



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

March 9, 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: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; and Elizabeth Fewkes, Recording Secretary.

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

1. Discussion Items

1.A. DISCUSSION – Conflict of Interest and Open Meeting Law Training

This item was discussed after item 1.A.

City Attorney Jeremy Cook presented Utah Code Title 52-4 Open and Public Meetings and Utah Code Title 10-3-1301 Municipal Officers' and Employees' Ethics Act in accordance with the annual training requirement.

Discussion ensued clarifying that a quorum is constituted by three or more body members, explaining Commissioners should not engage in any private and/or electronic communications during public meetings, and regarding the differences between Utah Code and EMMC 1.15.020 conflict of interest regulations and the proper and expected duties of disclosure and recusal.

Mr. Cook advised the Planning Commission to disclose anything that might be of personal financial interest or investment and said that it is best practices to recuse yourself, as required by Municipal Code, from a vote when an item could be interpreted to represent a conflict of interest.

1.B. DISCUSSION – Single-family Detached in the MF1 Zone

This item was discussed prior to item 1.B.

Planning Manager Pete Kane presented the item. The item was added to the agenda due to concerns regarding allowing single-family homes in a multifamily zone. Currently, both single-family and multifamily units are permitted in the MF1 zone. The development standards do not include a minimum lot size, a minimum average lot size, or a minimum lot frontage because the zone is not intended for fee-simple lots for either multifamily or single-family. Concerns have been raised due

to the perceived setbacks for single-family detached units located on communal ground and the allowances granted with land zoned MF1 with the intention of single-family units.

Commissioner Wright concurred with the concerns identified by Mr. Kane and noted that approving the MF1 zone allows both single-family and multifamily lots may result in the developer or a developer that later acquires the land to build multifamily units in the zone even when the intention of the original approval was for single-family units. He was also concerned regarding the lack of setback requirements in the MF1 standards.

Commissioner Wells inquired regarding the original intention of allowing single-family and multifamily units in the zone.

Commissioner Everett stated he believes that the standards were introduced recently and he did not recall a specific purpose for the inclusion. On the eastern and southern sides of the SilverLake development includes cluster lot, cottage single-family product. He agrees with Commissioner Wright's desire to only allow multifamily in the MF1 zone due to vested right concerns and due to the RC zone allowing the incorporation of a similar product type.

Commissioner Wright said he believes the comingling of the single-family and multifamily units was due to the previous tier system. He feels now that Municipal Code has been updated with more single-family zones, the separation of single-family and multifamily is appropriate.

Senior Planner Tayler Jensen suggested an amendment to require single-family units in the MF1 zone to meeting the RC zone setback standards.

Commissioner Bergener expressed concerns regarding ambiguity in the standards and thinks the standards should be clarified.

Commissioner Pengra concurred with Commissioner Bergener's concerns regarding ambiguity. He advocated for seeking staff input regarding the best method to clarify the standards.

Mr. Kane noted that decreasing lot sizes by allowing a detached, non-fee-simple lot format is a method to reduce cost and provide affordable housing options. Allowing single-family in the MF1 could help meet affordable housing requirements; however, creating a new, hybrid zone with specific standards for detached, non-fee-simple lots might be a better solution.

Commissioner Wright advocated for the removal of single-family units from the MF1 zone to address immediate issues. An amendment to create a new detached, non-fee-simple zone could be considered in the future with the inclusion of common area requirements to increase livability for residents. He directed staff to prepare an amendment removing the single-family from the MF1 zone, especially in light of similar concerns expressed by the City Council regarding the inclusion of single-family in the MF1 zone and thanked staff for their efforts.

Mr. Kane explained that in order to meet noticing requirements, the requested amendment would not be ready for the following meeting but could be prepared for the April 13, 2021 meeting.

Commissioner Wright recessed the meeting at 6:25 p.m.

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

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

2. Pledge of Allegiance

Assistant City Administrator/Community Development Director Steve Mumford.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. February 23, 2021, Planning Commission Minutes

MOTION: *Commissioner Pengra moved to approve February 23, 2021 minutes. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

5. Status Report

Mr. Kane reported the master development plan, rezone, and General Plan amendment requests for The Pinnacles were reviewed during the March 2, 2021 City Council work session. The Council provided feedback that they agreed with the Planning Commission's recommendations and desired a reduction in the multifamily units and an increase in RC and R3 product in order to reduce the overall density. The applicant is revising the plans and the item will be scheduled once ready.

The City Council motioned to unanimously approve a revised preliminary plat for Scarlet Ridge. The final density resulted in 176 lots and a mix of the RD1 and RD2 zones. The applicant removed the park from the proposal and will pay a fee-in-lieu for amenity improvements outside of the development.

6. Action and Advisory Items

6.A. PUBLIC HEARING – O'Reilly Auto Parts (Site Plan)

Mr. Jensen presented the item. The site plan proposal is for an O'Reilly Auto Parts to be located at 4266 Pony Express Parkway, southeast of Porter's Crossing Parkway and Pony Express Parkway, adjacent to the recently approved Dollar Tree, and backs onto homes in the Oak Hollow subdivision.

Per EMMC 17.100.050(B), any commercial lot which abuts a residential use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. EMMC 17.35.050(F) requires buffering or transitioning when built adjacent to residential uses, and EMMC 17.60.110(D) requires applicants to provide a headlight screen. While a wall exists, due to following the natural grade, additional buffering is required roughly adjacent to where the O'Reilly access aisle enters the project.

Per EMMC 17.72.030(A)(1), the primary entrance to the building should orient toward the street, and if not, the street-facing façade should include entrances, display windows, awnings, increased architectural elements, increased landscaping, and other pedestrian-oriented features. While the front entry does not face Pony Express Parkway, a pedestrian path is included that ties into the existing trail, and some extra features are on the road-facing façade.

Per EMMC 17.72.040(C), the primary roof form of a structure should help reduce the perceived scale of a building. All commercial buildings shall contain either sloping roofs with overhanging eaves or a decorative parapet and multiple roof planes and heights. Elevations should be amended to include a tower to increase the height of the parapet above the main entry and columns. Per EMMC 17.72.040(E), buildings shall incorporate a majority of the following details: reveals, canopies, awnings, popouts, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers and trellis. All sides of a building shall include the chosen details. Only four of the 12 have been used by the applicant; at least three additional architectural features shall be used on all four sides of the building. Per EMMC 17.72.040(G), a building's color palette should be similar to that of significant neighboring structures. The color palette should be amended to be similar to the colors used on the Eagle Vision and Dollar Tree buildings.

The parking standards require 25 to 37 stalls and 28 stalls are provided. EMMC 17.35.050(K) requires bicycle parking to be provided with all commercial locations and no bicycle parking is provided. The sign indicated on the site plan must follow EMMC 17.80.

Should the Planning Commission motion to recommend to approve or table the O'Reilly Auto Parts Site Plan to the City Council, for the reasons set forth in the staff report and in the meeting, staff recommends the following conditions:

1. The applicant shall plant evergreen trees, increases landscaping, and/or increase the height of the wall, or builds a new wall in the designated locations to provide effective screening between this project and the Oak Hollow homes;
2. Elevations shall be updated to include stacked stone and materials similar in color to Dollar Tree and Eagle Vision;
3. Elevations shall be amended to include a tower or to increase the height of the parapet above the main entry and columns to give the appearance of different roof planes and heights;
4. At least three additional design elements designated in EMMC 17.72.040(E)(1) are added to all four elevations;
5. The primary color of the building shall be similar to that used on Eagle Vision and Dollar Tree;
6. All parking lot lighting shall be no more than 17 feet above the pavement;

7. Color rendering or material/color details of the dumpster enclosure is provided to confirm compliance with Municipal Code; and
8. Bicycle parking shall be provided in compliance with EMMC 17.35.050(K).

Applicant representative Creed Richardson stated they plan to plant trees along the fence to screen between the commercial and residential area. He said that O'Reilly Auto Parts is particular about the color palette desired for the building but he believes they can achieve a compromise to be more in harmony with the other buildings in the area. The red depicted in the rendering appears darker than the actual color. He will consult with the design team to determine three additional design elements to implement and the height of the light fixtures. He presented the stormwater runoff plan and landscaping to mitigate drainage from the site and the civil engineer has adapted the plan to address the slope of the land. The landscape plan includes eight-to-ten-foot skyline honey locust, spring snow crabapple, and chanticleer flowering pear deciduous trees, Austrian pine, and landscape islands and peninsulas.

Commissioner Wright opened the public hearing at 7:00 p.m.

Resident Diana Anderson stated she lives in the home located directly behind the O'Reilly Auto Parts site. The headlights from the cars will shine directly into her dining room. She submitted pictures to illustrate how ineffective of a screen the current wall is due to the grade difference. She and her family can see the full construction site above the current wall. Municipal Code requires "effective screening" between residential and commercial properties and the current wall is pitifully ineffective. She expressed concern that the proposed deciduous trees would also be ineffective as the leaves would only provide screening for a portion of the year. Leveling the ground would turn the barrier fence into a retaining wall and people could fall over the wall into their yard. She expressed safety concerns as cars in need of repair will be driving directly towards their home. She beseeched for their family and property to be provided the privacy and protection intended by City screening requirements with a wall of adequate height with consideration for a solution for the space between the walls should it be determined to require a second wall.

Ms. Anderson also provided the following email comment prior to the meeting that Commissioner Wright requested to be entered into the public record:

Dear Planning Commission,

My name is Diana Anderson, I'm a resident of the Oak Hollow community directly behind the commercial lot site discussed in tonight's meeting. More specifically, I live in the house directly in front of the proposed road entering the Dollar Tree and O'Reilly's parking lots. The road leads directly to the back of my house.

When we purchased our home, we were grateful for the beautiful wall afforded to us by our builder and trusted that it would be a sufficient barrier between our home and the commercial lot behind us. The land behind ours was just a tangled mess of weeds and we assumed it was a similar altitude to our own. However, as the Dollar Tree construction began, we were shocked to see how much higher the land behind the wall was in relation to our land. Once weeds were cleared, it became apparent that the ground on the other side of the wall was several feet higher than our own, making the wall we have absolutely useless. Members of your own planning commission, Commissioner Everett and Commissioner Wright, came to our home to see the problem and can attest to the severity thereof. Although the builder met requirements for a 6-foot wall, the land on the other side of the wall makes a rapid and steep ascent, completely negating any privacy or protection intended by the wall's construction.

We can see the ground on the other side of the wall from our dining, living and kitchen windows, and more alarmingly, they can see us. As construction is currently underway, I cringe each time I see a

construction worker walk by because I don't just see his head peeking over our wall, I see his entire body, all the way down to his feet. I see the bottoms of the tires of every vehicle that enters. As cars and trucks enter the lot, their headlights point directly into our dining room and are not blocked in the least degree by the wall. We see everything taking place in the lot behind us as if there was no wall in place at all.

The city code in section 17 requires that residential lots be "effectively screened" from commercial lots and the currently proposed plans are far from "effective". While the code allows for the screen to take the form of landscaping, wall, fence or combination thereof, I plead with you to take a step further and require a sturdy and secure wall, sufficiently strong to protect our home and family from automotive mishaps and sufficiently high to afford our family the privacy intended by the city code.

Should a vehicle mistakenly continue on the proposed road, they would drive straight into our home and, heaven forbid, our children in the backyard. I take no comfort in knowing that the cars visiting the O'Reilly's are likely in need of repairs of some sort or another. True, the code allows for landscaping as an option for this screening but deciduous trees would lose their leaves and leave our family exposed for over half the year. And saplings would not provide any sort of privacy or safety for many years to come. Anything less than a forest of mature evergreen trees would do little to protect our family and meet the requirements of the code.

Furthermore, the code requires the commercial property to manage its own draining of water. As the properties are currently laid out, all the rainfall of the commercial lot would find its way into our land. It would seem the remedy to this solution is to fill in the trench behind our wall so as to level the ground on the commercial lot and prevent the water from following the incline down onto our land. However, if the trench were to be filled in, the wall currently in place would then function as a retaining wall rather than the divider it is required to be. It would be a simple hop for strangers to get into our backyard. A replacement with a higher wall or the construction of a new wall is truly the only solution.

I implore you to sustain the code and protect our homes and families by requiring the O'Reilly's team to replace our wall with a higher one or build a new one that would be sufficiently strong and effectively high to protect our home, our family and our neighbors.

Thank you,
Diana Anderson

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

Commissioner Everett disclosed that his family is friends with the Anderson family. He visited the Anderson property to better assess the situation. The Oak Hollow development installed a six-foot wall that has a significant height difference between the commercial and residential areas due to the steep slope of the ground. Municipal Code requires the commercial developer to provide buffering or transition when building adjacent to residential developments. He feels the current wall is ineffective for commercial screening purposes. He concurs with the concerns regarding the inadequacy of using the proposed deciduous trees as a screen. He recommended a six-foot solid, wall barrier on the commercial property to fulfill the screening requirements for commercial uses. He agreed with the request for the main color of the buildings to be more in harmony with the other developments; however, he was in favor of allowing leniency regarding logo and brand accent colors due to approvals for brand color usage for other businesses.

Commissioner Wright stated that he has also visited the property and the height difference between the residential and commercial areas is dramatic. He believes a masonry wall is the best solution; however, he is unsure of the best location and height for the wall. He is in favor of all the recommendations in the staff report with preference for requiring the applicant to provide a wall screening and to address any resulting drainage issues, rather than allowing the evergreen tree screening option. He expressed appreciation for the thorough staff report and recommendations.

Commissioner Pengra stated he disagreed with the recommendations to add stacked stone, increase the height of the parapet, and alteration of the primary building color as he felt the changes would decrease rather than increase the aesthetical appeal of the building, due to other buildings in the City without those detail requirements, and his preference to allow some variation within the City. However, he concurs with requiring the wall to provide adequate screening especially in consideration of vehicular safety concerns, and agreed with the other staff recommendations.

Discussion ensued regarding the slope of the ground and the impact on the residential properties including those behind the Dollar Tree site and staff efforts to work with the applicants to address screening adequacy concerns. The Commission lamented that the issues had not been identified and rectified during the Dollar Tree application and pledged to take more thoughtful consideration of buffering and screening between commercial and residential uses going forward.

Commissioner Wells expressed concern with the aesthetical and other unforeseen issues for the area between the walls if a second wall were to be required. She believes that an evergreen tree species would be the preferable solution.

Commissioner Bergener stated that there needs to be an effective resolution for the screening issue and he believes it falls to the applicant to determine a satisfactory solution. He advocated for harmony in design and color palette between buildings while still allowing for variety.

Commissioner Pengra expressed concern about allowing trees to provide screening due to the time between planting for the trees to grow to be able to provide adequate screening, the spacing between the trees, and the potential for trees to die. He recommended for the existing wall to be increased in height both in this location and along the other areas with lower elevations adjacent to the residential properties.

Commissioner Wright noted that a drive aisle is located behind the Dollar Tree site and that vehicles will drive parallel to the adjacent homes where vehicles for the O'Reilly Auto Parts will drive directly towards the residential area and will park with their headlights directed at the homes. He reiterated his preference for an additional wall and did not feel it would be visually unappealing. He explained his support of the staff report is due to the recommendations being based upon Municipal Code requirements.

Commissioner Everett agreed that the wall along a portion of the property might not be ideal visually; however, he is unaware of a better solution. He expressed appreciation for the thoroughness and Municipal Code citations included in the staff report and felt that an application with eight conditions needs additional amendments prior to the Planning Commission making a recommendation to the City Council. He is in favor of tabling the item to allow time for the applicant to address and rectify concerns prior to the application being presented to the City Council.

Applicant representative Ryan Forsythe stated they are attempting to adhere to Municipal Code standards; however, they also have to meet the brand requirements of the company they represent. They implemented the previous requests from the City during the Dollar Tree application into this project. He requested to not have to pay to provide new renderings, especially because he believes

they met the aesthetics and style of the Dollar Tree. He spent \$20,000 to extend and match the fence as a favor to the City during the previous applications (7-Eleven). He recognized the concerns with screening and explained that the final site will be lower than the current construction activities and should not cause any drainage issues. He noted the materials and market expenses that have increased over the past few months and that delays in the application will increase the cost and he would rather spend the money to address issues such as the fence rather than to provide additional renderings and applications.

- MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the site plan for O'Reilly Auto Parts with the following conditions:*
- 1. The applicant shall increase the height of the wall along the south of the property to provide effective screening between the project and the Oak Hollow homes;*
 - 2. At least three additional design elements designated in EMMC 17.72.040(E)(1) shall be added to all four elevations;*
 - 3. All parking lot lighting shall be no more than 17 feet above the pavement;*
 - 4. Color rendering or material/color details of the dumpster enclosure is provided to confirm compliance with Municipal Code; and*
 - 5. Bicycle parking shall be provided in compliance with EMMC 17.35.050(K) at a location to be identified between the applicant and staff.*

Commissioner Pengra agreed to add the requirement for an additional three design elements at Commissioner Everett's request in order to obtain a second and move the motion forward; however, he had omitted the condition due to the similarities between the approved Dollar Tree elevations and the proposed elevations.

Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Christopher Pengra. Those voting nay: Erin Wells and Brett Wright. The motion carried with a vote of 3:2.

Commissioner Wells clarified her dissent was due to her desire to include some of the other staff recommendations.

Commissioner Wright explained his dissent was due to the other Municipal Code adherence concerns identified by staff he desires to be addressed by the applicant, particularly the roof height.

6.B. PUBLIC HEARING – Prairie Gate Business Campus (Recorded Plat Amendment)

Mr. Jensen presented the item. The current plat was approved in 1999 and recorded in 2000 with five lots with lot 5 designated for open space. Both lot 1 and lot 5 have currently approved plats; however, only lot 1 has access onto Campus Drive. The applicant is proposing an amendment to the plat for the creation of Parcel A comprised of open space, including the Ranches Waterfall Sign. The City would retain ownership of this parcel. The proposal also creates two lots from the remaining land, both with access onto Campus Drive. The purpose of this request is to ensure that the improved open space is owned and maintained by the City while creating two 1.279-acre lots

with access onto Campus Drive. This request would add approximately 0.958 acres of commercial space to the development and would not remove any improved open space.

The future land use designation for the Prairie Gate Business Campus is Community Commercial. The Eagle Mountain General Plan Framework map anticipates a Community Node in this location.

Staff recommends that the Planning Commission motion to recommend approval to the City Council of the recorded plat amendment for the Prairie Gate Business Campus, for the reasons set forth in the staff report and in the meeting, and with the condition that the purchase of the City property must be finalized prior to recording the plat.

Applicant representative Dan Ford explained that a part of the agreement provides an access easement for the City to be able to maintain the waterfall and open space.

Mr. Jensen clarified that an easement to allow City access to the open space area is identified on the plat.

Commissioner Wright opened the public hearing at 7:55 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wright closed the hearing.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the recorded plat amendment for the Prairie Gate Business Campus with the following conditions:*

- 1. The purchase of the City property must be finalized prior to recording the plat; and*
- 2. The applicant shall provide an easement from one of the lots to access the City-owned property.*

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

6.C. PUBLIC HEARING – Pole Canyon NPA-11 (Preliminary Plat)

Mr. Kane presented the item. The subject property is about 5.6 acres and is located adjacent to the White Hills subdivision; the property runs along the north sides of Jackson Street and Jefferson Avenue and the west side of Eisenhower Street. The property is subject to the Pole Canyon Annexation and Master Development Agreement (MDA). The MDA divided the Pole Canyon area into several planning areas consisting of neighborhood (residential), commercial, and business park/industrial uses. The property, identified as NPA-11, has vested rights for residential zoning for a total of 20 residential lots/units with a density of 3.36 units/acre and a 10,000 square foot minimum lot size.

A preliminary plat application was submitted in 2013 then withdrawn. A similar preliminary plat application was made in 2016; the Planning Commission held a public hearing on June 14, 2016,

and made a positive recommendation and the application was placed on hold. Both times, the request was withdrawn or put on hold in order to complete infrastructure requirements.

The 20 residential lots range from 10,684 square feet to 13,940 square feet with an average lot size of 11,848 square feet. The smallest frontage width is 101.75 feet. The setbacks are based upon the Tier II residential requirements at the time of the MDA execution. Setback requirements for the Tier II system were 15 feet for the front of the unit, 22 feet for the garage front, 5 feet for the side, and 10 feet for the garage side, and 20 feet for the rear. The setback requirements for the R2 zone are 25 feet for the front of the unit, 25 feet for the garage front, 8 feet for the side, and 10 feet for the garage side, and 20 feet for the rear.

The Future Land Use designation for the property in the General Plan is Neighborhood Residential One. Based on the proposed lot sizes and frontages, the equivalent current zoning would be R2. The Neighborhood Residential One land use includes the potential zoning districts of R1, R2, and R3.

Currently, the White Hills subdivision and the subject property have only one access onto Wide Memorial Highway via Wilson Avenue. EMMC 16.35.070 requires a second "separate and approved fire apparatus access road" based on the number of lots in this area. The applicant has proposed a 30-foot temporary access easement extending north from Adams Street to include a 20-foot-wide paved access road and restricting parking on both sides of the access road.

EMMC 15.10.390 requires streetlights in residential developments. The applicant has previously requested a waiver from the streetlighting requirement because the White Hills subdivision does not currently have streetlights and feels adding lights for this development will be out of character. EMMC 17.25.050(I) allows the Council to exempt streetlights from projects in the RA1, RA2, and RD1 zones with one-acre or larger lots.

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

1. That the temporary access road to the north will be constructed to the attached civil plans and as requested by United Fire Authority with a 30-foot-wide temporary access easement, 20-foot-wide paved access road within the easement, "No Parking" signs on both sides of the access road, and the road must be capable of supporting 65,000 pounds;
2. The applicant will record a temporary access easement on parcel 59:050:0052 to establish and build the temporary access road; and
3. One of the following streetlighting options either:
 - a. Streetlighting shall be installed in compliance with EMMC 15.10.390; or
 - b. Streetlighting for the existing streets in the preliminary plat is not required; any future neighboring developments or extensions of the existing streets will be required to comply with EMMC 15.10.390.

Applicant representative Nate Shipp expressed concern regarding the staff recommendation to pave the temporary access road as he believed that it conflicted with State requirements for an all-

weather, temporary access road and it would be onerous to install asphalt that would later be removed. He would like to discuss the matter further with Unified Fire Authority (UFA).

Mr. Kane stated that the UFA recommendation to pave the road had been discussed during the development review committee (DRC) meeting for the project and the applicant had not denoted a conflict with State requirements at that time. However, UFA was explicit in their request for paved access capable of supporting 65,000 pounds.

Commissioner Wright opened the public hearing at 8:08 p.m.

The City received the following email comments regarding this item:

Bruno Hunziker: "So, the city has been saying for 4 years and nine months now that the sewer is almost complete. We do not need to give out permits right now because it could be another 4 years. I know it is close to being done with the lift station but until that is complete and another entryway is built then you will be ready to issue permits."

Peggy Hunziker: "The planning commission meeting from Tue. June 14, 2016 p. 7 states: "Mr. Mumford thanked Peggy Hunziker for her comment. He stated that the City Planner's new recommendation is that no building permits shall be issued until the infrastructure is complete. And under MOTION: 2. Reads: Building permits shall not be issued for construction until infrastructure needed to comply with City requirements has been substantially completed (sewer, water, & Wilson Avenue repair)."

1. We have not been hooked up to the city's sewer yet, even though we have been paying for this service we do not receive.
 2. The Fire Marshall said there can not be any new homes built without a new road entering into the subdivision. This road is necessary for fire access. Also, it would keep the large trucks out of the neighborhood so as not to endanger our children.
 3. The water loop has not been completed that would give us water pressure to accommodate the new building. As of now there is not enough pressure for the present homes.
- When these three items are completed then we will welcome new neighbors.
I don't understand why we are here again when these things still are not done."

Kristin Fluckiger: "As a resident that currently lives in the White Hills Subdivision, I was looking at the impact studies that are being used for the proposed new homes on the north end of our existing subdivision, the traffic study hasn't been updated since 2008, citing that there has been no significant development in our area that affects current traffic flows. I would like to see this redone, since the gravel pits, the dump and Tyson meats have been added to this area and have definitely impacted the amount of traffic that is currently using SR-73. The water study is from 2016 and does not take into account the usage from Tyson's plant and the new additional burden on our water system with the new lines that were put in place in the last year. The water pressure measured in 2016 from a fire hydrant during the water tower low fill was barely able to maintain 24 psi and a minimum of 20 psi was recommended to add new homes at that time. We pay monthly for city sewer, that we are not currently connected to or has been updated since 2016. I feel that it would be wise to address these issues and the extra access to and from the subdivision

that were required by the local fire department before new homes are built to our existing subdivision.”

Beth Croff: “Hi. My name is Beth Croff and my family and I have lived in White Hills for the past 8 years. I understand our little subdivision will expand in time, but I do not understand why we keep rehashing the same issues with the developers when once again, the agreed upon items have not been completed yet in order to continue with development. Examples of such items being basic infrastructure put in place, such as the sewer lines that are still not connected/completed. I also understand that our neighborhood would need another entryway prior to more housing being built. And we already have water pressure issues without having 20 more houses being built. I would like to see the city council hold the developer up to the requirements that have already been settled upon at multiple prior meetings before we move forward with new development!”

Weston Berry: “My name is Weston Berry and I live south of the well house on Adams Street (3832). The proposed 2nd access road I feel is too small. It will become the main entrance into White Hills, very few will use the Wilson Ave entrance. I would like to see the road widened to standard width or move the 2nd access road to a less appealing area as to not become a main road. A small 20-foot road would be a safety concern as there will be very little room to pass, etc.”

Commissioner Wright closed the public hearing at 8:14 p.m.

Applicant representative Steve Jackson verified the infrastructure for the project, such as the sewer lines and wet well, have been completed; however, the delivery of the pump station which had been scheduled for the first week of March has been delayed due to weather issues in Texas. The pump station should arrive and be installed within the next few weeks. The White Hills water station was conveyed from the White Hills Water Company to the City. Water pressure issues this past summer were due to a failure within the automated function.

Commissioner Wells sympathized with the residents and requested clarification regarding the conditions of the previous approval in 2016 for the project and the completion status.

Mr. Mumford explained the 2016 application was given a recommendation of approval by the Planning Commission but was never heard by the City Council due to other issues with the project that had to be addressed first. The project has taken far longer than expected or desired by the applicant. The pandemic has caused further delays. The estimated time of completion is currently May. Staff postponed issuing building permits until the sewer was in the process of being installed and certificates of occupancy were held until the completion of the sewer. Staff desired to prevent additional home construction and occupancy until the failing sewer system was remedied. It will be four to six months before homes could be built and ready for occupancy. A building permit has been issued for a homeowner builder for a lot in White Hills for another project. The City Council still needs to approve the subject project and the building permits will not be issued until after the necessary approval. The City Engineer feels confident that the infrastructure will be completed prior to home occupancy. It would be reasonable for the Planning Commission to condition that no certificates of occupancy shall be issued until the sewer is complete.

Mr. Kane stated that the City Engineer confirmed that the City is aware of the water pressure issues and the developer and the City are actively working to address and solve those issues by working with the master developer to appropriately plan facilities to improve water pressure in the White Hills subdivision with input from the City's public works, the hydraulic modeling consultant, and the developer's water planning consultant.

Mr. Mumford verified that the City Engineer evaluates and discusses water pressure impact for proposed developments during DRC meetings.

Mr. Kane noted that the final plat is a staff-level approval that confirms civil drawings and infrastructure details prior to the recording of the plat.

Mr. Mumford explained that a fire flow analysis is also conducted and approved by UFA to determine there is adequate water pressure for emergency needs.

Commissioner Pengra reviewed the history of challenges with the project for the developer and the individual landowners that desired to build in the White Hills area but were delayed. He is pleased to hear the infrastructure is almost completed even with unfortunate additional delays. The sewer improvements should be completed within six months and it is unlikely that additional homes will be constructed and ready for occupancy within a shorter timeframe. Although the White Hills water system had issues prior to being acquired by the City, the responsibility to solving those problems now falls upon the City. The developer appears to be working in good faith to resolve the water issues.

Mr. Shipp stated that his understanding is that the City has fully assumed responsibility for the water system and that they had fulfilled all their obligations prior to turning over the system.

Commissioner Pengra expressed his opinion that if a step had been overlooked by the City before the water system acquisition, the responsibility now falls to the City to resolve any outstanding matters, not the developer.

Mr. Shipp confirmed that a permanent road will replace the requested paved access road. Construction is scheduled to begin in the northeast corner of the property on the west side of Wride Memorial Highway on neighborhood planning area one and that phase would include the installation of a permanent road to replace the access road. They will provide adequate sewer. The current line has additional capacity; should the available capacity be utilized by other projects they would need to install an expansion.

Mr. Jackson stated the current sewer is designed to supply the White Hills area, the Tyson Foods facility, and an additional 900 residential units.

Commissioner Wells recommended the inclusion of a condition regarding the completion of the sewer. As the water pressure issue for current residents is a City issue, the Commission is unable to add conditions regarding the current system but can require that additional development demonstrates adequate water pressure for residential and emergency services needs. Due to the

size of the future development area and the lot sizes being under an acre, she believes it is appropriate to require streetlights.

Mr. Kane explained that the project requires reevaluation of an application by the Planning Commission prior to review by the City Council due to the expiration of the 2016 preliminary plat approval after two years because a final plat had not been acted upon as required. The open space fee structure has also changed since the 2016 approval. Currently, projects require separate preliminary and final plats and fee collection will occur during the final plat phase of the development.

Commissioner Everett expressed sympathy regarding the water issues experienced by the White Hills residents that need to be addressed by the City. He supported the requirement for the temporary paved access. He stated he would be willing to waive streetlights for this area but believes streetlights should be installed in other areas in Pole Canyon.

Commissioner Bergener supported the requiring streetlights in order to meet Municipal Code requirements and the installation of a paved access road. He thanked the residents for their input regarding the issues. He concurred withholding permits until the sewer is complete.

Commissioner Wright agreed that streetlights should be required due to the lot sizes and the number of units plan for Pole Canyon to prevent the burden of streetlight installation to fall on the City in the future. He advocated for requiring the paving of the access road, especially in consideration of the likely compaction of the clay soil found throughout the City and to accommodate the weight of emergency apparatuses. He recommended withholding building permits until the completion of the sewer system while recognizing the supply chain disruption obstacles due to the pandemic impacting the project. On a separate note, he requested for the Planning Commission to plead on the behalf of the White Hills residents beseeching the City Council to prioritize addressing the water pressure issues and encouraged the City to address the situation post-haste.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the preliminary plat for Pole Canyon NPA-11 with the following conditions:*

- 1. That the temporary access road to the north shall be constructed to the attached civil plans and as requested by United Fire Authority with a 30-foot-wide temporary access easement, 20-foot-wide paved access road within the easement, "No Parking" signs on both sides of the access road, and the road must be capable of supporting 65,000 pounds;*
- 2. The applicant will record a temporary access easement on parcel 59:050:0052 to establish and build the temporary access road;*
- 3. Streetlighting shall be installed in compliance with EMMC 15.10.390; and*
- 4. No building permits shall be issued until the sewer in the area is complete.*

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

Commissioner Wright requested for the other Commissioner's support to beseech the City Council to work with the engineering and other staff to rectify the water pressure issues in the White Hills area.

Mr. Shipp defended City staff and stated that the City has not received complaints regarding the water pressure other than when the tank levels lowered. He believes the system is working and that City staff is doing a great job in maintaining the system.

Commissioner Wright clarified he believes staff is doing what they can to rectify the situation and desires to request the support of the City Council to prioritize the concerns and to invest additional support and funds if necessary.

Mr. Shipp requested to present the history and plans for the project to the Planning Commission during a work session discussion.

Commissioner Wright expressed his willingness to entertain the discussion and directed the applicant to work with staff to determine an available and appropriate time to include the item on a future agenda.

Commissioner Pengra noted the difficulties in integrating a new system into the existing City infrastructure. He objected to the comments and feels it is inappropriate to involve the City Council in the running of the water system, as they do not have the proper qualifications. He has full faith in the water department to fulfill their responsibilities.

Commissioner Wright acknowledged Commissioner Pengra's comments and apologized to anyone he might have offended. He clarified his intent is to recognize the difficulties faced by the residents and to encourage a focus on the issue.

7. Discussion Items

Commissioner Wells inquired if the "The Ranches" subdivision sign would be changed to "Eagle Mountain" as the sign is located near the eastern border of the City.

Mr. Mumford noted that "The Ranches" sign has been discussed but he is not aware of a determined action regarding the sign. He will research the issue and report back to the Commission.

8. Next scheduled meeting

The next Planning Commission meeting is March 23, 2021.

9. Adjournment

MOTION: *Commissioner Wells moved to adjourn the meeting at 9:02 p.m. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:02 p.m.

Approved by the Planning Commission on March 23, 2021.


Steve Mumford (M) 2021.11.18.19071

Steve Mumford, AICP
Assistant City Administrator/Community Development Director