EAGLE MOUNTAIN
PLANNING COMMISSION MEETING
MINUTES

January 12, 2021, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. Planning Commission Work Session – Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. Commissioner Jeremy Bergener was excused.

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

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

Commissioner Wright recognized and welcomed Jeremy Bergener to the Commission and excused him from the meeting due to significant unexpected circumstances. He welcomed back former City employee Tayler Jensen to the Planning Department.

1. Discussion Items

1.A. DISCUSSION – Planning Commission Guidelines

Planning Manager Pete Kane inquired if the item should be tabled until Commissioner Bergener was present.

The Planning Commission determined to postpone the item until Commissioner Bergener could be present.

Commissioner Wright adjourned the work session at 5:35 p.m.

6:30 P.M. Policy Session – Electronic Meeting via Lifesize

Commissioner Wright called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

For purposes of transparency, even though it did not pose a conflict of interest, Commissioner Wells stated that the applicant for item 6.B. has also developed in the City where she works.

4. Approval of Meeting Minutes

4.A. November 24, 2020, Planning Commission Minutes

MOTION: ***Commissioner Wells moved to approve the November 24, 2020 minutes as amended. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

4.B. December 8, 2020, Planning Commission Minutes

MOTION: ***Commissioner Pengra moved to approve the December 8, 2020 minutes. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

5. Status Report

Mr. Kane stated that during work session of the January 05, 2021 meeting, the City Council discussed the lot size transitioning table removal, the Historic Preservation Overlay Zone, the Ridgeline Protection Overlay Zone, and the Woodward Property Rezone. The items will all move forward to a future policy session. Discussions with the County determined that the division of Woodward property would not result in increased taxes. The Brylee Farms preliminary plat amenity amendment was approved 3 to 1 with one absentee with the Planning Commission recommended condition regarding the sidewalk/crosswalk. The Scenic Mountain master site plan was reviewed and continued until the elevations and design corrections and modifications desired by the Councilmembers were addressed and the conditional use permit decision was reversed and approved for the use.

6. Action and Advisory Items

6.A. Election of a Chair and Vice Chair for the Planning Commission

Commissioner Everett recommended Commissioner Wright for the position of Chair. He has served with Commissioner Wright for several years and appreciates Commissioner Wright's service as Vice Chair last year and the depth of thought Commissioner Wright implements in evaluating items.

MOTION: ***Commissioner Everett moved to appoint Brett Wright as the Planning Commission Chairman for 2021. Christopher Pengra seconded the motion. Those voting aye: Matthew Everett, Christopher Pengra, and Erin Wells. Brett Wright abstained. The motion passed with a unanimous vote.***

MOTION: ***Commissioner Pengra moved to appoint Matthew Everett as the Planning Commission Vice Chairman for 2021. Commissioner Wells seconded the***

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

Commissioner Wright recognized Commissioner Everett's previous service and the tutelage Commissioner Everett has provided to him during their service together.

6.B. PUBLIC HEARING – Hidden Hollow Phase C (Preliminary Plat & Site Plan)

Assistant City Administrator/Community Development Director Steve Mumford presented the item. The property was zoned Village Core as part of the Ranches Master Development Plan and Agreement (MDA) along with other parcels. Of the 112 acres, 20 acres were designated commercial and 1,002 acres were designated as residential with a density of 8.9 dwelling units per acre. The Village Core zone allowed for multifamily uses but did not provide for a specific density associated with those uses because the density was established through The Ranches MDA. The Hidden Valley North preliminary plat was approved in 2006; however, the plan did not develop as approved due to Alpine School Distract purchasing land through eminent domain for Hidden Hollow Elementary. The new proposal includes 86 townhomes and 48 single-family units for a total of 134 lots with a unit density of 5.6 dwelling units per acre, representing a density reduction of over 60 percent.

The City owns property to the west obtained through a special improvement district tax default. The applicant has redirected a future 94-foot wide collector road to avoid steep terrain. The applicant has requested to purchase a 1.5-acre City-owned property at the appraised value to add to the Phase C plat.

The Future Land Use and Transportation maps were updated in 2018, following the Hidden Hollow Phase B approval. A portion of the property is now designated as Foothill Residential with a minimum lot size of one-quarter acre and an average lot size of one-half acre. The proposed preliminary plat and site plan for the project are based upon the applicant's reliance on the project history with the Commission and Council, the approved preliminary plat from 2006, and the consideration of the project as an extension of Phase B. Access requires improving a portion of Hidden Valley Parkway with this project, and the developer has agreed to grade the remainder of the right-of-way for future expansion, ensuring drainage flow is directed to the existing drainage channel that leads to the detention area, which reduces the future cost to the City of grading for the expansion.

The project requires 3.16 acres of improved open space and 316 amenity points. Amenities in Phase B of the project included two trailhead parking lots, a restroom, trail kiosk, bike rack, bike repair station, drinking fountain, tables and shade structure, trees, and wayfinding signs. Phase C amenities include a lighted pickleball court, playground, pavilion, trees, benches, trails, and 82 points for 4,100 linear feet of mountain bike trails, awarded two points per 100 linear feet, and approximately 37 acres of hillside natural open space. A condition of approval has been included that requires an agreement between the property owner and the City, allowing access to the trail systems and open space and agreeing to preserve the trail system, and/or replace removed trails, and dedicate ridgelines and hillside open spaces to the City in the future.

Municipal Code requires a clubhouse of a minimum of 1,500 square feet and a swimming pool of a minimum of 1,000 square feet to accommodate at least four-square feet per residential unit being served. The proposal offers a larger pool with additional amenities in lieu of a smaller pool and clubhouse. The alternate proposal includes a 1,260 square-foot pool with a kid area, a hot tub, a trellis with tables, a building that includes changing rooms/bathrooms, and two drinking fountains at a cost increase of $12,200 over the minimal-sized pool and clubhouse. The applicant has provided 27 parking stalls and will need to provide an additional two off-street parking stalls. The parking in front of the pool contains 15 stalls without a landscaped island, which is required for every 12 stalls.

The townhomes were reviewed using the MF1 zone development standards. The applicant designed townhomes units in 2018 for the Phase B project and desires to construct the same units in Phase C as were approved in Phase B. The applicant requests an exemption from the 22-foot by 22-foot garage requirement in order to construct the same units. The applicant believes that he would face unreasonable financial costs if the updated requirements were enforced. The RC zone development standards require 58-foot frontages and 20 feet on cul-de-sacs or circles. The loop lots may be determined to be on a circle. The applicant considers Phase B and Phase C both to be a part of the same project/neighborhood. The elevation standards for multi-family design standards should be discussed for these buildings in relation to garage location, roofs, building articulation, architectural detailing, building materials, building colors, garage doors, lighting, mailbox structures, mechanical equipment, storage, loading areas, and trash enclosures. The applicant will be installing the same fence that will be installed in Phase B, which is The Ranches style cedar wood fencing.

Staff recommends the following conditions if the Planning Commission should determine to approve this application:

1. The approval is contingent upon the purchase of the 1.5 acres of City property at the appraised fair-market value;
2. An agreement must be approved and signed that allows access to the mountain bike trails and open space in the Hidden Valley area, and the applicant agrees to preserve and/or replace the trails and deed the hillside and ridgeline open space to the City in the future;
3. The developer shall grade and prepare the entire Hidden Valley Parkway right-of-way for future expansion, including providing a method to direct the stormwater to the existing retention basin;
4. At least two additional parking stalls shall be added, and stalls shall be redistributed to be more evenly spaced in the townhome area;
5. A cut-off ditch shall be built along the new mountain bike trail above the lots, directing stormwater to the existing drainage channel. Details shall be approved by the City Engineer;
6. Retaining walls shall be stepped to not exceed 5 feet high and include at least 5 horizontal feet between walls;
7. Townhome buildings shall be modified to comply with the multi-family design standards (condition to be amended at the meeting following a review of the colored renderings to be submitted);
8. The cluster mailboxes shall be located adjacent to the park and a structure shall be built that reflects the design of the buildings; and

9. The approximately 37 acres of open space near the project shall be dedicated to the City with the first final plat for this project.

If the Planning Commission feels there are sufficient findings of facts to recommend denial of the proposed site plan, then the following motion is appropriate: I move that the Planning Commission recommend denial of the Hidden Hollow Phase C preliminary plat and site plan based on the following findings of facts. If the Planning Commission feels that the applicant needs to make changes to the plan in order to comply with Municipal Code requirements, and the necessary changes are more extensive than can be placed in conditions, then the Commission my table the application to a future meeting with specific directions given to the applicant.

The appraisal of the City-owned property was completed on September 1, 2020. The cap for amenities points awarded for trails is no more than 33 percent of the point total. Most of the trails do not require improvement. One trail needs to be relocated.

Mr. Mumford said he believes The Ranches master development agreement (MDA) expired in 2017 and this property was not included as part of another MDA.

It was later determined that The Ranches MDA expired on March 10, 2018.

The property was going to be included in adjacent MDAs; however, the applicant chose to remove the property to retain the approval of the preliminary plat. He clarified that currently properties under 50 acres are not required to have an MDA, previous standards were for properties less than 160. Such properties require a rezone from the base agriculture zoning prior to allowing development. The City Council may require an MDA for any property should an MDA be deemed necessary through findings of facts. He clarified the zoning had been proposed as Village Core as a part of The Ranches MDA which allowed for multifamily uses, but the expiration of the MDA removed the density count vesting.

Applicant representative Ryan Bybee reviewed the history of the project. He stated that they generally do not build multifamily and desire to reduce the density and to be in harmony with other areas in Hidden Valley. The only change in the unit count is the inclusion of the unit count for the 1.5-acre City-owned property. Ten years ago, the City approached the applicant, the School and Institutional Trust Lands Administration (SITLA), and the Smith family to obtain easements for the mountain bike trail system at no cost. They have worked with the mountain bike team to locate the trails in areas of the City that are not intended to be developed as much as possible to prevent the need to relocate the trails. They intend to dedicate 30 to 40 acres of the surrounding open space to the City in correlation with the mountain bike trails in hopes to meet the intention of the amenity requirements. They believe the mountain bike trail system is a benefit to both the City and surrounding communities that use the trails and bring tax revenue to the City through gas station purchases. The dedication of the native open space to the City would remove the need for easement access to the property.

Commissioner Wright opened the public hearing at 7:22 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.

Commissioner Pengra expressed concern regarding the plan's failure to adhere to current Municipal Code standards in light of the expiration of the vested rights for the project and inquired why the applicant had not approached the City to obtain an MDA when The Ranches MDA expired.

Mr. Bybee stated he had frequently discussed the project with the City and the potential of The Ranches MDA expiration had not been mentioned. They thought the vested rights stood until several weeks ago. When they received approval for Phase B, the discussion regarding vesting had not included the loss of rights due to the expiration of The Ranches MDA. He said had he been aware of the expiration, he would have enacted methods to secure rights. They have been upfront with their plans for the area throughout the process. He requested to move forward in good faith to complete the project as it has been contemplated for ten years.

Commissioner Pengra stated that the purpose of MDAs is to secure rights for both parties as changes in politics and Municipal Codes impact projects. The Planning Commission is in a difficult situation with this project as the purview of the Planning Commission is to evaluate a project's adherence to Municipal Code standards.

Mr. Bybee stated he feels that their plan with the reduction in density from the original allowable density is a compromise. He hopes to prevent a legal battle with the City which is undesirable to either party. Had he been aware that their rights were expiring, they could have secured the vesting. They moved forward with the understanding their rights were secured and have strived to work with the City through dedicating wells sites and easements.

Commissioner Pengra stated that the City is not responsible for protecting developer rights, most of the early MDAs had unreasonable, unviable densities and the slopes of the land prohibit the density granted and the proposed project still has a high density.

Commissioner Everett voiced his frustration with approving projects that fail to comply with Municipal Code requirements. He inquired why the applicant is proposing a townhome product that is in opposition to Municipal Code due to the front-loaded garages that are the dominant feature and that are smaller than the required width.

Mr. Bybee stated that the project was in development prior to the rear-loaded product requirement. He dislikes alley-loaded products and finds them unsightly and feels alleys create maneuverability and other difficulties for residents. They upgraded the elevations in Phase B at an expense of $180,000 in order to provide an attractive product that adhered to Municipal Code standards. He said that increasing the size of the garage size would require a redesign of the units and plat. The garages are larger than other single-family units they have developed and have full-sized driveways that provide two driveway parking spots. Alley-loaded products would eliminate the driveway parking stalls and reduce parking in the project. He said that clubhouses are not used as frequently as pools and he prefers to invest the money in an upgraded, useable pool facility rather than a clubhouse; however, he will develop with clubhouse if desired. He prefers not to use blasting whenever possible and stated that he will not use blasting in Phase C. He may need to blast in other areas in the Hidden Valley but hopes to find alternatives.

Commissioner Everett concurred with the logic of allowing an upgraded pool area rather than requiring the clubhouse.

Mr. Bybee explained the "kid area" is intended to be a zero-entry into the pool that is separate from the main area. The hot tub will likely be open year-round; however, hot tub operation will be determined by the homeowner's association (HOA).

Commissioner Wells stated her appreciation for the reduced density. She supports the amenity point calculation and thinks the applicant has been a good partner with the City. She stated although she agrees the elevations are attractive, the Planning Commission must evaluate the project in relation to Municipal Code standards.

Discussion ensued regarding the rear-loaded garage Municipal Code requirement.

Applicant attorney Kevin Anderson thanked the Commission for the tone and demeanor of the discussion. He said the Planning Commission's assumption that the developer does not have any vested rights is incorrect and recommended further discussions to clarify the developer rights based upon previous approvals over the course of the project and estoppel arguments.

Commissioner Everett concurred with the appreciation expressed regarding the density reduction in the project. He said that the project clearly has no MDA or zoning. He said Municipal Code compliance evaluation should be based upon the requirements and not personal preferences. He said that the garage size is a non-negotiable item for him and that the item needs to be tabled until the zoning for the area and the developer rights have been resolved.

Commissioner Wright stated that he empathizes with Mr. Bybee's position; however, he agrees with Commissioner Pengra that the City is not responsible to monitor development expirations. He concurred with Commissioner Everett's suggestion to table the item and recommended that the item return with a rezone and a plan that complies with Municipal Code standards.

Commissioner Wells stated she agrees with most of what has been said by the other Commissioners.

Commissioner Pengra expressed his desire to work with the applicant and hopes to prevent a legal action; however, he thinks that the proposal requests too many concessions to current standards.

Mr. Bybee stated the property has an approved preliminary plat that does not have an expiration date. They view this request as an amended preliminary plat. He said in 2018, density concerns were discussed and debated, and staff said in the meeting on record, after the expiration of The Ranches MDA, that they were vested with 657 units. As staff had stated the density was still vested, he assumed his rights were still in place. He said although he does not desire to be difficult, he also wants to protect their rights and investment in the project.

Commissioner Pengra stated that he did not feel qualified to make a decision based upon the applicant's assessment without legal counsel by the City Attorney.

MOTION: ***Commissioner Pengra moved to table the Hidden Hollow Phase C preliminary plat and site plan until a future meeting with direction to the applicant to work with staff to bring the application into compliance with Municipal Code. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

6.C. PUBLIC HEARING – Brylee North (Rezone & General Plan Amendment)

Mr. Kane presented the item. The subject property is about 22 acres in size and is located on the west side of Eagle Mountain Boulevard and north of the Brylee Farms development. The rezone application requests a change to Commercial Regional on about 10.63 acres of the property and MF2 on the remaining 11.4 acres. Brylee Farms to the south of the property is zoned MF1, the properties to the west and north have a future land use designation of Employment Center/Campus, the property to the east and northeast is zoned Commercial Storage, and the land to the southeast has been approved as a single-family development with zoning equivalent to the current R3 zone.

Desert Willow Drive, which is identified as a collector road, ends at Eagle Mountain Boulevard east of the subject property separating the approved commercial storage development and Sage Park. Staff recommends this road be carried in and through Brylee North to connect to the property to the west which has an Employment Center/Campus land use designation. Based on development to the south, the requested MF2 and CR zones are compatible. Requested CR zoning along Eagle Mountain Boulevard opposite the CS zone would be compatible. The Commercial Neighborhood (CN) zone is the only commercial zoning district that is compatible as an adjacent zone to R3 which is to the southeast unless Eagle Mountain Boulevard is determined to serve as a suitable zone buffer. The applicant requested a CR zoning designation for the land directly along Eagle Mountain Boulevard with a minimum depth of about 270 feet and an average lot size of about 1.5 acres based on the current lot division concept. The CR zone may be appropriate given the proximity of the subject property to the future freeway.

The requested future land use designations are appropriate land uses based on the requested rezone. Based on the current land use designation on the subject property, 65 percent is set for Employment Center/Campus and 35 percent is set for Neighborhood Residential Two which permits RC and MF1 residential zones. These applications would shift the land use by reducing the commercial use to 48 percent and increasing the residential use to 52 percent. The applicant has been working with the City on a plan to dedicate one of the central commercial parcels along East Mountain Boulevard to the City. This would allow the City to direct the potential development and use on that particular parcel.

The General Plan amendment requests changing the future land use designation to Regional Commercial on about 10.63 acres and Neighborhood Residential Three on the remaining 11.4 acres. The property currently has a future land use designation of Employment Center Campus on about 14.3 acres and Neighborhood Residential Two on the remaining 7.7 acres. The applicant provided two concept plans one with 12 units per building and one with 24 units per building; MF2 allows for a maximum of 12 units per building.

Initial discussions have begun with the United Fire Authority (UFA) for a potential firehouse in the northwest portion of the property. Contract negotiations are currently underway with a local businessman to open his business at the southeast parcel.

Staff recommends the Planning Commission recommend approval of the application to the City Council for the reasons set forth in the staff report and in the meeting, with the condition:

1. The General Plan amendment shall include continuing Desert Willow Drive through the subject property east to west as a minor collector.

Mr. Mumford stated City Administrator Paul Jerome and he had met with the applicant regarding the proposed land dedication to the City. Former City Administrator Ifo Pili had expressed interest in the property due to potential income generation for the City to purchase other property for the future Downtown area. It is a unique situation that the City has not faced previously, and part of the interest was due to the need for a UFA fire station; however, there are other properties under consideration. The planning staff has told all applicants that the City desires commercial property and would like to retain as much commercial acreage as possible; however, he does see the value of residential units within walking distance to commercial uses as mutually beneficial as the residential units would increase the viability of the commercial property. The current market might not be viable for commercial in the area, but the market is likely to change in the future.

Commissioner Pengra stated that previous discussions with UFA had indicated the desired location for a station was further north in the City to serve areas along Wride Memorial Highway.

Mr. Mumford stated that UFA is interested in both relocating and constructing additional fire stations. The Utah Department of Transportation is expanding into an area previously proposed for a fire station and current indications now propose the needed location of a fire station in the valley not in the north area of the City.

Mr. Kane stated that if the rezone were approved, City Engineer Chris Trusty would evaluate the need for turn lanes on Pony Express Parkway in conjunction with the site plan.

Commissioner Pengra expressed concern regarding access without impeding traffic flow on Pony Express Parkway or further condensing the commercial acreage for a right-of-way dedication due to the size of the proposed commercial lots.

Commissioner Wright opened the public hearing at 8:19 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.

Applicant representative Randy Smith stated they feel the location is appropriate for a mix of commercial and higher density residential units in the back, triangular area that is less than ideal for commercial access. He said that in the current market, most of the larger retailers are not actively building and the property is unlikely to attract a big box store. They desire to provide a quality product for the City. He said Mr. Pili suggested the land dedication to the City. They have continued discussions with Mr. Jerome who expressed the desire to ensure the agreement was presented and discussed openly. The full width and right-of-way for Eagle Mountain Boulevard is in place. Eagle Mountain Boulevard will expand closer to their property during the widening phases as required. He acknowledged the request for the expansion of Desert Willow Drive and explained it had not been previously indicated on the City's transportation plan but expressed his willingness to comply with the request.

Commissioner Wright reminded the Commission that the application is for a rezone and General Plan amendment and the site plan was included for reference but is not a part of the approval and requested for the conversation to focus on the rezone and General Plan amendment.

Mr. Mumford stated that he is unaware if the City Attorney had any concerns with the application.

Mr. Smith verified that he has not been coerced into the sale of the property and sees the proposal as mutually beneficial.

Commissioner Pengra noted that the compatibility map was beneficial in determining the proposed uses were compatible with adjacent properties and expressed appreciation to staff.

Mr. Mumford stated he had requested to preserve Scenic Mountain Phase C for commercial development; however, due to the various developers involved the applicant was unable to make the concession, and this site was offered as an alternate.

Mr. Smith stated they would prefer not to amend the plan to accommodate Desert Willow Drive; however, they recognize and understand the importance to plan and provide for future City transportation needs.

Commissioner Wright stated he had concerns regarding trading a valuable commodity for zoning the City might have declined otherwise. He agrees that the NR2 designation could be compatible; however, the original plan allowed the MF1 zone as a buffer to the commercial property and he is hesitant regarding additional residential uses. He feels the Community Regional zone is appropriate for the entirety of the area.

Commissioner Everett stated his preference for commercial uses for the entire area; however, he could be persuaded to allow some higher density residential uses. He expressed concern that the trade of property to the City could be misconstrued as a bribe and desires to avoid misperceptions of quid pro quo deals. He desires to protect either party from a negative position and has heard concerns regarding the proposal.

Commissioner Pengra concurred with the concerns expressed by Commissioners Everett and Wright that the dedication of the parcel could appear to be an enticement to the City to approve a plan the City would object to otherwise. The General Plan Land Use Map has significantly large acreages of designated uses that require amendments and rezoning for the practical applications of use that require discernment regarding appropriate uses or an amendment to the General Plan with more specific uses for smaller areas. As the land uses are compatible, he does not have usage concerns with the request. He said he would be in favor of the rezone without including the dedication of the land as a condition of approval. The applicant could determine to dedicate the land of his own inclination if desired. The benefits of the City owning property include the ability to attract non-viable, desired businesses through reduced leasing or other incentives as well as the other reasons presented in the staff report.

Commissioner Wells stated that she wants to prevent the City from being in the position of holding an applicant to verbal agreements without an MDA. She agrees the zoning is compatible and is a reasonable request. She noted that cities are frequently granted property, although the property is usually park property, and concurs the dedication of the property should not be a condition of approval.

Discussion ensued regarding the potential impacts of requiring the continuing Desert Willow Drive.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the Brylee North rezone and General Plan amendment to Commercial Regional on about 10.63 acres of the property and MF2 on the remaining 11.4 acres with the condition the General Plan amendment shall include continuing Desert Willow Drive through the subject property east to west as a minor collector. Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

Commissioner Wright recessed the meeting at 8:52 p.m. and reconvened the meeting at 8:57 p.m.

6.D. PUBLIC HEARING – Ault Farms (Master Development Plan, Rezone, General Plan Amendment)

Mr. Kane presented the item. The subject property is on about 750 acres of land on the east side of Pony Express Parkway at about 3000 North. The property is currently zoned Agriculture and is identified in the Future Land Use Map for Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industry. Concept plans were submitted in 2019 and 2020 and the Planning Commission and the City Council requested the applicant focus on compliance with General Plan and request zone districts that exist within current Municipal Code.

A master development plan has been submitted and includes a rezone to R1 of 58.3 acres, R2 of 46.2 acres, R3 of 144.6 acres, MF1 of 166.2 acres, MF2 of 25 acres, Commercial Neighborhood of 11.7 acres, Open Space – Natural of 36.6 acres, and Open Space – Improved of 49.7 acres with the remaining parcel to remain Agriculture. As the master development application was received during the public hearing process of the amendment to EMMC 16.10; the application is subject to the new version of Municipal Code. The General Plan amendment includes 249.1 acres of Neighborhood Residential One, 166.2 acres of Neighborhood Residential Two, 25 acres of Neighborhood Residential Three, 11.7 acres of Community Commercial, 208.9 acres of Business Park/Light Industry, and 86.3 acres of Parks and Open Space.

The applicant submitted a waiver request from requirements if EMMC 16.10 allowing a maximum land area of 200 acres for a master development plan (MDP). Staff recommends the lower 208.9

acres be referenced in any approved MDP, but development details and rezoning be handled through a separate MDP. The criteria for approving the waiver to allow the primary MDP to cover a land area greater than 200 acres would require a finding by the City Council of one or more of the following: the concept plan review received feedback from Planning Commission and/or City Council in regards to reduced master development application requirements, the project will not require modification or additions to existing conditions, the project involved limited development requirements for infrastructure, and/or the application of this chapter would result in peculiar or exceptional difficulties or hardship, or the buildable area of the property is significantly reduced by topography or preexisting easement restrictions.

The development will include three access points from the existing Pony Express Parkway. All three of these roads will create connections into and through the development as well as to the future arterial road, Airport Road. The south collector should be included in the General Plan amendment request. Many of the interior roads have been developed with a combination of curving and straight roads.

The development to the northwest, Eagle Village, will have an east to west road along the property line with Ault Farms which should be incorporated into the Ault Farms plans along with a road connection to this road. The plan calls for a central park area with a possible water feature in the middle of the development on the northern side of Tiffany Lane.

Multiple trails and linear parks run throughout the development, connecting people to this main park as well as a number of other parks nestled within other portions of the development. Trails should include proposed widths. The applicant has discussed the development with the school district and The Church of Jesus Christ of Latter-Day Saints. Although not required, the school district and Church are encouraged to request a rezoning of selected sites to the Public Facilities zone.

The rezoning request should look at zoning transitions and existing/approved development adjacent to the subject property. The amendment calls for changing the land use designations within the project; no changes to the future transportation plan are noted on the exhibit. Based on the "Road Network" reviewed earlier, the plan exhibit should be updated to incorporate the south collector as a collector road designation in the General Plan. In general, the exhibit reflects the land use designations that are appropriate based on the requested zoning districts and EMMC 17.60.160. "Neighborhood Commercial" should be corrected to "Community Commercial." The open space areas should be corrected to "Parks and Open Space." Mr. Kane presented the incompatible transitioning and adjacencies, park sizes and locations, and trail connections that need to be remedied in the proposal.

Staff recommends the Planning Commission review the current application materials, discuss the requests with the applicant, and table the application to allow the applicant time to update the plans to comply with Municipal Code based on specific feedback from the Commission as well as:

1. If the Commission recommends compliance with the 200-acre size limit for a master development plan, an exhibit to demonstrate the multiple plan areas;
2. A revised master plan with proposed road widths;

3. A revised rezoning exhibit with corrections and changes as noted in the staff report;
4. A revised General Plan amendment exhibit with corrections and changes as noted in the staff report;
5. A revised open space exhibit with corrections and changes as noted in the staff report;
6. Outline of potential amenities and features for the development; and
7. Identification of necessary phasing with specificity as to what open space and infrastructure elements will be included for each phase.

Commissioner Pengra concurred with the staff recommendation to table as the application is not ready for the Planning Commission to make a recommendation to the City Council, although he does not necessarily object to the application.

Commissioner Wright opened the public hearing at 9:14 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.

Applicant representative Pete Evans with Flagship Homes reviewed the history of the project and said they have received both positive and conflicting feedback regarding the project. They desire to develop a life-style oriented community. He requested for the project to be allowed to remain as a single project rather than being subdivided due to the transportation corridors and the infrastructure development and said the community will flow better if retained as one plan.

Applicant representative Bronson Tatton with Flagship Homes presented the changes to the plan to accommodate previous feedback including the number of lots resulting in the reduction of the townhomes and redistribution of the multifamily products.

Mr. Evans said they amended the plan to utilize product that coincides with Municipal Code standards. They have excluded an RC product due to City Councilmember concerns regarding shared drives. He explained the reasoning for placing specific product types in certain areas of the project. He noted the transition requirements for buffering along all four sides of the project resulted in limited area in the middle for larger lots. They are in discussions with staff regarding transitioning options in consideration of transitioning impacts to the adjacent properties. Trails and sidewalks connect to the park spaces throughout the project. They desire to develop an incredible community with a diversity and balance of product types that provide an amazing lifestyle for residents that is compatible with the surrounding uses. The project has a density of 3.9 units and is less-dense than the Harmony development to the north of the project. Harmony has smaller lot sizes for the single-family detached. The MDA will incorporate the proposed restrictions for the project. They are interested in making sure that the project detail is included in the MDA to prevent assumptions and misinterpretations later in the process regarding product types and setbacks.

Commissioner Pengra stated that he is less concerned regarding the lack of clarity with the business park portion of the project due to the tenant-specific needs for the development of that area.

Mr. Evans clarified the MF1 single-family product will be a patio home similar to the units they are developing in the SilverLake area that they identify as cluster lots. The units will have full-length driveways that appear from the road similar to single-family homes rather than shared drives.

Mr. Tatton explained the linear parks are 100-foot wide. The smaller parks are either identified as less than two or greater than two acres. The local parks will contain tot lots, pathways, and more passive areas and the neighborhood parks will have amenities to provide an appropriate neighborhood park levels of services.

Discussion ensued regarding the intentions for the parks, open space, trail system, and activity nodes with additional amenities along the trail corridors.

Mr. Evans explained they requested a waiver from the acreage requirements for MDPs, due to the investment required for the transportation corridor surrounding this property and associated infrastructure needs and amenities. They feel it would work better to address the area as a whole. The development of the commercial area will not heavily impact the residential area due to appropriate buffering; however, the development of residential areas will impact each other.

Commissioner Everett inquired if the project could be divided into two or three MDPs that develop simultaneously with one master HOA to facilitate dividing the property.

Mr. Evans stated it would not be impossible to divide the property into multiple MDPs but is preferable to approach the project as a cohesive whole and the divisions would be arbitrary rather than substantive.

Mr. Kane verified that single-family lot frontage requirements are not included in the MF1 section of Municipal Code, because the MF1 zone is not intended for fee-simple lots.

Commissioner Wright expressed concern regarding removing the Foothill Residential zoning due to the impact on the surrounding Foothill Residential areas, the proposed small lot frontages for an MF1 single-family product, and concern with granting the waiver for the MDP acreage requirement, especially as the developer has proposed a six to eight-year development period.

Commissioner Everett advocated for the development to be divided into three MDPs. Even though the applicants stated they can build the area within the six to eight-year timeframe, he expressed concern regarding the feasibility. Considering the time it has taken to develop other projects in the City and unforeseeable future conditions, he believes the proposed timeframe for the plan is overly ambitious.

Commissioner Wells stated she concurs with staff that there is more opportunity for community and neighborhood commercial uses along Pony Express Parkway and agrees with staff concerns regarding the zoning transitioning issues. Although she appreciates the applicants providing more single-family homes, she dislikes single-family homes along collector roads. The multifamily area needs a larger park area. She acknowledged both the futility of breaking the project into three MDPs and the concerns regarding the feasibility of the proposed six to eight-year development timeframe. She said that traffic concerns regarding Lake Mountain Road should be resolved by the expansion of the surrounding road infrastructure.

Commissioner Pengra stated he appreciates the applicants' efforts and what they are attempting to accomplish with the development; however, he recognizes the reason for the City limiting development sizes is due to previous issues with development timeframes for projects and the potential for amendments to the plan. The entitlements awarded today could cause concerns and contentions in the future. It is better to divide the project into smaller pieces even if the project develops exactly as planned to mitigate future problems.

Mr. Evan stated the proposed timeframe is based upon the build-out of a similar development in Vineyard in five years. He said they do not intend to renegotiate the plan in the future. The Vineyard project is similar to this project in regard to the variety of product offered and the variety of product had a direct impact on their ability to sell and develop the Vineyard project quickly.

Commissioner Pengra noted that Vineyard has many differences to Eagle Mountain. He said that Vineyard is the fastest growing community in the nation and is located closer to Interstate 15. He noted that Eagle Mountain does not desire to have a density similar to Vineyard.

Discussion ensued regarding the impact of product type on a development.

MOTION: ***Commissioner Wells moved to table the Ault Farms master development plan, rezone, and General Plan amendment in order to allow the applicant to update the plans to comply with Municipal Code based upon the staff report and feedback in the meeting. Commissioner Everett seconded the motion. Those voting aye: Erin Wells. Those voting nay: Matthew Everett, Brett Wright, and Christopher Pengra. The motion failed with a vote of 1:3.***

MOTION: ***Commissioner Everett moved to table the Ault Farms master development plan, rezone, and General Plan amendment based upon the staff report and the discussion in the meeting with direction to the applicant to work with staff to provide the following:***

1. ***An exhibit to demonstrate the multiple plan areas in compliance with the 200-acre size limit for master development plans;***
2. ***A revised master plan with proposed road widths;***
3. ***A revised rezoning exhibit with corrections and changes as noted in the staff report;***
4. ***A revised General Plan amendment exhibit with corrections and changes as noted in the staff report;***
5. ***A revised open space exhibit with corrections and changes as noted in the staff report;***
6. ***Outline of potential amenities and features for the development; and***
7. ***Identification of necessary phasing with specificity as to what open space and infrastructure elements will be included for each phase.***

Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Christopher Pengra. Those voting nay: Erin Wells. The motion carried with a vote of 3:1.

6.E. PUBLIC HEARING – Scarlet Ridge Estates (Master Development Plan, Preliminary Plat, Rezone, and General Plan Amendment)

Mr. Kane presented the item. The subject property is made up of two parcels 59:019:0004 and 59:019:0005 totaling about 160 acres east of Lake Mountain Road and south of the future Tiffany Lane extension. The property is currently zoned Agriculture and is identified in the General Plan Future Land Use Map for Agriculture/Rural Density Two. The Planning Commission's review of the 2019 concept plan received feedback regarding concerns about the placement and distances of roads and equestrian trails, connectivity, and a recommendation of zoning the smaller lots to RD2 and the larger lots to RD1.

The concept plan was revised and reviewed by the City Council in August 2020. Feedback included a request for a minimum of 30 one-acre lots and aesthetic appeal by adjusting lot widths and including curved roads. A preliminary plat, rezone, and General Plan amendment have also been submitted. The preliminary plat request is for a residential subdivision that includes 36 one-acre and 178 half-acre lots along with the associated infrastructure and open space improvements. The two parcels are currently zoned Agriculture with a rezone request for RD2. The General Plan amendment would amend the future transportation plan classification for Tiffany Lane.

The applicant is seeking to amend the future transportation plan as it relates to plans for future road expansions to Tiffany Lane between Airport Road and the north-south collector along the eastern edge of the subject property. The request is to change the classification to a collector road for the portion between Airport Road and the northwest corner of the subject property and then to a residential road width a 53-foot width for the portion running along the northern edge of the property up to the north-south collector on the eastern edge of the property. Staff agrees with changing this to a collector road but for the entire length between Airport Road and the future north-south collector to the east.

The applicant is seeking a rezoning of the property from Agriculture to RD2. Per EMMC 17.25.020 and 17.60.160, the RD2 zone is an appropriate zone for this land use designation. The application identifies the development to be constructed and platted in seven phases.

The project proposes a large park of about 2.5 acres which would be dedicated to the City. The park includes asphalt/concrete pathways, eight pavilions, ten picnic tables spread among the pavilions, garbage receptacles, grills, a drinking fountain, two pickleball courts, one full basketball court, trees, landscaping, and open lawn space. The proposed location of the park results in 91 residential lots in the southern third of the subdivision and lot 101 in the far northeast corner being outside of the quarter-mile distance. Staff recommends a number of changes to the park plan in the staff report. The development is required to achieve 246 points; the plan achieves 248 points. The development includes five retention areas throughout; staff suggests considering park strip drainages, swales, or some other low impact development method rather than multiple retention areas. The application identifies the development to be constructed and platted in seven phases. One possible consideration may be that phases 1, 2, and 3 could be combined and re-divided into two phases so that the park feature is developed as part of phase 2 rather than 3.

The proposed road network includes multiple connections: two road connections at the north to Tiffany Lane, three connections to the east to the future collector road that will run along that side of the development, two connections to the south to the future collector road that will run along that side of the development, and three connections to the west to the concepted Triumph residential development. The plans are missing the half-width for the collector roads on the east and south of the property which should be included in the project. Collector roads are required to have street trees and residential lots with side or rear lot lines along collector roads are required to have privacy fencing. A couple of the proposed street names in the plans are already used/approved elsewhere in the City and will need to be renamed: Maverick Road and Wyatt Lane.

Staff recommends the Planning Commission recommend approval of the master development plan to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. That phases 1, 2, and 3 are adjusted into two phases, and the park feature constructed as part of phase 2;
2. Revisions to the park plan as outlined in the staff report;
3. Consider utilizing park strip drainage, swales, or other low impact development method in place of multiple retention areas;
4. Incorporation of the half-width of the east and south collector roads; and
5. If retention areas are included, they shall be improved open space and maintained by the HOA.

Staff recommends the Planning Commission 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. Incorporation of the half-width of the east and south collector roads;
2. Renaming of Maverick Road and Wyatt Lane;
3. Streetlighting is required to comply with EMMC 15.10.390; and
4. Privacy fencing must be installed for residential lots with a rear and/or side lot adjacent to a collector road in compliance with EMMC 16.35.090.

Staff recommends the Planning Commission recommend approval of the rezone to the City Council, for the reasons set forth in the staff report and in the meeting.

Staff recommends the Planning Commission recommend approval of the General Plan amendment to the City Council, for the reasons set forth in the staff report and in the meeting, with the following condition:

1. That the amendment shall revise the Future Transportation Plan Map for the road running along the north edge of the subject property between the future Airport Road and the future collector road to the east of the subject property from a "major arterial" to a "collector."

Commissioner Wright opened the public hearing at 10:22 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.

Applicant representative Ryan Kent stated the development is for estate lots and the open space exceeds the Municipal Code requirements. He said they have worked closely with Flagship and the Triumph project partnering in infrastructure development and to offer a variety of product type. He clarified they are proposing a change from Airport Road to the eastern boundary of their property to be changed to a 53-foot right-of-way residential road. They have met with staff and hired a transportation engineer who determined that based upon traffic counts, a collector road is not deemed necessary. Accommodating the road right-of-way would reduce the lot sizes for the properties when the proposed roadways may not be built utilizing the full width.

Applicant representative Joseph Darger stated that the Master Transportation Plan was compiled prior to the land use being determined for the area and the recommended width for the collector road is incongruent with a large-lot development.

Commissioner Wells suggested including playground equipment at the park.

Mr. Kane verified that the proposed collector road would be two lanes requiring a 77-foot right-of-way dedication, not a three-land collector road with a 94-foot dedication.

Commissioner Wright noted that the master transportation plan had indicated a major arterial road with five to seven lanes with a 152-foot to 176-foot dedication to clarify that staff's recommendation is for a narrower road width than initial contemplated in the Master Transportation Plan.

Mr. Kent clarified that the City hired a traffic engineer to perform the study. The study was not conducted by the City Engineer.

Mr. Kane verified that City Engineer had recommended retaining the full 77-foot width for the collector road, including the portion of the road the applicant is requested to have a 53-foot width, rather than reducing the width of the road for only that portion of the road.

Discussion ensued regarding the road width recommendations in relation to surrounding areas to the east designated as Foothill Residential and Bureau of Land Management (BLM) land.

Mr. Kent stated the development will most likely not have an HOA in relation to the staff recommended condition for the retention areas and improved open space to be maintained by the HOA.

Mr. Kane explained that the MDP recommendation item five "if retention areas are included, they shall be improved open space and maintained by the HOA" was included to indicate the need to address the maintenance of the retention areas should the development incorporate the areas.

Mr. Kent stated their engineer proposed the retention area to provide sufficient stormwater drainage due to the slope of the land and they are open to exploring other options.

Commissioner Pengra stated he concurred with the staff recommendations for the MDP and suggested removing item five to allow the applicants to propose other solutions. He stated as he did not feel they had sufficient information to make an appropriate recommendation regarding the width of the collector road, he proposed retaining the staff recommendations in their recommendation to the City Council to allow the City Council to determine the appropriate road width as the City Engineer should be in attendance at the meeting and able to further advise the Council.

Commissioner Wells stated that she feels the staff recommendations regarding the width of the road is appropriate, especially due to the applicants' ability to discuss concerns with the City Council.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the Scarlet Ridge Estates master development plan with the following conditions:***

1. ***That phases 1, 2, and 3 are adjusted into two phases, and the park feature constructed as part of phase 2;***
2. ***Revisions to the park plan as outlined in the staff report;***
3. ***The applicants consider utilizing park strip drainage, swales, or other low impact development method in place of multiple retention areas; and***
4. ***The incorporation of the half-width of the east and south collector roads.***

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

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the Scarlet Ridge Estates preliminary plat with the following conditions:***

1. ***Incorporation of the half-width of the east and south collector roads;***
2. ***Renaming of Maverick Road and Wyatt Lane;***
3. ***Streetlighting is required to comply with EMMC 15.10.390; and***
4. ***Privacy fencing must be installed for residential lots with a rear and/or side lot adjacent to a collector road in compliance with EMMC 16.35.090.***

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

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the Scarlet Ridge Estates General Plan amendment with the condition that the amendment shall revise the Future Transportation Plan Map for the road running along the north edge of the subject property between the future Airport Road and the future collector road to the east of the subject property from a "major arterial" to a "collector." Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the Scarlet Ridge Estates rezone. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

6.F. PUBLIC HEARING – Development Code Amendment to Add EMMC 17.49 Wildlife Corridor Overlay Zone

Mr. Kane presented the item. The Eagle Mountain General Plan includes a number of key initiatives, goals, and strategies in order to create the community residents desire and appreciate. One such strategy is to "preserve wildlife migration routes and habitat, where possible." This strategy, included in the "meaningful open space and amenities" initiative, is outlined as part of the goal to "preserve Eagle Mountain's scenic beauty, vistas, and wildlife habitat." The amendment establishes the purpose of the overlay, restrictions and requirements for the corridor, and methods of further protection. Upon adoption of the Municipal Code amendment, staff will work with property owners to establish and request rezoning of properties to apply the overlay zone and create a continuous migration and habitat corridor through the City. The standards "provides support for and methods by which to preserve wildlife migration routes and habitat in and through Eagle Mountain City."

Wildlife corridors preserve natural habitat areas or undeveloped lands that can facilitate movement, migration, foraging, breeding, and dispersal of animals, birds, insects, and reptiles. These areas of land permit wildlife such as raptors, deer, pronghorn, and other fauna to move from one area of their range to another. Habitat fragmented by subdivision and development, such as roads and structures, prevent wildlife from accessing their full home range and often lead to human/wildlife conflict. It is important that animals be able to move for food, access thermal and hiding cover, to preserve genetic diversity of the species. These corridors also help provide contiguous habitat for plants, invertebrates that are essential pollinators, and other wildlife. Preservation of these corridors, along with fencing and safe crossings, will also help to reduce vehicle-animal collisions. While supporting and protecting wildlife, these corridors also provide recreation opportunities, open space preservation, potential tourism, and education for students and the general public.

Mr. Kane noted that a section has been added to the amendment verbiage to allow amenity calculation if a developer were to apply the overlay to the development based upon the corresponding amenity allowance in the Ridgeline Protection Overlay Zone standards as well as edits to the construction period to protect mule deer migration and nesting season based upon the work session discussion during a previous meeting.

Staff recommends that the Planning Commission make a motion to recommend approval of the proposed code amendments to add EMMC 17.49 Wildlife Corridor Overlay Zone to the City Council as presented or with minor changes as agreed upon at the meeting.

Commissioner Wright opened the public hearing at 10:52 p.m.

Ashley Judd submitted the following email comment: "An eagle mountain wildlife corridor should be of the utmost importance to move forward with. It will greatly benefit the wildlife, the citizens, and visitors of our city. There have been countless deer collisions that would be avoided, and we can keep the diversity and beauty of the wildlife in our city. The wildlife is what makes EM desirable and sets us apart from the other cities in our county. I think I speak for almost everyone in EM that we all deserve to see the EM wildlife corridor become a reality."

Bettina Cameron with the Eagle Mountain Nature and Wildlife Alliance citizen group thanked the City for the Municipal Code requirements amendments to ridgeline, washes, and open space standards that make the wildlife corridor possible. In addition to the wildlife citizen group, the overlay has been reviewed by the Division of Wildlife Resources and BLM. The wildlife citizen group requests for the Planning Commission to revisit conservation developments in relation to the preservation of open space and wildlife to decreases infrastructure cost while preserving property values and developmental and density rights. She expressed her support for verbiage in the amendment to restrict off-highway vehicles (OHV) access to the narrow section of the migration corridor.

Commissioner Wright closed the public hearing at 10:56 p.m.

Commissioner Pengra thanked Ms. Cameron for her and the Eagle Mountain Nature and Wildlife Alliance citizen group efforts. He noted the beneficial impact to the Salt Lake Valley had it been developed with the same wildlife considerations. He stated he fully supports the corridor.

Commissioner Everett concurred with Commissioner Pengra. The corridor will assist with preserving the open space and open feel of the City which are some of the reasons people move to Eagle Mountain. He expressed his willingness to revisit conservation developments as requested; however, he is unsure if the public and the City Council share the sentiment. He encouraged like-minded residents to express their support to the City Council.

Commissioner Wright agreed with Ms. Cameron's recommendation to limit OHV traffic in narrow sections of the wildlife corridor. He expressed concern regarding the ability of developers to transfer density from the overlay zone areas to other areas within the project. He stated although the verbiage stipulates density transfers would be reviewed on a case-by-case basis, the codifications of density transfer provisions cause him concern.

Commissioner Everett concurred with concerns regarding the inclusion of the density transfers and the ambiguity regarding the OHV access restrictions.

Commissioner Wright advocated retaining flexibility in the standards regarding the OHV corridor restrictions rather than including a specific width.

Mr. Kane stated that flexibility in the standards might cause enforcement difficulties. The park usage could be more restrictive and did not need to be specified in the zoning regulations.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the development code amendment to add EMMC 17.49 Wildlife Corridor***

Overlay Zone with the amendment to control off-highway vehicle movements in narrow sections of the wildlife corridor to mitigate negative impacts and removing 17.49.070(A)(3) "Developer may transfer density from overlay zone areas to other areas within a project or development in the case where significant buildable property is made unbuildable by this overlay zone, as approved on a case-by-case basis by the City Council." Christopher Pengra seconded the motion.

Commissioner Pengra expressed concern that restricting OHV access could be interpreted as prohibiting OHV use of the wildlife corridor.

Commissioner Wells expressed concern that the ambiguity of the verbiage regarding OHV limitations could create enforcement burden to staff and confusion for residents.

Commissioner Wright clarified his desire for the inclusion of the provision control OHV movements was to allow staff to determine the appropriate restrictions for specific areas of the wildlife corridor.

Mr. Kane clarified that the density transfer allowance only permits transfers within the project.

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

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

MOTION: ***Commissioner Everett moved to adjourn the meeting at 11:10 p.m. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

The meeting was adjourned at 11:10 p.m.

Approved by the Planning Commissioner on January 26, 2021.

Steve Mumford (Feb 3, 2021 15:03 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

0312_001

Final Audit Report 2021-02-03

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