developer foresee? Mr. Shipp felt that it would not have an effect on the general public. It does give the developer an opportunity to create a unique streetscape.

Mr. Shipp spoke about the open space. He would love to see the wash as a regional amenity and would love to bring a plan back that could utilize that as an amenity. He would love to build a pickleball court instead of the exercise stations along the trail. He felt that a pickleball court would be more used and unique to the community. Commissioner Linton asked if it would be a multi-purpose court. Mr. Shipp said that the developer is looking into adding a basketball hoop to the court. Commissioner Boles asked if it would be maintained by the HOA. Mr. Mumford explained that it would be a City owned park. Commissioner Everett was concerned with the life expectancy for a pickleball court.

*Commissioner Linton closed the public hearing at 6:46 p.m.*

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**MOTION:**

*Miriam Allred moved to recommend approval to the City Council of the Evans Ranch Phase A preliminary plat with the following conditions:*

- 1. Fencing for the project must comply with the approved master fencing plan.*
- 2. Open space and amenities must be fully improved by 50% of the building permits being issued in the development. A cash bond is required with plat recordation.*
- 3. An open space proposal shall be submitted and approved along with or prior to approval of Phase D, showing how the reduction in open space will be resolved.*
- 4. Building permit site plans must be submitted with utilities to help with proper driveway placement. No water meters are allowed in driveways.*
- 5. No more than 50% of the length of a home can be between 10 and 15 feet of another residence. The approved setback exhibit (with the MDP) must be followed.*
- 6. A cash bond shall be provided to the City prior to recording the plat totaling a minimum of \$22,060 (11.03 acres x 2,000 = \$22,060) to be spent on public amenities in the northern portion of the project, above and beyond the minimum park improvements shown in this plan. The improvements must be approved by the City. Developer shall make these additional improvements to the public open space and dedicate it to the City prior to 50% of the building permits issued in the single-family areas of the master plan.*

*Matthew Everett seconded the motion. Those voting aye: Daniel Boles, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

F. Oquirrh Mountain Phase A – Preliminary Plat; Public Hearing, Action Item

Mr. Sorenson presented this item. The project is located to the south of the Lone Tree subdivision and to the west of Pony Express Parkway. This 12.06 acre plat includes .76 acres of open space and 50 lots with an average size of 6,709 square feet.

- Utilities – The Master Development Agreement requires that a lift station is needed for the entire project. However, the City would prefer to connect Phase A to the existing gravity sewer line in Pony Express at Mid Valley Road. Future phases will require the installation of a lift station.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

- Fencing – The landscaping plan indicates a 6-foot perimeter fence for lots that front Pony Express Parkway along with the church. This fencing will meet the fencing requirements of The Ranches HOA.
- Water Rights – The developer must submit a letter indicating either the banked water rights that he plans to use for this plat, or a commitment to purchase water from the City. The developer plans to purchase CWP water from the City.
- Open Space Dedication – This plat provides 0.76 acres of improved open space, which meets the required 0.7 acres approved with the master development plan. All open space will be dedicated to the Oquirrh Mountain Ranch HOA, per the master development agreement.
- Transitioning and Setback Requirements – The master development agreement requires a 20-foot setback along the southern boundary. Additionally, the 20-foot building setback is to include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.
- Open Space Improvement – The open space for the project will be improved as stipulated in the master development agreement. As the applicant will be submitting a revised master development agreement that corresponds with the changes made to the master development plan in June 2014, any changes in open space naming will be adjusted to reflect changes made to the amended MDP and will retain the same timing requirements.
- Community Improvements – A minimum of \$2,000 per buildable acre must be provided as a cash bond for the community improvements for this plat, as required by the City Code and the Oquirrh Mountain Ranch Master Development Agreement (total of \$18,160).

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*Commissioner Linton opened the public hearing at 6:53 p.m.*

Elise Erler, SITLA, explained that the developer and SITLA agreed on a 10 foot set back from the property. There will be a 20 foot corridor for public use. She was also concerned with the sewer capacity for the south sewer line. She explained that SITLA installed the sewer line for just enough capacity for SITLA projects.

Ryan Kent, applicant, explained that the 10 feet would be dedicated to the City. The development will purchase CWP water. He also explained that it is in the best interest of the City and developer to gravity feed the sewer line to the south area. The developer is looking for special improvement financing that will help fund the main trunk line.



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

*Commissioner Linton closed the public hearing at 7:00 p.m.*

Commissioner Boles asked who would be responsible for the fence along the south property line. Mr. Mumford explained that the residents would be responsible.

**MOTION:**

***Matthew Everett moved to recommend approval to the City Council of the Oquirrh Mountain Phase A preliminary plat with the following conditions:***

- 1. Provide water model for project.***
- 2. Provide updated Traffic Impact Study for project.***
- 3. Provide bench drains, inlets to handle storm water runoff on hillside lots that meet City Engineer's approval.***
- 4. The 20-foot building setback on the southern boundary is to include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.***
- 5. Street lighting plan (must include sprinkler timers for power needs) required (with final plats).***
- 6. Provide an approved fire department turnaround for dead end roads that exceed 150'.***
- 7. Revise the master development agreement prior to City Council to reflect changes made to the master development plan in June 2014.***

***Miriam Allred seconded the motion. Those voting aye: Daniel Boles, Miriam Allred, John Linton and Matthew Everett. The motion passed with a unanimous vote.***

**G. AUB Chapel– Concept Plan; Discussion Item**

Mike Hadley Presented this item. The proposed AUB Chapel is located in the Meadow Ranch Plat 1 subdivision on lot 138. The Meadow Ranch subdivision is north of SR73 just west of Ranches Pkwy. The proposed application is for a church/school site on the existing residential lot. There is currently an existing residential house on this lot. The applicant has informed the City that it intends to raze all of the current structures on the lot. The proposed religious meeting hall/private school is allowed as a conditional use in a residential zone. The lot is 1.739 ac in size. The applicant is requesting a reduction in the amount of parking required for this project. Attached to this staff report is a letter from the applicant requesting review and input on the parking requirement for this project.

**EAGLE MOUNTAIN CITY**  
**PLANNING COMMISSION MEETING MINUTES**  
**TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.**  
**Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005**

Glenn Allred, General Contractor, explained that before moving forward with the plans and engineer, he wanted to know what the general feelings were about the reduction in the required parking. He reviewed the chart below and explained the reason they are requesting the reduction in parking as per the chart. He also said that an average member's car will hold four to eight members per car.

**NUMBER OF HOMES WITHIN WALKING DISTANCE**

DESCRIPTION:	00 / 1,000-ft.	1,000 / 1,500-ft.	1,500 / 2,000-ft.	2,000 / 3,000-ft.	TOTALS
Number of homes	21	9	11	20	61
Number of church members	168	72	88	160	488
Average number attending Services	126	54	66	120	366
% of members walking to church	80%	50%	20%	5%	
Members walking based on %	100	27	13	6	146
Members driving based on %	26	27	53	114	220

**SEATING CAPACITY**

DESCRIPTION	Main Assembly	Multi- Purpose	Balcony	TOTALS
1/1.5 LF OF PEW (472 LF)	315			
CHAIRS		108		
1/1.5 LF OF PEW (132 LF)			88	
TOTALS:				511

**PARKING STALLS**

DESCRIPTION	REQUIRED BY CODE (sq.ft. / 20)	WITH REQUESTED 30% REDUCTION	TOTAL PARKING STALLS ON PLAN
Main Assembly & Multi-purpose (3,844 sq.ft.)	193	135	
Balcony (703 sq.ft.)	35	25	
TOTALS:	228	160	164

**ACTUAL ANTICIPATED STALLS TO BE USED**

(Based on 511 capacity -146 walking = 365)

DESCRIPTION	WITHIN 3,000 FT.	OUTSIDE THIS AREA	TOTALS
220 driving / 4 per car	55		92
145 driving / 4 per car		37	37
TOTAL			129
(If all 511 members drove with an average of 4 / per car it would still be only 128 cars)			

Mr. Mumford explained that the church is somewhat unique and should be considered. His understanding is that there would not be a great flux in the congregation.

Commissioner Allred asked if there would not be growth in the congregation. Mr. Allred explained that the capacity seating of the church would not allow more congregation. Commissioner Allred felt that 30% was too great of a drop in parking. Mr. Allred explained that with his figures he felt that there was more parking than would be used.

Commissioner Boles asked if the Code only allows onsite parking. Mr. Mumford said that it is off-street parking only.



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Boles asked how many church sessions would be held on Sunday. Mr. Allred said that there will only be one session.

Commissioner Allred asked if the church would be used for actives during the week. Mr. Allred explained that it would also be used for a private school only for kids in the area. He explained that the parking for the use of the school is way under the required parking. The building is not designed with a stage so no other actives with extended family would be held in the church.

Commissioner Boles asked if any parking studies were done for the church. Mr. Allred said that the table was based on his own experience. Commissioner Boles felt that with only one congregation meeting, they should treat this differently from an LDS church. He would like to see something more concrete like a parking study before making a decision.

5. Adjournment

The meeting was adjourned at 7:31 p.m.

APPROVED BY THE PLANNING COMMISSION ON FEBURARY 24, 2015.

  
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Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: Wendy Komoroski, Miriam Allred, Daniel Boles, and Matthew Everett. Excused: John Linton

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland arrived at 7:35 pm.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. February 10, 2015

**MOTION:** *Daniel Boles moved to approve the February 10, 2015 meeting minutes. Miriam Allred seconded the motion. Those voting aye: Miriam Allred, Daniel Boles and Matthew Everett. Wendy Komoroski abstained. The motion passed with 3 ayes and 1 abstention.*

4. Development Items

A. Lakeview Estates – Rezone; Public Hearing, Action Item

Mike Hadley explained that the applicant is proposing to rezone approximately 67 acres of land currently zoned Agricultural to Residential. Included in this application is a concept plan for a proposed residential development. The rezone does comply with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential which requires lots of a ½-acre minimum. This concept plan does have lots that are less than 1/2 an acre; however, the overall density of the project meets the Tier 1 criteria for lot size. The concept plan utilizes a variation on the buffering requirements. It proposes on the south side of the project a park and open space as the buffer instead of the required one acre transition abutting the Cedar Pass Ranch development.

UDOT has requested that land be preserved along Cory B. Wride Memorial Hwy (SR 73) for future expansion of the roadway. UDOT is requesting that a 300' ROW is provided along the north side of this development. We recommend that the Commission consider adding a condition of approval to this application requiring the applicant to work with the City and

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

UDOT to resolve UDOT's request for right-of-way preservation prior to receiving approval for a preliminary plat.

Steve Allred, applicant, explained that he is requesting a simple rezone of property and he is working with UDOT to preserve the land along Corey B. Wride Memorial Hwy (SR 73) for the future roadway expansion.

*Commissioner Everett opened the public hearing at 6:14 p.m.*

DJ King, resident of Westview Heights, was concerned about the lots being a quarter of an acre, suggested that the lots be one acre or larger. He also requested that another access point road be added to the development from Cory B. Wride Memorial Hwy (SR 73).

John Warner, resident of Cedar Pass Ranch, wanted to make sure the horse trail along the east and south border of the development is protected. He also requested that the lots along that south border be large then an acre. He requested that the development be zoned Rural Residential instead of residential, so the development is required to have half acre or larger lots.

Brian Barnes, resident of Westview Heights, said that the closest lot to a quarter acre from this development is 13 miles away. He felt that all the lot sizes should be half an acre or larger. He was also concerned with the traffic into the Westview Height neighborhood and suggested that another access point road be added to the project.

Jeff Morris, resident of Cedar Pass Ranch, was concerned about the trail system along the south and east border of the development. He asked if any provision could be made to require the developer to add a fence along the east and south border of the development and that a fence should be added. He also recommends that the development be Rural Residential.

Nate Brusik, resident of Westview Heights, said he was concerned with the traffic flow into the Westview Heights neighborhood. He said that the Westview Heights neighborhood has around 70 kids. He is concerned about those kids' safety because of the added traffic into the neighborhood that would be caused by this development. He is also concerned with the value of the homes in his Westview Heights neighborhood. He requested that the developer get together with UDOT and install an easterly access road into the development. He wanted to know what fire code requires for access into the development. He asked that the outer lots be one acre and that the development be zoned Rural Residential.

Commissioner Komoroski noted that a resident called her about the lot sizes. The resident asked that the development be buffered with acre lots on the north side.

Mr. Allred said that acre lots along SR 73 would be hard to sell. He also explained that UDOT wants to preserve the SR 73 corridor and did not think that UDOT will allow another outlet into or out of the development.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

*Commissioner Everett closed the public hearing at 6:30 p.m.*

Commissioner Allred asked the applicant if he is open to Rural Residential zoning, which would be half acre or larger lots. Mr. Allred said that he would like to rezone the development to Residential, because he felt that half acre or one acre lot along a freeway would not sell.

**MOTION:**

***Wendy Komoroski moved to recommend approval to the City Council of the Lakeview Estates Rezone application with the following conditions:***

***1. The applicant shall work with UDOT and the City to resolve UDOT's request for right-of-way preservation prior to receiving approval for a preliminary plat.***

***2. Land use needs to be designated as Rural Residential with minimum size lots of half an acre.***

***Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, Miriam Allred, and Matthew Everett. Those voting nay Daniel Boles. The motion passes with 3 ayes and 1 nay.***

**B. SilverLake 14 & 15 – Preliminary Plat, Site Plan; Public Hearing, Action Item**

Steve Mumford presented item B. This is a proposed subdivision located on the east side of Woodhaven Boulevard, east of the roundabout at the end of Silverlake Parkway, just north of the Tickville Wash. The proposed development includes 120 townhome units and 37 cottage lots (small-lot single-family), a community park property, and some improved open space & amenities.

This area is part of "Area B" of the SilverLake Master Development Plan, which was designated as a mixed area for single-family, patio, garden court, cluster, and multi-family buildings (townhomes). This area was approved with a maximum of 400 residential lots/units on 46.6 acres. 180 units have already been approved in this area (137 in SilverLake Plats 11-13, and 43 in the eastern portion of SilverLake Plat 8), leaving a maximum of 220 units remaining. This proposal is for 157 units, reducing the total available by 63.

**Sewer & Road Layout**

The configuration of the public road in this project is directly related to the main sewage line that was constructed recently in this area. This sewer line takes sewer from the Kiowa Valley area neighborhoods, the Evans Ranch neighborhoods, and the future SilverLake "south" neighborhoods, replacing the existing sewer lift station near Smith Ranch Road and Porter's Crossing.

The Commissioners reviewed the differences between the option A plan and option B plan.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

Mr. Mumford also explained and reviewed the City Code and the SilverLake Master Development Agreement.

Cottage Homes

The City Code requires a minimum lot frontage (lot width along a public street) of 55 feet. The lots in this plat have less than the required 55 feet. The applicant desires that these lots be classified as "cluster homes."

Chapter 17.10 in the Municipal Code defines cluster homes as follows:

*"Cluster home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. A cluster homes development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as patio homes.*

Paragraph 4 of the SilverLake Master Development Agreement states the following:

*Patio/Garden Court/Cluster Home Development. In addition to the requirements set forth in paragraph 2, the Developer shall have the option to develop and construct patio / garden court / cluster homes within the SilverLake Development in locations identified on Exhibit A1 and fundamentally consistent with the renderings in Exhibit C-1. These homes are generally located on a small lot or clustered near other detached homes, and generally include a park, courtyard, or additional improved open space within the immediate neighborhood. These are not just small single-family lots; they are to be designed with parks, courtyards, or open space as an integral part of the neighborhood.*

Cottage Home Elevations as of the SilverLake Master Development Agreement.

Section 4f of the SilverLake Master Development Agreement states the following:

*The exteriors of each of the new PGC (patio / garden court / cluster) homes shall contain masonry materials, including stone, brick, and fiber cement siding such as hardy board, or similar product, as fundamentally depicted on the renderings in Exhibit C-1. Stucco may also be used as an exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. Such masonry materials shall be "wrapped" onto side exteriors a minimum of 18 inches from the front elevation. No vinyl siding shall be permitted on any new single family residential dwelling. PGC dwellings are expected to be built similar to and substantially compliant with the design and materials as represented and depicted in the renderings included as Exhibit C-1.*

Lot Distribution.

Section 4a of the SilverLake Master Development Agreement states the following:

*PGC (patio, garden court, and cluster) homes must be distributed in areas identified on the master plan map, Exhibit A1. PGC (lots under 5,500 square feet or with a lot*



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

*frontage of less than 55 feet) shall not be clustered together in groups of more than 65 lots.*

These lots are located close to those in SilverLake plat 13, although there is a minor collector road separating the two developments.

**Townhome Distribution.**

Section 5b of the SilverLake Master Development Agreement states the following:  
*MFR homes (townhomes) must be distributed in areas identified*

**Townhome Elevations/Exteriors & the Multi-Family Design Standards**

Section 5g of the SilverLake Master Development Agreement states the following:  
*The exteriors of each of the new MFR dwellings shall contain masonry materials, including stone, brick, and fiber cement siding, hardy board or similar product as fundamentally depicted on the renderings in Exhibit C-2. Stucco may be used as a primary exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. No vinyl siding shall be permitted on any new MFR dwelling. MFR dwellings are expected to be built substantially compliant with the design and materials as represented/depicted on the renderings included as Exhibit C-2.*

Several of the townhome buildings will have the rear elevation facing Woodhaven Boulevard, and quite a few of the buildings will have side elevations facing a public street. These elevations must be redesigned to include no more than 25% stucco. These townhomes are also required to comply with the City's Multi-Family Design Standards, Chapter 17.72 of the City Code. Here are some of the areas of concern from the standards in relation to this project:

***Multifamily Building Orientation.*** Multifamily developments often have buildings facing onto internal courtyards and open space. The buildings adjacent to streets, however, shall front those streets and provide a primary entrance toward the street. If the side of a building faces a street, an entrance should be provided on that facade. Blank walls and/or rear facades should not be placed adjacent to streets. Orienting the primary entrances to a courtyard or open space without addressing the street-facing facade with entrances, windows, awnings, increased architectural elements, increased landscaping, and/or other pedestrian-oriented features is prohibited.

***Multifamily Parking/Garages.*** Garages and parking areas should be placed to the rear of buildings, accessed by a service drive. If garages are placed on the front facade, they shall be staggered and set back so as to minimize their appearance from the street. Garages shall never dominate the street-facing facade of a building.

***Building Articulation.*** Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, and other techniques to help identify



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

*individual residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited.*

***Architectural Detailing.*** Multifamily buildings shall incorporate a majority of the following architectural detailing: decorative shutters, bay windows, pop outs, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grilles and railings, architectural lighting, decorative masonry pattern, window grids, and decorative doors and windows. All sides of a building shall include the chosen details, where applicable.

***Multifamily Garage Doors.*** Garage doors shall not be the most prominent or visible feature on a building. They shall be accessed from the side or rear, or set back from the front facade. If garages are visible from the street, white doors are discouraged. Decorative doors are encouraged.

#### Fencing

This project is required to construct a six-foot high privacy fence, similar in style, design, and color to the existing fence in other phases of SilverLake, along the rear of all lots along Woodhaven Boulevard. This fencing must be installed along with the subdivision infrastructure, prior to the first building permit being issued in that phase of development. The fencing should leave a large open area for access into the park in the middle of the development.

#### Lighting

A photometric lighting plan has been provided; however, cut or spec sheets need to be provided, including all exterior lighting fixtures, to make sure they comply with the City's new "dark sky" lighting standards found in EMMC Chapter 17.56. When plans are submitted, the Planning staff will review the lighting for approval. The City is currently working on coming up with a standard street light that will be required along all public streets. The street lights in this development must comply with that standard, if the standard is approved prior to project construction.

#### Community Park

The SilverLake Master Development Plan parks and open space exhibit shows an 11.35-acre community park in this area. The proposed plan includes a 13.18-acre park (including the trail system underneath the power line corridor). This land will be graded and dedicated to the City with the first subdivision plat in this development. Is the park's location and configuration appropriate for the best usability and benefit to the SilverLake community?

#### SilverLake Master Development Plan Parks and Open Space

- Total Required pocket & neighborhood parks = 14.54 acres
- Requirements for Plats 14 & 15:

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

- Improve power line corridor. If the applicant wants this to count towards the 14.54 acres, then they are required to include the features and amenities required by City Code Chapter 16.35 (the point system).
- If additional improved open space is proposed to count towards the 14.54 acres, the point system must be followed as well.

Clubhouse

- "All Tier III residential developments are required to provide the Tier III clubhouse.
- Clubhouse = minimum of 1,200 sq ft, \$1,000 per unit cost.
- The Building elevations must be approved during the site plan process, or require that it come back for approval or be reviewed by Staff for approval (consistent in materials and colors to surrounding buildings).

Peter Evans, applicant, explained that Option A was changed due to the Master Development Agreement. Option B gives the developer more variety of housing. He also explained that there is a loss of units between A and B. He explained that what is being proposed is also a loss of units from what is in the SilverLake Master Development plan.

Commissioner Everett asked if there would be a sub-HOA for the development that will take care of the roads and landscape. Mr. Evans explained that he is not in favor of a sub HOA, but the developer will form a cost center that would take care of the roads and landscaping. He said that the roads are wider than a typical private road to give the development openness. The driveways are 22 feet, with additional guest parking, and private rear fenced yards. The developer is trying to give the development a feel of a traditional single family home, with the difference that the owners will have attached neighbors. He explained that there is a lot of public open space around the development.

*Commissioner Everett opened the public hearing at 7:29 p.m.*

Calvin Bardem, resident of SilverLake, was concerned with the view for the current neighborhood. He said that the townhomes would back the existing neighborhood. He also said that option B now has nonexistent green space compared to option A. He also explained that his neighbors and he bought into a neighborhood believing this space would be park and school and the multi-family homes would be to the right and left of the development.

Colby Curtis, resident of SilverLake, felt that townhomes in the neighborhood were odd because they are not like the development surrounding the area. He was also concerned with additional traffic the development would bring to Woodhaven Blvd.

Jeremy Wardle, resident of SilverLake, felt that townhomes would not fit with the charter of the neighborhood. He said that this development does not have park strips like the rest of SilverLake development. He was also concerned that residents of this development would have to park up the street in the existing neighborhood.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

Cory Dobs, resident of SilverLake, said that he is not originally from Utah but from Illinois. He said that in his old town he saw that townhomes changed the feel of the neighborhood and brought more transient residents. He said that transient people don't care about the neighborhood or the schools. He also saw a higher ratio of renters to owners in townhomes.

Sarah Pain, resident of SilverLake, said she has lived in the community for two years and has been very impressed with the current development going on in SilverLake. She felt that this proposed development is being rushed and that the developer is trying to squeeze it in. She also explained that there were park strips in the development that were never finished. She said the developer argument said they did not have access to the water to take care of the park strips. She had no problem with townhomes or cluster homes. She felt that there were too many townhomes proposed for this development, and suggested duplexes. She also suggested that the developer finish the area under the corridor. She also felt that the homes backing Woodhaven Blvd should have some kind of exterior requirement because they do block the view of the lake.

Drew Curley resident of Cold Springs, said that he lives in a townhome community, which he wishes was never built. He felt that townhomes takes away from Eagle Mountain is small town home feel. He also would hate living in the SilverLake townhomes option B where there would be no open space or park space.

Lewis Bowman, resident of SilverLake, was concerned about not getting notices for the City meetings. He also wanted to know why some neighbors were notified and others were not in the neighborhood. He felt that this development does not belong in the SilverLake area and it takes away from the current community. He said that the two story buildings are too high for the development, taking away from the general view of the current property owners.

Vicky Friday, resident of SilverLake, felt very strongly that this development would take away from the current community and also the type of community she had bought into. She said that she would not want to play under the power lines.

Jared Backus, resident of SilverLake, said that he had moved to the neighborhood six years ago and bought into a different development. He was concerned about the same thing happening in this development with the private roads as what happened in the SilverLake Village PUD. He explained that the SilverLake Village PUD was a nightmare for anyone that lived in that development and for the neighbors in the area. He recommended that the development stick to single family homes.

Bret Horton, resident of SilverLake, said the meeting between the developer and residents of SilverLake on February 23, 2015 was unsuccessful because of the time. He said that more residents would have liked to hear from the developer. He also was concerned about the value of their homes in the area. He explained that Flagship Homes promised parks, open space, and a school, which is not going to happen. He said all this started

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

when Flagship did not honor the park strip area. The neighbors just want things to be made right for their community.

*Commissioner Everett closed the public hearing at 7:54 with an option of reopening the public hearing later in the meeting.*

Commissioner Allred asked about the park strips that the residents were promised. Mr. Mumford explained that the developer Plat 6, 7 and Silverlake Village PUD went bankrupt. He also said that there were a lot of developer in the subdivision. He also said that the City was able to get one of the developers to come back and put in the fence.

Commissioner Komoroski explained that the multifamily homes have already been approved for this area in the Master Development Plan. The Commissioners cannot make the developer change to single family homes. Mr. Mumford said that the original SilverLake Master Development Plan was approved with several multifamily homes. He explained that the total number of units have been reduced from the original plan. He also said that the City Council approved multifamily homes in the area in 2013 and that the developer agreed that there would be no stacked homes like condos. The developer is allowed townhomes or cluster homes. He explained that the Alpine School District does not want the lot that was set aside for them in this development, because it is close to the power line corridor.

Commissioner Boles was not happy with option A or B, but felt option A gave the residents more open space. He also felt like the back side of the townhomes should be softened to help with the contrast, especially the townhomes that side the public streets.

Commissioner Allred liked a combination of options A and B. The cluster homes are close together in option B, but she likes the size of the homes in the middle of option B. She felt that option B needs green space and the amenities to help break up the development.

Commissioner Boles felt that the garages are too prominent and that they do not meet the Master Development architecture standards. Commissioner Komoroski explained that the only option would be a one car garage, unless the garage is in the rear. She said that it's hard to make townhomes without a prominent garage. She would prefer to see two car garages. Commissioner Everett was also concerned with the front elevation of the structures. Commissioner Boles suggested that they stagger or offsetting the townhome units.

Nate Hutchinson, with the developer, explained that there was a traffic study done with the rest of the development including the multifamily home developments.

Commissioner Komoroski was concern with the lack of green space in the development.

Mr. Evans, applicant, felt that the options meet the SilverLake Master Development



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

Agreement standards. He stated that the development is surrounded by a lot of public open space, not by high density housing. Mr. Mumford explained that there are many areas that could be approved in the design of the development. He also said that there is a difference between the City's and the developer's interpretation of the Master Development Agreement.

Commissioner Everett said there is public open space around the development, but its all wash. He does not view the wash as usable open space. He would like to see the townhomes broken up.

*Commissioner Everett reopened the public hearing at 8:23 p.m.*

Calvin Bardem, resident of SilverLake, said he respects the developer but he felt that this development was wrong for their neighborhood.

Sarah Pain, resident of SilverLake, said she is an interior designer and she felt that this development is like when she designs cubicles and workstations. She would like to see the development broken up with some more variety. She also felt that the wash should not be counted as open space.

Cory Dobs, resident of SilverLake, suggested that only duplexes be allowed in the development, if they cannot change the multifamily zoning. He does not believe 20 feet of space between buildings is adequate.

Vicky Friday, resident of SilverLake, felt that their neighborhood did not get the proper notification for the Planning Commission meeting.

Mr. Mumford explained that the City Code requires mailed notification of everyone within 600 feet of the property, and it goes out from there until the City meets at least 25 residents. The City Code is more than what the State requires for notifications.

Jared Backus, resident of SilverLake, asked why the development could not be changed to single family residents. The Commissioners explained that it would have to be changed by the developer. The new developer has purchased the property with the understanding that they could build multifamily homes as per the Master Development Plan.

Mr. Evans asked the Commissioners to make conditions and forward the preliminary plat on to the City Council. Commissioner Allred did not feel comfortable recommending or forwarding the Preliminary Plat on to the City Council with too many conditions.

Commissioners liked the green space more than the clubhouse. They felt that the green space broke up the development. They also felt that the developer could soften the side and back elevations on the units. They also suggested that the developer stagger the units, or offer a variety of units.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

*Commissioner Everett continued the public hearing to the March 10, 2015 meeting.*

**MOTION:** *Wendy Komoroski moved to table the Silverlake 14 & 15 preliminary plat to the March 10, 2015 meeting. Miriam Allred seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**C. Development Code Amendments – Definition of Group Home; Public Hearing, Action Item**

Mr. Mumford presented item C. This City-proposed code amendment redefines “group home” to remove confusion between small and large group homes. It amends Chapters 17.10.030 and 17.75.060. The City attorney suggested that the City remove large and small group homes the City Code definitions.

*Commissioner Everett opened the public hearing at 8:56 p.m.*

None

*Commissioner Everett closed the public hearing at 8:56 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval to the City Council of the Development Code amendment definition of group home. Daniel Boles seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**D. Development Code Amendments – Building Permit Approval Process; Public Hearing, Action Item**

Mr. Mumford presented item D. This City-proposed Code amendment makes some changes to the building permit approval process due to the sale of the power and gas companies, and to improve the process for all involved. It amends Chapters 15.10.230 and 16.60.050. These changes should result in less complaints and confusion by developers, and give the Development Review Committee some discretion when considering the timing of building permits for commercial, industrial, and multi-family developments. These proposed changes have been reviewed at length by the City’s Development Review Committee (Planning, Engineering, Parks, Fire, Building), and are very similar to Lehi City’s building permit approval process

*Commissioner Everett opened the public hearing at 9:01 p.m.*

None

*Commissioner Everett closed the public hearing at 9:01 p.m.*

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.

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

**MOTION:**

*Wendy Komoroski moved to recommend approval to the City Council of the Development Code amendment building permit approval process. Miriam Allred seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**E. Development Code Amendments – Off-Street Parking; Public Hearing, Action Item**

Mr. Mumford presented item E. This City-proposed Code amendment improves the off-street parking standards, both for organizational and clarity purposes, and to be more in line with regional and national and practices. It amends Table 17.55.120(c). The City has done a variety of research of the parking codes of other cities, the International Traffic Engineers Manual (ITE), and made some site visits to existing developments in northern Utah County.

The Commissioners reviewed the required parking table.

Commissioner Komoroski asked about the requirement for condominiums and if it would require garages for condos or apartments. Mr. Mumford explained that this Code would require garages for condos or apartments.

*Commissioner Everett opened the public hearing at 9:08 p.m.*

None

*Commissioner Everett closed the public hearing at 9:08 p.m.*

**MOTION:**

*Wendy Komoroski moved to recommend approval to the City Council of the Development Code amendment for off-street parking with one change:*

- 1. A line item be added to the required parking table for apartments requiring 2 stalls per dwelling unit plus 1 guest parking space per 3 dwelling units.*

*Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, Miriam Allred, and Matthew Everett. Those voting nay Daniel Boles. The motion passes with 3 ayes and 1 nay.*

**F. Development Code Amendments – Parks & Open Space; Public Hearing, Action Item**

This City-proposed code amendment changes the City's parks and open space standards with which developers must comply. It amends Chapter 16.35.

**MOTION:**

*Wendy Komoroski moved to table the Development Code amendments for Parks & Open Space public hearing to the March 10, 2015 meeting. Miriam Allred seconded the motion.*

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

***Those voting aye: Daniel Boles, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

5. Adjournment

The meeting was adjourned at 9:15 p.m.

APPROVED BY THE PLANNING COMMISSION ON MARCH 10, 2015

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



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MARCH 10, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: Wendy Komoroski, John Linton, Daniel Boles, and Matthew Everett. Excused: Miriam Allred

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner; Ken Sorenson, City Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. February 24, 2015

**MOTION:** *Wendy Komoroski moved to approve the February 24, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: John Linton, Daniel Bole, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Development Items

- A. SilverLake 14 & 15 – Preliminary Plat, Site Plan; Public Hearing, Action Item  
(Continued from 2/24) This is a proposed subdivision located on the east side of Woodhaven Boulevard, east of the roundabout at the end of SilverLake Parkway, just north of the Tickville Wash. The proposed development includes 120 townhome units and 37 cottage lots (small-lot single-family), a community park property, and some improved open space & amenities.

Steve Mumford explained the SilverLake 14 & 15 plan proposal for this area.

- Area “B” of SilverLake Master Development Plan is already approved for a density of 400 units. There are 220 units remaining for this area.
- Area “B” is already approved as a mixed area that includes a mixture of single-family, patio/garden court, cluster and multi-family units
- The required open space was already planned and approved as part of the Master Development Plan. The remainder of the project was given a maximum number of residential units that are allowed. The maximum units determined the required open space within the SilverLake Master Development Plan. The developer is not required to include additional open space for the proposed development.

- Improve power line corridor. If the applicant wants this to count towards the 14.54 acres, then they are required to include the features and amenities required by City Code Chapter 16.35 (the point system). If additional improved open space is proposed to count towards the 14.54 acres, the point system must be followed as well.

Mr. Mumford went over the changes the developer made to Area “B” map and the building elevations. He also explained the street light changes within this development are required per the dark sky ordinance.

*Commissioner Linton opened the public hearing at 6:20 p.m.*

Calvin Barndam, SilverLake resident, felt that the Commissioners at the last meeting represented and heard the residents. He felt the requests from last meeting were not heard by the developer (examples: long corridors, staggering of buildings, or green space). He played with the plans and came up with plans that would help stagger the building, but there would be fewer units and more green space. He explained that the developer has more options.

Doug Page, SilverLake resident, asked if there was a time requirement to submit plan revisions. He wants to know if the building requirements for the units would be fire sprinkled per City Code or by Fire Code. What type of traffic study has been done for this development and when was the traffic study done? He felt that if the traffic study was done prior to the realignment of SR 73 then a new traffic study should be required. He also wanted to know when the entrance monument for the other phase of the development would be installed. He felt that the fencing requirement did not match with the feel of the neighborhood. He also wanted to know if there would be a sub HOA. Mr. Mumford explained that there is no time requirement for this item because it was tabled to this date. He said that a new plan would require at least ten days notification.

Kenny Larson, SilverLake resident, asked who would be maintaining the clubhouse the master HOA or a sub HOA. If the master HOA maintains the clubhouse, would the clubhouse be opened to all SilverLake residents?

Lewis Bowman, SilverLake resident, wanted to know when the data for the traffic study was obtained. He felt that Woodhaven Blvd was not designed for the intended flow of traffic. He felt that the power line corridor should not be used for public open space, but only for access. He felt that there are safety and health issues with using the power line corridor for open space. He was also concerned with the fencing design. He recommended the Commissioners deny the proposal.

Vicky Friday, SilverLake resident, was concerned about the traffic into the SilverLake development. She said that there were 566 residential homes in SilverLake with only two accesses into the development. She stated that in 2012 there was a fire in the hill behind SilverLake and residents felt that it was hard to get out of their neighborhood. She felt that the increase of population from this development would make it hard to evacuate the neighborhood. She said that Pony Express Parkway is inadequate to hold the amount of traffic and if the City wants to increase the population then that road needs to be widened. She explained that when the City holds an event at the SilverLake amphitheater how hard it is to get into the SilverLake neighborhood. She has been turned away in the past. She felt that there should be more access into the SilverLake neighborhood.

Colby Curtis, SilverLake resident, was concerned about HOA fees going up with the extra amenities.

Sarah Pain, SilverLake resident, was disappointed that the plan the developer brought back had little changes. She put a sketch together on how the developer could give the development some variety and use the same concept ideas of the current SilverLake development. She asked the Commissioners to deny the developer's proposal and have the developer redesign the plan.

Pete Evans, representing the developer, said that the proposal is a lot like proposal B because the developer felt that it met the approved development agreement. He explained that the new proposal would widen the green space areas. They changed the units to face towards Woodhaven Blvd. He also said that the developer is not going to develop under the power line corridor. The developer is going to plant trees along the power line corridor to help soften the look and break up the area. He also explained that the development will have its own cost center or sub HOA. The cost will not factor into the Master HOA, the clubhouse would be separate from the Master HOA. He explained that the units are clustered in the development in a way to help with maintenance of the property (example: snow removal and green space maintenance). He stated that all units will be built to Code and inspected by the City. He also explained that the buildings are staggered to help break up the look, but if they stagger the building any more the residents will lose their back yards.

Commissioner Komoroski asked about the side elevation. Mr. Evan stated that he would be fine with a condition addressing the side elevation.

Mr. Evans went over the conditions. He explained that condition one changing the elevation has been completed by the developer. He requested that the condition that requires improving the power line corridor be removed. The developer is no longer going to count the power line corridor towards the required improved open space.

Doug Page, SilverLake resident, asked about who would maintain the green space under the power line. He suggested that the townhomes' sub HOA take care of the open space. He also suggested that the fence be moved out towards the walking path and not against the buildings. He also felt that a new traffic study should be done with all the changes to the City roads.

Bronson Tatton, representing the developer, explained that Rocky Mountain Power has approved the specific trees along the corridor.

Vicky Friday, SilverLake resident, was concerned about the wash and the developer using it as green space. She believes that an engineering study should be required for the wash.

Wendy Horton, SilverLake resident, was concerned about the townhome residents parking along Woodhaven Blvd. She was concerned that the townhome would be sold to investors and become rental homes. She suggested that there be a requirement that the homeowners of the townhomes make this a permanent resident for at least three years.

Rachel Baker, SilverLake resident, felt like the developer has cut a lot of corners. She is asking the City to require usable green space and not a wash as usable green space.

Nate Hutchinson, representing the developer, explained that the area by the wash is 90 percent usable. They could take lots in the development and use for open space, but then they would be dividing up open space.

*Commissioner Linton closed the public hearing at 7:03 p.m.*

Mr. Mumford explained that the City Engineer feels that the traffic issues are not caused by the SilverLake development. He explained that Eagle Mountain City and Saratoga Springs City are working together to widen Pony Express Parkway to three lanes (adding a center turn lane and bike lanes).

**MOTION:**

***Daniel Boles moved to recommend approval to the City Council of the SilverLake 14 & 15 preliminary plat and site plan application with the following conditions:***

- 1. Stucco shall not exceed 25% of any front elevation and elevation facing a public street.***
- 2. Developer shall improve the side elevations with more architectural variations.***
- 3. The clubhouse shall be a minimum of 1,200 sq ft & \$1,000 per unit cost.***
- 4. The clubhouse elevations must be reviewed for approval by City Council & be consistent in style and color with the townhomes or homes.***
- 5. All lighting must comply with the City's "dark sky" lighting standards in EMMC Chapter 17.56.***
- 6. The plans must be reviewed by the Fire Marshal for approval.***

***Wendy Komoroski seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroski, and John Linton. Those voting nay Matthew Everett. The motion passed with 3 ayes and 1 nay.***

**B. DIGIS Internet Transmission Site Conditional Use Permit; Public Hearing, Action Item**

This is a proposed conditional use permit for an internet transmission site located in the Valley View Ranch development on a residential lot the address is 2587 E Patriot Drive.

Mike Hadley explained that the applicant, DIGIS, is requesting approval of a Conditional Use Permit for a wireless internet service facility located on a residential lot. The address is 2587 E Patriot Dr. in the Valley View Ranch development. The applicant is proposing to lease from the resident a 15' X 15' area equaling 225 square feet, on which it will place its wireless internet service equipment. Within the leased area the applicant is proposing to add a 30' ft. tall equipment tower. None of the equipment will be permanently installed.

**Fencing**

The residential lot, on which the internet site will reside, has no fencing. The proposal includes fencing for the internet site equipment. The proposal consists of chain link fence with a barbed wire on the top. City staff has informed the applicant that City Code does not allow for chain link or barbed wire fencing in residential areas.

**Utilities**

All required utilities for the project will come from the property owner. The applicant will attach electrical hookups to the existing residence.



### Access

The applicant will access the equipment site through the existing property driveway. The applicant has indicated that there will not be a need to access the site with vehicles after the original installation.

Commissioner Linton asked if the City met with the applicant about the height change. Mr. Hadley explained that the applicant is aware of the change from 30 feet to 20 feet.

Commissioner Linton wanted to know how large the residential lot is. Mr. Hadley said that the lot size is about an acre.

Commissioner Komoroski asked if the applicant is required to fence around the lot or just around the internet transmission site. Mr. Hadley said that they only need to fence around the internet transmission site.

*Commissioner Linton opened the public hearing at 6:04 p.m.*

Dennis Watt, applicant, had no issue with the conditions in the staff report. He said that DIGIS could lower the tower, but they would rather have the 30 feet tower.

*Commissioner Linton closed the public hearing at 6:06 p.m.*

### **MOTION:**

***Wendy Komoroski moved to approve the Conditional Use Permit for the DIGIS internet transmission site with the following condition:***

- 1. The tower height cannot exceed a maximum of 20' ft.***
  - 2. Applicant provides a copy of the signed lease agreement.***
  - 3. The fencing needs to be approved by Planning and needs to be something other than chain link.***
  - 4. The Building Department will approve the plans for all equipment.***
- Daniel Boles seconded the motion. Those voting aye: Daniel Boles, Wendy Komoroksi, John Linton, and Matthew Everett. The motion passed with a unanimous vote.***


- C. Development Code Amendments – Parks & Open Space; Public Hearing, Action Item  
(Continued from 2/24) This City-proposed Code amendment changes the City's parks and open space standards with which developers must comply. It amends Chapter 16.35.

Commissioner Linton requested that item C. be removed from the agenda.

### 5. Adjournment

The meeting was adjourned at 7:17 p.m.

APPROVED BY THE PLANNING COMMISSION ON MARCH 24, 2015

  
Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, APRIL 14, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: Wendy Komoroski, Miriam Allred, John Linton, and Matthew Everett. Excused: Daniel Boles

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner; Ken Sorenson, City Planner; and Johna Rose, Deputy Recorder.

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. March 10, 2015

**MOTION:** *Matthew Everett moved to approve the March 10, 2015 meeting minutes. Wendy Komoroski seconded the motion. Those voting aye: John Linton, Wendy Komoroski, and Matthew Everett. Miriam Allred abstained. The motion passed with 3 ayes and 1 abstention.*

4. Election of Chair & Vice-Chair

**MOTION:** *Wendy Komoroski moved to appoint John Linton as Planning Commission Chair for the 2015 year. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Wendy Komoroski, and Matthew Everett. John Linton abstained. The motion passed with 3 ayes and 1 abstention.*

**MOTION:** *Miriam Allred moved to appoint Wendy Komoroski as Planning Commission Vice Chair for the 2015 year. Matthew Everett seconded the motion. Those voting aye: John Linton, Miriam Allred, and Matthew Everett. Wendy Komoroski abstained. The motion passed with 3 ayes and 1 abstention.*

5. Development Items

A. Agricultural Protective Area Rezone; Public Hearing, Action Item

An application for an Agriculture Protection Area for a property located in the southern portion of Eagle Mountain City just south of the Community Development Building and the sewer treatment plant.

Mike Hadley explained that the applicant is proposing to create an agricultural protection area. Creating an agricultural protection area guarantees the property owner the right to continued agricultural use regardless of what happens with future development surrounding the property. If development of the surrounding property occurs new development cannot infringe on the agricultural protection area. The rights of the agricultural protection area supersede any of the new developments rights. The property owner/owners can request that the protection be removed and the property rezoned at any time before it is reviewed in twenty years.

In evaluating the proposal and determining whether or not to create or recommend creating the following criteria should apply as per Utah State Code:

1. Whether or not the land is currently being used for agriculture production.
2. Whether or not the land is zoned for agriculture use.
3. Whether or not the land is viable for agriculture production.
4. The extent and nature of existing or proposed farm improvements.
5. In agriculture protection area anticipated trends in agriculture and conditions.

*Commissioner Linton opened the public hearing at 6:07 p.m.*

Keith Jonsson, applicant, explained that he has been here for 20 years with about 700 acres and has a major investment in the agricultural land. He felt that the land meets the State and City criteria for an agricultural protection area.

*Commissioner Linton closed the public hearing at 6:13 p.m.*

**MOTION:**

***Wendy Komoroski moved to recommend approval to the City Council of the Jonsson Property Agricultural Protective Area Rezone. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

**B. Willis Miller Site Plan; Public Hearing, Action Item**

Ken Sorenson presented the Willis Miller site plan project, The applicant submitted an application to install a storage shed for construction equipment on the 131.7 acre parcel owned by Monte Vista Ranch LC. The building is a steel structure that is approximately 56' x 40'. The site is located to the west of the City's Public Works facilities and is accessed via Pony Express Parkway. The applicant states that the shed will be used to store construction equipment used for his business; currently, the applicant stores construction equipment on the site. The applicant has the consent of the landowner to seek a site plan approval for this structure and has indicated that he will be leasing the 5 acres that the site plan is located on. Since the property is located in an area that has historically been an agricultural use, current zoning notwithstanding, the applicant has elected to proceed with an application that the applicant believes is compatible with the surrounding area despite not meeting development standards for a property in the Industrial Zone.

**Zoning**

The property is located within the Monte Vista Ranch, LC & Eagle Mountain Properties, LLC Master Development Plan and is zoned 'Industrial.' A storage shed would be a permitted use within this zone; however, there are typically development standards that are required when an individual proceeds with development in certain zones

#### Access/Parking

The applicant is providing an asphalt entrance with 30-foot radius in the right-of-way. The applicant's site plan identifies the project access road as impervious; it is unclear if this means current or future plans for paving the access road.

#### Fire

The Fire Marshal has required that the applicant maintains a gravel access road to provide year-round emergency access. Additionally, the Fire Marshal has stipulated that the structure is to be used only for storage purposes, meaning that the structure cannot be used as a repair garage. If used as a repair facility, the Fire Marshal would require asphalt throughout the site and a fire hydrant.

*Commissioner Linton opened the public hearing at 6:16 p.m.*

Willis Miller, applicant, explained that he has worked in the area since 1998 and has had a construction yard with his equipment for about five years on the property. He explained that he has had problems with theft and vandalism. He also needs to get his equipment out of the weather. He said that the storage shed would look similar to the public works and sewer buildings. It is out of his means to make it an industrial zone. Commissioner Linton asked Mr. Miller if he would comply with the staff reports conditions. Mr. Miller is willing to accept the conditions.

*Commissioner Linton closed the public hearing at 6:20 p.m.*

#### **MOTION:**

***Wendy Komoroski moved to recommend approval to the City Council of the Willis Miller Site Plan with the following conditions:***

- 1. Only storage of equipment is allowed within the structure.***
- 2. Maintain gravel access road to provide year-round emergency access.***
- 3. Provide portable fire extinguishers inside the building.***
- 4. Provide street improvements for frontage as required by the City Engineer.***

***Matthew Everett seconded the motion. Those voting aye: John Linton, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

#### **C. Development Code Amendments – Septic Systems; Public Hearing, Action Item**

This City-proposed code amendment changes the City's septic system standards with which developers must comply. It amends Chapter 13.20, 15.45, & 17.25.

Steve Mumford presented the septic system code amendment. He said that the EPA estimates that 25% of U.S. homes operate with a septic system and 10% - 20% of these systems fail each year. He explained that the Utah County Health Department has concerns.



Health Department Concerns:

- Oversaturation (too many septic tanks in one area)
- Eventual groundwater pollution
- Bedrock prevents percolation
- Not enough room for a replacement septic system on ½ acre lots

Currently:

- Septic tanks allowed on lots as small as ½ acre
- Allowed if located further than 300 feet from a sewer line
- Examples: Valley View Ranch, North Ranch, Sage Valley, Meadow Ranch, Cedar Pass Ranch
- A large majority of cities in Utah County do not allow septic tanks

Proposal:

- City may require property owners to connect to the sewer system at the property owner's expense if the septic system is polluting the storm water or groundwater, impairing any culinary wells, or violating the Water Source Protection Overlay Zones.
- Only allowed in the following situations:
  - Lots in an existing septic system subdivision
  - Larger than 5 acre lot not in a subdivision
  - Lot larger than 2 acres & at least ¼ mile from existing sewer line
- Plat note will require owner to connect once a sewer line is within 300 feet of the building, and to support an assessment area, if proposed.

Commissioner Everett asked how the City would determine the source of the pollution from the septic tanks. Mr. Mumford explained that the City would have to require a study of the area to determine the source of the pollution. He said that the City could add wording to the Code to require the proper scientific study be performed.

*Commissioner Linton opened the public hearing at 6:38 p.m.*

None

*Commissioner Linton closed the public hearing at 6.38 p.m.*

**MOTION:**

***Wendy Komoroski moved to recommend approval to the City Council of the Development Code Amendments – septic systems. Matthew Everett seconded the motion. Those voting aye: John Linton, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

- D. Development Code Amendments – Parks & Open Space; Public Hearing, Action Item  
This City-proposed code amendment changes the City's parks and open space standards with which developers must comply. It amends Chapter 16.30, 16.35, 17.10, & 17.30.

Mr. Mumford presented the Parks and Open Space amendments.

Goals:

- Creative, unique, destination parks

- Better improvements & amenities (not just the bare minimum or the basics)
- Parks improved earlier in the process
- Finished parks
- Parks to be designed as a key feature in the development, not the left-over or unbuildable pieces
- Encourage larger parks, combined with other projects
- Simplify the process

#### Goal: Simplify the Process

- Easier calculation = 1,000 sq ft / unit
- Simplify Parks & Open Space worksheet (submitted with preliminary plat)
- Park Classification
  - Simply requiring “improved open space” instead of pocket parks, neighborhood parks, etc.
- Requiring park acreage per unit rather than per buildable acre – 1,000 sq ft per unit/lot
  - Average Master Plan / Prelim Plat Acreage = 993 sq ft / unit
    - Scenic Mountain = 789 sq ft / unit
    - Oquirrh Mountain = 1,181 sq ft / unit
    - Evans Ranch = 1,196 sq ft / unit
    - Hidden Valley = 1,023 sq ft / unit
    - Clearview Estates = 1,249 sq ft / unit
    - Pole Canyon = 873 sq ft / unit
    - SilverLake (new section) = 781 sq ft / unit
    - Porter’s Crossing Town Center = 898 sq ft / unit
    - Sunset Ridge = 1,175 sq ft / unit
    - Harmony = 584 sq ft / unit

#### Goal: Finished Parks

- Allow developers to “buy-down” acreage by providing extra amenities/improvements at a ratio of 150 points / acre, at the discretion of the PC & CC.
- If less than 2 acres are required, and no HOA exists or will exist, then City may require a fee-in-lieu or improvement of an existing park.
- Don’t count natural open space areas as “improved open space.”

#### Goal: Parks Improved Earlier in the Process

- Require parks to be completed with project infrastructure, or bonded 200% with first two plats.

#### Goal: Better Improvements & Amenities

- Point system = 100 points/acre
- Points based upon cost of improvements (approx. \$500/point)
- More points may be given for creativity & unique improvements
- Allow developers to “buy-down” acreage by providing extra amenities/improvements at a ratio of 150 points / acre, at the discretion of the PC & CC.

#### Goal: Parks Designed as Key Features of Development

- Point Values & Cost do not include grading, excavation, clearing, grubbing, or utility costs
- Included as a requirement in 16.35.105

#### Goal: Encourage Larger Parks

- Reducing the fee-in-lieu to \$3.50 / sq ft of required park space

- Park size minimum of 2 acres for City-owned parks
- If less than 1 acre is required, a fee-in-lieu is required
- PC & CC may require a fee-in-lieu for Tier I open space requirements (encouraged)

Goal: Creative, Unique, Destination Parks

- Impact fees
- Put together a packet of amenities or improvements that are desired by the City, from which developers & City staff can choose when designing parks

Commissioners were concerned with getting away from pocket parks all together. They realized that some pocket parks were under-utilized, where others were highly utilized. Commissioner Linton requested that the word maybe be used for pocket parks, because in some subdivisions it makes more sense to have a pocket park than a larger park farther away.

*Commissioner Linton opened the public hearing at 7:15 p.m.*

Elise Erler, SITLA, explained how important preserving parks and open space is for the future of Eagle Mountain.

Her suggestions and concerns:

- She understands how hard it is to complete large parks. She suggested that the City leave unfinished areas as lawn for parks, to help with longevity and new generations' needs for parks.
- The City should give developers incentive to help develop larger parks.
- The City should look at getting land up front from the developer.
- She liked the idea of consolidating parks.
- She was concerned with reducing the fee-in-lieu to \$3.50.
- The City should put more value on natural open space like ridges and hill tops. She said the code only gives the developer value for trails.
- City shall determine the timing and location of park improvements with the fee-in-lieu.
- The City should add water-wise landscaping to the Code.
- Putting park concept plan on the City web.
- 110 percent for the bond need to be clarified in the code.

*Commissioner Linton closed the public hearing at 7:43 p.m.*

Commissioner Komoroski liked the idea of having long term plans for parks in the Code.

Commissioner Linton was concerned about reducing the fee-in-lieu to \$3.50. Mr. Mumford explained that Eagle Mountain City is higher than other cities. The developers have been discouraged from paying the fee-in-lieu, and the City is left with small, undesirable parks the developers just throw in anywhere. Commissioner Allred suggested that the City leave the \$5.75 fee-in-lieu.

Commissioners liked the idea of giving credits to developers for natural open space like ridges and hill tops at the Commissioners' and City Council discretion. Mr. Mumford said that he would look into preserving ridge tops.

Commissioners recommended water-wise landscaping.

**MOTION:**

*Wendy Komoroski moved to recommend approval to the City Council of the Development Code Amendments – parks & open space with the recommendations that were discussed in the meeting. Miriam Allred seconded the motion. Those voting aye: John Linton, Wendy Komoroksi, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**6. Adjournment**

The meeting was adjourned at 7:58 p.m.

APPROVED BY THE PLANNING COMMISSION ON MAY 26, 2015

  
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Steve Mumford, Planning Director



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MAY 26, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Present: Wendy Komoroski, Miriam Allred, John Linton, and Matthew Everett. Excused: Daniel Boles

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. April 14, 2015

**MOTION:** *Wendy Komoroski moved to approve the April 14, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: John Linton, Miriam Allred, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Advisory Items (Recommendations to the City Council)

A. Cedar Heights – Preliminary Plat; Public Hearing, Advisory Action

Steve Mumford explained that the applicant has proposed a 23-lot subdivision containing lots that are 2 to approximately 6 acres in size, with an average lot size of 2.6 acres. The project is located on the east side of Lake Mountain Road, southeast of the Rocky Mountain Power substation. The property contains two natural drainage paths, which have been shown as 30-foot wide drainage easements on the plans.

The applicant has the ability to choose to comply with the 1997 Interim Development Code or the Current City Code, and has chosen the '97 Code. The required improved open space is 2.5 acres / 400 lots \* 23 lots = 6,262 square feet. The applicant is requesting to pay a fee-in-lieu of the required improved open space. The City's current code calculates the fee-in-lieu at \$5.75/sq ft, or a total of \$36,006.50 for this project. The '97 code does not contain a method for calculating a fee-in-lieu. As we understand it, the applicant will be proposing an alternative fee-in-lieu that is more closely aligned with his recent park improvement costs.

The Planning Commissioners will have to make a determination as to whether the proposal is reasonable.

In order to provide proper access to this subdivision that meets the International Fire Code, Lake Mountain Road must be paved according to City standards from another asphalt road. The proposal is to install a 26-foot wide section of asphalt from the terminus of the asphalt at Eagle Point I (south of this project) to the project. Through Eagle Point Plat I, Lake Mountain Road is 60 feet wide. Also, the sections of Lake Mountain Road that have been dedicated to the City (much further north) are 60 feet wide. This section should also be planned and designed to be 60 feet wide. The internal loop road is proposed to follow the 50-foot wide rural street section, with drainage swales on both sides and an 8-foot wide asphalt trail on one side.

**Recommendations:**

1. Lake Mountain Road must be improved to City standards, connecting the project to the existing road in Eagle Point I. The asphalt road must be at least 26 feet wide.
2. The Lake Mountain Road right-of-way must be 60 feet wide.
3. A preliminary septic systems approval letter from the Utah County Health Department must be submitted prior to City Council approval.
4. All retention/detention ponds must be dedicated to the City and improved to a maintainable standard.
5. A park fee-in-lieu of \$ \_\_\_\_\_ must be paid to the City Recorder's Office prior to the first final plat recordation.
6. All outdoor lighting must be full cut-off and dark-sky compliant in accordance with Chapter X.D of the 1997 Code.

*Commissioner Linton opened the public hearing at 6:12 p.m.*

Elise Erler, SITLA, said that SITLA has an application in to the Bureau of Land Management which is the land owner east of the project. SITLA would like to see access to the east of the project.

Mike Wren, Monta Vista Ranch consultant, explained that his client is not interested in an access road to the east of the development, but the City has a 75 foot easement to the north for the power lines that could be used for an eastern access. He also explained that this subdivision would be an equestrian subdivision. The subdivision will have equestrian trails throughout the subdivision with a 30 foot equestrian access through to BLM land to the east. His client is requesting that they use easements to define the detention ponds instead of road dedications. He also explained that his client can build a park for around \$3.00/sq ft. The developer would like to give the City the fee-in-lieu to do with what they want with the parks, but because the City's fee-in-lieu is \$5.75/sq ft his clients would rather put in the park.

*Commissioner Linton closed the public hearing at 6:21 p.m.*

Mr. Mumford felt that the detention pond as defined as an easement or dedication with proper access is agreed upon by the City's Engineer and the developer.

Mr. Mumford felt that if the developer is willing to pay the fee-in-lieu of \$3.00/sq ft or put in equestrian trail with some amenities, that would work for the City.

**MOTION:**

***Wendy Komoroski moved to recommend approval to the City Council of the Cedar Heights Preliminary Plat with the following recommendations:***

- 1. Lake Mountain Road must be improved to City Standards, connecting the project to the existing road in Eagle Point I. The asphalt road must be at least 26 feet wide.***
- 2. The Lake Mountain Road right-of-way must be 60 feet wide.***
- 3. A preliminary septic systems approval letter from the Utah County Health Department must be submitted prior to City Council approval.***
- 4. All retention/detention ponds must be ponds defined as easements or dedicated to the City with approval from the City Engineer and improved to a maintainable standard.***
- 5. A park fee-in-lieu of \$3.00 /sq ft must be paid to the City Recorder's Office or a park plan approved for the development prior to the first final plat recordation.***
- 6. All outdoor lighting must be full cut-off and dark-sky compliant in accordance with Chapter X.D of the 1997 Code.***

***Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

**5. Discussion Items (No Action)**

**A. Glenmar – Concept Plan; Discussion Item**

Mike Hadley explained that this is an 11-lot residential project, containing lots between one and two acres in size, located along the northern portion of Lake Mountain Road, on the west of the road on 16.17 acres. The applicant is seeking feedback prior to the review of rezone and preliminary plat applications. The biggest issue that inhibits the development is the requirement for Lake Mountain Road to be upgraded to a hard surface road per fire code. This means that it would need to be paved with concrete or asphalt from Pony Express Parkway to the end of any project property line. This is still the requirement and the applicant is aware of this requirement. Since there are no sewer connections within the area this project will be utilizing septic tanks.

Marianne Smith, resident, was concerned with the 70 foot road dedication and the fire hydrants placement. She also explained that there could be 13 lots instead of the 11 lots. Mr. Mumford explained that she is only required to provide 60 feet for the road dedication.

**B. Porter's Crossing Town Center – Discussion Item**

Mr. Mumford explained that this project includes and surrounds the Ridley's Market property. The applicant has been in discussions with the City staff and is working on potential changes to the approved master development plan. He hopes to obtain feedback from the Commission so that he can make revisions and submit an application for a master development plan amendment and finalize a master development agreement.

Gerry Tully explained and reviewed his ideas for the Porter's Crossing Town Center plan.

Various concerns and comments were expressed by the commissioners, including concern about the traffic flow if there is not a direct connection between Porter's Crossing Road and the Eagle's Gate subdivision. The commissioners generally liked the idea of moving the park to a more centralized location, and utilizing areas on both sides of the power line corridor as park space.

Gerry Tully thanked the commissioners for their excellent feedback.

#### 6. Adjournment

The meeting was adjourned at 7:20 p.m.

APPROVED BY THE PLANNING COMMISSION ON JUNE 9, 2015

  
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Steve Mumford, Planning Director



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JUNE 9, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, Daniel Boles, Miriam Allred, John Linton, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. May 26, 2015

**MOTION:**            *Wendy Komoroski moved to approve the May 26, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Advisory Items (Recommendations to the City Council)

A. Glenmar – Rezone; Public Hearing, Advisory Action

Mike Hadley explained that this is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway. The General Plan land use designation for this area is Rural Residential, which requires lots of a ½-acre minimum. All of the lots in this proposed concept plan are 1 acre or larger.

Rezone proposals are evaluated using the following criteria:

- A. Compliance with Future Land Use Plan. The City's Future Land Use Plan designates this area as Rural Residential. Based on the overall density, this proposal complies with that plan.
- B. Compatibility Determination. This property is surrounded by agricultural land and land that zoned for residential, but with a transition of 2 acre and 1 acre lots. By

rezoing the land to residential the rezone is compatible with the future proposed uses of the land and compatible with the adjacent residentially zoned land.

- C. Buffering of Incompatible Uses. The City Code requires that a transition of lot sizes (starting with 1 acre lots) be placed adjacent to agricultural lots that have been subdivided for the purpose of building. Although the adjacent properties have not been subdivided for this purpose, this proposed plan consists of 1 acre lots.

*Commissioner Linton opened the public hearing at 6:08 p.m.*

Elise Erler, SITLA, said that SITLA supports the rezone.

Karen Scott, resident, felt that the development was a great idea.

Marianne Smith, applicant, felt that the 1 acre lots could be a buffer between the 5 acre lots and the town core.

*Commissioner Linton closed the public hearing at 6:10 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval to the City Council of the Glenmar rezone application with the following condition:*

- 1. The lot size minimum for this property is 1 acre.*

*Matthew Everett seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**B. Eagle Mountain Benches / Eagle Mountain Ranches – Rezone; Public Hearing, Advisory Action**

This is an applicant-proposed rezone of approximately 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. A majority of the property is located near 5504 N Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N Lake Mountain Road. Parcel Numbers: 59-006-0028, 59-006-0046, 59-006-0055, 59-006-0042, 59-006-0054.

Mr. Hadley explained that the applicant is proposing rezoning approximately 101.62 acres of land currently zoned agricultural to residential. There is also a small portion that is being proposed as a Commercial Storage zone (lots 134 to 139 on concept Plan). Included in this application is a concept plan for a proposed residential development. The residential portion of the rezone complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential which requires lots of a ½-acre minimum. All of the lots in this proposed concept plan are 1 acre or larger. The Commercial Storage portion for rezone does not comply with the General Plan.

The proposed concept plan for Eagle Mountain Benches currently includes the following:

- 56 total lots
- Average lot size is 1.6 ac
- The density is .55 units/acre

The proposed concept plan for Eagle Mountain Ranches (not shown in an exhibit) currently includes the following:

- 3 total lots
- Average lot size is 1.8 ac in size

Items to Consider

1. Regional Trail. A regional trail is planned within the power line corridor, which crosses portions of this property.
2. Power Line and Gas Line Corridor. This property is considered unbuildable, and will restrict the uses and layout of lots in this project. Certain restrictions are also placed on the property by PacifiCorp, Kern River Gas, and the City.
3. Commercial Storage Zone. Once the property is rezoned, the permitted and conditional uses within that zone must be considered by the Planning Commission and City Council, and must be approved if all development code standards are met. Permitted and Conditional Uses for this zone include:
  - a. Public and private utility structures or facilities;
  - b. Public and private utility equipment and inventory storage, fenced or enclosed;
  - c. Fully enclosed commercial storage of equipment and inventory;
  - d. Fenced or unfenced outdoor storage of commercial equipment and inventory;
  - e. Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles;
  - f. Self-storage or mini-storage units;
  - g. Small office uses associated with storage.

Commissioner Linton was concerned that most of the lots are unbuildable due to the power and gas corridor.

*Commissioner Linton opened the public hearing at 6:21 p.m.*

*Public comment emails are attached to the minutes.*

Marci Taylor, resident, said she felt that the development would bring a different look and feel to the area. She was also concerned about the traffic it would bring to the area.

Jodi Hooley, resident, *see attached letter.*

Jeff Scott, applicant, explained that he wanted to give residents a place to expand and store RVs. He said the gas company was fine with building commercial storage in the gas corridor. He said that the City requested that the top road be put in. He also explained that John Walden is approved to develop beside his development. He said John Walden development consists of about 780 new homes. He felt that his development would help create a buffer between the existing and new developments.

Karen Scott, applicant, explained that she had about 14 letters from home buyers wanting to buy their lots. She also explained that they are not there to harm or be a burden to the neighbors.

Doug Sutton, superintendent of the project, he explained the need for a storage facility for recreational vehicles in Eagle Mountain. The storage facility would not be an eyesore, because the only one to see the RV storage would be the ones that drive by the facility. He felt that it would benefit the City more than the developer. He also explained that Lake Mountain Road is a public road, and how paving the road would benefit the residents on Lake Mountain Road. He felt that septic tank for the development is not an issue.

Kim O'Donnell, resident and operator of the Friends in Need Animal Rescue. He said that the commercial property is not compatible with the residents. He explained that he was under the impression that the property in the development would be 5 acres plus and no commercial building. He was upset about all the development coming to the area, and said that it was too big of an increase for an agriculture residential development. He was concerned about his property taxes going up because of the new development and the safety of his animals.

Karen Crofered, resident, said she wanted to know how you could approve development at each end of the road and not the middle of Lake Mountain Road. Her first thought of Eagle Mountain was a ghetto in the making with its postage stamp lots. She was also for the RV storage facility.

Craig Jepson, resident, said he wanted it on recorded that he opposes the rezone of the development. He was concerned if the City allowed this development that soon after the land behind their lots will also be rezoned to make small lots. He said that it will push out the agriculture lots. He felt that the development should be left at the 5 acre plus lots. He was also concerned that there would be too many septic tanks, wood burning stove and propane tank in one area. He felt that with acre or less lot size that there would not be enough room if the septic tanks needed to be replaced. He felt that Eagle Mountain was selling their self short with developer and risking the health of the residents. He felt that the developer should wait until the necessary utilities are available for the development before the development is approved.

Ilene Wetzel, agriculture land owner in the area, said she is for the rezoning of the property and the RV storage facility. She explained that she can't get to her property and can't wait for the road to be paved. She knows that John Jacob, who sold them the land, made promises to the property owners in their development about the 5 acres plus. But she said that times are changing and the property owners need to go with the change.

Kristy Barnson, resident, felt that an RV storage facility in the area was a wonderful idea. She explained that she would love an RV but her lot is not big enough to store one.

Ryan Rawlings, resident, was concerned about a lack of trail system in the proposed development.



Ray Belgian, resident, felt that there was a great need for an RV storage facility in the City.

*Commissioner Linton closed the public hearing at 7:15 p.m.*

Commissioner Boles asked what kinds of improvement are required for Lake Mountain Road. Mr. Hadley explained that with a rural cross section, the road would need to be paved with asphalt, typical swells and a trail on one side.

Commissioner Komoroski said she does not understand how the City could build lots on the unbuildable land, because of the gas and power line corridors. Mr. Hadley explained that the plan that was presented is only a concept plan and the developer would have to meet all the City standards.

Mr. Hadley explained that any development on Lake Mountain Road would require the improvement of Lake Mountain Road.

Commissioner Komoroski felt that there is a need in the City for RV storage, but this property is not the right spot for that kind of commercial facility. Commissioners Allred and Everett also agreed.

Commissioner Boles said that he would recommend to the City Council the rezoning of the rural residential property but not the commercial rezoning.

Commissioner Allred would recommend 1 acre plus lots for the area.

**MOTION:**

***Wendy Komoroski moved to recommend approval of the residential portion of the Eagle Mountain Benches / Eagle Mountain Ranches rezone application with the following conditions:***

- 1. The lot size minimum for this property is 1 acre.***
- 2. No residential lots on the land restricted by the power and gas corridor.***
- 3. Denial of the commercial storage rezone.***

***Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

C. Spring Run – Master Development Plan Amendment; Public Hearing, Advisory Action  
Parcel Numbers: 58-033-0281, 58-033-0282.

D. Spring Run Phase B – Preliminary Plat; Public Hearing, Advisory Action  
Parcel Numbers: 58-033-0281, 58-033-0282.

Mr. Hadley presented items C. and D. located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension. He explained that there are two proposals:

1. The amendment to the Spring Run Master Development Plan to change “Pod 3” from Town Center (Commercial), allowing 237 residential units, to Residential zoning, allowing 156 residential units, decreasing the density of the proposal.

2. The proposal of the Preliminary Plat for a subdivision containing 150 single-family lots on 25.43 acres in "Pod 3" of the Spring Run Master Development Plan.

### **Fencing**

The City Code requires 6-foot privacy fencing or a decorative wall along collector and arterial roads. This project is completely surrounded by collector roads, so the perimeter fence will need to be improved by the developer along with each final plat's infrastructure, prior to building permits being issued. This fencing must be included in the bond as well. The developer should provide a fence detail for the City Council to review for approval along with this plat.

### **Parks**

This preliminary plat includes a park which is being proposed to be deeded to the City. The MDA states that it will be maintained by the Home Owners' Association, so the City will need to decide. The park is 1.08 acres in size and conforms to the required open space in the Master Development Agreement (required a park of 1.07 acres). 108 total amenity points are required for this park (1.08 x 100). The following table represents what the applicant has proposed. This park must be fully improved, or developer shall place into escrow with the City sufficient funds to improve the park space prior to the issuance of 40% of the building permits within this project, and a bond must be posted for the park along with the subdivision improvements. The funds shall be escrowed with the City with each final plat recording.

*Commissioner Linton opened the public hearing at 7:33 p.m.*

Christy Gordon, resident, strongly opposed the development, and was concerned with not getting the proper notification. She also felt that the City has already sold out Meadow Ranch development by allowing smaller lot to come in west of the development.

Dean Thornton, resident, opposed the development, and felt that the City keeps taking away from their development.

Teresa Heart, resident, explained that since new development has come to their area that their water pressure has gone way down. The water run-off from the new developments are also affecting their homes in Meadow Ranch. She felt that 1 acre plus lots should only be approved around their subdivision. She also felt that her neighbors have given up fighting for their subdivision.

Anna Allen, resident, said that she is against having lots smaller than an acre in the area.

Jim Allred, applicant, explained that the master plan for Spring Run has been in place for 4 years which gives development of the town center a density of 10 units per acre. When the development was approved the developer put in a 100 foot buffer so there would be no negative impact on the surrounding neighbors. The developer wants to be a good neighbor. The developer had the option of putting in townhomes. He explained that the developer has decreased the density of the proposed development.

Lisa Barton, resident, is opposed to the size of the lots for this development.

Ralph Johnson, applicant, explained that all the developer is doing is proposing less density than what was permitted in the master development plan for Spring Run.

*Commissioner Linton closed the public hearing at 7:48 p.m.*

Commissioner Allred asked the applicant about the master development plan that contains the elements and uses that are no longer consistent with the City's future plans and which are no longer viable. Mr. Johnson explained that the developer is in the process of changing those elements to meet City staff's recommendations.

**MOTION:**

***Miriam Allred moved to recommend approval to the City Council of the Spring Run Master Development Plan Amendment with the following conditions:***

- 1. No additional plats may be approved before an overall amendment of the MDP is approved that addresses the freeway, commercial property, fire station, and community park.***

***She also moved that the Planning Commission recommend approval of the Spring Run Phase B Preliminary Plat to the City Council with the following conditions:***

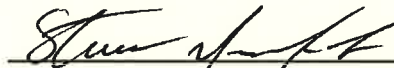
- 1. This approval is contingent on the amendment to the Spring Run MDP allowing 150 single-family residential lots in the town center area.***
- 2. All lot frontages within the project must meet City standards (55 feet minimum except for the patio homes adjacent to the park).***
- 3. Any traffic flow issues brought up by the traffic engineer must be resolved to the satisfaction of the City Engineer. If the resolution causes major redesigns, then this plan must return to the Planning Commission and City Council for reconsideration.***
- 4. A six-foot privacy fence or decorative wall must be installed along the perimeter of the project with the infrastructure for each final plat. A detail of the fence/wall design and color shall be reviewed for approval by the City Council.***

***Matthew Everett seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.***

**5. Adjournment**

The meeting was adjourned at 7:58 p.m.

APPROVED BY THE PLANNING COMMISSION ON JUNE 23, 2015



Steve Mumford, Planning Director

## Michael Hadley

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**From:** Mike Kieffer <mkieff@gmail.com>  
**Sent:** Monday, June 08, 2015 8:34 PM  
**To:** Mayor; Fionnuala Kofoed; Adam Bradley; Donna Burnham; Ryan Ireland; Richard Steinkopf; Tom Westmoreland; Steve Mumford; Michael Hadley; Jeff Thompson  
**Subject:** Eagle Mountain Ranches Re-Zoning

(I am unable to attend the planning commission meeting on the 9th, please print this and give it to the members of the committee or have it read during public input.)

I would like to be put down on the record for my opposition for the re-zoning of agricultural to commercial in the Eagle Mountain Ranches proposed-subdivision.

I would like to encourage the City Council and Planning Commission to not approve the commercial zone. I am not in opposition to the proposal for residential 1+ acre lots, but do not feel that a commercial zone in the middle of residential and agricultural zones fits into the over all feel of Eagle Mountain. Please make sure you read the Planning Commission Staff Report, in the report is specifically states, "The Commercial Storage portion of the rezone does not comply with the General Plan." I believe that is true, and I feel that anything but the already planned rural residential and mixed residential in that area would lessen the appeal to that area. Lets keep it so that when you look at the mountains, you see mountains.

I have voice my opinion on this before, and just want to make sure that you know where I stand. We have plenty of other areas in Eagle Mountain for commercial zoning. There are a lot of acres already zoned for commercial development. The city does not need to have one plopped down in the middle of an out of the way sub-division.

I also ask that as you make plans for development, that you keep in mind that there are families on Lake Mountain road, with small children. We need to make sure that the roads are safe for kids as well as cars. The more development that happens on Lake Mountain, the more traffic the road will see. I would suggest that as part of the development plans that you put in place traffic control measures. Lets slow the traffic so that it is still safe for those of us that have houses facing Lake Mountain. When the road becomes paved, the traffic will increase to the east end of City Center via Lake Mountain Road. We need to take this into consideration as well.

Thanks,  
Mike Kieffer  
Aimee Kieffer  
Kallie Kieffer  
Katie Kieffer  
Sarah Kieffer  
Emma Kieffer  
Thomas Kieffer  
Lydia Kieffer  
Abbie Kieffer  
Jack Kieffer

The Kieffers  
5121 Lake Mountain Road



## Michael Hadley

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**From:** bjeppson3@netzero.net  
**Sent:** Wednesday, June 03, 2015 3:37 PM  
**To:** Michael Hadley; Mayor  
**Subject:** Lake mountain Road

Discussion about paving, fire Marshall opinion and "making exceptions" here and there.... and then they discuss changing city code because the 5 acre lots stay and the entire road needs to be paved prior to developing....

The "Master Plan" is mentioned several times and the importance of it. My question is; WHY do we pay so much attention to the MASTER PLAN, when WE make it so easy to "REZONE"? Wouldn't rezoning change the Master Plan? It seems to me that allowing Agricultural to be rezoned to Residential; would make the Planning Commission unnecessary, as well as any "Master Plans." {What is the point??}

Millions of Agricultural Acres have disappeared over the past few decades and to allow the constant rezoning; millions more will disappear. We do not necessarily need to be concerned about ourselves... but what about our children and their children??

Where will they grow food? Where will the cattle graze? Where will the wild animals live? {How often do you see dead deer on Pony Express? {I saw 3 dead deer within 1 week, last month.}}

WE NEED TO STOP REZONING AND STOP THESE GREEDY DEVELOPERS. WE NEED TO BE RESPONSIBLE FOR THE FUTURE, WE NEED TO TAKE RESPONSIBILITY NOW!!

Our new concern about the Utah County Health Department's statements regarding septic tanks and ground water, would also impact our environment up here.

This workshop discussed 5 acre lots and now we are meeting to discuss changing codes?? WHY??? {Just so you are aware; There is NOT one resident in Eagle Mountain that does not believe that the property owner/developer is getting "special favors".}

Please reconsider rezoning.... please stand up to these developers and show your concern for the future. Please lead by example.

Thank You

See this work shop: <https://www.youtube.com/watch?v=jy2SCY8MTto>

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Old School Yearbook Pics

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<http://thirdpartyoffers.netzero.net/TGL3231/556f7383ce36273830b9dst01vuc>

## Michael Hadley

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**From:** Steve Mumford  
**Sent:** Tuesday, June 09, 2015 5:05 PM  
**To:** Michael Hadley  
**Subject:** FW: NO to Rezoning Lake Mountain Road



**Steve Mumford, AICP**

*Planning Director*

[SMumford@Emcity.org](mailto:SMumford@Emcity.org)

801-789-6616

[www.eaglemountaincity.com](http://www.eaglemountaincity.com)



**From:** sue martin [<mailto:fisherq@netzero.com>]

**Sent:** Wednesday, June 03, 2015 12:50 AM

**To:** Steve Mumford

**Subject:** NO to Rezoning Lake Mountain Road

There is no reason for this area to be rezoned. The individual making this request should not receive special treatment due to the fact he is a city employee. Last month the Utah County Health Department expressed serious concerns about contamination to our groundwater Commissioner Everett wants to know how the City is going to identify the pollution..... The City should NOT ALLOW REZONING. This person does not satisfy the requirements to change the current zoning law; Utah State Code 17-27a-702. ZONING LAWS were implemented to serve a purpose; protect watersheds, provide habitat for important wildlife, maintain clean water and air. The specific purposes and intent of the County Commission in establishing the A-40 Agricultural Zone - implement the plans provided for in Section 17-27-301 of the said Code; preserve the county's agriculture land, preserve and protect agricultural activities from the conflicts and problems in residential areas by limiting residential areas by limiting residential developments. According to a 2008 Governor's Office of Planning and Budget report, in 1960, about 250,000 acres of land had been developed in Utah. By 2008, 750,000 acres in Utah had been developed for non-agricultural uses. It is predicted that by 2030, more than a million acres of land in Utah will be developed for urban uses. Unjustifiable discrimination would result against those who are not allowed to escape the requirements of the ordinance, i.e. to those without political influence. Many years ago, Bassett, a leading authority, pointed out that such dis-crimination would have gravely weakened the cause of zoning politically. If there was no mistake in the original zoning ordinance or no change of conditions in the area, and the change is not "in accordance with a comprehensive plan.... Zoning amendments, it is usually said, must be made for the general welfare; they must not be just a "special privilege" for the property owner.

My name is Jody Hooley, I live at 5008 N Lake Mtn. Rd. My husband and I bought our property here in 1993 and became residents in 1997. I sat where you are sitting several years ago and so I understand that this hearing is only for the rezoning of these properties, but I also know that you will <sup>make</sup> recommendations to the city council based on the basic site plan and the input you receive from this hearing. I also want to say that getting a copy of the actual site plan was only possible because I am registered through a government site to receive all information regarding planning and council meetings. While I appreciate the 1 acre lots in this plan, I also have several concerns about how many and their situation as platted. These are my concerns: • First, the 5+ acre piece directly across from my house I don't believe has the required frontage to split in to 3 lots. ~~Believe putting that~~ I believe putting that many lots next to the Kiefer's property to the north which is over 5 acres and across from ours creates a compatibility issue including the traffic of 3 driveways across from our home. I looked up lot split in the city code, but there was no clarification as to whether the property had to be owned by the owner of record in 1996 to be considered pertinent to this lot, which would not make it eligible as they are not to be less than 5 acres. As for the property to the north of me: • Although I know the code allows for 1 acre next to 5 acre I believe in certain areas as ours there should be better transitioning of lots and this plan shows 8+ acres, the Scott's home with 1 acre bordering 3 sides, and then to the north the lots go back up to 3 acre and larger because of the building restraints of the power and gas lines. • I am unable to tell from the paper work I was able to view as to whether the 32 lots around the existing house of Scotts's whether all the lots have the 150' required for 1 acre lots. • These 32 lots will require septic tanks which for all of us on wells, feel this is a very high concentration and are concerned about the possibility of eventual contamination. I know there are 2 washes toward the top of the property and I see no accommodations for them, they would be right on lots and send water down to others. There may also be alluvial discharge areas, but with the short amount of time I was able to view this plan and 2 jobs I was unable to research that possibility. Is there an open space plan or will the developer pay a fee in lieu? • I believe this is a base density residential development? One of the items in those requirements is "developments will be rural residential areas that are compatible with predominantly agricultural uses and natural open spaces that traditionally define the character of Cedar Valley and the associated foothills of Lake Mountain and Cedar Pass". One of the defining characters of Lake Mountain is the 100+ year old Juniper trees that create a huge grove in the area between the north cattle guard and the substation. Creating that high density of lots with streets would virtually destroy all the Junipers in that area. In the original city code there was very strong wording about mitigating the total destruction of those trees. • I know the code provides for the ability to have one road access for up to 30 lots, but feel as though that is not safe regarding the high risk of wild fires in this area. The only access to this property is one road off Lake Mountain Road. The drawing depicts another road going south from the top road, but there is no road there and I believe the developer may think there is a plan for one in the division created by John Jacob, but that is not safe regarding the high risk of wild fires in this area. The only access to this property is one road off Lake Mountain Road. The drawing depicts another road going south from the top road, but there is no road there and I believe the developer may think there is a plan for one in the division created by John Jacob, but it's access is also Lake Mountain and has no north outlet.

① I did not address the commercial ~~residential~~ storage because I think it should be tabled as it was not in our notice, but it is not compatible with existing or future master plan.

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JUNE 23, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, Daniel Boles, Miriam Allred (arrived at 6:02 p.m.), John Linton, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. June 9, 2015

**MOTION:**           *Wendy Komoroski moved to approve the June 9, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: John Linton, Daniel Boles, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Development Items

A. Eagle Mountain Health Center– Site Plan Public Hearing, Action Item

Mike Hadley explained that the application is for a site plan located in the Porter's Crossing Town Center site Lot 8 approximately 1.18 ac in size. This proposed project is for a health center facility. The center will have different health related services offered by different health professionals.

**Buildings & Commercial Design Standards:**

The Eagle Mountain Health Center building is shown at 13,995 square feet. The building will contain four separate office spaces. These spaces are approximately 3,000 sq. ft. each. The project design does comply with the City's requirements for building & commercial design standards.

**Parking:**

Required parking is 1 stall per 300 square feet of the building; the plan provides 47 total stalls with 3 handicapped stalls.



**Landscaping:**

The applicants have designed the site according to our standards, including parking lot landscape islands with trees, pedestrian walkways, etc. 3 ½-foot high landscape berms are also required between sidewalks and parking areas, when adjacent to streets. These must be noted on the landscape plans. The applicants have provided entrance features similar to those found in other areas of The Ranches. There is a question regarding who is going to be responsible for the maintenance of the landscaping surrounding the site and extending out to Pony Express Pkwy. Is the applicant or the owner/developer of the Porter's Crossing Town Center going to be responsible?

**Future reviews:**

The applicant is proposing to redesign lots 7-9 within the existing Porter's Crossing Town Center plat. The applicant will be required to submit an amended plat to redefine the new lot lines. Currently the proposed site plan is on a smaller sized lot.

*Commissioner Linton opened the public hearing at 6:04 p.m.*

Chas Johnson, applicant, is excited to bring a hospital provider to Eagle Mountain. He explained that he already has tenants for three of the units. He is happy to enter into a lot association agreement with the master developer for the maintenance of the landscaping.

*Commissioner Linton closed the public hearing at 6:09 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval to the City Council of the Eagle Mountain Health Center with the following conditions.*  
*1. The approval of the Site Plan is contingent on an amended plat being submitted and recorded to redefine the lot lines.*  
*Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.*

**5. Other Items/Business**

**A. Updates**

Steve Mumford updated the Commissioners on:

1. The new City Planner.
2. The City budget was approved by City Council with funds for a consultant to update the General Plan.
3. Bike and pedestrian plan.
4. City Council meeting approval and denial items from the 06-16-2015 meeting.
5. Evans Ranch Master plan.
6. The amount of building permit for the year.
7. The Pony Express road project.

**6. Adjournment**

The meeting was adjourned at 6:31 p.m.

APPROVED BY THE PLANNING COMMISSION ON AUGUST 25, 2015

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

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 25, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, Daniel Boles, Miriam Allred and John Linton.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. June 23, 2015

**MOTION:**            *Wendy Komoroski moved to approve the June 23, 2015 meeting minutes. Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, and Wendy Komoroski. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Approval of CUPs and Recommendations to the City Council)

A. ACE Rents– Conditional Use Permit, Site Plan, Public Hearing, Action Item & Advisory Action

Tayler Jensen explained that this application is for a Conditional Use Permit and a Site Plan located at 9569 North Mt. Airey Drive in the Gateway Park development, lot 103, and is approximately 1.68 ac in size. The proposed project is for an equipment rental facility; this is a conditional use in the business park zone.

The ACE Rents building is shown as 7,500 square feet. The building will contain an office, and warehouse/garage use on the main level and storage on the upper level loft. While this use is commercial and industrial in nature, it was still reviewed based upon the Commercial Design Standards, with some more flexibility than if this were clearly a commercial use. The project design largely complies with the City's commercial design standards.

**Parking:**

Required parking is 1 stall per 300 square feet of the building for office and loft storage space, and 1 stall per 2,000 square feet for the warehouse/garage uses on the main floor. Required parking is 14 stalls, and the plan provides 16 total stalls with 1 handicapped stall, consistent with City code.

**Landscaping:**

Staff recommends landscaping be consistent with Chapter 17.60 Landscaping, Buffering, Fencing and Transitioning of the Eagle Mountain City Code which requires: 50% turf coverage, landscaping trees, 10' landscaped buffer around the entire paved parking area, and a headlight screen that shall consist of a berm, fence, wall, or landscaping consisting of at least three and one-half feet in height and capable of blocking headlight glare.

The applicant is requesting to be exempted from the landscaping requirement for a 10' landscaping buffer. Attached to the staff report is a letter from the applicant requesting review and an exception to the rule.

The water retention pond shall be shown consistently on both landscape and engineering plans; currently it is different.

**Outdoor Display:**

The area immediately behind the wrought-iron fence will be used for display of rental equipment. This equipment should not extend over the fence. Conditions of approval may be appropriate to reduce any negative impacts.

*Commissioner Linton opened the public hearing at 6:07 p.m.*

Chaunte Last, applicant, explained that the 10 foot buffer would cause safety issues, by restricting the movement of large trucks. She explained that ACE Rents did move the fence back an extra 8 feet so they could conform to the 3 ½ foot berm standard. They also added trees to the back area of the lot and the 8 ft. concert fence around the lot. Commissioner Boles asked if the applicant had her engineer run an auto turn radius for safety. Mrs. Last explained that the 10 ft. buffer would take up too much space and that she would not have enough space to store the equipment and have room for the two semi-trucks that would be coming and going from the lot.

Scot Hazard, Gateway Park developer, felt that the landscape buffer did not make much sense with an 8ft concert fence around the lot, because the buffer would be inside the fence. He stated as the developer he would be fine with waiving that landscape requirement.

*Commissioner Linton closed the public hearing at 6:11 p.m.*

Commissioner Boles stated that the applicant did not state any evidence supporting the radius turn into the property for the semi-trucks. He stated that he is in supports of the landscaping buffer.

Commissioner Komoroski wondered why we would require a landscape buffer inside the fence if the only people to see the landscaping would be clients that came into the fence. Mr. Jensen explained that the front of the lot would have an 8 ft. wrought iron fence with 18 ft. landscaping and trees. The buffer would be on the 3 remaining sides. Commissioner Boles felt that residents would be able to see the landscaping buffer between the wrought iron fence. Commissioner Allred felt that the equipment would cover up the landscaping buffer.

**MOTION:**

***Wendy Komoroski moved to approve the ACE Rents Conditional Use Permit and recommend approval of the Site Plan to the City Council with the following conditions:***

- 1. Outdoor display equipment shall not extend over the fence.***



***Miriam Allred seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, and Miriam Allred. Those voting nay: Daniel Boles. The motion passed with 3 ayes and 1 nay.***

**B. Eagle Mountain Benches- Rezone, Public Hearing, Advisory Action**

This is an applicant-proposed rezone of approximately 98.39 acres from Agriculture to Residential. Parcel Numbers: 59-006-0042, 59-006-0046, 59-006-0054, 59-006-0055, and 59-006-0051.

Mike Hadley explained that this rezone originally came before the Planning Commission on June 9, 2015. It included residential and commercial storage components. At that time the Planning Commission recommended approval for the residential portion of the rezone and recommended denial of the commercial storage portion. The rezone went before the City Council and was denied. There was concern with Lake Mountain Road becoming a collector road and the amount of traffic that would use the road. There was also discussion on the size of lots that are in the area and concern with septic tanks. This is a new submittal requesting that the area be rezoned to Residential.

The applicant is proposing rezoning approximately 98.39 acres of land currently zoned Agriculture to Residential. The proposal is for Residential zoning with a minimum of 1 acre lots. The Residential zoning complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential which requires lots of a ½-acre minimum.

He explained that the City has hired InterPlan Transportation Planning to create an updated transportation plan for the City. The Eagle Mountain Benches project would not move onto City Council until the City has a plan for Lake Mountain Road.

*Commissioner Linton opened the public hearing at 6:22 p.m.*

Chris Pengra, Mayor, thanked the Commissioners for their service to the City. He explained to the Commissioners why City Council denied the Eagle Mountain Benches project. He stated that the City needs to find a solution to Lake Mountain Road before allowing developers to move forward with their developments. He also said that many developers have approached the City wanting to develop around Lake Mountain Road.

Marci Taylor, resident speaking for Jody Hooley, felt that this development should not come before the Commissioners again because there was no valid revision to the development, that it was just a blanket rezoning with few specs.

Jeff Scott, developer, said that he doesn't want rezoning he just wants to get though Planning Commission right now. He wants his development to be in line with other developers once the City makes a decision on Lake Mountain Rd. He said that he has done everything for the housing the City has requested. He also said that he would pave Lake Mountain Road if needed.

James Taylor, resident, asked the Commissioners not to rezone the land. He would like to see the land be preserved around Lake Mountain Road. He said there are five families along Lake Mountain Road that are against the rezone.

Doug Sutton, resident, went over the pros for septic tanks and propane. He also went through the cons of sewer and natural gas. He said that this is all about property rights.

Karen Scott, applicant, felt that it was a good idea to improve Lake Mountain Road. She also felt that if the City got enough residents on Lake Mountain Road then the City should offer sewer and natural gas to residents. She said that she has a list of other developers wanting to develop around Lake Mountain Road. They do not want to remove the trees in the area, but build the homes around the trees. She also explained the trails system for their development.

Kim O'Donnell, resident, said that he has never told them not to build. He wants to preserve the 5 acre lot neighborhood. He is worried about the City rezoning the land and opening it up to all the developers. He said it will open Lake Mountain Road up to a large collector road.

Melinda Martin, resident, was concerned about rezoning. She felt that the City should leave Lake Mountain Road to five acre lots.

Bart Anthony, representing a property owner of 159 acres on Lake Mountain Road, stated that the owner is not opposed to development.

Christy Barns, resident and buyer, is planning on moving to this development. She explained that homes would not be built onto the mountain, because that land is preserved by BLM. She said that she has grown up out here shooting rabbits and that she wants to preserve the trees and land. She has planned her lot design around the trees.

Craig Jepson, resident, stated that Lake Mountain Road is not ready for development. He asked the Commissioners to make decisions to help guide developers. Leave these unique developments in place, like Lake Mountain Road's 5 acre lots. He also explained the high risk of fires in the area. He said that the cedar trees should be removed, because they would cause a risk of fires in the neighborhood.

Bryan Hooley, resident, said that the City should be concerned about getting the infrastructure in place in the area, before allowing new development. He felt that the City should look at their zoning codes and make sure there is a guideline to buffer subdivision with larger lots.

*Commissioner Linton closed the public hearing at 7:01 p.m.*

Commissioner Boles asked how Lake Mountain Road is designed currently. Mr. Hadley explained that the road is not even on the City Transportation Plan and is currently zoned as a residential road.

Commissioner Linton explained that five acre parcel cannot go on forever, that there has to be a stopping point. Residents are going to complain where that stops, but the residents and the City need to know that developments will continue because of them or in spite of them. The City tries to plan in an orderly fashion and give the people the rights to their determination for their own properties within parameters.

**MOTION:**                    *Wendy Komoroski moved that the Planning Commission continue the Eagle Mountain Benches public hearing until the City makes a decision about Lake Mountain Road. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

C. Eagle Mountain Storage- Conditional Use Permit, Site Plan, Public Hearing, Action Item & Advisory Action

Steve Mumford explained that this project is located on lot 100 of the Gateway Park subdivision, northwest of the Cory Wride Memorial Highway and Mt. Airey Drive intersection. The property is zoned Commercial Storage, and this use is a conditional use within the zone. The access for this property was pushed to the north as much as possible to provide a safe distance from the future UDOT frontage road. This access configuration was approved with the master site plan.

Recommended conditions:

1. The landscaping plan shall be amended to include street trees in the Mt. Airey Drive park strip, and landscaping in the native vegetation area, to be reviewed for approval by the Parks Director.
2. A streetlight plan is required that complies with Chapter 15.70.090D Street Lighting. All lighting on the site shall comply with Chapter 17.56 Outdoor Lighting Standards. A lighting plan shall be submitted along with lighting spec/cut sheets for all exterior lights.
3. A monument sign plan and permit shall be submitted for approval to the Planning Director prior to installing a sign.

Commissioner Allred questioned the lighting. Mr. Mumford said that the lighting would be similar to the Black Ridge Elementary.

*Commissioner Linton opened the public hearing at 7:17 p.m.*

*None*

*Commissioner Linton closed the public hearing at 7:17 p.m.*

**MOTION:** *Wendy Komoroski moved to approve the Eagle Mountain Storage Conditional Use Permit and recommend approval of the Site Plan to the City Council with the following conditions:*

1. *The landscaping plan shall be amended to include street trees in the Mt. Airey Drive park strip, and landscaping in the native vegetation area, to be reviewed for approval by the Parks Director.*
2. *A streetlight plan is required that complies with Chapter 15.70.090D Street Lighting. All lighting on the site shall comply with Chapter 17.56 Outdoor Lighting Standards. A lighting plan shall be submitted along with lighting spec/cut sheets for all exterior lights.*
3. *A monument sign plan and permit shall be submitted for approval to the Planning Director prior to installing a sign.*

*Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, and Wendy Komoroski. The motion passed with a unanimous vote.*

D. Questar- Site Plan, Public Hearing, Advisory Action

Mr. Hadley explained that the proposed 22,040 square foot regional office for Questar is on a 7 acre site located at 4002 East Wagstaff Way in the Gateway Park Plat 2 subdivision (lot 104).

**Landscaping:**

The landscape plan the applicant has submitted does not meet some standards but exceeds in other standards. City Code requires that a site this size install at least 50% of the landscaping plan in turf. The plan submitted has no turf; it consists completely of xeriscape. The submitted plan for trees is more than 4 times the City requirement and the requirement for drought tolerant shrubs exceeds the City requirement. The applicant is installing a CMU 7-foot fence surrounding the parking area on the south end which meets the City's standards and also satisfies the screening requirements. Since the parking for the public faces towards the applicants building the 3 ½ foot berm is not being required. The water retention pond design will need to be reviewed and approved by the City Engineer. The applicant will be responsible for maintaining the landscaping between the site and Mt. Airey Drive.

**Buildings & Commercial Design Standards:**

The Questar building is 22,040 square feet in size. There is also a welding building in the northwest corner of the project that is 5100 square feet. The main building will contain offices, and the site will serve a regional office for Questar. The project design generally complies with the City's commercial design standards. Building elevations have been submitted for the Questar facility. Submitted elevations include samples of building materials and color elevations. Staff approves these elevations.

Commissioner Linton asked if there would be light manufacturing in the facility. Todd Cam, applicant, explained that this would be the West Central Regional Office. The welding shop is not a manufacturing shop, but used for little welding issues like meter part problems.

*Commissioner Linton opened the public hearing at 7:25 p.m.*

Daniel Rogers, Architect for Questar, explained that turf was not acceptable. He is trying to do something more appropriate for the zoning and ecologically responsible.

Chaunte Last, ACE Rents applicant and neighbor to the project, felt that the landscaping plan with a drought would save money. She also explained that their plan would cost more to put in than the turf.

*Commissioner Linton closed the public hearing at 7:27 p.m.*

Mr. Mumford said that the submitted lighting plan complies with the City's requirements with the exception of the pole height. All lights must be shielded downward and the light source may not be visible from surrounding properties. The lighting plan complies with the City's dark sky ordinance requirements. Light poles cannot exceed 17 feet above the adjacent grade.

Commissioner Allred suggested that the minimum height of the park strip be acceptable to conform to the surrounding landscaping and help conserve water.

Commissioner Komoroski asked how tall the light poles would be. Mr. Mumford said the light poles would be 30 feet tall. Mr. Cam explained that the industrial standard for light poles is 30 feet. He explained that their shareholders like them to conserve anywhere they can and adding more light to the project is not conserving energy.

**MOTION:**

***Wendy Komoroski moved to recommend the approval of the Questar Site Plan to the City Council with the following conditions:***



- 1. That an updated landscape plan with turf in the park strips be submitted and approved by City staff.**
  - 2. Light plan be resubmitted with the light poles not exceeding 17 feet.**
- Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, and Wendy Komoroski. The motion passed with a unanimous vote.**

**E. Unified Fire Authority Station #251-Site Plan, Advisory Action**

Mr. Jensen explained that the proposed modification to an existing fire station is to replace inhabitable housing quarters with a modular housing unit, located at 1680 East Heritage Drive. The modular addition is shown as 1,440 square feet. The addition will contain sleeping quarters and bathroom/shower facilities for fire fighters stationed in the building. The applicant has indicated the modular housing unit will conform to the design of the existing structure. The proposed location of the modular housing unit does not meet current setbacks. The applicant has indicated that the unit will be located where it is in order to avoid being placed over an existing communications manhole cover. The lighting plan must comply with the City's dark sky ordinance requirements.

**MOTION:** ***Wendy Komoroski moved to recommend the approval of the Unified Fire Authority station #251 Site Plan to the City Council with the following conditions:***

- 1. Public works is contacted when services are shut off during the demolition phase of the project.***
- 2. Salvaged roofing is used on the covered walkway between the existing structure and the housing module.***
- 3. The module façade shall match the existing structure as closely as possible.***

***Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, and Wendy Komoroski. The motion passed with a unanimous vote.***

**F. Sweetwater Industrial Park- Master Site Plan, Public Hearing, Advisory Action**

Mr. Mumford explained that the proposed Sweetwater Industrial Park includes 213.62 acres, located west of Pony Express Parkway and north of the wastewater treatment facility and the City's Community Development Building. Chapter 17.100.040D of the City Code allows industrial master site plans to serve as a preliminary plat. The applicant wants to plan the main infrastructure for the industrial subdivision, and then subdivide specific lots with a final plat when the buyer determines the necessary lot size for their use. With so many varied needs among industrial users, it is difficult to determine the necessary lot size upfront throughout a development.

**Roads:**

The applicant is proposing an alternative road cross-section within the project which contains additional asphalt (40 feet total asphalt). The proposal is for a 47-foot cross-section, with 19 additional feet of sidewalks and landscaping on each side in easements. The additional asphalt is appropriate in an industrial area with increased truck traffic. This is a unique proposal, as generally the entire street cross-section is included in the public right-of-way rather than easements.

**Design Standards / Phasing:**

A phase line is included on the plans, depicting the area with proposed decreased architectural standards. This area excludes the first 200 feet from Pony Express Parkway, along with a majority of the northern portion of the project. The purpose of these standards is to provide for uses which might otherwise be undesirable due to their proximity to the odor and stigma of locating near a wastewater treatment facility. With reduced design standards, this area may allow for industrial and business opportunities with reduced costs of business, thereby enticing such uses that otherwise would not locate near the treatment facility. It will provide a buffer zone between the wastewater facility and higher end industrial businesses. The proposed standards are attached to this report, but here are some of the items proposed:

- Minimum front setback of 20 feet; other setbacks TBD.
- City Code height limits does not comply (5 stories).
- Outdoor parking, lighting, landscaping, fencing, design standards, sign regulations, and site plan requirements don't apply (Chapters 17.55 – 17.85, 17.100).
- Metal buildings are allowed.
- The front elevations of each building with a front office shall have at least two colors and two textures, including brick, rock, stucco, or other texture.
- The front parking lots and driveway entrances shall be required to be asphalted.
- Landscaping shall be required along the road right-of-way of each lot with at least two trees and sod, with irrigation system, and may include some xeriscape areas.

The Planning Commission and City Council will have to decide if all aspects of these proposed reduced standards are appropriate.

Recommended conditions:

1. Easements are required for off-site storm drain lines.
2. Storm drain detention required for each lot.
3. A street light plan shall be submitted for the project in compliance with EMMC Chapter 15.70.090D.
4. All outdoor lighting shall comply with EMMC Chapter 17.56.
5. Parking for each site plan shall comply with EMMC Chapter 17.55.
6. Street trees shall be required in the park strip with each individual site plan.
7. Landscaping plans shall comply with the standards in the City Code.
8. Fencing and screening of outdoor uses shall be reviewed with each individual site plans.

*Exhibit A is attached.*

Commissioner Linton asked Mr. Mumford if City staff had any concern with the land and building uses in Exhibit A. Mr. Mumford explained that the property is already included in the Eagle Mountain Properties Industrial Zone. Commissioner Linton was concerned about communication facility with tower, portable storage containers, and recycling facility's being built in the area. He explained that these type of facilities have high structures (the portable storage units can be stacked 12 units high). He also was concerned with the type of equipment needed to run the facilities.

Commissioner Komoroski was concerned about the height limits to the structures.

*Commissioner Linton opened the public hearing at 7:51 p.m.*

Michael Johnson, neighboring property owner, explained that what is built on the property could affect his mink ranch operation. He was also concerned about the conditions of approval changing in the future.

Mike Wren, representing the landowner, said that tall building are expensive. The landowner is looking for structures like mini storage spaces or shops that face the front with garage bays in the back. He said that he has not been approached by clients wanting cell towers. He said that the user of the lot would need to come in and present their site plan to the City and then dedicate the sidewalks to the City at the time of development.

*Commissioner Linton closed the public hearing at 7:58 p.m.*

The Commissioners were concerned about what development standards the developer needed to comply with Exhibit A or there Eagle Mountain Properties agreement. Mr. Wren explained that the intent is to use Exhibit A, which is more restrictive. He is also fine with restricting the height limit to the City Code.

**MOTION:**

***Wendy Komoroski moved to recommend the approval of the Sweetwater Industrial Park Master Site Plan application to the City Council with the following conditions:***

- 1. Easements are required for off-site storm drain lines.***
- 2. Storm drain detention required for each lot.***
- 3. A street light plan shall be submitted for the project in compliance with EMMC Chapter 15.70.090D.***
- 4. All outdoor lighting shall comply with EMMC Chapter 17.56.***
- 5. Parking for each site plan shall comply with EMMC Chapter 17.55.***
- 6. Street trees shall be required in the park strip with each individual site plan.***
- 7. Landscaping plans shall comply with the standards in the City Code.***
- 8. Fencing and screening of outdoor uses shall be reviewed with each individual site plans.***
- 9. Height limit to comply with City Code (5 stories).***
- 10. Exhibit A, "Special Development Standards," applies to the property designated on the approved plans (within ¼ mile of the wastewater treatment plant, excluding property within 200 feet of Pony Express Parkway).***

***Daniel Boles seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, and Wendy Komoroski. The motion passed with a unanimous vote.***

**5. Discussion Items (No Action)**

**A. Eagle Mountain East Stake-Concept Plan, Discussion Item**

A proposed parking lot design that doesn't include island bulb-outs every 12 stalls in center islands for a church located at 7775 North Woodhaven Boulevard. The applicant is seeking feedback prior to the review of a conditional use permit and site plan.

Commissioners were concerned that other churches in the area were not built to code. They preferred the bulb-outs, but would not be troubled if the bulb-outs were removed.

6. Next scheduled meeting: September 8<sup>th</sup> 2015

7. Adjournment

The meeting was adjourned at 8:17 p.m.

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 22, 2015

  
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Steve Mumford, Planning Director



EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, SEPTEMBER 22, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, Daniel Boles, Miriam Allred and Matthew Everett. Excused: John Linton

CITY STAFF PRESENT: Paul Jerome, Asst. City Administrator / Finance Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Komoroski led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. August 25, 2015

**MOTION:**           *Miriam Allred moved to approve the August 25, 2015 meeting minutes. Daniel Boles seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Recommendations to the City Council)

- A. Bicycle and Pedestrian Master Plan Action Item (Recommendation to City Council): A City-proposed Bicycle and Pedestrian Master Plan to be used in conjunction with the Parks & Open Space Master Plan to guide the City as it grows.

Mike Hadley explained that the City formed a committee comprised of different department heads, City staff, Planning Commission Chair, Alta Planning & Design firm and Fehr & Peers firm to draft and propose a Bicycle & Pedestrian Master Plan for Eagle Mountain City. The project team used a variety of methods to gather feedback, input and ideas to help with the formulation of the Master Plan. Residents participated in two separate open houses, an online survey and an interactive mapping tool to provide ideas and suggestions. The first open house was held at the City Council chambers which helped begin the process and give the steering committee some ideas to begin. The second open house was held at the Food Truck Underground gathering, located at the Prairie View business campus. Staff received a variety of comments and great input for the Master Plan. By using these different methods to collect input the project ended up receiving hundreds of comments from residents.

David Foster, with Alta Planning & Design, explained what Alta Planning & Design is and does. He felt that it was a great opportunity for Eagle Mountain City to develop their bicycle and pedestrian park at this time before more development came in. He felt that the developers and the City could work together in developing this plan. He also explained the benefits of having and standardizing bicycle and pedestrian trails.

The visions statements:

*"The Eagle Mountain Bicycle & Pedestrian Master Plan formalizes a vision for a safe, efficient, and connected network of sidewalks, bikeways, paths, and trails that will grow with the City and improve quality of life for all residents."*

The committee has come up with a series of goals for the project, to meet the vision statement. He also explained that the committee is pursuing a variety of funding opportunities and encouraging developers to participate. He said that they want to promote pedestrian and bicycle safety and awareness through education and encouragement activities. He also explained why Eagle Mountain needs the bicycle and pedestrian trails. He went through the Bicycle & Pedestrian Master Plan and how to implement the plan.

Commissioner Komoroski asked about implementing an indoor bicycle facility because that would be new concept for Utah. Mr. Foster explained that most of these indoor facilities have been implemented on the west coast. They would be used by employers to encourage bicycling to work.

Commissioner Komoroski asked how involved Alta Planning & Design is in implementing the educational activities. Mr. Foster explained that Alta Planning & Design is involved in implementing the educational activities in California, but Utah does not have the funding for those type activities. He explained that UDOT does have their safe routes to school funding program that Alpine School District could submit an application for. He explained that right now the educational program will need to be implemented by volunteers or City staff. He explained that the committee has tried to make these programs easy to implement.

Commissioner Allred was concerned about the parking regulation for preschools, daycares, and hotel/motels. She was also concerned with the lighting requirement for parking for business.

**MOTION:** *Matthew Everett moved to recommend approval of the Bicycle and Pedestrian Master Plan to City Council. Miriam Allred seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

- B. Development Code Amendments – Outdoor Lighting Standards, Public Hearing, Action Item (Recommendation to City Council). This City-proposed code amendment would allow for parking lot lights to be up to 30' tall provided they include motion sensor dimmers. It amends Chapter 17.56.060.

Tayler Jensen explained that the City's current dark sky ordinance limits the height of parking lot poles to 17 feet. Recent applicants have indicated this is quite a bit shorter than the standard of 30 feet and have indicated conforming to this standard could increase

the cost of development by tens of thousands of dollars, presenting a burden to locating within Eagle Mountain. The City sees real benefits in maintaining its dark sky standards, but also recognizes that in order to attract economic development, regulations cannot be too onerous. The proposed code amendment balances these two competing values by allowing 30 foot poles in parking lots, provided the poles have built in motion sensor dimmers that reduce light levels by 50% when no motion has been detected for 30 minutes.

Commissioner Boles was concerned with how the City was going to handle light spillage onto neighboring properties. Mr. Jensen explained that the developer would need to provide full cut off lights and follow their approved lighting plan.

*Commissioner Komoroski opened the public hearing at 6:56 p.m.*

None

*Commissioner Komoroski closed the public hearing at 6:56 p.m.*

**MOTION:** *Miriam Allred moved to recommend approval of the Outdoor Lighting Standards Amendments to the City Council. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Wendy Komoroski, and Matthew Everett. Those voting nay: Daniel Boles. The motion passed with 3 ayes and 1 nay.*

- C. Development Code Amendments – Historic Preservation Code, Public Hearing, Action Item (Recommendation to City Council): This City-proposed code amendment will provide for protection of historical and archaeological sites within the boundaries of Eagle Mountain. It amends chapter 17.

Paul Jerome explained that adopting a City ordinance will help preserve the historical and archaeological significance of Eagle Mountain. It will also open the City up to State and Federal grants that will help preserve these historical sites. The proposed code has been formulated after extensive review by staff of historical preservation codes in other Utah cities. There are many sites of historical and archaeological significance within the boundaries of Eagle Mountain which provide unique educational and cultural opportunities for the city. Recent development applications have brought up the need for a code to both protect unique archeological and historic resources and to allow developers adequate flexibility to protect these sites by transferring density or building rights to other areas if possible, or receiving open space credits for protecting historic sites. He went over the ordinance.

Commissioner Boles felt that the preserving of historical sites should go back only 50 years instead of 100 years.

*Commissioner Komoroski opened the public hearing at 7:09 p.m.*

None

*Commissioner Komoroski closed the public hearing at 7:09 p.m.*

**MOTION:** *Daniel Boles moved to recommend the adoption of the Historic Preservation Code to City Council. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

5. Next scheduled meeting: October 13<sup>th</sup> 2015

6. Adjournment

The meeting was adjourned at 7:10 p.m.

APPROVED BY THE PLANNING COMMISSION ON OCTOBER 27, 2015

  
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Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, OCTOBER 27, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, Daniel Boles, John Linton, Miriam Allred, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. September 22, 2015

**MOTION:**            *Wendy Komoroski moved to approve the September 22, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, Wendy Komoroski, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Recommendations to the City Council)

A. Cove at Rock Creek Amended Recorded Plat, Public Hearing, & Advisory Action

Mike Hadley explained that the proposed project is located just south of the existing Rock Creek development off of Rock Creek Rd and Clear Rock Rd. The proposed recorded plat amendment to the Cove at Rock Creek Plat 2 adds one additional unit taking the total unit, count from 23 units to 24 units. The original density of plat 2 was 13.1 units per acre. The density with the additional unit is 13.6 units per acre. By adding one more unit to the plat, the increased density does not affect the overall open space/park requirements for the project.

*Commissioner Linton opened the public hearing at 6:04 p.m.*

None

*Commissioner Linton closed the public hearing at 6:04 p.m.*



**MOTION:** *Daniel Boles moved to recommend approval of the Cove at Rock Creek Amended Recorded Plat to the City Council. Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

**B. AUB- Conditional Use Permit, Site Plan, Public Hearing, Approval Action & Advisory Action**

Taylor Jensen went through the proposal for the AUB Conditional Use Permit and Site Plan. The property is located at 3387 East Harvest Lane, in the Meadow Ranch subdivision, lots 137, 138, and 139 and is approximately 3.741 ac in size. The church building is shown as having a 15,000 square foot footprint. The building will also be used as a school with classrooms on the main level. The project design complies with the City's commercial design standards. The proposed project will require a lot line adjustment, which will be required before final approval is given. Building elevations have been submitted for the AUB church. The staff has no concerns with these elevations.

**Parking**

Required parking is 1 stall per 20 square feet of the main assembly room. The main assembly room is 3,844 square feet, and therefore requires 193 parking stalls. The developer has provide 230 standard stalls and 7 ADA parking stalls.

**Landscaping**

A portion of the paved parking lot buffering is not ten feet (10') wide due to the existing slope issues on the site which would require retaining walls in order to allow for a ten foot (10') buffer. As the entire parking lot is enclosed by a six foot (6') privacy fence staff feels this is adequate to screen the site. Chapter 17.60 requires 50% of landscaped area to be turf; the landscaped area is 41,150 square feet, with 20,500 square feet of turf, the proposed landscaping plan falls just short of the 50% requirement.

Commissioner Allred asked what the project's current buffer is. Mr. Jensen explained that some of the current buffer is 10 feet, but most of the current buffer is about 5 to 6 feet.

*Commissioner Linton opened the public hearing at 6:10 p.m.*

None

*Commissioner Linton closed the public hearing at 6:10 p.m.*

Commissioners felt that the difference in turf coverage was insignificant.

**MOTION:** *Wendy Komoroski moved to approve the AUB Church/Private School Conditional Use Permit and recommend approval of the site plan to the City Council with the following conditions:*  
*a. A lot line adjustment be completed prior to receiving final approval.*

***Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.***

**C. Heatherwood Recorded Plat Amendment, Preliminary Plat Amendment, Public Hearing & Advisory Action**

Mr. Hadley explained that the recorded Heatherwood Amended Plat 1 consists of 96 total units. Currently there are 44 units that have been built or are in the process of being built. In Plat 1 on the east side of Desert Canyon Rd there are 10 units that are recorded but have not been built. The purpose of the recorded plat amendment is to vacate those 10 units. The 10 vacated units will be combined along with a portion of Heatherwood Phase 2 to create one single lot that will be purchased from the developer for a future church site.

The preliminary plat amendment will create two new phases (phases 2 & 3). The phases will consist of the vacated units from the recorded plat amendment (see above) and the originally approved Heatherwood Phase 2 development. Heatherwood phase 2 has never been recorded with Utah County. The new preliminary plat will feature a redesign of the unit's configuration. With Phase 1 the configuration of the units has created issues with drainage and snow plowing/stacking. The new configuration will take the end units and align them parallel with the other units which will open up the area at the end of the units.

The new design will allow for better drainage. It will also create more area for snow stacking and plowing. All of the units will also be unattached from one another and feature rear loading garages. Staff believes that the new design is a more efficient and better design. All of the utilities and infrastructure are already on site for this project so the proposed changes should have no effect.

Following the processing of the recorded plat amendment and the preliminary plat amendment there will be one lot created known as Phase 2 on the amended preliminary plat. The lot is 3.45 ac in size. This will be processed as a one lot subdivision for the purpose of constructing a church. In the past the City has recommended that when a church site is proposed that it is submitted as a one lot subdivision. The City has approved a few different one lot subdivisions that became church lots.

*Commissioner Linton opened the public hearing at 6:14 p.m.*

None

*Commissioner Linton closed the public hearing at 6:14 p.m.*

**MOTION:** ***Wendy Komoroski moved to recommend approval of the Heatherwood Recorded Plat Amendment and the Preliminary Plat Amendment to the City Council. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.***

**D. Eagle Mountain Benches- Rezone, Public Hearing, Advisory Action**

Mr. Hadley explained that this item was brought before the Planning Commission on August 25th, 2015. The rezone was tabled indefinitely until the City Council had time to review the future of Lake Mountain Road. The Council's conclusions were that the road would need to be paved by developers and that a gate would be installed on the south end of the road. The applicant is proposing rezoning approximately 98.39 acres of land currently zoned Agriculture to Residential. The proposal is for Residential zoning with a minimum of 1 acre lots. The Residential zoning complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential.

#### Rezone Criteria for Approval

The rezoning of property does not require the Planning Commission or the City Council to take action based upon findings of facts. The decision made by the Planning Commission and the City Council is considered valid by the courts if it is reasonably debatable that the action could promote the general welfare. Rezone proposals are evaluated using the following criteria:

A. Compliance with Future Land Use Plan (General Plan). The rezone complies with the City's Future Land Use Plan which designates the area as Rural Residential.

B. Compatibility Determination. At this time the surrounding property is all zoned Agriculture. The proposed Residential zone would be compatible with the future proposed uses of the surrounding land and could be considered to be fairly compatible with the existing uses. The 5.5-acre Eagle Mountain Ranches property is located immediately adjacent to existing homes on 5-acre lots. The property is also located fairly close to a future major arterial road (to be located to the southwest). These conditions should all be considered in the decision.

C. Buffering of Incompatible Uses. Surrounding uses include the Friends in Need Animal Sanctuary, existing homes on 5 acre lots, and vacant agriculturally zoned property.

Commissioner Linton asked about the right-of-way through the property. Mr. Hadley explained that the developer would need to work with Interplan. The road would need to be paved, but there is no determination on the cross section of the road. Commissioner Linton was also concerned about the unbuildable land.

*Commissioner Linton opened the public hearing at 6:19 p.m.*

Kim O'Donnell, resident, read a letter for Jody Hooley (see attachments). He was concerned about what would be built on the property.

Jennifer Morrison, resident, was concerned about presevering the way of life for Lake Mountain residents. She explained and demonstrated with a beach ball that changing the intent of the property changes their way of life.

Doug Sutton, resident, felt that the one acre lots were a nice buffer between the five acre and the smaller lot subdivisions.

Matt Morrison, resident, asked the Planning Commission to table the item, because he felt there was contradicting information.

Carl Wetzel, landowner, was for the rezone of the property. He explained that he has five acre in the development but has no way to access the property.

Jeff Scott, developer and resident, said that his lots would be one to five acres in the development. The unbuildable land would be bigger acres, where horses could graze.

Jan Preece, resident and former buyer into the project, explained that the Scotts tried to make her sign a letter of intent after she decided not to purchase the property in the development. She felt that they were being dishonest.

Bridger Hardy, land owner, explained that there are 7 residents that live on Lake Mountain Road and 14 land owners that would love to build on Lake Mountain Road. The City requires paving and finishing the road before those 14 land owners can build on their properties. He felt that this development would help those 14 land owners.

Karen Scott, developer and resident, explained that the City Future Plan has her property zoned as half acre lots. She does not feel that the developers have twisted anyone's arm to sign papers.

Mike Kieffer, resident, explained that those 14 people knew that they would need to create an access road to get to those properties. He was also concerned about the large amount of septic tanks and propane tanks in the proposed development. He suggested a buffer zone be added between the five acres and the one acre lots. He felt that there would be code enforcement issues without a buffer zone. He requested that the Planning Commission table this item until the updated Transportation Plan is adopted by the City Council.

Greg Jeppsen, resident, opposed the rezone. He did not feel that a residential rezone is a good fit for his area. He also had the same concerns as Mike Kieffer.

Melinda Martin, resident, felt that the City should be prepared for gas, sewer and lighting issues, before approving a rezone. She said that the development would bring in a large amount of children. She was concerned with the lack of sidewalks and the children needing the sidewalks for walking to school. She opposed the rezone.

Colby Curtis, resident, said he was pro property rights, but he felt that some accommodations should be made to help with the buffering. He hoped that there could be some kind of compromise that could benefit each party.

*Commissioner Linton closed the public hearing at 6:52 p.m.*

Commissioner Linton and Mr. Mumford went through current land and its buffering in the City.

**MOTION:**                    ***Wendy Komoroski moved to recommend approval of the Eagle Mountain Benches rezone to the City Council with the following condition:***  
                                      ***1. The lot size minimum for the proposed rezone is 1 acre or larger.***



*Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

E. River Jordan Mink Ranch, Variance, Public Hearing, Approval Action

Mr. Jensen explained that the proposal is for a variance to allow for the installation of overhead electric service to a mink ranching facility located at 2252 North O Street, which is approximately 125.35 acres located to the West of the Scity waste water treatment plant. The applicant is requesting a variance that would allow for an overhead power distribution line to be run through the interior of his property. Staff reviewed past Planning Commission meetings to determine if any variances had been granted for overhead power distribution lines, and none have been found.

The City Code states the purpose of a variance as:

17.105.020. "to provide a legal method for persons who are seeking relief through the granting of a variance from the specific provisions of the land use regulations that may apply to real property".

The City Code also states:

17.105.030. "Variances provide potential relief for landowners whose property may have some special condition or unique physical characteristic whereby a strict enforcement of the title will result in unnecessary hardship and deprive that landowner of privileges, rights or benefits that are possessed by other properties within the same district. The variance process does not change the zoning of a property but may waive or modify standards contained in this title as applied to the property".

There are specific criteria that the application must meet in order for the Planning Commission to approve a variance. The approval criteria are located in Chapter 17.105.060 and are as follows:

Approval Criteria. The Planning Commission shall not approve, even with modifications, a variance application unless it finds the following:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of this title is observed and substantial justice is done.

The Utah Property Rights Ombudsman declares that: "All five criteria must be found in favor of the variance in order for it to be valid. The unreasonable hardship may not be self-imposed or purely economic, and must arise from conditions unique to the property."

Staff Findings

1. Literal enforcement of this title would not cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.



- According to Office of the Property Rights Ombudsman for Utah an “unreasonable hardship” is defined as: difficulty in complying with a zoning ordinance because of circumstances unique to the property. The hardship must relate to the property and not to conditions general to the area. A hardship may not be self-imposed or solely economic. A variance is not necessary if compliance is possible, even if the property owner has to alter desired plans.

- Compliance with City Code is possible by burying the power service underground, the argument for overhead power service is economic.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

- Staff finds no special circumstances attached to this property that do not generally apply to other properties in the same district

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

- As no overhead power service/distribution line has been granted to any other property in the city, and as the applicant is able to bury the distribution line and achieve compliance with the City Code, staff does not find the granting of this variance essential to the enjoyment of a substantial property right possessed by other property in the same district.

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

- Staff finds that the variance will not substantially affect the General Plan, and it is not contrary to the public interest

5. The spirit of this title is observed and substantial justice is done.

- Staff finds that this application does not meet the spirit of the title as the Code calls for all utility lines to be located underground as stated in -17.100.050 Site Plan Development Standards: The following are standards required for all site plans in any zoning district.

Utilities: All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electrical or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purposes during construction. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be the responsibility of the developer.

Paragraph 8.6 of Eagle Mountain City's franchise agreement with Rocky Mountain Power states: Rocky Mountain Power acknowledges that City ordinance require that all distribution lines be placed underground, and Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent by applicants or customers, place newly constructed electric distribution lines underground as required by City ordinance or applicable state law and regulations.

*Commissioner Linton opened the public hearing at 7:03 p.m.*

Gary Curle, representing the mink ranch, said that he got the impression from City staff and Jeremy Cook that it was appropriate to file for a variance. He explained that they are an Agriculture area to the south of the City and that there has only been overhead construction in that area. He understood that the Rocky Mountain power agreement was between the City and Rocky Mountain Power, not with his company. He explained that he is not a developer but an agricultural area, so the development code does not apply to them. He also explained that it would be a long term temporary structure.

*Commissioner Linton closed the public hearing at 7:06 p.m.*

Commissioner Komoroski felt that the Rocky Mountain power agreement was pretty clear. She asked if there was a difference between agricultural and development in the Rocky Mountain Power agreement. Mr. Jensen felt that the agreement was pretty clear and that is why he recommended denial of the variance.

Commissioner Boles explained that variances come down from the State approval criteria and how hard it is to meet all the State's criteria. The applicant would have to meet all five State-approved criteria.

**MOTION:**                *Wendy Komoroski moved to deny the overhead distribution line variance application. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

**F. Tania Rueda Hobby Breeder, Conditional Use Permit, Public Hearing, Approval Action**

Mr. Jensen explained that the applicant is applying for a hobby breeder license. The residence is located in the Kiowa Valley subdivision at 6959 North Mohawk Street. The hobby breeder is a conditional use permit in a residential zone.

City Code states:

"Hobby breeder kennel" means a dog or cat breeder that has been given conditional use approval to keep a limited number of animals, as approved in a conditional use permit, in a residential area, subject to all provisions of Chapter 6.05 of the City code.

The applicant's residential lot is 0.30 acres and has houses located to the North, South, and West of it. There are also homes to the east across Mohawk Street.

The applicant is proposing to have eight (8) Yorkshire Terriers (City Code allows up to eight (8) dogs) to serve as pets and for occasional breeding. The dogs range in size with the largest being 10 lbs and the smallest (a teacup variety) weighing in at 2 lbs. The dogs

live indoors with two fenced runs located outside. The rear yard is fenced with a six foot (6') wooden privacy fence.

All of the applicant's dogs are licensed, and have had their shots. Seven of the dogs are registered with the national AKC registry. The unregistered dog cannot be registered without being spayed or neutered as its parents were unregistered, and the applicant believes that getting the dog fixed would defeat the purpose as she wishes to breed the dog.

*Commissioner Linton opened the public hearing at 7:14 p.m.*

Benjamin Maughan, resident, pointed out that the lot size is only 0.161 acre and not 0.30 acres. He wanted on record that he oppose this license. He said that the dogs have already created a public noise nuisance.

Peter Danzig, resident, explained that there has been a noise nuisance from the dogs. The breeder has left her dogs outside 24/7. He requested that a condition be added to the license, that if complaints continue that she would have to get rid of the dogs.

Tania Rueda, applicant, explained that the type of dog (Yorkshire) is not known for barking. She stated that she does not leave her dogs outside 24/7. She explained that she does have one dog that has a brain injury that barks. She has purchased a bark collar and is working with that dog. She said that she is working with the neighbors and would do anything to resolve any issues.

*Commissioner Linton closed the public hearing at 7:24 p.m.*

Commissioner Everett felt that the lot was too small to hold eight dogs.

Commissioner Linton suggested that the City limit the number of dogs and the time the dog are outside.

Commissioner Komoroski was concerned about eight dogs plus the puppies at one time.

**MOTION:** *Daniel Boles moved to approve the Hobby Breeder Conditional Use Permit with the following conditions:*

- 1 Applicant obtains a home business license with the City.*
- 2 A yearly inspection would be completed to renew the permit.*
- 3 All dogs be registered with the American Kennel Club (AKC)*
- 4 Limit the number of dogs to 6.*
- 5 The dogs are only allowed outside for extended hour between 10 a.m. and 5 p.m. With the exception of infrequent breaks.*
- 6 The Conditional Use Permit will be brought back to Planning Commission for reconsideration if there are 3 complaints.*

*Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles and Miriam Allred. Those voting nay: Matthew Everett and Wendy Komoroski. The motion passed with 3 ayes and 2 nays.*

G. Spring Run Church- Conditional Use Permit, Site Plan, Public Hearing, Approval Action & Advisory Action

Mr. Jensen explained that this application is for a Conditional Use Permit and a Site Plan for a property located at approximately 3347 East Ranches Parkway, in the Spring Run subdivision, lot 101, and is approximately 3.59 ac in size. The proposed project is for a church, which is a conditional use.

Building elevations have been submitted for the Spring Run church. Color renderings have not been presented to staff, but the applicant has included a board of sample materials. It is up to the Planning Commission as to whether to require color renderings. Required parking is 1 stall per 20 square feet of the main assembly room. The main assembly room is 2,984 square feet, and therefore requires 150 parking stalls. 236 standard stalls and 7 ADA parking stalls are provided; this is consistent with City Code. The landscaping proposed by the applicant meets the City standards. The lighting plan complies with the City's dark sky ordinance requirements.

#### Fire Review

The Fire Marshal has reviewed the application and the following are required for approval: The addition of another fire hydrant (which the fire marshal has redlined on the plans) and providing an 8" fire line loop / 6" hydrant stub.

*Commissioner Linton opened the public hearing at 7:47 p.m.*

None

*Commissioner Linton closed the public hearing at 7:47 p.m.*

**MOTION:** *Wendy Komoroski moved to approve the Spring Run Church Conditional Use Permit and recommend approval of the site plan to the City Council with the following conditions:*

- 1. A fire hydrant and 8" fire loop line / 6" hydrant stub be provided as per the Fire Marshal's review.*

*Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

- H. Porter's Crossing Town Center Amended Master Development Plan, Public Hearing, Advisory Action An applicant proposed amendment to the Porter's Crossing Town Center Master Development Plan, maintaining the same number of units but modifying unit types and locations, moving parks, and modifying local roads.

Mr. Mumford explained that this Master Development Plan was last amended by the City Council in August, 2014. Several areas within the master development plan have been at least partially developed, including the Ridley's commercial area (area 16), the Parkside subdivision (area 11), and the LDS church (area 12). Porter's Crossing Road and Smith Ranch Road have also been improved in the project.

The applicant is proposing some changes to the densities, housing types, road layout, and open space system, and has been working with the City on the creation of a master development agreement.



- **Road Configuration.** The proposed plan removes a future road connection to the northwest and instead proposes a connection to St. Andrews Drive in the Eagle's Gate neighborhood to the west. Back in June the Planning Commission recommended that St. Andrews Drive connect directly to Porter's Crossing, allowing Eagle's Gate residents to drive to the commercial center, the church, the parks, and to Pony Express Parkway at a future signalized intersection (Porter's Crossing and Pony Express Pkwy). The plan includes the relocation of the existing park that would be removed with the road connection.
- **Parks & Open Space.** The proposal contains a couple of decent sized neighborhood parks, located to the north of the commercial and apartment areas, and in the very northern area of the project, near the substation. The utility corridors still remain as open space, as well as the natural washes and detention areas. The previous approval included the following condition of approval: A detailed parks/landscaping plan be required to return to the Planning Commission for a recommendation prior to approval of the master development agreement by the City Council. This plan must include the proposed amenities, trails, trees, and equipment required to meet the point values found in Table 16.35.130(c) Pocket and Neighborhood Park Elements. The applicant submitted an updated parks and recreation plan on Thursday evening.
- **Housing Types & Densities.** The maximum number of housing units is the same (726), and the housing types and densities have been shifted around in an effort to comply with the City Council's condition of approval from the previous approval: The master development agreement must include language requiring that Area 3 provides a variety of housing products.
- **Northern Residential Zones.** Some changes are proposed for the densities and configuration of the single-family and single-family cottage lot areas in the northern section of the project.

*Commissioner Linton opened the public hearing at 7:57 p.m.*

Jerry Tully, the applicants Land Planner, explained that the developer needs a development agreement for this development. He went through the variety of houses and lot sizes that would work for the land and development. He felt that the developer would build fewer homes than the approved number of houses (724). He reviewed the recreation plan for the Porter's Crossing Town Center development. He felt that the developer would be able to comply with the City's park standards.

Commissioner Linton expressed his concerns for Tickville Wash. Mr. Tully explained that the developer is looking into solutions for the Tickville Wash.

*Commissioner Linton closed the public hearing at 8:29 p.m.*

Commissioner Linton felt that the park and recreation plan be left open to be prepared at the time of plat approval and be a mutual agreement between developer, builder and City at that time.



**MOTION:**

***Wendy Komoroski moved to recommend approval of the Porter's Crossing Town Center Amended Master Development Plan to the City Council with the following conditions:***

- 1. The bonus density requirements must be detailed in the master development agreement.***
- 2. The traffic study requirements must be met and detailed in the master development agreement.***
- 3. The wash must either be piped or a 100-foot buffer from the top of the bank must be shown on the plans. A slope stability report must be completed with each preliminary plat located along a natural wash or a slope greater than 25%.***

***Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.***

**I. Industrial Overlay Zone, Public Hearing, Advisory Action**

Mr. Jensen explained that the proposed amendment is to the City's development code (Title 17 of the Municipal Code) concerning the adoption of an industrial overlay zone. Master site plan was recently proposed and adopted with an exhibit which provided for fewer design standards in the area surrounding the wastewater treatment plant due to the stigma associated with the treatment plant. The purpose of the exhibit was to reduce the cost of development in the area directly adjacent to the treatment plant in order to attract new development. The proposed exhibit received a recommendation for approval from the Planning Commission, but it was denied by the City Council who recommended an overlay zone be created for land near the wastewater treatment plant.

Following the City Council's suggestion, staff has written an overlay zone ordinance that provides for relaxed design standards in the area surrounding the City wastewater treatment facility.

*Commissioner Linton opened the public hearing at 8:36 p.m.*

None

*Commissioner Linton closed the public hearing at 8:36 p.m.*

**MOTION:**

***Matthew Everett moved to recommend approval of the Industrial Overlay Zone to the City Council. Wendy Komoroski seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.***


The Commissioner and Planners reviewed a neighborhood sign for the Autumn Ridge subdivision. Commissioner Linton felt that this type of sign would be a good sign choice for SilverLake subdivision. Commissioner Everett expressed his concern about shorting or abbreviating the name Eagle Mountain City on subdivision signs.

5. Next scheduled meeting: November 10<sup>th</sup> 2015

6. Adjournment

The meeting was adjourned at 8:46 p.m.

APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 10, 2015

  
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Steve Mumford, Planning Director

## Steve Mumford

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**From:** Kamme Edsberg <kamme@edsberg.us>  
**Sent:** Tuesday, October 27, 2015 5:50 PM  
**To:** Steve Mumford  
**Subject:** Public Comment for the 10/27 Planning Commission Meeting

Please read the following, on the record, during the public comments of the 10/27 Planning Commission meeting as I am unable to attend this evening.

My name is Kamme Edsberg and I own a home in Lone Tree.

I strongly encourage the planning commission to table the rezone until the updated transportation plan has been presented or adopted by the city council.

In addition, it's not reasonable to suggest that the rezone of Eagle Mountain Benches and Eagle Mountain Ranches promotes the general welfare or the greater good when there are so many more important impacts to consider before setting this precedent. The surrounding property owners, who'd be adversely effected, should be given the utmost consideration.

Please recommend denial to the city council until the updated transportation plan has been presented or adopted by the city council.

Thank you.

I believe these properties should stay agricultural and be split to 5 acre lots as to be the most compatible with existing residents and the use of land. I realize it is possible, however, that you will vote for the rezone to residential.

It has been said that this is a sharing proposition, make no mistake this land will not be given away, which is the definition of sharing. Buying land for development is a speculation and there is no guarantee a developer can put in to affect their perfect plan, making the most amount of money in the least amount of space. That is not the city's job, but rather to promote responsible planning and development.

With the Glenmar rezone approved to the north with min. 1 acre lots it would only seem appropriate to make lots continuing to the south to gradually become bigger the closer they come to those of us with 5+ acre lots. If the applicant is allowed to put in 1 acre where he previously outlined then the transitioning concept is out the window and sets a negative precedent for any other development in the city. Since there are power line and gas corridors in much of the property. This also restricts how large the lots can be.

While I know the applicant is asking for this rezone with 1 acre lot min. I feel it is imperative that it be much more specific. There is a real compatibility issue putting 1 acre lots next to 5 acres or more, jumping from 5 to 1 is not good transitioning. Imagine lots 1/5 the size of your own lot being put next to you. Five acres involves more animals, more privacy, more agricultural smells and noises and while I know that people that historically buy 1 acre lots say that they have no problem with all that larger lots bring, I have seen and I'm sure you have seen or heard of, those exact and similar circumstances resulting in complaints and hostile feelings and behaviors between neighbors. Some resulting in forcing original residents to end their way of life or move. This tramples on those residents' rights.

As there are several 5+ acre lots with homes and farming, raising livestock, and a much needed animal sanctuary, next to or across the street to these properties, I think it is most relevant to see these conditions attached to this application to protect everyone involved now and possible purchasers of these new lots.

- 1- The residential rezone must be a min. lot size of 1 acre.
- 2- Any lot adjacent to or across the street from 5 or more acres must be a min. of 3 acres.

Thank you,

Jody Hooley

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 10, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, John Linton, Miriam Allred, and Matthew Everett. Excused: Daniel Boles.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. October 27<sup>th</sup> 2015

**MOTION:**                *Wendy Komoroski moved to approve the October 27, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Wendy Komoroski, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Recommendations to the City Council)

A. Jiffy Lube – Site Plan, Public Hearing, Action Item

Mike Hadley explained the site plan for lot 6 (approximately .56 acres) in the Porter's Crossing Town Center, which was approved on May 3, 2011 along with a Master Site Plan and Preliminary Plat. The proposed project is for a Jiffy Lube car care facility. noteworthy item is that stucco may not be used on more than 50 percent of the building.

No one was present for a public hearing.

Jonathan Taylor, representing the applicant, accepted and will comply with the recommended condition that additional rock shall be used to reduce the amount of stucco on the building.

**MOTION:**                *Wendy Komoroski moved to recommend approval of the Jiffy Lube Site Plat to the City Council with the following condition:  
1. Additional rock or other acceptable materials shall be used to reduce the amount of stucco to 50 percent or less on the building.*



*Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, and Miriam Allred. The motion passed with a unanimous vote.*

B. Evans Ranch Plat D - Preliminary Plat, Public Hearing, Action Item

This plat includes 25 lots on 9.82 acres that were included on the approved Evans Ranch Master Development Plan.

Taylor Jensen presented the Preliminary Plat for Evans Ranch Plat D. He explained that the applicant has provided 11.85 acres of improved open space, exceeding the requirement of 10.61 acres of improved open space.

*Commissioner Linton opened the public hearing at 6:05 p.m.*

Nate Shipp, applicant, explained that, after talking to the City Attorney and the City Planner is requesting that the bonding requirement only be 100 percent instead of the 150 percent. Steve Mumford explained that the 100 percent follows the Master Development Agreement for Evans Ranch. He also explained that the developer would be adding more than the required improvements.

*Commissioner Linton closed the public hearing at 6:07 p.m.*

**MOTION:**

*Wendy Komoroski moved to recommend approval of the Evans Ranch Plat D Preliminary Plat to the City Council with the following conditions:*

- 1. Fencing shall be installed according to the fencing exhibit 2 in the MDA prior to issuing the first building permit in Evans Ranch Phase D.*
- 2. The developer must pay the City a cash bond of \$19,640 (9.82 buildable acres x \$2,000), for community improvements, to be spent on public amenities in the northern portion of the project, above and beyond the approved landscape plans.*
- 3. Open space shall be fully improved prior to recording the first plat in a project, or a separate cash deposit or cash escrow must be put in place with the City with this plat to cover 100 percent of the pro rata anticipated cost of park improvements (16.35.105-A-10). The total amount shall be determined prior to City Council review.*
- 4. All lighting must meet the outdoor lighting standards of Chapter 17.56 of the Eagle Mountain City Code, with full cut off lighting provided for all exterior lighting.*
- 5. The developer must pay the City for street lights before building permits will be issued. Street lights must be installed prior to a certificate of occupancy being issued.*

*Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, and Miriam Allred. The motion passed with a unanimous vote.*

5. Discussion Items (No Action)

A. Code Amendments

Mr. Jensen presented the Commissioner with a packet for some code amendments for feedback on water wise projects, construction trailers, code enforcement on signage, and a usage table that will be easier to read. Commissioner Linton stated that the

Commission will take the packet under advisement and study the code amendments and would review the items at an upcoming meeting.

6. Next scheduled meeting: November 24<sup>th</sup> 2015

7. Adjournment

The meeting was adjourned at 6:13 p.m.

APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 24, 2015



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Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 24, 2015 AT 6:00 P.M.

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

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski (arrived at 6:02 p.m.), John Linton, Daniel Boles, Miriam Allred (left at 6:30 p.m.), and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. November 10, 2015

**MOTION:** *Matthew Everett moved to approve the November 10, 2015 meeting minutes. Miriam Allred seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

4. Approval of 2016 Planning Commission Meeting Calendar (Action Item)

**MOTION:** *John Linton moved to approve the 2016 Planning Commission meeting calendar. Those voting aye: Miriam Allred, Daniel Boles, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

5. Discussion Items (No Action)

A. Northwest Utah County Study Presentation

SITLA and FRI explained that they pulled a team of consultants together to help with maximizing the transportation structure. They also explained the projected regional growth in Utah and how it will affect Eagle Mountain. They also went through MAG's projection on transportation and explained the changes they made to those plans.

6. Action and Advisory Items (Recommendations to the City Council)

A. Foxwood/Woodhaven Church – Public Hearing, CUP Approval, Site Plan Recommendation, Action Item

Taylor Jensen reviewed item site plan for a church located at 7775 North Woodhaven Boulevard in the Silverlake subdivision, approximately 3.47 acres in size. He explained that the applicant included the changes to the parking islands that the Planning Commissioners requested in the staff report.

**Recommended Conditions:**

1. 50% of all landscaping be turf, consistent with chapter 17.60 of the Eagle Mountain City Code.
2. A 3.5' landscaped berm is provided around the entire parking lot.
3. Spec sheets be provided for outdoor lighting, outdoor lighting be full-cutoff and shielded downward, less than 100,000 lumens per acre (347,000 lumens total for this project)

*Commissioner Linton opened the public hearing at 6:29 p.m.*

None

*Commissioner Linton closed the public hearing at 6:29 p.m.*

**MOTION:** *Wendy Komoroski moved to approve the Foxwood/Woodhaven Church Conditional Use Permit and recommend approval of the Foxwood/Woodhaven Church site plan to the City Council with the following conditions:*

- 1. 50% of all landscaping be turf, consistent with chapter 17.60 of the Eagle Mountain City Code.*
- 2. A 3.5' landscaped berm is provided around the entire parking lot.*
- 3. Spec sheets be provided for outdoor lighting, outdoor lighting be full-cutoff and shielded downward, less than 100,000 lumens per acre (347,000 lumens total for this project)*

*Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Daniel Boles, Matthew Everett, and Miriam Allred. The motion passed with a unanimous vote.*

**B. Evans Ranch MDA/MDP Amendment - Public Hearing, Recommendation to City Council Action Item**

An amendment to the approved Master Development Agreement and the Master Development Plan, moving development pods, increasing the number of residential units/lots to 462 units and amending exhibits 4 and 5.

Mr. Jensen stated that there are differences from what the Planning Commissioner received in their staff report due to new negotiations with the applicant and City staff. The school was moved to the back of the project and the townhomes moved to the front of the Evans Ranch project. Alpine School District has agreed to purchase the 8.8 acres school site. He reviewed the difference to the Evans Ranch Plat changes. He explained that staff and applicant requested that the item be tabled to the January 12, 2016 meeting.

*Commissioner Linton opened the public hearing at 6:33 p.m.*

Jennifer Barkley, resident, explained that she is upset with the proposed changes to the plan. She explained that the neighborhood has been evacuated in the past due to floods

and fires. The neighbors have found that there is a lack of exits from the neighborhood. The neighbors are concerned about the extra traffic the project would bring. She was also concerned about the school and the extra traffic, and the busing that would be required for that school site. She also explained that the MDA stated that if the school site was not constructed that single family units would replace the school site, not multi-family. She requested that a traffic study be done before approving this amendment.

Jimmy Allen, resident, was concerned with traffic especially the design of the intersection at Porter's Crossing and Golden Eagle. He was also concerned with what would happen to the trail head at Porter's Crossing. He suggested that the school site be moved to the front corner of the development. He felt that the townhomes did not match the neighborhood.

Christy Valentine, resident, was concerned about the population growth that the townhomes would bring, and the increase in traffic.

Adam Olsen, resident, felt that the townhome area was an afterthought. He said that the agreement states that if the Alpine School District does not purchase the land then the property would convert to 33 single family homes. He felt that the agreement should stand because the school has opted not to purchase the property but is now purchasing another piece of property in the development. Commissioner Linton asked what kind of experience Mr. Olsen has to come to that conclusion. He explained that he works for a neighboring City (American Fork) in the Planning Office.

Amy Plott, resident, disagrees with the changes to the MDA and MDP. She felt that the developer is converting back to the old plan. She felt that the neighbors in the development have fought to get away from the old plan. She explained how congested the roads were when the neighborhood was evacuated. She was also concerned with adding townhomes to the area and the traffic they would bring. She felt that the developer needs to complete the road through the neighborhood.

Donald Plott, resident, explained that the properties were changed out in the last approval to decrease the density.

Sam Weight, resident, requested that a traffic study be performed before approving the project. He was concerned about the lack of emergency exits. He stated that Porter's Crossing is having a hard time supporting the increase of traffic. He explained that Golden Eagle is not scheduled for completion until 2017 and when completed it will not serve as an exit to the main road. The Alpine School District states that this would alleviate Thunder Ridge's overcrowding. Most students would be bused. He was also concerned about the turning circumference on Porter's Crossing and the increase of traffic to the school. He felt that the developer should be required to build the SilverLake road connection. He also brought up that if the school district did not purchase the property that it would be converted back to 33 residential homes. He asked the Planning Commissioners to deny any changes at this time.

Beau Neal, resident, asked the Commissioners to deny the plan at this time. He felt that the City should look into this plan more closely before making a decision.



Mellissa Clark, resident, had the same concerns. One concern she has is school buses and fire trucks getting through the neighborhood. She explained that she has witnessed school buses going off the road in the winter to get around the neighborhood especially at Porter's Crossing and Clark Street. She stated that a sod truck was stuck in their neighborhood for over 6 hours because it could not navigate around the neighborhood. She also wanted to point out that the park in the area is a pergola and has no playground equipment for the children in the area.

*Commissioner Linton closed the public hearing at 6:58 p.m.*

Commissioner Komoroski asked if the traffic study takes into affected the traffic generated by kids outside the neighborhood coming and going from the school. Mr. Mumford explained that school hours are off peak hours. He explained that traffic studies focus on peak hours. City staff will get to express their concerns to the engineer doing the new traffic study and express the concern with the school traffic.

Nate Shipp, applicant, agreed with most of the comments made in the public hearing. He explained that the price and the property would not work for the Alpine School District. He explained that the school district did not need 12.5 acres. Because the school only needs 8.8 acres he as the developer could use the extra 3 acres for housing and off-set the price to the school. The amendment was to help the Alpine School District get a school in this area, so the kids in the area would not be bused.

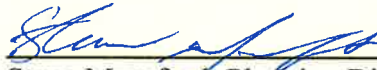
**MOTION:**                    *Daniel Boles moved to continue the Evans Ranch amended Master Development Agreement and the Master Development Plan to the January 12, 2016 meeting. Wendy Komoroski seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Daniel Boles, and Matthew Everett. The motion passed with a unanimous vote.*

7. Next scheduled meeting: December 8, 2015

8. Adjournment

The meeting was adjourned at 7:13 p.m.

APPROVED BY THE PLANNING COMMISSION ON DECEMBER 8, 2015

  
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Steve Mumford, Planning Director

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, DECEMBER 8TH, 2015 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS: Wendy Komoroski, John Linton, Daniel Boles, Miriam Allred (arrived at 6:04 p.m.), and Matthew Everett.

CITY STAFF PRESENT: Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes  
A. November 24, 2015

**MOTION:**                *Wendy Komoroski moved to approve the November 24, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Daniel Boles, John Linton, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote*

4. Action and Advisory Items (Recommendations to the City Council)

A. Evans Ranch North MDP Amendment - Public Hearing, Recommendation to City Council Action Item.

Tayler Jensen went through item A. An amendment to the approved Master Development Plan, reducing the number of townhomes to 122 units, and increasing the number of single family dwellings to 51 units. He said City staff had a concern that was not in the staff report, that the minimum setback for tier III structures is 20 ft. between structures. The majority of the Evans Ranch North Plan structures have only a 10 ft. setback. He explained that the Commissioners could recommend a decrease if they felt that it was appropriate for this development. City staff was also concerned about the parcel to the southeast of the project. The parcel must be accessible by a right-of-way that meets minimum City street standards.

Nate Shipp, applicant, explained that the stub road would lead to a City park and would allow public access to the City park. He preferred to keep a lot and have a trail system

that would access the park. Commissioner Boles asked if the reduction of units was part of the increase in the size of the townhomes.

Andy Flamm, Fieldstone Homes, said that they reviewed many product designs and felt that the larger townhomes fit their clientele. Commissioner Boles asked what was the justification on the 10 ft. setbacks. Mr. Flamm explained that most of the setback are along curbs. Also the 10 ft. setback are the same as their other projects in Eagle Mountain.

Commissioner Linton asked if the Fire Chief has had a chance to sign off on the project. Mr. Jensen stated that the Fire Chief's two conditions are:

1. Alleys must be signed as no parking at the entrances.
2. Minimum drivable surface on a private road shall be 26 feet. Parking restricted on the hydrant side of the road.

*Commissioner Linton opened the public hearing at 6:12 p.m.*

None

*Commissioner Linton closed the public hearing at 6:12 p.m.*

Commissioner Everett was concerned about the stubbed road. Mr. Flamm explained that Fieldstone would lose a lot but the City's parcel would be land locked without the stubbed road.

**MOTION:**                    ***Wendy Komoroski moved to recommend approval of the Evans Ranch North MDP Amendment to the City Council with the following conditions:***

- 1. A clubhouse is provided for the townhomes (Tier III developments require clubhouses).***
- 2. The applicant must indicate what bonus density requirements will be used to gain the additional density, and such requirements must meet City standards.***
- 3. The developer shall contribute \$2,000 per buildable acre with each recorded plat that will be used towards further parks and open space in excess of the required open space improvements. The City will hold these funds in escrow until improvements are agreed upon***
- 4. Alleys must be signed as no parking at the entrances.***
- 5. Minimum drivable surface on a private road shall be 26 feet. Parking restricted on the hydrant side of the road.***
- 6. The parcel to the southeast of the project (in the Evans Ranch Project) must be accessible by a right-of-way that meets minimum City street standards.***

***Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Daniel Boles, Matthew Everett, and Miriam Allred. The motion passed with a unanimous vote.***

- B. Development Code Amendments – Chapter 17.25 Residential Zone & Chapter 17.30 Residential Bonus Density Entitlements, Public Hearing, Action Item (Recommendation to City Council): These City-proposed code amendments would update the language in

Chapter 17.25 to be consistent with current open space requirements. A change to a table in Chapter 17.30 will clarify when swimming pools are required amenities.

Mr. Jensen explained that the City Attorney has suggested a change from the packet. The Eagle Mountain Municipal Code (EMMC) has been changed to require 1,000 square feet of improved Open Space for every lot/unit in all subdivisions. This replaced the various percentage requirements under each level of the Tier system. Staff has recently discovered the language in Chapter 17.25 was not updated to be consistent with current requirements. This amendment is to correct and ensure language is consistent from chapter to chapter. A change is also made to *Table 17.30.110 (C) Tier III Residential Bonus Density Entitlements (Required)* that clarifies swimming pools are required only in Tier III developments where there are more than 150 units in a development pod or grouping, making the table consistent with language in the chapter.

*Commissioner Linton opened the public hearing at 6:18 p.m.*

None

*Commissioner Linton closed the public hearing at 6:18 p.m.*

**MOTION:**            *Daniel Boles moved to recommend approval of the Development Code Amendment for Chapter 17.25 Residential Zone & Chapter 17.30 Residential Bonus Density Entitlements. Wendy Komoroski seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, John Linton, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote*

- C. Development Code Amendments – Chapter 17.10 Definitions & Chapter 17.75 Standards for Special Uses, Public Hearing, Action Item (Recommendation to City Council): These City-proposed code amendments will define the term “Temporary Construction Trailers” and will allow for them in the City.

Mr. Jensen explained that the Eagle Mountain Municipal Code doesn’t currently define temporary construction trailers, nor does the code specifically permit temporary construction trailers. He reviewed the changes in the code.

Commissioner Everett was concerned about the temporary construction trailers still being on-site 30 days after the project was finished. Mr. Jensen said that from research they determined that 30 days is consistent with other codes and cities.

Commissioner Linton was concerned about dormant and abandoned projects. Commissioners and City staff talked about putting a deadline on the projects and when the construction trailers should be removed.

*Commissioner Linton opened the public hearing at 6:29 p.m.*

None

*Commissioner Linton closed the public hearing at 6:29 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval of the Development Code Amendment for Chapter 17.10 Definitions & Chapter 17.75 Standards for Special Uses with the conditions that staff include a provision that construction trailers be removed if the project is dormant or abandoned. Miriam Allred seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, John Linton, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote*

- D. Development Code Amendment- Chapter 17.80 Sign Regulations and Sign Permits, Public Hearing, Action Item (Recommendation to City Council): This City-proposed code amendment will codify the notice and fine structure for violations of ordinance 17.80 Sign Regulations and Sign Permits

Mr. Jensen explained that the Code Enforcement Officer has requested that changes be made to the sign ordinance.

Commissioner Linton felt that ten dollars is not enough for the amount of work that goes into enforcing the sign ordinance.

Commissioner Allred felt that enforcing the yard sale signs is a waste of time and not worth the ten dollar fine.

Commissioners Boles and Komoroski felt that there needed to be something in the code to motivate the sign applicant to remove the sign.

*Commissioner Linton opened the public hearing at 6:38 p.m.*

None

*Commissioner Linton closed the public hearing at 6:38 p.m.*

**MOTION:** *Wendy Komoroski moved to recommend approval of the Development Code Amendment for Chapter 17.80 Sign Regulations and Sign Permits. Daniel Boles seconded the motion. Those voting aye: Daniel Boles, John Linton, Wendy Komoroski, and Matthew Everett. Those voting nay: Miriam Allred. The motion passed with 4 ayes and 1 nay.*

5. Next scheduled meeting: January 12<sup>th</sup>, 2016

Commissioner Allred resigned from the Planning Commission.

6. Adjournment

The meeting was adjourned at 6:42 p.m.

APPROVED BY THE PLANNING COMMISSION ON JANUARY 26, 2016

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Steve Mumford, Planning Director