



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

September 13, 2022, 6:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Jeremy Bergener, Christopher Pengra, and Erin Wells.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Matthew Everett.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Colby Curtis, Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; and Chris Trusty, City Engineer.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the meeting to order at 6:35 p.m. and requested for Commissioner Wells to run the meeting as he was attending remotely.

1. Pledge of Allegiance

Commissioner Bergener led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

3.A. August 23, 2022 Planning Commission Minutes

Commissioner Everett requested a correction on page 14 to the public hearing for the preliminary plat for Overland Village 2 Phase A which had been closed during the meeting and not continued as indicated in the draft minutes.

MOTION: *Commissioner Everett moved to approve the August 23, 2022 minutes as amended. Commissioner Allen seconded the motion.*

Those Voting Yes

☒ *Jason Allen*

Those Voting No

☐ *Jason Allen*

Those Abstaining

☐ *Jason Allen*

Those Absent

☐ *Jason Allen*

☒ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Erin Wells	☐ Erin Wells	☐ Erin Wells	☐ Erin Wells

The motion passed with a unanimous vote.

4. Status Report

This item occurred after item 5.C.

Mr. Mumford reviewed the items discussed and voted upon during the September 6, 2022 City Council meeting.

5. Action and Advisory Items

5.A. ACTION ITEM / PUBLIC HEARING – Porter's Crossing Town Center MDP & MDA Amendment, General Plan Amendment, and Rezone

Assistant City Administrator/Community Development Director Steve Mumford presented the items. The master development plan amendment, master development agreement amendment, and rezone were discussed and tabled at the August 23rd meeting, since that time the City has received an application for a General Plan amendment and new exhibits. He reviewed the previously approved MDP and the Municipal Code approval criteria for each portion of the project. As the funding was not obtained for the recreation facility by January 1, 2021, Pod 9a is automatically zoned either as Residential, not to exceed the density of Pod 6b, or Commercial or Institutional, with at least a one-acre park.

The master development plan (MDP) proposes the following:

- Pods 1 and 2: Commercial development, including retail, office, and possible hotel
- Pods 9a and 9b: 156 apartments (three-story buildings, 12 units per building) and 29 townhomes, pool, clubhouse, and parking
- Pod 10: 33 townhomes, parking, and playground
- Pod 15: open space and future RV storage or nursery, and pickleball court
- A new road from St. Andrews Drive to the northern portion of the property, stubbing north as well

The traffic study findings resulted in the following recommended mitigation necessary to accommodate the project, without consideration of additional growth within the City:

- Installing dual southbound left-turn lanes on Porters Crossing and Pony Express Parkway,
- Installing southbound and westbound right-turn pockets on Porters Crossing and Pony Express Parkway,
- Striping the northbound left-turn pocket on the southeast Ridley's access and Porters Crossing, and

- Restricting the southwest project access at Pony Express Parkway to only right-in/right-out turning movements.

The General Plan amendment requests a mix of Neighborhood Residential Two, Neighborhood Residential Three, and Parks and Open Space for Pods 9a, 9b, and 10. If the zoning proposal is acceptable to the Planning Commission, staff recommends rezoning the property to the OS-I, MF1, and MF2 zones. The Community Commercial designation and CC zoning are requested for Pod 15; the commercial uses could be a restriction to nursery/garden center or RV storage uses due to the utility easements intersecting with the pod's location.

Mr. Mumford recommended tabling the master development agreement (MDA) to allow a detailed review of the agreement by the City Attorney.

Applicant representative Khosrow Semnani said they removed the roundabout to provide more parking. They are amenable to restricting the uses in Pod 15 to nursery and RV storage. They have had inquiries about a possible nursery in the area and a storage facility would be beneficial to the owners of the residential units. Many businesses have expressed interest in the commercial portion of the development.

Applicant representative Sattar Tabriz explained that they increased the widths of the private roads to a public right-of-way with a sidewalk on one side and a trail on the other. The park and pavilion area will contain native plants and low-maintenance landscaping not unimproved, natural existing landscaping. They have met with Rocky Mountain Power and Kern River Gas Transmission Company and are in the process of accommodating their specifications for the utility easement by excluding sidewalks, playground equipment, fencing, or sprinklers heads above the gas pipeline and by using low maintenance landscaping that requires little water. The trail is located between the two gas pipelines. They have a written agreement with the utility companies to allow the parking lot as proposed.

Commissioner Wells opened the public hearing at 7:27 p.m. As there were no comments, she closed the hearing.

Commissioner Bergener said he agrees with the wisdom in tabling the MDA to allow review by the City Attorney and feels his other concerns can be addressed during the later approvals for the project. He recognized the unique challenges of the area especially because of the utility corridor. As such, he is agreeable to the proposal due to the logistical challenges and in the spirit of compromise.

Commissioner Allen said he supports the zoning groupings and designating the townhome area south of the apartments as MF1 rather than MF2 and restricting the uses in Pod 15.

Commissioner Pengra reiterated his concerns with the Planning Commission reviewing MDAs and feels it is better suited for City Council meetings where the City Attorney is present and able to provide legal advice. As such, he sees no benefit in tabling the MDA to review at a future meeting.

Mr. Mumford said a ten-foot trail through the utility corridor is preferable as it is the required width to qualify for Mountainland Association of Government funding even though the City's standard is eight feet. He confirmed that prior to the meeting, he had not received a copy of the document provided to the Commission by the applicant that incorporates the requested removal of the roundabout and the widening of the private roads to a public right-of-way prior.

Commissioner Wells noted that the handout provides site plan level detail and is not necessarily pertinent to these applications.

Commissioner Everett stated his preference to table the MDA until the City Attorney has had the opportunity to review the document and expressed the desire to have legal counsel available to the Commission during MDA reviews. He has no concerns about moving forward the other items to the City Council with positive recommendations containing the use restrictions for Pod 15. He cautioned all applicants to submit their full applications by noon on the Wednesday prior to the meeting as stipulated in the Planning Commission Rules of Order and Procedure as a requirement for the item to be on the agenda. Although it does not appear to be the case in this instance, substantive changes need to be submitted on time to allow for Commission, staff, and public review.

Discussion ensued regarding whether to zone Pod 15 as CC with limited uses or as CN which allows for nursery and RV storage as special uses.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the General Plan amendment and rezone for Porter's Crossing Town Center as outlined in the document Zoning Summary 3rd Amendment with the conditional that the uses in Pod 15 shall be restricted to nursery or RV storage. Commissioner Pengra seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the master development plan amendment for Porter's Crossing Town Center with the condition the applicant shall address the traffic mitigation outlined in the traffic impact study. Commissioner Pengra seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>

☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

MOTION: *Commissioner Wells moved to table the master development agreement for Porter's Crossing Town Center until the applicant can meet with the City Attorney and review the plan. Commissioner Bergener seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☐ <i>Chris Pengra</i>	☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a vote of 4:1.

5.B. ACTION ITEM / PUBLIC HEARING – Transportation Master Plan Update

Kevin Croshaw with Horrocks Engineers reviewed the history of the project and the transportation plan update process. He explained road designations based on functional classifications and level of service (LOS) representations. The study evaluated a 2050 no-build LOS to determine improvements needed within ten years and beyond ten years through 2050 to meet future traffic demands. The total cost of the recommended projects equals \$1,224,180,000 with an anticipated cost to Eagle Mountain City of \$557,970,000 with the majority of the cost allocated for the future freeway. The City cost includes the developer's portion of the expense and is not adjusted for inflation.

City Engineer Chris Trusty stated the impact fees facility plan is updated every two years and includes timelines for improvements and inflation adjustments. Funding mechanisms are identified and adjusted as appropriate. He explained that the recent Municipal Code amendment altering the width of the local right-of-way did not impact the master transportation plan because local roads are not contemplated in the study.

Commissioner Wells opened the public hearing at 8:12 p.m.

Bettina Cameron spoke on behalf of the Eagle Mountain Nature and Wildlife Alliance and expressed concern that the wildlife corridor is not indicated on the Master Transportation Plan given that several of the roads appear to impact the corridor. She requested for the corridor to be added to the map before approving the plan update.

Commissioner Wells closed the public hearing at 8:15 p.m.

Commissioner Allen advocated for adding the wildlife corridor to the plan. On page 30 of the plan, he believes the word “not” was erroneously added to the sentence, “The premise behind impact fees is that if no new development occurred, the existing infrastructure would *not* be adequate.”

Commissioner Everett concurred that the wildlife corridor should be contemplated in the plan. He expressed concern with the inclusion of an emphasis on transit due to the City having little control or input regarding mass transit being provided to the City. Although transit should be identified in the plan, he is apprehensive about relying on it as a mitigating factor.

Mr. Trusty clarified that Figure 14 indicates a minor arterial providing a third access connecting Eagle Mountain to Saratoga Springs. He acknowledged that the City has little control over the location of the Cedar Valley Freeway. The Utah Department of Transportation will conduct an environmental study to determine the most suitable location for the freeway. GIS data is available and can be utilized to overlay the wildlife corridor with the Master Transportation Plan Map. The north end of Wride Memorial Highway is where he anticipates the most conflicts between the wildlife corridor and the future freeway.

Mr. Mumford stated that potential locations for bridges, tunnels, or signaling systems could be added to the plan where the transportation network intersects with the wildlife corridor to assist the City in anticipating and determining mechanisms to secure the necessary funding when wildlife corridor considerations are discussed during staff planning meetings.

Commissioner Wells suggested altering the local street example on page 8 from 200 North to the name of a local right-of-way specific to Eagle Mountain City. She expressed concern with the average daily trips (ADT) indicated in Table 3 as a determination for LOS due to the potential for such data being used to dispute the appropriate classification of a road or LOS should the number of ADTs calculated in traffic study data fail to meet the average standard. She inquired regarding the LOS for Wride Memorial Highway for the section of the road on the northeast side of the City improving from a LOS E in Figure 9: Existing Level of Service to a LOS D in Figure 10: 2030 No-Build Level of Service. She requested data demonstrating the estimated LOS for roads should the recommended improvements be made as indicated in the study.

Mr. Croshaw stated that Table 1: Street Functional Classification can be updated to clarify that a parkway is the same classification as an arterial. He explained that situations requiring mitigation are usually determined by congestion and the LOS at intersections rather than ADT and LOS on individual roads. He will check their model to confirm the LOS for Wride Memorial Highway in Figures 9 and 10.

Commissioner Pengra noted that Eagle Mountain residents continue to pay a portion of sale tax towards transit that is not being used to benefit the City. The inclusion of transit in the plan assists with efforts to advocate for transit services to the City; nevertheless, he agrees that the City should not rely on transit to address future transportation conditions.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the update to the Transportation Master Plan. Commissioner Wells seconded the motion.*

AMENDED MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the update to the Transportation Master Plan with the following changes:*

- 1. The addition of a map of the expected levels of service based upon the implementation of the recommended improvements in the study;*
- 2. Altering the street name on the local street example on page 8 from 200 North to the name of a local right-of-way within Eagle Mountain City;*
- 3. Removal of the word “not” from “The premise behind impact fees is that if no new development occurred, the existing infrastructure would not be adequate,” on page 30 of the document;*
- 4. The identification of the wildlife corridor on the transportation map and interactions with the transportation network; and*
- 5. Verification of the level of service for the northeast portion of Wride Memorial Highway on Figure 9: Existing Level of Service and Figure 10: 2030 No-Build Level of Service.*

Commissioner Wells seconded the motion.

Commissioner Wells stated that she is in favor of moving that application forward to the City Council rather than tabling and reviewing the plan with the addition of the wildlife corridor because the Planning Commission is not the body responsible for resolving wildlife and transportation conflicts.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

5.C. ACTION ITEM – Master Development Agreement (MDA) for Eagle Quest East

This item was removed at the request of the applicant.

6. Discussion Items

Commissioner Everett announced that Brent Strong was appointed as an alternate Planning Commission member. Mr. Strong introduced himself to the Commission.

7. Next scheduled meeting

The next Planning Commission meeting is scheduled for September 27, 2022.

Commissioner Everett stated that he will attend the meeting virtually.

8. **Adjournment**

MOTION: *Commissioner Bergener moved to adjourn at 8:50 p.m. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 8:50 p.m.

Approved by the Planning Commission on September 27, 2022.


Steve Mumford (2022) 14 12 1001

Steve Mumford, AICP
Assistant City Administrator/Community Development Director