



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

November 24, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 PM Work Session – Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT: Matthew Everett, Erin Wells, Rich Wood, and Brett Wright. Commissioner Christopher Pengra was excused.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:30 p.m.

1. Discussion Items

1.A. DISCUSSION – Creation of the Wildlife Corridor Overlay Zone (Code Amendment)

Long-Range Planning Manager Pete Kane presented the item. The creation of the Wildlife Corridor Overlay Zone supports the objectives of the General Plan and the recently-adopted Parks, Trails, and Open Space Plan. The proposed amendment creates a zoning overlay that provides support for and methods by which to preserve wildlife migration routes and habitat in and through Eagle Mountain City and provides a means to reduce the continuing loss and fragmentation of habitat and migration routes for native and migrating species while simultaneously accommodating development. He presented the mule deer migration routes throughout the City and explained after the ordinance is implemented, any impacted property owners would need to agree with the rezoning of the applicable portions of their property. The Utah Division of Wildlife Resources, Utah Open Land, and the Eagle Mountain Wildlife Alliance (EMWA) reviewed the proposed standards.

Commissioner Wells joined the meeting at 5:34 p.m.

Mr. Kane explained the presented map had been provided by the EMWA. The recommendation of a 330-foot wide corridor may need to be modified to accommodate property owner vested rights. The corresponding Municipal Code chapter identifies methods of preservation such as a conservation easement and mechanisms to compensate property owners for the easement based upon appraisal values. Multiple avenues of funding could be utilized to purchase easement land and the management of the land will likely be held by another entity serving as steward.

Mr. Kane stated that generally fencing would be used to encourage wildlife utilization of the corridor; however, some areas of the wash may not be suitable for fencing installation and other

solutions are under consideration. EMWA has engaged in discussions with several of the owners of property along the migration corridor and has generally received a positive response.

Commissioner Everett suggested the inclusion of language in the standards that allows for a width of under 330 feet where the full width is unattainable; however, he expressed concern that permitting a reduced width would encourage landowners to request widths below the preferred dimensions. Although he is in favor of a conservation development, he inquired if language regarding a conservation development should be included in the proposed standards, because conservation developments are not included in the General Plan.

Mr. Kane explained that the 330-foot minimum width was determined based upon United States Department of Agriculture and United States Forest Service studies; however, certain areas may require modification such as locations with topographical impediments. He advocated for the exclusion of a minimum standard to encourage the full recommended width whenever possible. He verified that the General Plan and Municipal Code do not include conservation development standards and clarified the inclusion of the language was to denote appropriate development adjacencies for the overlay and does not authorize the introduction of conservation developments within the City and the inclusion of the conservation development in the standards is as a recommendation, not an allowance.

Commissioner Wood recommended removing the language regarding conservation development due to strenuous objections to the inclusion of conservation developments in the General Plan.

Commissioner Everett and Commissioner Wells expressed support of a future discussion regarding the inclusion of conservation easements in the General Plan.

Commissioner Everett expressed concern regarding the construction period being limited to outside the mule deer migration and nesting seasons and stated he was not in favor of the restriction as he believed it was onerous to development. He suggested discouraging rather than prohibiting construction during those times.

Discussion ensued regarding concerns that the suggested amendment limited construction to six months during the year and excluding the primary construction months.

Mr. Kane noted that the only construction that would occur in the wildlife corridor would be utility work and road or fencing installation. He suggested the inclusion of a clause allowing for an application to permit construction during the prohibited time if the location of the construction would not negatively impact wildlife or reasonable wildlife accommodations could be implemented.

Commissioner Wood expressed concern regarding animal considerations to be misused to stall, delay, or prevent construction and recommended the inclusion of verification standards to evaluate reports of animal disturbances to prevent abuse.

Discussion ensued regarding verification standards and third-party agency options for the objective evaluation of development impact on wildlife.

Commissioner Everett suggested restricting motorized vehicle access to the wildlife corridor.

Mr. Kane stated that the standards allow for uses under certain circumstances. He is unsure if the City desires to restrict access completely.

Discussion ensued regarding the impact of restricting wildlife corridor access to established vehicular trailheads and potentially limiting access for portions of the corridor and permitting the use of other sections.

Mr. Kane clarified that the Wildlife Corridor Overlay Zone is not necessary to gain funding for a conservation easement; however, the designation may assist with obtaining funding and grants. The conservation easement could be established as a private agreement. Where the wildlife corridor transverses the City, legislative action can help to prevent connectivity segmentation.

Commissioner Wright concurred with Commissioner Everett's concerns regarding takings by the City from private landowners.

Mr. Kane noted that time is of the essence to secure land to preserve the wildlife corridor prior to development of the areas. He clarified that the verbiage should be amended to protect both sides of the wash.

Discussion ensued regarding clarifying the appropriate development setbacks from the wash.

Commissioner Wells stated that she believes that residents will be in favor of the overlay and was pleased that property owners had indicated their support as well.

Mr. Kane explained the proposed standards limiting construction of underground utilities to trenches of no more than half the width of the corridor is to minimize wildlife migration obstructions by allowing a path through the area. He explained that it is unlikely that construction activities would require the full permissible width.

Discussion ensued regarding temporary fencing for utility construction.

Mr. Kane stated that amenity points are generally awarded for improved, not natural open space. Potential benefits awarded to developers in exchange for the granting of easements for the wildlife corridor to the City have yet to be determined and should be considered.

Discussion ensued regarding potential benefits to award in exchange for wildlife corridor easements dedicated to the City and nonprofit organization qualifications for conservation stewards.

1.B. DISCUSSION – General Plan Future Land Use Map Changes to Support Transitioning Code

Mr. Kane presented the item. He explained the current General Plan has Neighborhood Residential One and Agricultural/Rural Density Two designations adjacent to Regional Commercial, Employment Center/Campus, and Business Park/Light Industrial areas. Based on the recently adopted Municipal Code zoning transition standards, this would not be compatible.

Discussion ensued regarding existing and desired open space, roadway, multifamily residential, and other buffering and transition options between residential and commercial and industrial areas.

Commissioner Wood noted that areas with significant acreage of a single designation may not be realistic and recommended prioritizing addressing concerns regarding the General Plan Future Land Use and Transportation Map congruence and compliance with Municipal Code zoning requirements.

Mr. Kane requested that the Commissioners consider which areas and uses they desire to reduce in acreage in order to provide appropriate transition and buffering.

Commissioner Wood noted that roadways and arterial road buffering should be included in the consideration of land use designations and certain areas may require the limitation of the housing products generally permissible in the zone designation in order to provide appropriate buffering.

1.C. DISCUSSION – Code Amendment Process

Assistant City Administrator/Community Development Director Steve Mumford presented the item and explained the proposal was specific to the land use regulation amendment process. City Attorney Jeremy Cook prepared the amendment at the request of the City Council to clarify the process for initiating Municipal Code review.

Title 17 will specify how land use regulations are placed under review and will most likely be via a vote or request by two or more City Councilmembers. The standards will also formalize the process for the Planning Commission and others to request amendments. The amendment will ensure compliance with State Code, create consistency and clarify the process for developers, and create a timing mechanism as to when the review formally begins including public notification requirements.

Commissioner Wood stated the process for the Planning Commission placing Municipal Code standards under review is included in the Planning Commission Rules of Order and Procedure. He stated he did not believe the Mayor could request Municipal Code amendments.

Mr. Mumford stated State law requires the process to be included in Municipal Code standards. Municipal Code amendments may be requested by the City Council, Planning Commission, Planning Director, Mayor, applicants, developers, and residents. The Mayor sets the agenda for City Council meetings and may include a Municipal Code amendment on the agenda for the consideration of the City Council. Staff desires to ensure the proposed standards and timing triggers are compliant with State Code, are clear and consistent, and are properly publicly noticed.

Commissioner Wood stated he appreciates and is proud of the work of the Planning Commission and said that untrue allegations were made regarding the actions of the Commission. He said the Planning Commission has done their duty and followed Municipal and State Code.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wood called the meeting to order at 6:30 p.m.

Commissioner Wood thanked staff for their time and efforts in preparing the agendas and facilitate the meetings. He thanked Planning Manager Michael Hadley for his time, service, and dedication during his tenure with Eagle Mountain City.

2. Pledge of Allegiance

Mr. Mumford led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. November 10, 2020, Planning Commission Minutes

MOTION:

Commissioner Everett moved to approve the November 10, 2020 minutes. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained as she was not in attendance at the November 10, 2020 meeting.

5. Status Report

Mr. Kane stated that during the November 17, 2020 City Council work session Brylee Farms open space amenities and preliminary plat amendment was discussed including concerns regarding the location of the pool and clubhouse being located in the single-family not multifamily and the item was moved forward to the December 1, 2020 City Council meeting. The Silver Fox Cascade Master Site Plan discussion included concerns regarding the proximity of the parking lot and fencing to the wash and the item was also moved forward to the next policy meeting. The Municipal Code amendment to remove references to tier and bonus density language was discussed and moved forward without concerns. Landscaping encroachment issues in the City and potential solutions were also discussed.

During policy session, after a lengthy discussion, the City Council voted unanimously to approve a one-year business license for La Petite Grooming Salon with a long list of conditions that if not met would result in the revocation of the license and staff was directed not to approve an additional license of the business at that location. La Petite has submitted an application for a conditional use permit for a different property within the City that will come before the Planning Commission

once the application is complete. The City Council approved the C Jay Properties rezone and site plan; the ordinance amending EMMC 16.35 Development Standards for Required Public Facilities and 17.60 Landscaping, Buffering, Fencing and Transitioning; the ordinance amending EMMC 16.10 Master Development Plans; the ordinance approving the Butterfield Annexation petition and establishing zoning regulations for the lands in the Butterfield annexation area; the ordinance approving the Butterfield Annexation area; and the Overland Village Two concept plan and master development agreement (MDA) amendment.

6. Action and Advisory Items

6.A. PUBLIC HEARING – B&H Land Holdings (Rezone & General Plan Map Amendment)

This item was removed from the agenda at the request of the applicant.

6.B. PUBLIC HEARING – Ault Farms (Master Development Plan)

Commissioner Wood opened the public hearing at 6:38 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. The public hearing was continued to the following meeting.

MOTION: *Commissioner Wright moved to table the Ault Farms master development plan to a meeting no sooner than the January 12, 2021 Planning Commission meeting, until the applicant can comply with Municipal Code requirements and supply staff with the requested materials. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

6.C. PUBLIC HEARING – Development Code Amendment to Remove Lot Size Transition Requirements (EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning)

Mr. Kane presented the item. The City Council adopted a Municipal Code amendment that added "Zone Transitioning" to EMMC 17.60 Landscaping, Buffering, Fencing, and Transitioning on October 6, 2020. This amendment establishes requirements for compatible zone adjacencies for all zoning districts which establishes appropriate zone transition that shall occur going forward. Previous Planning Commission discussion noted the new zone transition section achieves the intent and purpose of the lot size transition section of EMMC 17.60.150.

Commissioner Wood explained that this amendment removes standards from Municipal Code that supported the lot transition tier standards, which protect the rights of large residential lots, that have since been repealed as the standards no longer coincide with updated business, commercial, and residential standards. The same purpose and protections are now achieved through zone transitioning requirement standards.

Commissioner Wells stated that although she has concerns that an occasional adjacency incompatibility issue may arise regarding animal rights, she concurs that the zone transitioning

standards offer protections for the residential land use rights and has decided not to challenge the amendment despite her concerns.

Commissioner Wright concurred with Commissioner Wells' concerns regarding occasional incompatibility issues. He suggested the addition of verbiage in the standards to require that lots of an average size or above must be used to transition from larger lots in order to prevent adjacencies of the minimum allowable acreage.

Commissioner Wood recommended a footnote to require a median or above lot size for adjacent properties transitioning based upon animal rights rather than acreage.

Discussion ensued regarding the desired transitioning requirements from large lots in order to protect resident animal rights.

Commissioner Wells expressed concern regarding odor complaints against residents on properties with animal rights from residents in future developments. She requested for animal rights to be a discussion item at a future meeting.

Commissioner Wood opened the public hearing at 6:55 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Chapter 17.60 Landscaping, Buffering, Fencing, and Transitioning. Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

6.D. PUBLIC HEARING – Development Code Amendment to Establish an Overlay Zone (EMMC 17.58 Historical Preservation Zone)

Mr. Kane presented the item. In reviewing Municipal Code standards from other municipalities, it was determined that a historical preservation overlay zoning designation would be more appropriate than a historical preservation zone, as an overlay would allow properties to have an underlying zoning designation. The proposed Municipal Code amendment would incorporate language to establish an overlay zone, clarify the historical site designation process, and allow the Planning Commission to act as the Historic Preservation Board in absence of such a board.

The historic preservation process begins with identification by any person of the location of a possible important historical or archaeological site to the City. An on-site evaluation will be conducted with property owner consent. Next, the site will be considered for addition to the local registry through a request for designation submitted to the City. The Historic Preservation Board will then hold a public meeting to evaluate the request and criteria for designation. Once a property or site is on the local registry, it is eligible for the zoning overlay. A request to rezone the property or site may then be submitted to the City. The Planning Commission will hold a public hearing on

the rezone request to make a recommendation to the City Council. Finally, the City Council will hold a public hearing to take action on the rezone request.

Mr. Kane clarified that either the City or the property owner could request the overlay.

Commissioner Wells stated that although she did not want to infringe upon property owner rights, she expressed concern regarding the loss of historical property should a property owner not be amenable to the application of the overlay.

Discussion ensued regarding legal authority to access private property and concerns regarding landowner prevention of the historical overlay rezone in relation to the City's rights to rezone properties to other zoning designations.

Mr. Kane clarified the proposed amendment requires for a property owner to be notified but does not require property owner consent or permission.

Commissioner Wood opened the public hearing at 7:05 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Chapter 17.58 Historical Preservation Overlay Zone. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

6.E. PUBLIC HEARING – Development Code Amendment to Establish an Overlay Zone (EMMC 17.62 Ridgeline Protection Standards)

Mr. Kane presented the item. The Planning Commission held a discussion during the summer of 2020 as to whether the Ridgeline Protection Standards chapter should be updated. The conversation focused on the ability to better visualize and increase awareness of areas that fall under these regulations by establishing a zoning district. A zoning overlay designation was proposed as it would allow a property's existing zoning designation to carry which includes land uses while adding the regulations of this chapter. The proposed Municipal Code amendment incorporates language to establish the overlay zone and references to that zone.

Staff recommends the Planning Commission make a motion to recommend approval of the proposed amendments to EMMC 17.62 to the City Council with a condition for staff to work with Legal to incorporate language that will protect the areas that fall under the definition of "ridge," "prominent ridge," and "ridgeline setback" be subject to the regulations of this chapter until the rezoning process is completed and the zoning overlay added to the City's zoning map. The amendment does not change any of the existing standards within the chapter.

Commissioner Wood opened the public hearing at 7:09 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

MOTION: *Commissioner Wood moved to recommend approval to the City Council of the amendment to establish an Overlay Zone in Eagle Mountain Municipal Code Chapter 17.62 Ridgeline Protection Standards with the condition that staff work with Legal to incorporate language that will protect the areas that fall under the definition of "ridge," "prominent ridge," and "ridgeline setback" to be subject to the regulations of this chapter until the rezoning process is completed and the zoning overlay added to the City's zoning map. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

7. Discussion Items

Commissioner Wood requested for the Municipal Code to cite the applicable State Code standards or to include standards regarding the scope of review and de novo appeals in order for residents to better understand the appeal process.

Mr. Kane inquired regarding lengthy agenda attachments and suggested including an executive summary in the agenda and sending an email attachment with the full document in order to reduce packet length.

Commissioner Everett expressed support for the inclusion of an executive summary and suggested having the full report available upon request.

Commissioner Wood suggested for all reports and studies to include executive summaries for the benefit of the Planning Commission and the City Council.

Mr. Kane stated that iLegislate includes a repository with all development MDAs. He inquired if the Planning Commission desired for MDAs also to be attached to the agenda.

Commissioner Wood advocated for the inclusion of the applicable MDA or vested rights under previous Municipal Code standards to be included in the packet materials in order to facilitate the Planning Commission in evaluating the item with the applicable requirements.

Commissioners Wright and Wells concurred with the recommendation of including MDAs in the packet.

8. Next scheduled meeting

The next meeting is scheduled for December 8, 2020.

9. Adjournment

MOTION: *Commissioner Wells moved to adjourn the meeting at 7:27 p.m. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

The meeting was adjourned at 7:27 p.m.

Approved by the Planning Commission on January 12, 2021.


Steve Mumford (11/24/2021 11:06 MST)
Steve Mumford, AICP
Assistant City Administrator/Community Development Director

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Final Audit Report

2021-01-14

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