



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

January 25, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Matthew Everett, Christopher Pengra, and Erin Wells.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Jeremy Bergener. Commissioner Jeremy Bergener was excused from work session.

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

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

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Everett called the meeting to order at 5:36 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Planning Commission Training Requirements

Senior Planner Tayler Jensen presented the item and reviewed House Bill 409 requirements of four hours of Planning Commission training including one hour on the General Powers and Duties of the Land Use, Development, and Management Act.

Discussion ensued regarding available training materials, resources, seminars, and conferences including American Planning Associations conferences, the League of City and Towns, and the Utah Chapter of the American Planning Association.

1.B. DISCUSSION ITEM – Upcoming Code Amendments

Staff informed the Commission of Municipal Code amendments currently undergoing review and drafting including the Wash Overlay Zone, the Regional Technology and Industry Zone, commercial zone uses, road standards, private road standards, intersections, water-wise landscaping, Industrial Zone, Community District Node Overlay Zone, appeal authority, hillside development, explorations of applications, administrative variance requests, short-term rentals, caretaker units in Commercial Storage and Industrial zones, plat review processes, multifamily zones height standards, multifamily and commercial zones design standards, landscaping islands, escape lanes, and landscaping installation requirements.

Commissioner Pengra requested to remove the review of master development agreements (MDAs) from the responsibilities of the Planning Commission as the review of legal contracts is a legislative decision rather than land use. He is unaware of any other municipalities that have their Planning Commission review MDAs.

Commissioner Wells concurred with Commissioner Pengra regarding Planning Commission MDA reviews. She requested for townhome rear-loaded garage standards to be reviewed due to the conflicts and concerns with the codified process that have arisen and the tendency to approve exemptions.

Commissioner Everett agreed with the need to review townhome rear-loaded garage standards. He noted that as the City grows, areas in Municipal Code need to be addressed or added. He encouraged the Commissioners to reach out to staff and/or the City Council regarding concerns with City standards and to voice concerns to State legislators regarding potential negative consequences to the City of upcoming State bills.

Commissioner Everett adjourned the work session at 5:59 p.m.

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

Commissioner Everett called the policy session to order at 6:30 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. January 11, 2022 Planning Commission Minutes

MOTION: *Commissioner Allen moved to approve the January 11, 2022 minutes. Commissioner Everett seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. Those voting nay: None. The motion carried with a vote of 4:0. Commissioner Wells abstained as she was not in attendance at the January 11, 2022 meeting.*

5. Status Report

Mr. Jensen reviewed the planning items discussed and voted upon during the January 18, 2022 City Council meeting.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Development Code Amendment – Chapter 17.80

Mr. Jensen presented the item. The applicant-proposed item requests to allow monument signs up to 7.5 feet to be placed in the public right-of-way and to reduce the requirement for a two-foot pedestal/base to one foot.

Applicant Tanner Kinde said they desire to optimize the best site angles for sign visibility due to obstructions.

Applicant Michelle Hoffman requested for the sign to be allowed to project 7.5 feet into the public right-of-way to ensure the sign is visible due to the obstructions mentioned by Mr. Kinde. Reducing the masonry height would permit a standard-sized fuel price cabinet sign to be placed on the base rather than having a custom-made, smaller sign that would not be clearly visible. The sign would be for the 7-Eleven on the corner of Pony Express Parkway and Porter's Crossing.

Commissioner Everett opened the public hearing at 6:41 p.m. As there were no comments, Commissioner Everett closed the hearing.

Mr. Jensen stated that not all areas in the City would allow for a sign to project 7.5 feet into the public right-of-way and the allowances could be based upon the road type and right-of-way width should the requested change be entertained. The Planning Department would need to approve the request for a sign in the right-of-way; however, if the plan met the Municipal Code requirements, staff would need to approve the sign placement. The recently approved amendment to the sign standards increasing the permitted height for individual monument signs would allow the applicant to place a four-foot cabinet on the two-foot base.

Discussion ensued regarding concerns with the implications and ramifications of allowing signs in the public right-of-way in other locations in the City.

Senior Planner Robert Hobbs suggested approving exemptions on a case-by-case basis rather than a Municipal Code amendment and/or creating specified criteria for cases where a sign in the right-of-way might be entertained.

Commissioner Wells stated that she desires for businesses to succeed and recognizes the importance of visibility; nevertheless, she is in favor of clear public rights-of-way. She has concerns with allowing signs to project 7.5 feet into the right-of-way as it would be inappropriate in some areas of the City. Creating a variance application process could result in requests from most of the commercial projects in the City.

Commissioner Bergener expressed concern with approving open-ended language to serve a single project.

Commissioner Everett said the recently approved amendment to the sign standards negates the need for the smaller base as a standard sign could still be placed on a two-foot base and a taller base is less likely to be obstructed by landscaping. As such, he does not support the change

requested. He agrees with the visual benefit of excluding signs from the right-of-way, although it might be appropriate on some occasions. Nevertheless, he would rather develop a mechanism to approve individual exemptions rather than amend standards.

MOTION: *Commissioner Pengra moved to recommend denial to the City Council of the development code amendment to Chapter 17.80. Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

6.B. PUBLIC HEARING – Pinnacles Phase A Preliminary Plat

Mr. Jensen presented the item. The Pinnacles General Plan amendment, rezone, and Master Development Plan were approved by the City Council on April 6, 2021, with the Pinnacles Master Development Agreement being approved on November 16, 2021. The entire land area of the Pinnacles is 161 acres. This proposal only contains the property within the designated RC, R2, R3, and OS-I zones. The 65.79-acre preliminary plat requests 222 lots divided into 88 RC lots, 87 R3 lots, and 47 R2 lots. He clarified that this application excludes a rezone request; the rezone of the property approved on April 6, 2021, zoned a portion of the property as Commercial Neighborhood.

Applicant representative Andy Flamm explained that the staff recommendation regarding the development of the park was due to concerns that the park would not be completed until the end of the project. They are amenable to the requirement as they intend to install the park as a part of the first phase of the project.

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

The City received emails regarding the commercial zoning from Jade Harrison, Nicholas Bjorkman, Dan Magee, Maggie Magee, Nathan Stewart, Kelly Vandrimmelen, Elisha Giles, Sherri Madsen, Jezandra Mayer, and Dylon Mayer.

Commissioner Everett closed the public hearing at 7:02 p.m.

Commissioner Wells expressed appreciation to the applicant for providing a unique park with many amenities.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the preliminary plat for Pinnacles Phase A with the following conditions:*

- 1. A park escrow fee of \$3,750 per lot shall be paid at the time of plat recording;*
- 2. The park shall be completed by no later than the recording of a plat that includes more than 50% of the area within the RC, R3, and R2 zones; and*
- 3. No more than 30 units may be built off a single access.*

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

6.C PUBLIC HEARING -- Rush Creek [Industrial] Subdivision

Mr. Hobbs presented the item. The applicant has submitted a rezone and preliminary plat application for approximately 38.80 acres of ground currently zoned Agriculture/Rural Density. The application materials suggest that the property was designated as being within the General Plan's Employment Center/Campus future land use category/setting; however, that designation was amended to Business Park/Light Industry when the General Plan was updated in July of 2021. The applicant now proposes the assignment of the Light Manufacturing/Distribution (LMD) Zone to a 3.68-acre portion of the 38.80-acre property and a preliminary plat approval of a 15-lot industrial subdivision thereon. The Commission could recommend to the City Council to zone the 20-foot north-to-south parcel on the eastern side of the property, intended to be a trail area, as OS-N to adhere to transition compatibility standards for the area given the residential General Plan designation abutting the property to the east.

Applicant representative Dan Ford said they have a user interested in the eastern portion of the property and as such, request some flexibility with buffering. They are amenable to installing a 20-foot trail and wall as suggested by staff. His preference would be to require a buffer rather than rezoning the trail as it could cause issues with other requirements; however, he is agreeable to the rezoning of the trail if that is the preference of the City.

Commissioner Everett opened the public hearing at 7:11 p.m. As there were no comments, Commissioner Everett closed the hearing.

Commissioner Wells noted that per the Compatible Buffering table EMMC 17.60.160(1), OS-N is a compatible buffer for many zones including industrial. In the spirit of meeting the Municipal Code transitioning requirements, she would support the rezoning of the trail.

Commissioner Everett said that buffering had been a concern during the concept plan discussion for the area. OS-N is the most appropriate of the available options for transitioning from industrial to residential uses. The applicant would still be able to bring forward another use for consideration as a buffer.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the rezone to Light Manufacturing Distribution and the preliminary plat for Rush Creek with the following conditions:*

- 1. The project shall be developed in accordance with the approved preliminary plat of/for the same, including the dedication of requisite, City required right-of-way;*
- 2. The project shall comply with any requirement(s) from the Eagle Mountain City Engineer (including a Traffic Impact Study) as are, or may be, set forth for the project;*

3. *The developer's engineer shall correct any spelling, grammar, punctuation, and numbering errors that may be evident on the plat face and/or in the proposed project plat development notes;*
4. *The project shall be provided with a 20-foot-wide buffer at its eastern end in lieu of the 15-feet shown on the plat, which adjustment shall be incorporated on a revised final plat and trail illustration to be prepared for presentation to the City's Council; and*
5. *The 20-foot-wide, north-to-south trail buffer on the eastern side of the property shall be zoned OS-N.*

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

6.D. PUBLIC HEARING – Eagle Mountain Data Campus

Mr. Hobbs presented the item. The property made the subject of this application package comprises some 480 to 490 acres of land located in the southwest quadrant/region of the City generally located near 1000 North and 16000 West. The applicant has submitted a rezone and conceptual site plan review request. The property is currently zoned Agricultural and is located within a Business Park/Light Industry setting per the City's adopted General Plan Future Land Use Map. The applicant proposes that the property be assigned the Regional Technology and Industry (RTI) Overlay Zone to facilitate development of a data center on the property. Should the RTI Overlay Zone expire or be repealed, the property would revert to the underlying approved zoning.

Applicant representative Corey Berg said this site was designated a few years ago as a mega-site for the Economic Development Corporation of Utah and they have received interest from data centers and manufacturing groups. Should the transportation corridor develop as planned, long-term plans could foresee the area for distribution uses. They intend to employ a multifaceted approach to development of the area.

Commissioner Everett opened the public hearing at 7:26 p.m.

Katie Peck said that she owns the property to the south and requested information regarding how the approval and infrastructure development and timing will impact their property and livestock.

Theodore Kranendonk stated that he owns property to the west and expressed concern with the hours and impact of operations, buffering, safety hazards, and traffic increase of industrial uses on his children, hobby farming, and livestock.

Commissioner Everett closed the public hearing at 7:29 p.m.

Mr. Berg explained that the location of the southern road has yet to be determined and will account for the location of the Rocky Mountain Power substation. They intend to be good neighbors and address concerns including providing adequate buffering. The master plan has a connector road that should divert traffic away from the residential areas.

Commissioner Pengra provided insight regarding the intention and potential development of the area due to the proximity of the power substation providing the ability to support industrial uses. While recognizing the concerns of the property owners, he supports the application of the RTI Overlay as appropriate for the area. The ability to attract large investments could result in an increase in the surrounding property values.

Discussion ensued regarding the appropriate buffering for the RTI Zone Overlay as it was created prior to and is not included in the transitioning standards and the setback requirements for the overlay.

Commissioner Everett agreed that the RTI Overlay Zone was created for properties similar to the requested area and as the property develops more specific information will become available. The application of the overlay will allow but not guarantee various uses. He noted that the RTI Overlay Zone is being reviewed by the City Council as it has an automatic repeal date of May 2022. The outcome of those discussions will impact the viability of this project.

Discussion ensued regarding the plausibility of the concept plan with relation to the available infrastructure and the compacity of an expansion of the power substation.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the rezone to the Regional Technology and Industry Overlay Zone for the Eagle Mountain Data Campus. Commissioner Pengra seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

6.E. PUBLIC HEARING – Preliminary Plat (Phase "A") Review and Approval Request for "Founders' Square Subdivision" (formerly "Ault Farms")...

Mr. Hobbs presented the item. The applicant requests to subdivide a portion of the land made a part of the Ault Farms Master Development approved by Council in December of 2021, in the southwest quadrant/region of the City. The project renames the Ault Farms development to Founders' Square and proposes 211 lots on 67.44 acres of land. The proposed preliminary plat conforms to three different zoning districts, RC, R3, and R2. The frontages of the lots on curves are below the frontage requirements. Municipal Code permits reduced frontages on cul-de-sacs; however, curved streets are not addressed in the standards. The applicant requests for the City to use the setback mark to measure the frontage widths for the lots impacted by street curvature.

Commissioner Everett opened the public hearing at 7:53 p.m.

Due to the unintentional exclusion of the preliminary plat exhibit from the packet materials, Commissioner Everett stated that he desires to table the item and continue the public hearing to provide sufficient time for the Commission and the public to review the item.

Applicant representative Pete Evans requested for the Commission to allow for the frontage to be measured at the front setback for the lots on the curved areas. They will increase the front setback of those lots and the lots are almost twice the size of the required acreage.

MOTION: *Commissioner Everett moved to table the preliminary plat for Founders Square and continue the public hearing until a future meeting. Commissioner Wells seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

6.F. ACTION ITEM – Oquirrh Mountain Amended and Restated Master Development Agreement

Mr. Mumford presented the item. The second amendment to the Oquirrh Mountain Master Development Plan and rezone were approved by the City Council on October 19, 2021. Those approvals were contingent upon the approval of a master development agreement (MDA), as described in EMMC 16.10. The MDA was prepared by the City Staff and City Attorney and reviewed by the applicant. It is presented now for review by the Planning Commission as required by Municipal Code. Paragraph 7.2 details the park improvement timing and park escrow. The agreement currently states that the petroglyph park and hillside park improvements are required to be completed prior to recording a plat containing the 130th residential lot. The project is only broken up into two phases, however, so this provision would require the parks to be completed prior to allowing any building permits in the second phase. Due to the simplicity of the two-phase plan, the phasing is not detailed in the agreement. Language related to phasing can be added to the agreement if desired. The hillsides in this project are part of the Wildlife Corridor Overlay Zone and must comply with the standards in Chapter 17.49.

Discussion ensued clarifying the amended development standards for the RC Zone include a five-foot side and 10-foot garage side setbacks. Mr. Mumford stated he would verify if the agreement included a 20-foot driveway/garage front setback and would confirm that the Proposed Plan (2.5 DU/AC) Approving Zoning exhibit is updated to reflect the agreed-upon setbacks.

Applicant representative Nick Mason stated that he had been unaware of the park escrow required with each plat and that the petroglyph park and hillside park must be completed prior to the recording of a plat containing the 130th residential unit.

Mr. Mumford explained that the park escrow is a Municipal Code requirement for all residential developments in the City. As he had been unable to discuss the parks being completed prior to the recording of the 130th residential unit with the applicants prior to the meeting, the residential unit number could be altered by the Commission.

Discussion ensued clarifying the park escrow standards and requirements.

Mr. Mason said he feels the park escrow is unnecessary and redundant if it is already in Municipal Code. He expressed concern with the impact of inclement weather and requested a

prorated escrow for the remaining lots once 50% of the park requirements have been completed. Their preference and intention are to complete the amenities prior to beginning construction on the homes.

Commissioner Pengra suggested that the recommendation for approval allow for the applicant to work with staff to address the park escrow concerns and present potential solutions to the City Council during their review of the MDA.

Mr. Mumford explained the City has allowed applicants to escrow money for parks with earlier plats that the City releases once the agreed-upon improvements have been completed. Once all the park amenities have been finished, the City no longer requires a park escrow. An escrow reduction could be considered for partial park improvements. He is confident that a solution can be attained prior to meeting with City Council.

Commissioner Everett said that a pro-rata request is reasonable and he agrees with allowing the park escrow issue to be addressed with staff prior to reviewing the agreement with the City Council. One of the reasons for the park escrow is due to the City being required to complete parks and address partially developed homes when construction companies have failed to complete developments. The City is willing to accommodate situations such as inclement weather and to work with developers.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the second amendment to the master development agreement for Oquirrh Mountain with the following changes:*

- 1. Language shall be added to allow for pro-rata park escrow reductions; and*
- 2. The zoning map exhibit that is attached to the master development agreement shall be amended to match the approved development standards for the RC units including the five-foot side and ten-foot garage side setbacks and any other necessary clarifications.*

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

7. Discussion Items

Mr. Mumford presented a City growth update. The City issued 1,585 new residential housing permits in 2021, a 19% increase from 2020 when 1337 permits were issued and a 334% increase from 2014 when 365 permits were issued; 327/21% of the permits issued in 2021 were for multifamily units and 1258/79% were for single-family, detached homes. Housing type distribution in the City through December 2021 was comprised of 16% multifamily and 84% single-family housing. The north service area saw the greatest development until 2016 when the south and west service areas surpassed and continue to exceed the north area in growth. The estimated current population for the City is approximately 51,000 to 53,000 based upon census data and housing growth. The City issued 38 commercial permits in 2021 including cell towers, business expansions and renovation, and community clubhouses and pools.

Discussion ensued regarding mid-income affordable housing, staffing increases in proportion to City growth, and sign standards amendment requests.

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for February 8, 2022.

Commissioner Wells stated that she will not be in attendance due to a work conflict.

9. Adjournment

MOTION: *Commissioner Allen moved to adjourn the meeting at 8:54 p.m. Commissioner Pengra seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

The meeting was adjourned at 8:54 p.m.

Approved by the Planning Commission on February 8, 2022.


Steve Mumford (Feb 14, 2022 13:05 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

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Final Audit Report

2022-02-10

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