



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

July 28, 2020, 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, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

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

1. Discussion Items

1.A. DISCUSSION ITEM – Special Use Standards

Long-Range Planning Manager Pete Kane explained he had amended the proposed changes to Municipal Code Chapter 17.75 Special Use Standards to include feedback from the Planning Commission received before the meeting and Chapter 17.10 Definitions to include the addition of proposed language for previously undefined uses.

Commissioner Pengra expressed concern regarding the enforceability of defining tobacco specialty businesses as “a retail establishment that derives thirty-five percent or more of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories, including e-cigarettes and vapor cigarette.” Commissioner Wells explained the gross revenue standard is set and enforced by the State health department.

The Planning Commission reviewed the suggested amendments to Chapter 17.75 Standards for Special Uses and discussed concerns regarding the prohibition of outdoor storage signage; drive-through queue lanes and pedestrian traffic safety; preferences and State laws regarding the uniformity and divergence of distance, population, and exterior and interior neon signage requirements for check cashing, sexually-oriented businesses, and tobacco sales; warehouse farming and garden center State standards; and the verbiage concerning the applicability of City building elevation standards for residential facilities for persons with a disability.

Commissioner Wright requested clarification regarding the special use application process and expressed concern regarding the exclusion of public approval. Mr. Mumford explained special uses are included in the site plan approval process which includes public, Planning Commission, and City Council approval and recommended clarifying the verbiage concerning site plan

application requirements regarding projects that qualify for staff-level approvals to ensure appointed officials, elected officials, and the public receive adequate opportunity to address concerns regarding special use standard approvals.

Discussion ensued regarding vehicle storage definitions, State standards, and time limitations for towing yards and residential animal care and commercial veterinarian service definitions and uses.

Commissioner Wood requested for the item to be placed on the agenda for the following Planning Commission policy session.

1.B. DISCUSSION ITEM – Master Development Agreement/Plan

Commissioner Wood stated he and Commissioner Wright met with Mr. Kane and Mr. Mumford to discuss master development agreements and plans and have been collaborating on amendments to address concerns. He stated that Eagle Mountain is one of the few cities that uses master development agreements and plans.

Commissioner Wood requested for any of the Commissioners interested in being a part of the master development agreement and plan amendment process to contact him and stated he would meet with staff and one other Commissioner at a time in meetings with staff to discuss changes.

Commissioner Pengra stated in the previous meeting Mr. Mumford had indicated he had insights regarding master development plans and agreements and requested for Mr. Mumford to present that information to provide context and to share his experience regarding plans and agreements with the Planning Commission during a future meeting.

Mr. Mumford stated he will provide the Planning Commission with a list of his concerns and other considerations based upon his experiences with historical projects and expressed his desire and the need to amend the process to mitigate concerns with future agreements. He would like to simplify the process and involve the City Attorney in updating the standards due to the legal implications and potential future impact on the City.

Commissioner Pengra expressed his appreciation for the efforts involved in the amendment process and said he did not want to delay the project; however, he stated his preference to take part in the discussions and requested to set aside time during the work session to discuss proposed amendments to the MDA process openly as a Commission rather than in smaller groups during the week.

Commissioner Wood requested for the discussion regarding master development agreements and plans to be included in the next work session to expedite the item as priority due to the request of the City Council.

1.C. DISCUSSION ITEM – Tier & Bonus Density Language Removal

This item was discussed after item 1.D.

Commissioner Wood stated the removal of the language was due to the repeal of tier and bonus density standards by the City Council.

Planner Jessa Porter presented the item. She stated she updated the documents with the feedback received from the Commissioners during the previous meeting. She explained the updating process removes one type of language at a time from the documents for clarity of sequence.

Commissioner Wells requested clarification regarding rural zone landscaping exclusions due to discrepancies within the documents. Ms. Porter stated she would research and rectify the concerns.

Commissioner Wright noted that the Tier 1 language had been retained in this draft of the base density language removal document and requested for staff to provide a document in which all forms of the outdated language have been removed.

The Planning Commission determined to further review the document and provide additional feedback at a future meeting.

Commissioner Wood stated the Commission began a review of the nonresidential zone Municipal Code earlier in the year and he had presented a version of the proposed Zone Transition Table in February 2020. Commissioner Wood stated the purpose of the Zone Transition Table is to provide clarification to developers regarding zone compatibility and to designate the appropriate location for a zone in accordance with the General Plan. He stated that Commissioner Wright had collaborated on the project and Mr. Kane had reviewed the table. He presented and discussed an updated version of the Zone Transition Table.

Commissioner Wood expressed concern that the lot size transition standards focused only on lot size and not use and were outdated due to amendments to residential zone standards.

Discussion ensued regarding lot size transitioning and residential zone location standards.

1.D. DISCUSSION ITEM – Fencing Requirements and Standards

This item was discussed before item 1.C.

Commissioner Wood stated the fencing requirements and standards had been included on the agenda because members of the City Council had requested for the standards to be put under review. The purpose of the inclusion of the item on the agenda was to fulfill a requirement of the item being under review. He said putting an item under review is a colloquial term rather than an official standard that meant formalizing the proceedings to amend Municipal Code. As neither the State nor City Municipal Code includes instruction regarding standard review, he said the item was included on the agenda to fulfill noticing requirements and the process will be followed for future Municipal Code development amendments.

Commissioner Wood stated Councilmember Gray requested for the fencing standards along major corridors to be increased to require concrete or decorative Concrete Masonry Units (CMU) products to improve screening, reduce sound, and increase safety.

Commissioner Wood requested staff to prioritize fencing standards hopefully to include fencing standards as a policy session item during the next meeting.

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

Commissioner Wood called the meeting to order at 6:32 p.m.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Wells stated that although she did not have any legal conflicts of interest, for purposes of transparency she disclosed, she lives approximately a mile away from the Hoofbeats to Healing property requesting a rezone and is an associate of the current owners of the property. She works for another Utah city and one of the Councilmembers of that city owns property adjacent to the Rush Creek development.

4. Approval of Meeting Minutes

4.A. June 23, 2020 Planning Commission Minutes

MOTION: *Commissioner Everett moved to approve the June 23, 2020 minutes. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

4.B. July 14, 2020 Planning Commission Minutes

MOTION: *Commissioner Wright moved to approve July 14, 2020 minutes. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

5. Status Report

Assistant City Administrator/Community Development Director Steve Mumford stated the Marketplace rezone request was discussed at length and a public hearing was held where concerns were expressed regarding the allowable maximum density of the residential property. The item was tabled until the applicant returns with a site plan for the residential portion. He said the Marketplace rezone is tentatively scheduled for the following City Council meeting in hopes to move the grocery store development forward. He stated if the applicant continues with the residential development, a development agreement will be drafted for the project to tie the timing of the residential development to the completion of the grocery store.

Mr. Mumford stated other agenda item approvals included the Sweetwater Industrial Park rezone, master site plan and preliminary plat, and the LBiSat site plan. He explained the Sweetwater Industrial Overlay Zone needs to be updated or removed from Municipal Code. He said he recalled the City Council approved the overlay rezone and site plan for Lot 1 for the LBiSat project and approved the Light Manufacturing/Distribution (LMD) Zone for the rest of the project. He stated a Municipal Code amendments for lot line adjustments and plat amendments were also approved.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Hoofbeats to Healing (Rezone and Concept Plan)

Mr. Kane presented the item. The applicant is seeking to rezone 27.37 acres from residential to agriculture. The concept plan proposes the development of an equine-assisted therapy center. The City Council approved a rezone of property from agricultural to residential in 2018. The rezone is necessary because the desired use is a conditional use in the Agriculture Zone and is not permitted in the Residential Zone. The applicant intends to construct: a 44,000 square foot riding arena, a 28,500 square foot stall barn, a 6,000 square foot hay barn, associated parking, and a fenced pasture for horses.

The requested zone is consistent with the land uses shown on the General Plan's Future Land Use and Transportation Map. The land to the west, east, and south of the property is designated and currently used for large-lot residential purposes. The land to the north and farther northeast is open space land owned and operated by the Bureau of Land Management (BLM). Rezoning the property to agricultural following the concept plan for the equestrian therapy center, the demand on City services should be less than the residential use. The total estimated traffic load to the facility will be approximately 200 trips depending on whether the patients and their helpers arrive together. The parking lot as shown in the concept plan will be reduced to approximately 40 parking stalls. The facility is not intended to be used as an equestrian center or commercial riding arena. The large amounts of open space and pasture on the property should have a positive impact on property values.

Staff recommends approval of the Hoofbeats to Healing Rezone to the City Council with the following conditions: the area of land within the powerline corridor be preserved as open space for a possible future regional trail and the applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project. Mr. Kane explained the conditions were included in the 2018 residential rezone approval and recommended retaining those terms of that agreement for the property.

Commissioner Wright verified the property had previously been intended for three residential lots.

Commissioner Wells verified the proposed road for the property would be public.

Mr. Kane explained the traffic study for Lake Mountain Road focused on the traffic impact to surrounding roadways and had not accounted for the traffic impact of additional development

along Lake Mountain Road. The property line for the proposed public road would end at the right-of-way.

Applicant Tammy Clegg stated Hoofbeats to Healing started in 1997 in Saratoga Springs, Utah, and provides health services to first responders, veterans, activity-duty military, and their families through scholarship fund donations and the populations she serves are in desperate need of their services. She has research partnerships with Brigham Young University, the University of Utah, and the Salt Lake City, Utah Veterans Administrations. She explained their Saratoga Springs location is on UDOT property and the need for relocation is due to the plans for a road expansion and TRAX station on Foothill Boulevard. She expressed her desire for a permanent residence and said that much of her community and financial support and volunteers are located in this area.

Applicant David Peterson stated the proposed road will be located entirely upon their property and is intended to be a public road. He stated the average number of daily traffic trips would be the equivalent of approximately twenty households.

Ms. Clegg verified the Agricultural Zone standards do not prescribe a maximum number of horses per acre and stated the property will have between 50 to 70 horses. She explained due to the variance in rider intensity of each animal, a single rider may be paired with multiple animals during a session. She stated she intends to use the home on the property as a residence.

Commissioner Wood opened the public hearing at 6:59 p.m.

Residents Rodney Maybery and the Myrup Family Trust expressed opposition to the agricultural rezoning request.

Resident Jody Hooley expressed favor of the rezoning.

Resident Clarissa Tobiasson: "Hi, My name is Clarissa. I am asking for a moment of your time so I can briefly tell you my experience at Hoofbeats for healing and the help that it was to my family. If you are going to understand our experience there are a few things you need to know. My sons and I did equestrian therapy through Hoofbeats for an extended period of time. They were both adopted and have some complications from the time they spent before coming home. For my oldest son the complications have resulted in extremely violent behavior from him, amongst other things. This has caused a lot of trauma for our family as we have given all we have to help him while living with his frequent attacks. The result being PTSD. Our second son, not only had to deal with this but he was also exposed to a variety of illegal drugs while in utero. A side effect of that exposure is that he can go from calm to explosive in next to no time. During our time with hoofbeats I saw great improvements in the mental health of each of us. My mental health notably improved. For the first time, in a very very long time I felt capable, confident and hopeful. Even better, I saw my kids start to get better. My oldest son, steadily made improvements and my younger son was consistently his cheerful and kind self. There were night and day changes that were accomplished. These accomplishments couldn't have been made without the help of Tami and her team at Hoofbeats for Healing, as well as their scholarship program that made it financially possible for us to attend. The scholarship program is extremely generous and covered almost the entirety of the cost. I am so grateful for the mental health services our family received from

Hoofbeats for Healing. It is an amazing program and, if you let it, Tami and her team will make it even better. I hope that you will change the zoning so they can come to Eagle Mountain so that our community can easily receive the same care. Having a place devoted to mental health in our Eagle Mountain community would be wonderful.”

Resident Michelle Chadwick: “Lake Mountain Rd. would need to be paved to support increased traffic.”

Applicant J. Paul Ogden stated public concerns regarding rezoning usual include concerns regarding increases in traffic and decreases in property value. He stated the property will not contain a competitive horse arena and the associated dust concerns. The nature and personality of the horses and patrons differ from other horse applications. He said the horses are a rare and special breed that is sensitive to the needs of the riders and the patrons are receiving medical attention. He stated the area should not cause traffic problems and should increase property values.

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

Commissioner Wells stated she believes Hoofbeats for Healing is an appropriate use for the area. She expressed concern regarding the increased number of trips on Lake Mountain Road and said the road is the most expensive road to maintain for the City and that the increased traffic could increase maintenance costs to regrade and repair the gravel road more frequently and negatively impact the residents who live on the road.

Mr. Kane stated road concerns and potentially paving Lake Mountain Road can be addressed during the site plan application process based upon the findings of a traffic study.

Commissioner Pengra stated concerns regarding Lake Mountain Road were some of the most difficult concerns he faced during his tenure as mayor. He said despite his concerns regarding Lake Mountain Road, he does not believe the increased traffic due to Hoofbeats to Healing will increase the cost or maintenance as the damage to the road is usually caused by recreational vehicles and adjacent residents. He stated appreciation for the services offered by Hoofbeats to Healing programs and staff. He said the traffic increase to Lake Mountain Road did not cause significant concern and voiced his support for the project.

Commissioner Everett concurred with the concerns expressed regarding Lake Mountain Road and stated the development of this property has caused contentions in the past and expressed his support for rezoning the land to agricultural property will help address some of those concerns. He stated the City will likely be required to pave the road at some point in the future.

Commissioner Wright expressed concern regarding the increase in traffic, the number of horses, and the potential for unpleasant odors in association with the use and stated his concerns can be addressed and mitigated during the conditional use permit approval process for the project. He concurred with staff recommendations to preserve the powerline corridor and install raptor nesting boxes.

Commissioner Wood stated the rezone application is in accordance with General Plan requirements. Councilmember Wood urged staff to put pressure on the City Council to appropriate funds to pave Lake Mountain Road in order to address Planning Commission and resident concerns.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the Hoofbeats to Healing rezone and concept plan with the following conditions:*

- 1. The area of land within the powerline corridor shall be preserved as open space for a possible future regional trail; and*
- 2. The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.*

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

6.B. Rush Creek Development (Concept Plan)

Mr. Kane presented the item. The development encompasses 3 parcels of land east, southwest, and west of Eagle Mountain Boulevard. The land use concept plan as outlined would include 77.95 acres of Neighborhood Residential 1 (R1), 40 acres Employment Center/Campus (ECC), 11.58 Neighborhood Commercial, 32.09 Mixed-Use, 40.78 acres Business Park/Industrial (BPI), 28 acres for a right-of-way for a UDOT highway. An additional concept plan for the Neighborhood Residential 1 portion of the property includes approximately 200 quarter-acre lots, open space areas, and pedestrian access routes. The overall density would be 2 to 3 units per acre.

The Neighborhood Residential 1 area will be located near approved residential areas to the south and east of the property and near the Overland community. This proposed land use will be directly adjacent to the future Lakeview Academy of Science, Arts, and Technology and located near Frontier Middle School. Access to this neighborhood will be located off Desert Willow Drive and the Mid Valley Road future extension.

The ECC use will have excellent circulation and vehicular access due to its adjacency to Eagle Mountain Boulevard, the Mid Valley Road future extension, and the future UDOT highway and its associated frontage roads. The area would create jobs for nearby, local, and even non-local residents.

The Neighborhood Commercial area will be set aside for neighborhood commercial uses such as light office, retail, and professional services. This area would be directly adjacent to the ECC/BPI area, the proposed storage commercial area south of the project boundary, the future UDOT highway, and the Neighborhood Residential Area. Given its proximity to the future highway and Eagle Mountain Boulevard, this area is ideal as Neighborhood Commercial because it will serve nearby residents and employees.

The Mixed-Use area will be more flexible and designed based upon commercial and residential market demand. The area will be directly adjacent to the future UDOT highway and feature a mix of neighborhood commercial areas, civic uses, office, retail, and residential areas. This area would help to bolster any residential home products.

The BPI portion of the property will be located off Eagle Mountain Boulevard and near the future UDOT highway. Features within this site would be compatible with the surrounding Mixed-Use areas and would avoid heavy and higher intensity industrial uses. Similar to the ECC, this area would provide economic opportunities in a low impact environment.

Limited information is available regarding connectivity for the potential lots and roadways for the western portion of the subject property. The concept roadways all have connections with existing or future roadways except one connection on the south edge of the residential portion. Overland Village 6 to the east has a trail connection that leads into the area identified as Neighborhood Residential 1 but is not currently incorporated into this concept plan. The road alignments in the concept plan do not match up with the Master Transportation Plan. The General Plan has identified the entire subject property as ECC. Most of the land uses in the concept plan meet this future land use designation. The Neighborhood Residential 1 (which includes R1, R2, and R3 zoning) is not compatible with the land use designation. The properties to the east and southeast of this portion have a land use designation of Neighborhood Residential 1.

Applicant representative Dan Ford explained that most of the questions that arose during discussions with staff regarded the overall plan for the project and the purpose of this concept plan is to address those questions. He stated the concept plan layout was based upon an approximation of the location of the road system and this is the first time he has seen the overlay of the road network. He stated the engineer for the project will adjust the plan to align with the Master Transportation Plan. He stated his desire to determine the best, economically feasible commercial uses for the area and said a residential component would help sustain the businesses. He stated the pandemic has caused a drop in demand for retail and office space. He stated the plan will include connectivity to the Wride Memorial Park trail system for the residential uses. He said he is in discussions with a large regional user to purchase approximately 40 acres of the property. He said the ECC covers approximately 1,000 acres and extends to Wride Memorial Highway and he desires to include some residential uses.

Mr. Ford explained his role in the residential development of the project and stated the commercial properties would be sold to other developers. He said the landowner intends to retain some of the land as investment property and the LMD uses are the highest in demand in the current market.

Commissioner Pengra stated the land designated as ECC on the General Plan Future Use Map is likely to develop with additional land uses and residential uses will likely assist to finance other portions of the development. He expressed appreciation for the applicant's willingness to amend the concept plan to incorporate trail and road system connections and stated the concept included a wider right-of-way than necessary to accommodate the UDOT highway. Commissioner Pengra stated the amount of acreage designated for residential uses was appropriate and cautioned the applicant that an increase in residential acreage would likely meet disapproval from the Planning Commission and City Council.

Commissioner Wells concurred with Commissioner Pengra's desire for the concept plan to align with the City's Master Transportation Plan. She expressed concern regarding the amount of land designated for Mixed-Use due to market fluctuations application variance and the ambiguity in the use description. She suggested that multifamily units may be an appropriate use to buffer the commercial properties, except for the areas adjacent to the Overland development or other large lot residential developments.

Commissioner Everett concurred with Commissioner Well's concerns regarding the Mixed-Use areas.

Mr. Ford stated the plan will change over time and requested flexibility with the project. He said one of the ideas discussed for the Mixed-Use area is a combination of office/flex space with a residential component. He is working on a progressive project that incorporates residential space above an industrial use. He stated during the concept phase of the project, specific details regarding the uses for the area have yet to be determined.

Commissioner Everett expressed hesitancy to alter long-term plans for the area due to the recent impacts of the pandemic as conditions are likely to change and the difficulty in predicting the impact on future market conditions. He expressed disfavor for the location and size of the residential property and concern that rezoning limited ECC property to residential without gaining additional space for commercial uses in the City. He expressed his preference for aesthetical integration of residential uses within the project.

Mr. Ford stated the uncertainty regarding future market conditions due to the unknown long-term impacts of the pandemic is one of the reasons he desires flexibility with the project to adapt plans as necessary and is a factor in delaying the commercial development of the property. He said he is excited about the commercial potential for the area; however, the location is likely 15 years from being able to attract the desired and appropriate uses.

Commissioner Wright stated his preference for commercial, ECC, and high density or Transit-Oriented Development (TOD) housing adjacent to the major transportation corridor. He expressed concern regarding the future UDOT highway passing through the northwest corner of the proposed single-family housing residential area and said commercial or high-density housing is more appropriate for the areas adjacent to the highway. He expressed concern regarding the location and integration of the BPI to the west of the project and the amount of acreage designated for Mixed-Use. He stated the need to better define Mixed-Use zoning in Municipal Code standards for the City. He concurred with Commissioner Everett's concerns regarding the lack of aesthetical appeal of the proposed layout of the residential property. He stated this property will become a major transportation center and the plan does not strategically incorporate nor utilize the unique features of the property.

Mr. Mumford stated the designation for the future UDOT highway has yet to be determined; however, the hope is for the highway to become a continuation of the limited-access freeway system, although, it could become an arterial road similar to Ranches Parkway and Pony Express Parkway.

Mr. Ford stated the designation and width of the future UDOT highway will affect the impact, design, conglomeration, and uses of the commercial development for the intersection of the future UDOT highway and Eagle Mountain Boulevard.

Mr. Kane stated the City Engineer indicated an alignment, farther to the north with Mid Valley Road than proposed in the concept plan, is necessary to increase the spacing for the highway access points.

Commissioner Wright stated the need to determine and preserve the highway accesses for the project.

Commissioner Wood expressed concern regarding the verbiage in the Rush Creek Land Use Plan and said that the adjacent uses in the concept plan did not adhere with the zone transition compatible use standards proposed during the work session. He explained TOD housing is not currently included in zone standards; however, the integration of a TOD overlay is being discussed. He stated appropriate buffering is needed for the development east and south of the property. He said LMD and Residential 1 are not a compatible use for the area and appropriate buffering is needed between the residential areas. He stated his opinion that the General Plan designations for ECC, Regional Commercial, and BPI are too large and advocated for the uses to be better dispersed throughout the City rather than conglomerated together. He expressed concern regarding the development of commercial property that could potentially inhibit highway installation or expansion and stated the designation and width of the future UDOT highway needed to be determined before developing the areas adjacent to the highway. He stated mixed-use standards had been removed from Municipal Code, he disapproves of the use due to the ambiguity in the standards, and mixed-use developments can be developed under alternate zoning designations. He explained the zoning he deemed appropriate for the property including Multifamily 2 and the proposed TOD overlay for residential areas. He expressed concern the concept plan attempted to rewrite the General Plan; however, he concurred that a rezone of the area to the east of the future UDOT highway may be appropriate.

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

MOTION: *Commissioner Everett moved to adjourn the meeting at 8:04 p.m. Commissioner Pengra seconded the motion. No vote was called.*

The meeting was adjourned at 8:04 p.m.

Approved by the Planning Commission on August 11, 2020.



Steve Mumford, AICP

Assistant City Administrator/Community Development Director