



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

September 14, 2021, 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, Christopher Pengra, Erin Wells, and Brett Wright. Commissioner Jeremy Bergener was excused.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission.

CITY STAFF PRESENT: Tayler Jensen, Senior Planner; Jessa Porter, Planner; and Elizabeth Fewkes, Recording Secretary.

CITY STAFF PRESENT ELECTRONICALLY: Steve Mumford, Assistant City Administrator/Community Development Director.

Commissioner Wright called the meeting to order at 5:48 p.m.

1. Discussion Items

1.A. DISCUSSION – Citywide Rezone #1

Assistant City Administrator/Community Development Director Steve Mumford presented the item. A number of master development agreements (MDA) have expired and new zones have been adopted. The City is beginning the process to rezone existing properties in the City to match current zones in Municipal Code. The process will occur in stages over several months. The areas will be reviewed by the Planning Commission and discussed in work session prior to notifying property owners and presenting rezones in public hearings.

The first area in the City in consideration of rezoning is located in the southeast City Center and includes Eagle Point, Eagle Village, and Sweetwater developments. The expired master development plan (MDP) had zoning for Residential, Mixed-Use Residential/Commercial, Parks and Open Space, Commercial C-1, Commercial C-2, and Town Center (Commercial C-3). The Future Land Use Map in the General Plan designates the areas with Neighborhood Residential Two, Neighborhood Residential One, Foothill Residential, Parks and Open Space, and Community Commercial. The proposed zoning under the most applicable current standards based upon lot sizes, lot frontages, and land uses resulted in a mixture of CC, MF1, RC, OS-I, R3, and R2 which would provide the most uses to the properties. The RC zone has a minimum lot size of 4,500 square feet and a minimum lot frontage of 58 feet. The R3 zone has a minimum lot size of 6,500 square feet and a minimum lot frontage of 62 feet. The R2 zone has a minimum lot size of 8,000 square feet and a minimum lot frontage of 80 feet.

Mr. Mumford clarified homes that do not meet the lot size and/or frontage requirements of the new zoning would be granted legally existing, nonconforming status to allow the unit to be reconstructed to the preexisting standards should the home be damaged; however, new construction in the area would be required to meet the design requirements for the new zone designation. The frontage requirements would prevent the lots larger than the minimum requirement for the assigned zone from being subdivided.

Senior Planner Tayler Jensen added that any new additions to the existing structures would be required to meet the new standards. Homeowners also would not be allowed to increase the level of nonconformity.

Commissioner Pengra said that although the City receives great benefit from rezoning, retaining records of the old zoning and rights in addition to the new designation could become challenging and the negative impacts might outweigh the benefits. Retaining the obsolete zoning and making adjustments for adjacent new development might be the preferable resolution.

Commissioner Wright said the purpose and desired outcome of creating a zoning map is to assist with evaluating appropriate transitioning and buffering for new development; however, he agrees with concerns that rezoning existing properties can have unintended consequences. He thinks that a zoning map would still be beneficial to the City to provide clarity for the decision-making process of approving land use applications.

Mr. Jensen said staff already retains records for the previous zoning of existing development. If an applicant desires to develop a property with previous standards, they are required to meet the State definition of legal nonconforming and have had the use within the past twelve months. New development would be evaluated under the new standards. Staff receives approximately 60 calls a week from individuals desiring to know the zoning for properties within the City and not have a definitive answer regarding zoning and land use rights causes confusion. He thinks that designating nonconforming uses would clarify land use rights.

Commissioner Everett said knowing the surrounding uses of a property would be beneficial in evaluating rezone requests for potential development. Nevertheless, unless the nonconformity is codified property rights are ambiguous and could vary based upon the interpretation of future staff, Commission members, and Councilmembers. He desires to remove the ambiguity to clarify what a homeowner is allowed and not allowed to do on the property, especially considering that records of the previous rights will be required to be kept regardless and due to concerns with homes being torn down and rebuilt on a noncongruent lot in the distant future.

Commissioner Wells said she sees the value in updated the standards to increase clarity. Although she agrees with the concerns regarding the burden of record-keeping, she thinks the benefits outweigh the costs.

Commissioner Wright requested for the item to be placed on the agenda for the next work session for further discussion in the interest of time.

1.B. Concept Plan – Scenic Estates

Planner Jessa Porter presented the item. The 18-lot subdivision is on 22 acres of land located west of the Arrival development. The parcel was annexed to the City on November 17, 2020, and was given a land use designation of Agriculture/Rural Density One. At the time of the designation, the property owners informed the Council of their intent to propose one-acre lots which would correspond with RD1 zoning. The applicant will need to submit a General Plan amendment application for the Agriculture/Rural Density Two land use designation and a rezone application for the RD1 zone.

Applicant representative Kim Rindlisbacher said the full parcel is 204 acres and they have been doing land trades with Camp Williams for property in Cedar City. They gave Camp Williams the development rights for the major of the land with exception of the 22 acres in this application. The proposed average lot size is 1 ¼ acres. Their engineer conducted a study and selected a two-acre site at the appropriate elevation for an additional City water tank should one be required. A five-month wind study was conducted in partnership with a windmill company that determined the area would be viable for a wind farm with 15-foot windmills. More flat land is available; however, they desired to allow an adequate buffer between the homes and Camp Williams. He asked for the value lost from the land they are not developing to be considered during the evaluation of the project. Although the land has a lot of rock, they hope to be able to dig rather than blast and plan to install berms and a retention pond on lot 18, the lowest spot on the property, to mitigate runoff. Additional soil analysis and slope studies will be conducted should the concept plan receive City support. He requested a variance for the cul-de-sac standard requirements.

Mr. Jensen explained that Municipal Code discourages cul-de-sacs to increase connectivity. Allowing a cul-de-sac in this area may be appropriate because all the surrounding property rights have been sold and the adjacent land will either not be developed or has approved plans preventing additional connectivity. The Planning Commission could approve an exception to the connectivity requirements because there is not a location where the development could stub to another development.

Commissioner Everett said although he would prefer additional connectivity, he does not have a lot of concern regarding the length of the cul-de-sac due to the limitations placed on the development; however, he is concerned with drain fields for septic systems.

Commissioner Pengra disclosed that he lives in the adjacent development. Due to the low density of the project, traffic increase should be minimal. He agrees with the drainage concerns especially in consideration of recent severe storms that resulted in basement flooding in his neighborhood due to the detention ponds overflowing. Overflow runoff from Scenic Estates would flow into the Arrival neighborhood. Adequate drain fields could also be an issue due to the abundance of rock and soil composition.

Commissioner Wright noted that the drain fields for septic tanks would require redundancy due to issues in other areas in the City. He is unaware of City requirements for wind farms. He encouraged maintaining the trail connectivity indicated between lots 8 and 9 to allow residents access to the

open space. He approves of the lot sizes and location and is not concerned with the length of the cul-de-sac.

Mr. Rindlisbacher said should the studies indicate more water retention is necessary, they would add a second retention pond to retain the water from the development on their property. They determined two potential water tank sites at an equal or higher elevation than the existing City water tank to the east. Their agreement with Camp Williams provides for the installation of a water tank and/or wind farm. Solar panels on the roofs and the wind farm could potentially power the subdivision. He explained that the trail between lots 8 and 9 is to provide the residents and Camp Williams access to the hillside. They own the adjacent area on the hillside and intend to allow livestock grazing of the area for fire prevention. They built a sewer septic treatment facility in another project and are familiar with requirements for such systems and areas with similar soil composition.

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

Commissioner Wright called the policy session to order at 6:41 p.m.

2. Pledge of Allegiance

Commissioner Wright led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. August 24, 2021 Planning Commission Minutes

Commissioner Wright requested an amendment to paragraph three on page nine correcting the frontage widths requirement in the current master development for Oquirrh Mountain Ranch to 55 feet.

MOTION: *Commissioner Wright moved to approve the August 24, 2021 minutes as amended. Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

5. Status Report

This item was not discussed. Commissioner Wright encouraged the Commissioners to review the previous City Council meeting on the City website.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Silverlake Plat 32

Mr. Jensen presented the item. The area is located within Area C of the SilverLake Master Development Plan and Agreement that was last amended in January 2013 and designated for single-family, patio, garden court, cluster, and multifamily development. The preliminary plat for SilverLake South was approved on October 1, 2019, and includes this area; however, multifamily developments require individual site plan approvals. The proposal includes a total of 91 lots located on approximately 9.92 acres with 33 cluster lots and 58 townhomes.

Although this approval is strictly for the Silverlake plat 32, many of the issues including parking, open space, and roads are shared with Plat 31 which was previously approved. Per EMMC 16.35.090, collector road fencing should be consistent with existing collector road fencing in Silverlake and shall be constructed along the rear and side lot lines of any unit that does or will abut Golden Eagle Road prior to issuance of a certificate of occupancy for those units. With 91 units in plat 32, 31 guest parking stalls are required and 27 guest parking stalls are provided which is 4 stalls under this requirement. The total number of units in Silverlake 31 and 32 is 115 units which requires 39 guest parking stalls; currently, 34 parking stalls are provided.

The proposed 40-foot-wide private right-of-way throughout the project, which includes 27 feet of pavement and 4-feet of sidewalks, would bring it to the local right-of-way standard minus ten feet of park strips. Silverlake 31 was approved with a 43-foot right-of-way which includes 5-foot sidewalks and 28 feet of pavement. The proposed total of 1.46 acres of open space to serve Silverlake 31 and 32 includes adding benches/picnic tables, 126 trees, a tot lot, and leaving property for the City to add a natural trail. Townhomes are subject to the design standards found in 17.72 of Eagle Mountain Municipal Code. Townhomes have been built throughout the Silverlake development utilizing identical elevations. The rear elevations do not include the same materials or features as front elevations, and should be updated to include the same features as the front elevations since they are backing onto improved open space.

Staff recommends that the Planning Commission motion to recommend approval of the application to City Council for the reasons set forth in the staff report and in the meeting with the following conditions:

1. Collector road fencing consistent with existing collector road fencing in Silverlake shall be constructed along the rear and side lot lines of any unit that does or will abut Golden Eagle Road prior to issuance of a certificate of occupancy;
2. Four additional parking stalls required for Silverlake 32 and/or 5 additional parking stalls shall be provided for Silverlake 31 and 32;
3. The amount of water-wise landscaping shall be increased by replacing the turf behind buildings, in park strips, and other areas that are not very useable as play areas; and
4. Rear and side elevations shall include similar materials as the front elevations.

Mr. Jensen verified that the 40-foot right-of-way would be a private road and the garages are 22-feet wide.

Applicant representative Bronson Tatton said the additional required guest parking stalls are planned for the southeast corner. The pool and clubhouse across SilverLake Parkway will serve

these units. This portion of the development was segmented separately because the sewer system for Plat 31 has sufficient gravity flow where the units in Plat 32 will require a private, homeowner's association (HOA) maintained lift station that will connect to the Saratoga Springs sewer line. The townhomes owners are located in cost centers assessed a higher HOA fee than the single-family homeowners to cover maintenance not benefiting the single-family units.

Commissioner Wells appreciates the guest parking being spread throughout the development providing parking accessibility to the full community.

Commissioner Wright opened the public hearing at 6:54 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Wells concurred with the staff recommendations and suggested adding a condition for the right-of-way to match the requirements for the right-of-way approved for Plat 31.

Commissioner Everett noted that the elevations for Plat 31 and Plat 32 do not meet City code regarding the placement of the garages in the front of the units. As a part of the MDA, the applicant showed a variety of rear and front-loaded product. He feels the development has not met the intent of the MDA. As such, he has voted against the multifamily elevation for this development and requested to send forth a negative recommendation to the City Council.

Commissioner Pengra said water conservation efforts are of significant importance. He agrees with the staff recommendation for water-wise landscaping for this development and advocates for such requirements for all development in the City considering current water levels in that State.

Commissioner Wright acknowledged Commissioner Everett's arguments and concurred with the water concerns and right-of-way requirement recommendation.

MOTION: *Commissioner Wells moved to recommend approval of the site plan for SilverLake Plat 32 with the following conditions:*

- 1. Collector road fencing consistent with existing collector road fencing in Silverlake shall be constructed along the rear and side lot lines of any unit that does or will abut Golden Eagle Road prior to issuance of a certificate of occupancy;*
- 2. Four additional parking stalls shall be required for Silverlake 32 and/or five additional parking stalls shall be provided for Silverlake 31 and 32;*
- 3. The amount of water-wise landscaping shall be increased by replacing the turf behind buildings, in park strips, and other areas that are not very useable as play areas;*
- 4. Rear and side elevations shall include similar materials as the front elevations; and*
- 5. The right-of-way shall be consistent with the 43-foot right-of-way requirements approved for Plat 31 including 5-foot sidewalks and 28 feet of pavement.*

Commissioner Pengra seconded the motion. Those voting aye: Christopher Pengra, Erin Wells, and Brett Wright. Those voting nay: Matthew Everett. The motion carried with a vote of 3:1.

6.B. Oquirrh Mountain Ranch Phase B

Mr. Jensen presented the item. The Oquirrh Mountain Ranch Master Development Plan and Master Development Agreement were approved in 2011 and cover a total of 120.4 acres. At approval, the development was vested with 417 units and 15.5 acres of open space. A significant portion of the open space was to be unimproved due to the terrain. This agreement was amended later in 2011, with the overall unit vesting remaining the same. In 2016, the MDA was further amended reducing the maximum number of units to 346 units and requiring 5.5 acres of improved open space. The 2016 approval represents a project density of approximately 2.9 dwelling units per acre for the 120.4 acres.

Overland Village Two is adjacent to the south and the approved concept plan has large lots along the north border of their property. To date, 54 single-family units and a Church of Jesus Christ of Latter-day Saints chapel have been developed on 18 acres, leaving approximately 102.4 acres to be developed. The existing development is 27 units below the vested unit counts; 7 of 30 vested units were built in pod PA 10, 37 of 39 were built in pod 9a, and 10 of 12 were built in pod 2a.

The applicant has worked with Eagle Mountain City, Division of Wildlife Resources, and the Eagle Mountain Nature and Wildlife Alliance citizen group to dedicate 330 feet along the north and northeast side of the project as wildlife corridor. The applicants have also agreed to include all the open space east of the eastern cul-de-sac in the wildlife corridor. In addition to this land being deeded to the City, staff recommends that it be rezoned open space, along with the application of the Wildlife Corridor Overlay.

After the discussion at the previous meeting, the applicants have prepared two plan options for Commission consideration. In Option A, the proposed lot sizes include 61 lots with 40-foot frontages, 109 lots with 45-foot frontages, and 59 lots with 50-foot or greater frontages. In Option B, the application has increased the lot sizes. The proposed lot sizes include 58 lots with 45-foot frontages, 80 lots with 50-foot frontages, and 68 lots with 55-foot frontages. City RC development standards require a minimum lot size of 4,500 square feet, an average lot size of 6,000 square feet, a minimum frontage of 58 feet, a front setback of 15 feet, a garage set back of 22 feet, a rear setback of 20 feet, side setbacks of eight feet and 10 feet on the garage side, and a corner set back of 15 feet. Option A proposes modification of development standards to allow a minimum lot size of 4,000 square feet, a minimum frontage of 40 feet, rear setbacks of 15 feet, and side setbacks of five feet. Option B requests modified development standards for a minimum 45-foot frontage, a 15-foot rear setback, and five-foot side setbacks.

Oquirrh Mountain Ranch has a current density approval of 346 total units with up to an additional 292 units. The allowable density in unbuilt pods is 265 units; those units combined with the 54 built units result in an actual maximum density of 319 units. In contrast, if Option A were to be approved, the maximum full buildout would be 283 units, with 54 existing and 229 new lots resulting in a total reduction of 63 units/21% and an actual reduction of 36 units/13%. If Option B

were to be approved the maximum full buildout would be 260 units, with 54 existing and 206 new lots resulting in a total reduction of 86 units/29% and an actual reduction of 59 units/22%.

The applicants feel that Option A and Option B represent their best available applications and request to move forward to City Council with either a recommendation of approval or denial rather than the application being tabled.

Staff recommends for the Planning Commission to motion to recommend approval for Option B for the master development plan for the reasons set forth in the staff report and the meeting with the following conditions and any additional conditions desired by the Planning Commission:

1. All open space within the wildlife corridor, 330 feet on the northern edge of the project, and all property on both major hills shall be zoned OS-N with the Wildlife Corridor Overlay;
2. All other native open space shall be zoned OS-N;
3. All improved open space, OS-1 through OS-6, shall be zoned OS-I;
4. All residential pods shall be zoned RC;
5. If a lift station is necessary, it shall be owned and maintained by a homeowner's association, along with the property along the southern boundary; and
6. The approval of the master development plan is conditional based upon the approval of an amended master development agreement.

If the MDP is recommended for approval and the Planning Commission motions to recommend approval of Option B for the preliminary plat to the City Council, staff recommends the following conditions:

1. The preliminary plat shall comply with the development standards approved in the master development plan;
2. The preliminary plat shall include any changes made during the master development plan approval; and
3. The applicant shall provide evidence that they meet the minimum improved open space requirement of 6.50 acres.

Mr. Jensen clarified that basement flooding was one of the issues for increasing the side setback requirements, another was to allow residents space for parking camping trailers. The average lot size for Option A is 5,442 and Option B is 6,067.

Commissioner Wright apologized publicly for not allowing the group to speak after the vote to motion to table at the previous meeting. He had intended to recognize them to speak after the conclusion of the motion.

Kimley Horn Senior Engineer for the project applicant representative Tamara Connolly presented the background for the project. The original master development agreement (MDA) approved an urban-style project. They have been working with the City and resident wildlife activists to revise the original plan to dedicate land for a petroglyph park and the wildlife corridor. They develop single-family detached product and adapted a smaller single-family product that accommodates the higher density approval for the area. Working with staff, they have reduced the density and increased the frontage widths in the plan several times. In order to be able to sell a sufficient

number of units for the development to be fiscally viable, they are requesting reduced RC development standards due to reduction in density due to constraints, promote clustering and sensitive design, increased open space, offer alternative housing options, and thoughtful treatment of the site constraints including steep slopes greater than 25%, the dedication of a 330-foot to 654-foot width for the wildlife corridor, and petroglyph preservation. Over 50% of the land on the site will be dedicated as parks and open space uses. Reducing and intermixing the frontage widths allows the garages to be staggered horizontally and setback to prevent garage-dominant elevations. The lots will be graded to drain to the front at 2% grade which is higher than 1% to 1 ½% standard grade employed by other home builders and ensures that the drainage is not impeded by landscaping. Due to topography, the lots will be an average of 117-feet deep, a typical lot depth is 110 feet, and homes will be built slab-on-grade without basements or with grade-level walkout basements. The homes will be specifically designed for the project without window wells or other obstacles on the sides of the home to mitigate obstructing backyard access. The 40-foot width was designed to meet needs in the current housing market. Larger homes and open space are planned along the south boundary to buffer and transition to the units in the adjacent development. There was not a precedent for calculating the amenity points for the unique amenities they are providing. After the previous comments regarding the amenity points, they reduced their amenity point calculations. The most developable areas in the project are north of the proposed development and are being dedicated to the wildlife corridor. The walkout basements will be located in the terrain-challenged areas. Due to the challenges and accommodations in the project, she respectfully requested for the Commission to approve Option A.

Applicant representative Tracye Herrington with LGI Homes said none of the garages will be placed forward from the plane of the house but will be set back farther than the porches and the garage doors will be color blended with the home. They attempted to address the concerns expressed by the Commission by providing Option B; however, Option A is preferable for them from a financial perspective. The pricing difference between the 40-foot and 45-foot products would be more based upon the size of the home and the number of bedrooms and bathrooms rather than the lot size. Allowing a 40-foot product would increase the lot count. The request to reduce the rear setback is to be able to stagger the garage placement without reducing the square footage of the homes.

Brett Stout with LGI Homes said the previous developer potholed this area and based upon the resulting findings, they are hoping that will only need to do chipping but not blasting.

Commissioner Wright thanked the applicant for the parks and open space plans as well as the preservation of the petroglyphs, which was contemplated in the original MDA.

Ms. Connolly explained that they meet the connectivity requirements for emergency access. A second access in the west portion of the development would be difficult due to topography and adjacent farmland and lack of connection points to the west and south.

Mr. Jensen explained the connectivity score is low but can be allowed due to topographical issues and the adjacent developments not having connection options. The Ivory Development collector road running north to south will be located west of the Oquirrh Mountain Ranch Development.

Commissioner Wright said he would like to see connectivity to the southwest, as required in the MDA, to service the people in the southwest corner.

Ms. Connolly verified the project utilizes a 51-foot right-of-way to be consistent with the existing roads and to maximize the available lot sizes. They intend to reduce the parks strips to four feet to incorporate five-foot-wide sidewalks requested by a Councilmember. They are dedicating 4 premium cul-de-sac lots, 14 buildable lots in the northwest, and 9 buildable lots near the petroglyphs for a total of 27 lots or approximately five acres to accommodate the wildlife corridor and to create a petroglyph park at the current location rather than relocating the petroglyphs. Accommodating the standard side setback requirements would render the project unbuildable as 206-units is their minimum unit count for the project to be profitable.

Commissioner Wright clarified that the MDA vested rights are for five-foot and ten-foot garage-side setbacks for single-family units with 55-foot frontages with 20% of the development requiring 60-foot frontages.

Commissioner Pengra clarified that the early conversations provided for the developer to move the petroglyphs. Preservation was required but not necessarily preserving the petroglyphs in place. In considerations of the concessions in the amount of density and land value forfeited in this project and due to fears of requesting too much from developers, he falls on the more permissive side and feels Option A would be more equitable, even though the units proposed are not ideal or his personal preference. He has no reservations about recommending the approval of Option B.

Commissioner Everett thanked the applicant for their work to accommodate the wildlife corridor. He recognizes and appreciates the unique amenities in the plan including the incline, leaving the petroglyphs in their present location, and mitigating garage dominant design. The plan will exceed the requirement regardless of the amenity point calculation method. However, he is unable to support Option A due to the 40-foot frontage widths and has concerns with the request for five-foot setbacks due to reduced access to the backyard, although the lack of window wells reduces some of his concerns. After the discussion, he could support a recommendation of Option B due to the higher average lot size with a condition requirement for side setbacks of five feet and ten feet on the garage side.

Discussion ensued regarding the impact to the number of lots and the variety of product type offered should the side setback variance be denied resulting in larger, narrower homes being placed on smaller frontages with more dominant garages and concerns with backyard access and reduced parking should the five-foot side setback be granted.

Commissioner Wells expressed her desire to weigh and balance the accommodations made and exceptions requested by the applicant, especially in consideration that should the development be developed in accordance with the vested rights, the wildlife corridor would not be feasible. She would be amenable to a recommendation of approval of Option B with the requirement for five-foot and ten-foot side setbacks.

Discussion ensued regarding preference for an additional five feet of internal living space versus an additional five feet of side yard width and the impact of side setbacks on parking availability.

Commissioner Wright said he would be more willing to consider a 45-foot frontage with five-foot and ten-foot side setbacks than with five-foot side setbacks on each side. The additional parking would allow residents to remain in the home longer by providing the availability for additional parking for teenage drivers.

Ms. Herrington said they could incorporate a ten-foot garage side setback if the City were willing to permit garage dominant elevations.

Commissioner Wright said they do not wish to be punitive with the applicants but desire to balance the needs and concessions of the applicants and the needs of future residents by preventing issues currently found in other areas in the City.

Commissioner Everett said he believes sideyard access to the backyard is important for first-time homebuyers. He requested for the garages to have articulation and be of complementary color to the home to reduce the appearance of garage-dominant elevations.

Commissioner Pengra said he has a visceral reaction to the premise that every home in the City needs to provide the opportunity for residences to park a recreational vehicle or trailer in the side yard. Multifamily homeowners do not have that opportunity. He feels there is room for a diversity of product in the City. As the five-foot and ten-foot setback changes would create garage dominant rows of similar houses, he prefers the mixture of frontages proposed by the applicant. He is concerned with the message being sent to developers that have been reasonable and have made many concessions to the City.

Commissioner Wells said that she feels the requests of the Planning Commission are reasonable. She clarified that her reason for desiring wider setbacks is to allow landscaping access.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of Option B for the master development plan for Oquirrh Mountain Ranch B with the conditions:*

- 1. All open space within the wildlife corridor, 330 feet on the northern edge of the project and all property on both major hills shall be zoned OS-N with the Wildlife Corridor Overlay;*
- 2. All other native open space shall be zoned OS-N;*
- 3. All improved open space, OS-1 through OS-6, shall be zoned OS-I;*
- 4. All residential pods shall be zoned RC;*
- 5. If a lift station is necessary, it shall be owned and maintained by a homeowner's association, along with the property along the southern boundary; and*
- 6. The approval of the master development plan is conditional based upon the approval of an amended master development agreement.*

Commissioner Wells seconded the motion. Those voting aye: Matthew Everett and Christopher Pengra. Those voting nay: Erin Wells and Brett Wright. The motion failed with a vote of 2:2.

Commissioners Wright and Wells voted against the motion due to the five-foot side setbacks.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of Option B for the master development plan for Oquirrh Mountain Ranch B with the following conditions:*

- 1. All open space within the wildlife corridor, 330 feet on the northern edge of the project and all property on both major hills shall be zoned OS-N with the Wildlife Corridor Overlay;*
- 2. All other native open space shall be zoned OS-N;*
- 3. All improved open space, OS-1 through OS-6, shall be zoned OS-I;*
- 4. All residential pods shall be zoned RC;*
- 5. If a lift station is necessary, it shall be owned and maintained by a homeowner's association, along with the property along the southern boundary;*
- 6. The approval of the master development plan is conditional based upon the approval of an amended master development agreement; and*
- 7. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side.*

Commissioner Wright seconded the motion.

Discussion ensued clarifying the setback conditions set forth in the motion and determining to address leniency regarding garage dominance during the approval of the elevations.

Commissioner Wright stated that based upon their conversation and understanding with the applicants, he does not feel a condition addressing garage dominance is necessary.

Those voting aye: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the Option B for the preliminary plat for Oquirrh Mountain Ranch Phase B with the following conditions:*

- 1. The preliminary plat shall comply with the development standards approved in the master development plan;*
- 2. The preliminary plat shall include any changes made during the master development plan approval;*
- 3. The applicant shall provide evidence that they meet the RC zone minimum improved open space requirement of 6.5 acres; and*
- 4. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side.*

Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

Commissioner Wright recessed the meeting from 8:25 to 8:30 p.m.

6.C. PUBLIC HEARING – Development Code Amendments – Title 17 Zoning

Ms. Porter presented the flag portion of the item. Flag standards were last reviewed on July 27, 2020. Changes based upon the previous discussion include removing restrictions specific to multifamily developments, allowing 80-foot poles with the option to apply for a conditional use permit for a taller flagpole, and clarifying that the national flag shall be the primary flag.

The proposed language to be added to as Section 17.80.120(Q):
Flagpoles. Any flagpole must comply with the following standards:

1. In residential zones:
 - a. A stand-alone flagpole not to exceed thirty-five feet (35') in height may be installed for every single-family detached residential unit.
2. In nonresidential zones:
 - a. Non-Residential developments may install flagpoles eighty feet (80') in height.
 - b. A conditional use permit shall be submitted if a flagpole will exceed eighty feet (80') in height.
3. Size. The size of the flag material, when measured diagonally, shall not exceed one-third ($1/3$) of the height of the flagpole.
 - a. If designated to accommodate such, flagpoles may hold more than one flag so long as the combined size of all flags, when measured diagonally, do not exceed one-half ($1/2$) of the height of the flagpole.
 - b. National flags shall be the primary flag with city, state, and corporate flags as secondary to the national flag.
4. Location. All flagpoles shall be located outside of any public right-of-way and in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.

Ms. Porter explained she had removed the standards for multifamily uses due to previous discussion regarding concerns that the wording of the multifamily requirements was unclear and due to the lack of issues with flags in multifamily developments.

Discussion ensued regarding potential wording to include in the standards to clarify the desired multifamily flag requirements with consideration for issues with the number of flags, conflicts with homeowner's association (HOA) rules, and the potential for the land in front of a townhome to be common or private ownership, whether to permit a flagpole for each dwelling unit, and units with ownership divided by floors such as apartments and condominiums.

Commissioner Wells said that although she agrees with the premise of requiring the national flag to be the primary flag, she is concerned with placing the burden of enforcement on staff. She suggested including an "other" category for flags to include flags that are neither corporate nor City, State, or National.

Mr. Mumford presented the accessory dwelling units amendments. The purpose of the amendment is to change the name of the chapter and throughout to Accessory Dwelling Units (ADUs) to be consistent with Utah State Code; to clarify and add standards related to detached ADUs, including allowing them on 8,000 square-foot lots in the residential zones as previously intended; make changes to be consistent with the Utah Code in relation to internal ADUs; prohibit short-term

rentals in ADUs; and add standards for tiny homes to be used a ADUs including minimum sizes, foundation, connection, and utilities. Staff recommended amendments to EMMC 17.70 include location and type; clarification of standards regarding detached apartments including maximum height, size, and setbacks, utilities; and standards for short-term rentals.

During this Legislative session Utah Code 10-9a-403(2)(b) was updated to “In drafting the moderate income housing element, the planning commission...(iii) shall include a recommendation to implement three or more of the following strategies.” The potential allowable strategies include, “(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.” Chapter Nine, Moderate Income Housing, in the Eagle Mountain General Plan, Strategy 6 is to “Allow for accessory dwelling units, including detached units, to be integrated into residential neighborhoods.”

Utah Code 10-9a-530 Internal Accessory Dwelling Units requires that (ADU) must be a permitted use in any area zoned primarily for residential use. A municipality may not establish any restrictions or requirements governing size in relation to the primary dwelling, total lot size, or street frontage.

A municipality may:

- Prohibit installation of a separate utility meter.
- Require that an internal ADU be designed to not change the appearance of the primary dwelling as a single-family dwelling.
- Require one additional on-site parking space.
- Replace parking spaces contained within a garage or carport if an internal ADU is created within that area.
- Prohibit an internal ADU within a mobile home.
- Require the owner of the primary dwelling to obtain a permit or license for renting an internal ADU.
- Prohibit the creation of an internal ADU within a zoning district covering an area that is equivalent to 25% or less of the total area in the municipality that is zoned primarily for residential use.
- Prohibit an internal ADU if the primary dwelling unit is served by a failing septic tank.
- Prohibit the creation of an internal ADU if the lot is 6,000 square feet or less.
- Prohibit the rental of an internal ADU for a period of less than 30 consecutive days
- Require owner-occupancy of the primary residence.
- Record a notice for an internal ADU at the County.

Proposed amendments to EMMC 17.70:

- Use “Accessory Dwelling Units (ADUs)” rather than “Accessory Apartments.”
- Require a separate entrance on the side or rear.
- Detached ADUs requirements:
 - Height – In according to accessory building height in EMMC 17.25.040, generally 20 feet, or 35 feet when above a garage.
 - Size – A minimum of 300 square feet and no larger than 50% of the primary home’s footprint with a maximum of 1,000 square feet and no more than two bedrooms.

- Setbacks – A minimum of six feet side and rear and six feet from the home or other structure. Five feet from the property line if no windows, doors, or openings.
- Architectural style, building materials, and colors shall be compatible and consistent with the architectural style, materials, and color of the primary dwelling unit.
- The ADU may have separate utility meters, but both must be in the property owner's name.
- Off-street parking for one vehicle, in addition to the two vehicles for the primary residence. Tandem driveway parking in front of a garage does not qualify. All parking shall be on a hard surface such as concrete or asphalt. Occupants may not park on the street along the frontage of a neighboring property.
- Short-term rental shall be prohibited. ADUs may not be rented for less than 30 consecutive days.
- Tiny Homes are permitted if they are at least 300 square feet, permanently connected to utilities, and attached to a site-built permanent foundation.
- Transfer of Ownership – ADU permits shall remain valid upon sale of the home or transfer of ownership.

Detached AUDs in compliance with EMMC 17.70 would be a permitted use in the RA1, RA2, RD1, RD2, FR, R1, R2 zones, permitted on lots greater than 8,000 square feet in the R3 and RC zones, and prohibited in the MF1 and MF2 zones. ADUs within the primary residence in compliance with EMMC 17.70 would be a permitted use in all zones except the MF1 and MF2.

Mr. Mumford presented examples of a 446 square foot studio, a 793 square foot one-bedroom, and 955 square foot two-bedroom ADUs and potential placements for various sizes of ADUs on 8,000 square foot lots, the minimum lot size allowed for detached ADUs. Based upon his research, the Commission may desire to reconsider the setback requirements.

Commissioner Wright opened the public hearing at 8:57 p.m.

Jeff Ruth said that proper etiquette requires displaying the American National Flag as the primary flag and the expectation should be included in Municipal Code standards. He requested for City parking issues to be addressed and said that many of the renters in his neighborhood park on the road rather than in the driveway which impedes traffic. He beseeched the City to enforce the parking requirements.

Bettina Cameron requested for the City to allow container homes in addition to tiny homes. Container homes are economical and provide for entertainment on top of the container in compensation for the space lost in the yard.

Commissioner Wright closed public comment at 9:00 p.m.

Commissioner Wright said that the State limits the City to requiring one additional parking space for ADUs and the City should be more thoughtful and proactive in addressing parking violations and issues.

Commissioner Wells clarified her concern including flying the National flag as the primary flag in the standards is the difficulty in staff enforcing content; however, she is amenable to including the requirement if desired by the other Commissioners. She suggested either removing or amending the language to “national flags shall be primary to all other flags.”

Commissioner Everett advocated for the inclusion of language requiring the national flag to be the primary flag with consideration of flags being flown above the National flag to be offensive to some residents while recognizing potential issues with enforceability.

Commissioner Pengra stated he felt the proposed language regarding flag order was appropriately balanced. He suggested including language requiring a conditional use permit for commercial flagpoles taller than 80 feet.

Commissioner Wright agreed with Commissioner Everett regarding the importance of codifying the requirement to fly the National flag as the primary flag.

Commissioner Wright recognized that the passing of Utah Code 10-9a-403 motivated the ADU Municipal Code amendment and discussion.

Commissioner Pengra expressed appreciation to staff, recognizing the difficulties and limitations created by State requirements, and feels the proposed standards achieve the appropriate balance.

Commissioner Wells expressed concern with existing and proposed ADU standards including the requirement for ADUs to have additional hard surface parking and proposed allowing gravel parking areas. Mr. Mumford’s presentation of ADU placement on lots and the limitations created by the setback requirements lessens her concerns with permitting ADUs on 8,000 square-foot lots.

Commissioner Everett expressed concern with the difficulty in snow removal from gravel resulting in renters parking on the street. He suggested requiring internal ADUs to have an exterior access due to potential confusion and impediments for emergency access. He feels requiring the application to be notarized is onerous and provides little benefit and asked if the new owner would be required to provide a second notarized application in cases of transfer of ownership.

Discussion ensued regarding the challenges and benefits of requiring the application to be notarized, concerns with tracking transfer of ownership and the potential for the new owners not abiding by the terms of the agreement, and potential methods to mitigate the transfer of ownership concerns such as landlord licenses.

Mr. Jensen explained that staff notarizes the application for free to prevent applicants from later claiming they were unaware of terms of the agreement such as owner-occupation of one of the units.

Mr. Mumford verified that recently approved ADUs have a unit B designation included in the address per the request of the fire department. The City had previously assigned a unique address to ADUs which caused confusion for mail delivery and emergency services.

Commissioner Wright supported amending the language in the chapter to replace accessory apartment with ADU and expressed concern with the verbiage in EMMC 17.70.030(4)(C)(i) “Maximum height. Maximum height of accessory dwelling units located above a garage is thirty-five (35) feet. Stand-alone units may not exceed the accessory structure height for the zone as found in EMMC 17.25.040,” being interpreted as allowing a three-story ADU.

Discussion ensued regarding clarifying the ADU height permitted by EMMC 17.70.030(4)(C)(i) is intended for ADUs above detached garages and verbiage amendments to alleviate concerns with residents misinterpreting the standard as allowing ADUs exceeding two stories or a 35-foot ADU above a 20-foot garage.

Commissioner Wright said the standards in EMMC 17.70.030(C) appear to require converting a tiny home into a permitted structure, as such, he suggested prohibiting tiny homes because the requirement for utilities and a foundation essentially converts the tiny home into an ADU.

Commissioner Everett said the tiny home standards include requirements that prevent a trailer or modular home from being classified as a tiny home. Tiny homes are required to have the wheels removed and to match the aesthetic of the primary home and are prohibited from being powered by a generator.

Commissioner Wright stated that the EMMC 17.70.010 stipulation “does not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels,” already addresses those concerns. He is concerned with remnant foundations and utilities should a tiny home be removed from the property. He clarified that he is in favor of ADUs as a method to address the housing issues; however, he desires to make sure the appropriate standards are approved to mitigate unintended consequences.

Mr. Jensen said residents have expressed interest in living in a tiny home and clarified that this chapter would replace the existing tiny home standards in Municipal Code.

Discussion ensued regarding the benefits and issues with including or excluding tiny homes and whether to require separate utility meters for ADUs with a preference to allow but not require two meters.

Mr. Jensen explained that current Municipal Code standards only allow for a single utility meter and some residents have desired to install a second meter.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of development code amendments to Title 17 Zoning Section 17.80 Sign Regulations and Sign Permits with the following changes:*

- 1. EMMC 17.80.120(Q)(2)(b), “a conditional use permit application shall be submitted if a flagpole shall exceed 80-feet in height”; and*
- 2. EMMC 17.80.120(Q)(3)(b), “national flags shall be the primary flag with all other flags secondary to the national flag.”*

Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of development code amendments to Title 17 Zoning Section 17.70 Accessory Apartments with the following changes:*

- 1. EMMC 17.70.030(4) “an accessory dwelling unit in a basement must have a separate exterior entrance on either the side or rear of the building;”*
- 2. References in EMMC 17.70 to “accessory apartments” shall be changed to “accessory dwelling units”;*
- 3. EMMC 17.70.030(4)(C)(i), “Stand-alone units may not exceed two stories in height; and*
- 4. EMMC 17.70.030(4)(C)(ii), “Size. A detached accessory apartment must be a minimum of three hundred (300) square feet and may not be larger than 50% of the primary home’s footprint (including garage), up to a maximum of 1,000 square feet. Detached accessory dwelling units may not have more than two (2) bedrooms,” shall be removed from the standards or modified if staff determines the requirement is in conflict with Utah Code 10-9a-403.*

Commissioner Pengra seconded the motion.

Commissioner Everett declined to include Commissioner Wright’s request to remove tiny homes from the standard but stated he is open to further discussion regarding tiny homes. He also declined Commissioner Wells’ request to permit gravel as an approved parking surface for the additional required parking space.

Those voting aye: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

6.D. Coyote Run – REMOVED FROM AGENDA BY APPLICANT REQUEST

This item was removed at the request of the applicant.

7. Discussion Items

8. Next Scheduled Meeting

The next meeting is scheduled for September 28, 2021.

9. Adjournment

MOTION: *Commissioner Pengra moved to adjourn the meeting at 9:55 p.m. Commissioner Everett seconded the motion. Those voting aye: Matthew*

Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

The meeting was adjourned at 9:55 p.m.

Approved by the Planning Commission on September 28, 2021.


Steve Mumford (SEP 28 2021 17:13 MDT)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

1174_001 (000000004)

Final Audit Report

2021-09-29

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