



# EAGLE MOUNTAIN CITY PLANNING COMMISSION MEETING MINUTES

November 12, 2019, 5:30 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## 5:30 P.M. – Eagle Mountain City Planning Commission Work Session

COMMISSION MEMBERS PRESENT: Matthew Everett, Rich Wood, and Brett Wright. Commissioners DeLin Anderson and Jared Gray were excused.

ELECTED OFFICIALS PRESENT: City Councilmember Melissa Clark.

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Jessa Porter, Planner; and Lianne Pengra, Recording Secretary.

Commissioner Everett called the meeting to order at 5:39 p.m.

### 1. Discussion Items

#### 1.A. Discussion – Amendments to Commercial, Industrial, and other Non-Residential Zones

Community Development Director Steve Mumford explained potential future amendments to the Commercial, Industrial, and other non-Residential zones. The intent is to implement the land uses in the City's General Plan through zoning. One example is creating a Neighborhood Commercial zone for use in the Community Commercial land use.

Discussion ensued regarding possible commercial zones and the potential to remove industrial zones from Municipal Code.

Mr. Mumford stated the City may have a consultant assist in developing updated zones, as this is a very large project.

#### 1.B. Discussion – Potential Amendments to the 2018 Eagle Mountain City General Plan (Moderate Income Housing Element)

Mr. Mumford stated recently approved Utah State law requires cities to include an element in their general plans that address moderate income housing. This must include three of the State's twenty-five requirements. Staff submitted documentation to Workforce Services that specifies the requirements have been met in the City's General Plan. Meg Ryan of Utah League of Cities and Towns informed staff of her opinion that the plan complies with the State's requirements, but Mr. Mumford has not received confirmation from the State yet.

Commissioner Wood requested an upcoming meeting agenda include a work session item to discuss the Planning Commission's roles, duties, and bylaws.

## 6:00 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Everett called the policy session to order at 6:03 p.m.

### 2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

Commissioner Wood expressed appreciation to the nation's veterans.

### 3. Declaration of Conflicts of Interest

None.

### 4. Approval of Meeting Minutes

#### 4.A. October 22, 2019 Minutes

**MOTION:** *Commissioner Wright moved to approve the October 22, 2019 minutes with a correction to the meeting date in which he will not be in attendance. Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

### 5. Action and Advisory Items

#### 5.A. Code Amendment – Amendment to 17.25.040 Residential Development Standards – Public Hearing

Mr. Mumford explained the City can only require dedication of property for improvements if it is justified by impacts such as traffic impacts or density; if not justified, the City must purchase property using impact fees or other funding. Eagle Mountain City will have transportation, parks, and trails needs that outweigh our ability to pay for them without increasing impact fees and/or taxes. The proposed amendment gives another option to the City Council to provide value in the form of additional lots or units, reduced frontage requirements, or reduced lot size minimums based on land dedication value. The amendment was patterned after Lehi's ordinance that has been in use and benefits both the City and the developer. Lehi has used this option approximately four times and has not seen any negative impacts to the approved reduced standards.

Mr. Mumford provided examples of potential reduced standards and explained each reduced standard will be reviewed and approved on a case-by-case basis. The amendment does not detail a specific process to be followed for granting an exception; it does provide general language and criteria to be worked out for each proposal. The Planning Commission will be able to review proposed exceptions and make recommendations to the City Council. This is a discretionary

action; the City Council may decide how much property to trade for, and how much property to purchase on a case-by-case basis.

Commissioner Wood asked why the proposed amendment would be codified, instead of discussing the exceptions on a case-by-case basis. Mr. Mumford explained if the amendment is codified, the City Council can legally grant exceptions outside of a master development agreement. This is a tool for the City's use to propose exchanges to developers, not for developers to propose to the City.

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

Mike Keifer stated the amendment will allow developers to legally develop without meeting requirements in Municipal Code.

Betina Cameron stated the amendment will allow developers to avoid meeting City standards, as it is currently written. She said the amendment should be more detailed with specific limitations.

*Commissioner Everett closed the public hearing at 6:25 p.m.*

Commissioner Wood stated the City removed the bonus density system to avoid situations that this amendment will allow.

Commissioner Wright explained he believes the amendment is in opposition to the updated General Plan and Residential zoning standards. He stated he would like to review information from Lehi regarding their ordinance and any approvals given under the ordinance. He would prefer the amendment specify that developers cannot use the ordinance to propose exchanges to the City; only the City can develop options under the ordinance.

Discussion ensued regarding the process the City uses to obtain land for right-of-way expansion, and how other cities obtain land.

Mr. Mumford explained that the existing zoning standards are very strict; the proposed amendment allows staff to solve issues with creative solutions.

Commissioner Everett stated the intent of the proposed amendment is not to dismiss the work the Planning Commission, City Council and staff did to update the residential zones. The proposed draft needs to be amended, but it can be a good tool for the City to utilize.

**MOTION:**        *Commissioner Wood moved to table the Development Code amendment to Chapter 17.25.040 Residential Development Standards. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

Commissioner Wright requested the information from Lehi be made available to the Commissioners for review before the item returns to a future meeting.

5.B. Code Amendment – Creation of Chapter 17.55 Warehouse Farming Overlay Zone  
– Public Hearing

Mr. Mumford said Chapter 4-41a-406 of Utah Code states if a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone, unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use. The same applies to at least one agriculture zone.

Staff discussed options with the City Attorney and Meg Ryan of Utah League of Cities and Towns (ULCT), and determined an overlay zone that is approved for specific property within the City best meets the State's requirement. Staff will bring a rezone request to the Planning Commission and City Council to place the overlay on property in portions of the south and/or west industrial and agricultural areas, far from residential and other incompatible land uses.

The proposed overlay zone contains regulations that are allowed by State Code, including distance separations from residential zones and community uses, architectural standards, and signage restrictions.

Commissioner Wood stated the City can limit the permitted warehouse size, as well as and the amount of land allowed to obtain the overlay zone; it is important to implement these restrictions to keep production operations small and avoid large open farms. There is a lot of land in the City that is attractive to cannabis farmers.

Mr. Mumford said the ULCT held a training with Andrew Rigby, Cannabis Program Manager with the Utah Department of Agriculture. Mr. Rigby was previously involved in cannabis production and was heavily involved in drafting the State's cannabis regulation. Mr. Mumford will contact Mr. Rigby to present to the Council and provide feedback on the City's proposed ordinance.

Commissioner Wood stated when the cannabis initiative was passed in Colorado, warehouse space was nearly impossible to acquire, as the cannabis industry took almost all of the available space.

*Commissioner Everett opened the public hearing at 6:57 p.m.*

Mike Keifer suggested the overlay be named the Cannabis Production Overlay zone. He expressed concern that any indoor greenhouse or farmer considering hydroponic farming would be required to obtain this overlay zone.

Jeff Ruth stated the fear that large-scale, open cannabis farming will become a reality in the City is overblown. Cannabis production facilities will likely locate south of the City.

*Commissioner Everett closed the public hearing at 7:05 p.m.*

Commissioner Everett agreed that warehouse sizes may need to be reviewed. He stated the residents of Utah voted to allow medicinal cannabis, which requires the City to enact policies that relate to legal production, which may or may not happen within City limits. In response to Mr. Kiefer's comment, he stated the amendment should be clarified to relate solely to cannabis.

Mr. Mumford explained the Agriculture zone allows greenhouses as accessory structures, and does not specify size restrictions, only height restrictions for accessory structures. He said the overlay name specifies warehouse farming due to the fact that this type of farming is becoming more popular. Renaming the zone the Cannabis Production Overlay Zone may appear to be advertising the possibility of developing cannabis production facilities in the City. The overlay is also intended for warehouse farming of non-cannabis plants.

Commissioner Wood asked if City staff consulted any farmers to determine if other farmable products have detrimental effects. In response to Mr. Ruth's comment, he said Colorado now has many unforeseen negative impacts such as lack of farming and warehouse space, due to the allowance of cannabis production.

Mr. Mumford explained the City may look into prohibiting cannabis production outside of land with the proposed overlay zone.

Commissioner Everett asked if the State would require a zone, not an overlay, for cannabis production. Mr. Mumford stated he can speak with the City Attorney, and if required, staff can present a rezone to remove the overlay zone.

Commissioner Wood asked if the City can implement distance standards to the overlay, and if the ordinance can prohibit the overlay adjacent to specific uses. Mr. Mumford explained the distances in the proposed ordinance comply with the State's regulations.

Commissioner Wright stated the Industrial zone allows five-story structures, and asked how to mitigate that with cannabis production facilities. Commissioner Wood said the overlay is a zone, and height limitations can be included.

Commissioner Wood expressed concern regarding the possibility of break-ins at cannabis facilities, and stated the ordinance should mitigate perceived and real harm to adjacent businesses.

Commissioner Wright recommended the item be sent to the City Council with recommendations. They will receive guidance from Mr. Rigby regarding areas of concern, and what the State will allow in the City's ordinance.

Discussion ensued regarding potential conditions of approval related to building height and setbacks from other uses. The proposed height limitation is the existing limitation for the Industrial zone.

Commissioner Wood requested that staff determine if outdoor cannabis production is allowed in the Agriculture zone, and discuss the finding with City Council. He also requested the Council consider security requirements for the facilities.

**MOTION:** *Commissioner Wood moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code, creating Chapter 17.55 Warehouse Farming Overlay Zone with the following conditions:*

- 1. Section 17.21.050(B) is changed to read, "Buildings shall be no taller than 35 feet," with 17.21.050(B)1 and 17.21.050(B)2 omitted; and*
- 2. The City Council shall determine a specific maximum facility size.*

*Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

## 6. Discussion Items

### 6.A. Brylee Commercial Concept Plan

Planner Jessa Porter stated the concept plan for the commercial portion of Brylee Estates includes a rezone from Commercial to add MF2 zoning. The plan includes 9.03 acres of retail space and approximately thirteen acres of multi-family residential space, consisting of 22 dwelling units per acre. The current maximum density in the MF2 zone is 20 units per acre.

Randy Smith with Fieldstone Homes explained the concept plan was created before the updated residential zones were approved, and is not meant to be taken as a final detailed plan; it addresses the land use. He stated they created the plan around future transportation routes, as well as with future potential uses in mind. They will adjust the density and units per building to meet the City's current standards.

Commissioner Wood said the concept plan does not comply with the General Plan, and stated three applicants have requested uses that do not comply with the Campus/Employment Center land use designation. He asked why Mr. Smith does not want to provide development that fits within that designation.

Commissioner Wright stated this property was rezoned to Commercial recently. He expressed concern that the applicant is now requesting multifamily development for this area.

Mr. Smith explained the commercial development benefits from the multifamily development. Commercial property is not developing as quickly as it has previously, and the multifamily units will bolster the commercial presence.

Discussion ensued regarding access points along Eagle Mountain Boulevard. Mr. Mumford said staff has communicated standards and existing planned access points to the applicant.

Commissioner Everett stated he does not have any interest in allowing multifamily units on this property. If commercial property is rezoned to allow multifamily, additional commercial area needs to be added within the City.

7. Next scheduled meeting

The next scheduled meeting is December 10, 2019.

8. Adjournment

**MOTION:** *Commissioner Wood moved to adjourn the meeting at 8:10 p.m. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

Approved by the Planning Commission on January 14, 2020.

A handwritten signature in black ink, appearing to read "Steve Mumford", is written over a horizontal line.

Steve Mumford  
Community Development Director