



EAGLE
M O U N T A I N

EAGLE MOUNTAIN
PLANNING COMMISSION MEETING
MINUTES

February 12, 2019, 6:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

COMMISSION MEMBERS PRESENT: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. Jared Gray arrived at 6:05 p.m. and was excused at 6:55 p.m.

OFFICIALS PRESENT: Councilmembers Melissa Clark and Stephanie Gricius

CITY STAFF PRESENT: Michael Hadley, Planning Manager; Tayler Jensen, Planner; Lianne Pengra, Recording Secretary

Commissioner Everett opened the meeting at 6:00 p.m.

1) Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2) Declaration of Conflicts of Interest

None.

3) Approval of Meeting Minutes

3.A January 22, 2019 Meeting Minutes

MOTION: *Brett Wright moved to approve the January 22, 2019, Planning Commission meeting minutes. Rich Wood seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

4) Action and Advisory Items

4.A Eagle Village

Planner Tayler Jensen said the amended preliminary plat for Eagle Village contains 69 single-family units on approximately 14.17 acres, for an overall project density of 4.87 dwelling units per acre. He stated 24% of the lots have frontages exceeding 60 feet, and only 20% are required. He noted that eleven lots have frontage of only 50 feet, and the

Planning Commission should decide if the open space behind the lots provides sufficient justification to approve the lots as presented. He explained staff's opinion is that the lot frontages are justified, as the City requested the green space on the ends of Pheasant Road due to a storm line easement; however, staff recommends lot 151 be removed, as a large portion of the lot is encumbered by sewer and storm drain utility easements.

Mr. Jensen said connectivity in the project exceeds minimum standards. One block in the project is too long, but the existence of Bountiful Lane could be justification for an exception. The applicant has planned 0.878 acres of approved open space and will further improve 1.028 acres of unimproved City open space. The project is required to provide 156 amenity points and is providing 192 points.

Commissioner Wood asked for clarification on the lots with 50-foot frontages. Mr. Jensen explained the green space is forty feet wide, and if removed from the plan, that area could be spread throughout the lots to create approved frontages.

Commissioner Wright asked for the current vested rights in the preliminary plat. Mr. Jensen said the project is currently vested with 139 Tier III townhome units. The applicant has lowered the total number of lots to 69 single-family units.

Applicant Ed Patterson said the plan has been reconfigured to comply with Municipal Code. He explained the desire was to include 60-foot frontages throughout the plan. One lot was removed to ensure a 300-foot distance between access points on Pony Express Parkway. They also included connecting trails throughout the project.

Commissioner Everett asked if the applicant would be willing to remove lot 151. Mr. Patterson said they would like to retain as many lots as possible, and can build an existing floor plan on lot 151 with the driveway located over the easement. Commissioner Wood stated the driveway would need to be removed if access to the utilities was needed in the future.

Commissioner Everett stated removing lot 151 will allow the other lots along Robin Lane to be widened, and will allow the easement to be located so that access will not be as impactful to the homeowner.

Commissioner Everett confirmed with staff that the improved park would be dedicated to the City.

Commissioner Wood asked the reasoning for the open space on either end of Pheasant Road, as it causes the lots along Sparrow Lane and Robin Lane to be out of compliance. He asked if the open space could be shifted to allow for larger lot frontages. Mr. Jensen said the open space was placed at the City's request, as a storm line is located under those areas. He stated the current version is the tenth or eleventh revision, and is the best possible design.

Mr. Jensen noted staff's opinion is the frontages along Sparrow Lane warrant an exception due to the applicant including the open space over the storm drain easement.

Commissioner Wood expressed concerns regarding the applicant's ability to protect the homeowners along the trails that run between properties.

Commissioner Everett opened the public hearing at 6:19 p.m. As there were no comments, he closed the hearing.

Commissioner Gray confirmed with staff that the easement on lot 151 was in place before the applicant designed the project.

Commissioner Wood asked if a pedestrian connection between the lots along Bountiful Lane and Lark Road is beneficial to the plan, or if it would negatively impact residents along the trail. Commissioner Everett stated it would be a burden on the applicant to redesign the project again, and the lot lines do not match up for a straight trail. He stated he is not concerned with the 50-foot lot frontages along Sparrow Lane.

Commissioner Wood asked if the frontages on lots 116-118 met Municipal Code, as they are between 28 and 30 feet. Mr. Jensen clarified the frontage requirement along curves such as the one in question is 20 feet.

Commissioner Gray stated he likes the trail and residents who do not want to live along a trail will not buy those lots. He stated if a low fence is installed on either side of the trail, no dark alleys are created. Commissioner Wright asked if not including the trail would cause the plan to be greatly out of compliance. Mr. Jensen stated the loop is 100 feet longer than allowed before a pedestrian trail is required, but noted sidewalks are in place for pedestrian connectivity.

MOTION: *Brett Wright moved to recommend approval of the Eagle Village amended preliminary plat to the City Council, with the condition that lot 151 shall be removed from the plan. Rich Wood seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

4.B Ames Construction Extractive Overlay Zone

Planning Manager Michael Hadley stated the proposal is to add the overlay to 160 acres of property located on southeast boundary of Eagle Mountain. He said the property is surrounded by Bureau of Land Management property to the north and east, agriculture land to the west, and the property to the south is outside of City boundaries. He stated the requested starting point for excavation is behind a knoll and will not be visible to the north.

Mr. Hadley explained the reason for the overlay request is to provide materials to the Facebook site. The applicant is currently bringing materials via truck from a location outside City limits.

Mr. Hadley stated criteria for approval includes compliance with the Future Land Use Plan, which shows the area as Foothill Residential and Parks & Open Space. Regarding City services, traffic generation, and property values, the rezone is not anticipated to create any burdens on City services; it is anticipated to reduce the number of truck trips on City roads going to and from the Facebook site; and it is not anticipated to have negative impacts on neighboring properties. SITLA supports the proposal.

Mr. Hadley said if approved, the developer must comply with Municipal Code 17.54, Extractive Industries Overlay Zone. A maximum of ten acres of land may be processed at a time, and reclamation must be completed before moving on to additional acreage. The applicant must comply with State of Utah Department of Natural Resources small mining operations regulations. Any blasting must comply with Municipal Code 8.25, Explosives. The hours of operation for vehicles entering and leaving the site will be restricted to 7:00 a.m. to 9:00 p.m. Trucks leaving property shall only be allowed on an approved route. Dust control shall meet Utah Department of Environmental Quality fugitive dust control plan standards.

Mr. Hadley explained the applicant has stated the materials will be used for the Facebook site. They may use the material for sites within Eagle Mountain's commercial areas, and will not sell material to outside entities. This will not be a public pit, which is noted in the agreement.

Commissioner Wood stated he spoke with Councilmember Colby Curtis and discussed previous overlay applications for this site. He said Councilmember Curtis explained the Council wanted a reclamation bond in place, wanted to limit the amount of mining, and wanted restrict the overlay to 25 total acres. He stated he does not feel the Council will adjust the conditions of approval, and the Planning Commission should include the previous Council conditions in any motions made for the item.

Commissioner Gray asked about wind restrictions, and stated a \$25,000 reclamation bond would not be enough to return the land to its original state. Mr. Hadley said a specific wind speed at which operations must cease is noted in the agreement.

Commissioner Gray asked for the estimated tonnage to be removed, and if the excavation would impact the ridgeline. Mr. Hadley explained the applicant wants to disturb five acres at a time, and does not have a final tonnage total at this time. The applicant expressed they will excavate as material is needed. It is expected to be operated five to six days a week until the Facebook project is complete; after that time, the operations will only be as needed.

Commissioner Gray asked if there is a City benefit and what the taxes paid to the City will be based on. Mr. Hadley said some taxes might go to the City, based on what is sold to Facebook, but since SITLA owns the mineral rights on the property, taxes may not come to the City. A large benefit to the City is that roads will be protected, as trucks currently travel along Pony Express Parkway and Eagle Mountain Boulevard. This overlay would remove that truck traffic.

Discussion ensued regarding future projects that may utilize material from this site, and how to govern where the material may be transported to.

Mr. Hadley explained the southern portion of the City is designated for larger projects such as Facebook. Commissioner Gray said he would like the agreement to specify truck traffic route restrictions, and that the applicant will maintain the gravel roads from Facebook to the excavation site. Mr. Hadley stated the applicant will maintain the roads, as well as control dust along the route.

Commissioner Wood asked if loads are required to be covered. Commissioner Gray explained loads are not required to be covered if the material is six inches below the truck's sideboards.

Cole Piling with Ames Construction explained the Utah Division of Oil, Gas and Mining (DOGM) sets specific requirements regarding reclamation through their permitting process. Ten acres can be disturbed at a time, and that land must be reclaimed before moving on. Mr. Piling stated most gravel pits are not permitted through DOGM, so what the Commissioners have seen in other reclaimed areas does not accurately depict what is required for the site under discussion. According to DOGM standards, reclamation requires adding top soil to the property and adding natural landscaping to bring it back to its original state.

Commissioner Wood asked if blasting is part of the excavation plan, and if the excavation would impact the ridgeline. Mr. Piling said the site may require blasting, but they will not know until they have started the project; all blasting permits will go through the City Council. He explained the plan is to keep excavation on the south side of the hill in order to be hidden from the north side. Tonnage will be restricted by the air quality permit, and they do not have a set quantity at this time.

Commissioner Wright asked why the applicant cannot continue supplying the material as they currently do. Mr. Piling explained transporting material from a closer location is a cost savings to Ames, as they will not have to purchase and transport material from another company outside the City.

Mr. Piling explained Ames does not offer commercial sales; they are project-based only. Other Ames projects outside of the City likely would be supplied from other sources. He stated they would like to retain the option to move material to other locations, if needed.

Commissioner Wood said he does not want to allow operations to begin at 7:00 a.m. City Council recommended operating hours of 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 7:00 p.m. on Saturday. Mr. Piling said they can control when trucks are loaded, but cannot keep the trucks from driving on City streets and arriving earlier. He explained the Facebook trucks are stationed at the Facebook site, so they will not be traveling through the City.

Commissioner Wright asked if the applicant has plans to operate an asphalt or concrete plant. Mr. Piling said not to his knowledge. Mr. Hadley explained the applicant has specified in previous discussions that they will not operate an asphalt or concrete plant.

Commissioner Everett asked how long it would take to process ten acres, and if ten acres would provide the material Facebook requires. Commissioner Wright asked how much of the hillside would be removed, and how deep of a pit will be created. Mr. Piling said the timeline to excavate ten acres depends on the specific area, but ten acres would likely meet the immediate demand for Facebook. They have not surveyed the land to determine how much material is within the first ten acres. He explained if drilling or blasting is needed, the land will be benched for safety reasons.

Commissioner Everett said he does not want to approve the overlay for the entire 160 acres. He prefers to allow the overlay on ten acres at this time to ensure any concerns can be addressed that arise in the excavation in the first ten acres.

Commissioner Wood expressed concerns that the overlay is not specific in location, time frame, or amount to be excavated, as he does not know what he is approving.

Commissioner Everett opened the public hearing at 7:07 p.m.

Jeff Ruth asked if the property would be closed to public use. He stated he appreciates that the permit is not for mass grading, but does not want blasting allowed.

Commissioner Everett closed the public hearing at 7:09 p.m.

Commissioner Wood asked if the excavation would meet the ridgeline ordinance. Mr. Hadley said the site is currently zoned Agriculture, and the BLM land around the site will not be developed. He explained the applicant is not building homes.

Commissioner Everett stated his preference to restrict the excavation to thirty acres within the area designated as Parks and Open Space on the Future Land Use Plan. Mr. Hadley said his opinion would be to not specify acreage, but state a lesser area is desired.

Commissioner Wright said he understands the need for aggregate, but does not think this site is needed. He expressed concerns that the land is designated as Foothill Residential and the intent is to have view lots in future development.

Commissioner Wood stated an overlay of 160 acres is too large; he said the approval needs to be limited to a ten-acre parcel. He does not see any benefits to the City.

Commissioner Anderson said he is opposed to approving the overlay over the entire 160 acres, but he prefers a percentage versus a set acreage. He does not want the applicant to return every three months for another rezone. The local pit will remove truck traffic from City streets, which is a benefit to the City. He said they can provide recommendations to the City Council that material excavated from the site must remain within the City. This will negate the possibility of material being transported along City roads to another

municipality. Commissioner Wright stated he does not see the removal of truck traffic as a long-term benefit to the City.

Commissioner Wood directed staff to include the minutes from this Planning Commission meeting in the item's packet for the City Council. He expressed frustration that the Council did not understand the reasons behind the Planning Commission's decisions for previous items. He stated if the Planning Commission is spending time discussing applications, the Council should be aware of the discussions.

Commissioner Everett said a previous City Council condition required a monthly tonnage report. That report can be used to police where the aggregate is going, in order to keep it within the City. He said he prefers to recommend approval with set conditions, versus tabling or recommending denial of the application, as he does not want the State to have the ability to allow the mine to locate in a less desirable area of the City.

- MOTION:** *Rich Wood moved to recommend approval of the Ames Construction Extractive Overlay Zone to the City Council with the following conditions:*
- 1. Developer must comply with all provisions of Municipal Code Chapter 17.54, Extractive Industries Overlay Zone;*
 - 2. A maximum of 10 acres of land may be processed at a time;*
 - 3. All required blasting must obtain a permit and follow requirements in accordance with Municipal Code Chapter 8.25, Explosives;*
 - 4. Hours of operation for pit operations and trucks entering or leaving the site may only be from 8 AM to 7 PM;*
 - 5. A truck route map must be submitted to and approved by the City Engineer;*
 - 6. Dust control for the property and the approved access roads must meet the site-specific Utah Department of Environmental Quality Fugitive Dust Control Plan;*
 - 7. Material may only be used in Eagle Mountain commercial designated areas, to be monitored through monthly tonnage reports provided to the City;*
 - 8. The overlay shall not exceed 25 contiguous acres; and*
 - 9. Mining shall not impact the ridgeline nor encroach upon the designated Foothill Residential area as noted on the Future Land Use Map.*
- DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, and Rich Wood. Those voting nay: Brett Wright. The motion passed with a vote of 3:1.*

5) Discussion Items

5.A Eagle Heights Village Concept Plan

Mr. Jensen explained the conceptual plan is for 316 twin home units on 50 acres, for a project density of 6.32 dwelling units per acre. Eagle Heights Village is located south of Eagle Mountain Boulevard and east of Lake Mountain Road.

Curt Peterson with Horizon Development said they have developed 1,100 multifamily units in Utah. Horizon Development owns and manages the units they build. The units are high-end with two-car garages and private backyards. The community will contain two community centers, as well as other amenities including play areas, community areas, themed age-appropriate pocket parks, and community gardens. They do not include pools in their developments due to maintenance costs and the fact that other amenities fill the need for pools. The community centers employ full-time staff to manage daily operations, and a full-time maintenance staff is employed to maintain the structures. A professional landscape company is contracted to maintain the front yards.

Mr. Peterson showed examples of similar floorplans, amenities, and structural designs, and explained the rental process.

Commissioner Wood recommended larger pavilions and tables in place of gazebos. He stated the plan needs to include a pool and additional open space, and the roads should not be straight lines; variance is needed.

Commissioner Wright said he likes the home designs, but does not like the layout. He suggested more parks and open space in the center of the development. He stated the Municipal Code requires two pools with adjacent clubhouses for the number of units proposed. He also stated the open space should be grouped together, versus smaller pocket parks throughout the development.

Commissioner Everett agreed that a pool is needed for the development.

Discussion ensued regarding pool requirements and maintenance costs, as well as comparable amenities.

Mr. Jensen explained the plan can develop with a density up to Tier IV. The property is vested with rights included in the current Municipal Code, and will not be held to future changes in zoning requirements.

6) Next scheduled meeting – February 26, 2019

7) Adjournment

MOTION: *DeLin Anderson moved to adjourn the meeting at 8:49 p.m. Rich Wood seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, and Rich Wood. The motion passed with a unanimous vote.*

Approved by the Planning Commission on March 12, 2019.


Steve Mumford, Community Development Director