



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

January 8, 2019, 6:00 p.m.

Eagle Mountain City Hall 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 was excused.

OFFICIALS PRESENT: Councilmembers Melissa Clark and Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Tayler Jensen, Planner; Lianne Pengra, Recording Secretary

Commissioner Everett opened the meeting at 6:01 p.m.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

Commissioner Wright stated his business has entered into an agreement with Ellis Ivory, the principal of Ivory Homes, to produce bronze sculptures for This Is The Place Heritage Park. Mr. Ivory is a member of the Board of Trustees for the park. Commissioner Wright stated he does not believe that Mr. Ivory knows Commissioner Wright's role on the Planning Commission, and that he will maintain objectivity regarding Item 3E.

3. Action and Advisory Items

A. Arctic Circle, Site Plan, Public Hearing; Action Item:

Planning Manager Michael Hadley presented the site plan for Arctic Circle, a 3,545-square foot restaurant on 0.71 acres within the City Center Commercial project. The elevations meet the Municipal Code standards and match the existing businesses in the area. The landscaping exceeds City standards, the lighting complies with the Dark Sky Ordinance, and all signs will go through the standard sign permitting process. He explained a final plat will be required, as the lot is not recorded.

Commissioner Wood asked what portions of the design standards the building does not meet. Mr. Hadley stated if the building was turned and placed more towards the front of the property, it would meet all standards. With the current orientation, the side facing Eagle Mountain Boulevard has better architecture and design, and the current placement allows for better traffic flow.

Owner and contractor Joey Totorica stated the site plan has been changed in order to retain the trees along Eagle Mountain Boulevard. This will reduce the parking by two or three stalls. He said the hours are typically 10:00 a.m. to 10:00 p.m. during the week, and may remain open until 11:00 p.m. on Friday and Saturdays. The building will have a children's play area.

Commissioner Wood confirmed with Mr. Totorica that the current path will remain in place.

Commissioner Everett asked staff to explain the parking layout. Mr. Hadley said the site plan has more parking stalls than are allowed without a parking island. The applicant is asking for an exception to the parking island requirement. Mr. Totorica stated the plan includes ten to fifteen more parking stalls than is required.

Commissioner Everett opened the public hearing at 6:12 p.m.

Adam Ferre stated a master development plan was not created when the original business, Pony Express Dental, was developed. He stated when the City Council approved the plan in March of 2016, Council required a fence to be installed along the entire development, a master development plan to be submitted, and acceleration and deceleration lanes be installed. He stated those have not been completed. He said the area is being developed piecemeal without a master plan. He would like a master plan be set and for the previous conditions applied be enforced.

Shelly Anderson expressed concerns regarding foot traffic in the area. She said she would like the traffic to enter from Eagle Mountain Boulevard.

Commissioner Everett closed the public hearing at 6:20 p.m.

Commissioner Wood asked who is responsible to install buffering along the border with Residential zones. Mr. Hadley said the entities that develop each area will be required to finish the wall along the sections they develop. He explained the deceleration lane was removed in order to connect to City infrastructure, but has been repaved. Restriping may be needed still, but both the acceleration and deceleration lanes are installed.

Commissioner Wood asked if there was a reason the entry was not placed on Eagle Mountain Boulevard. Mr. Hadley said the distance required between entry points on arterial roads is 300 feet, and there is currently an entry point to the Pizza Hut site.

Mr. Mumford explained staff's interpretation is the dental property was required to build the wall along its border, and that section of wall has been completed. He said developers typically submit a master site plan and install lights, sidewalks, and other infrastructure. In this case, a master site plan was not completed.

Mr. Mumford agreed that sidewalks are needed along Ira Hodges Scenic Parkway. He said the dance studio was required to install a sidewalk, and the sidewalk can be completed in stages as the land is developed.

Commissioner Wood asked who installed the retention pond, and asked if that entity can complete the wall. Mr. Mumford explained that staff legally could not require the dental office to complete the wall along the entire commercial development. He said the next step in the

process is to meet with the landowner to discuss completion of the wall, as well as the timeline in which it is built.

Commissioner Wood asked if landowners of undeveloped land can be required to install sidewalks and fences. Mr. Mumford said the City can only require improvements such as walls and sidewalks when development occurs that creates an impact that necessitates the improvement.

Commissioner Wood said the sidewalk becomes necessary along Ira Hodges Scenic Parkway when development happens. He asked Mr. Totorica if he was willing to install a sidewalk. Mr. Totorica stated the sidewalk would not be on City property; it would likely be on private property and could be tied into the existing asphalt path.

Commissioner Everett stated he appreciates the completed site plan application package. He would like to have a path installed along Ira Hodges Scenic Parkway.

MOTION: *Rich Wood moved to recommend approval of the Arctic Circle site plan to the City Council with the following condition:*

- 1. The developer shall install a walking path along Ira Hodges Scenic Parkway, connecting to the existing path on Eagle Mountain Boulevard.*

DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.

Commissioner Wood stated for the record that if and when the land to the south of Arctic Circle is subdivided, or an application is submitted to improve the land, conditions of approval need to be that the applicant completes the wall to buffer between Residential and Commercial zones, and the applicant will install a sidewalk that ties into the sidewalk along Ira Hodges Scenic Parkway.

B. Cold Springs, Amended Site Plan, Public Hearing; Action Item:

Planner Tayler Jensen presented the amended site plan for Cold Springs. Mr. Jensen said the Cold Springs HOA is proposing to amend their approved site plan to remove two existing parking stalls and replace them with a dumpster enclosure. The development is required to have 278 parking stalls, and currently has 307 parking stalls. If the application is approved, the development will still exceed the parking requirement. Currently, each residence has two assigned parking stalls. If approved, a recommended condition is that the residences will maintain two assigned stalls each.

Cold Springs HOA member Marilyn McCormack explained the proposed location is the best option along Dundee Drive. She stated overflow from other dumpsters in the development is causing a problem with refuse blowing through the property.

Commissioner Wood said he believes the dumpster needs to be fully enclosed, similar to all other commercial areas. Ms. McCormack explained the other enclosures within the development are enclosed on three sides, and do not have front gates. She stated that once the enclosure is completed, the garbage company will visit the site to determine which dumpster type – two roll-out dumpsters or one large dumpster – will provide enough room to allow drivers to empty the dumpster(s).

Commissioner Wood stated his concern that the applicant does not know what kind of dumpster will be used. He stated as this location is in the middle of a parking lot, it needs a full enclosure.

Commissioner Everett asked if either dumpster option prevented a full enclosure. Ms. McCormack said no. She explained the HOA has met with residents over the last year to obtain a consensus on the location and type. She said residents are split on if they prefer the three- or four-sided enclosure. Commissioner Wood said the determination of a three- or four-sided enclosure was not her decision to make; it is for the Planning Commission to decide.

Commissioner Wright asked for the reasoning behind the location selection. Ms. McCormack explained the initial plan was to locate the dumpster at the end of the road, but the HOA received feedback from residents that they did not want it in that location; the residents have agreed on the proposed location.

Ms. McCormack clarified the proposed location. Mr. Jensen stated the location defined by Ms. McCormack differs from the application submitted.

Commissioner Anderson asked if a front gate or fence will impede the adjacent parking stalls. Ms. McCormack stated the parking stall next to the proposed location is smaller and designated for compact vehicles. She explained the adjacent stalls are visitor parking stalls, and are not assigned to residents. Commissioner Wood stated a bollard will be required.

Commissioner Everett opened the public hearing at 6:49 p.m. As there were no comments, he closed the hearing.

Commissioner Wood said he feels the application is a mess. He said the Commission needs clarification on how the garbage truck will access the dumpster, if the plan is to utilize one or two dumpsters, and how the enclosure will be oriented in the stalls. He expressed concern that the plan does not include any definite details, and that he does not want to move the application forward.

Commissioner Everett stated he is in favor of recommending approval to the City Council with a condition that the dumpster is fully enclosed.

Mr. Jensen said the item can be submitted to City Council and staff can work with the applicant to ensure the Planning Commission's concerns are addressed, if the desire is to not hold up the application process.

Commissioner Wright said he feels like there is a better location option than what is presented.

Commissioner Wood asked how the applicant would prevent the garbage truck driver from running into adjacent vehicles or hitting vehicles with the gate.

Discussion ensued regarding how the garbage truck will enter the property, empty the dumpster, and leave the property.

Ms. McCormack agreed that potential locations appear to be better choices, but the amount of refuse in the proposed area is large enough to require an additional dumpster. She reiterated the vetting process the HOA has gone through, and that the residents have agreed on the proposed location.

Commissioner Wood stated he is uncomfortable with incomplete applications such as what has been presented. He expressed concern regarding the lack of details showing how the applicant would protect adjacent vehicles. He said the applicant needs to hire a professional to design the enclosure.

Ms. McCormack disagreed with Commissioner Wood's assessment of the application. She said she cannot confirm if one or two dumpsters will be utilized because she would like the garbage company to visit the site after the enclosure is in place to ensure the single dumpster can be emptied. She stated the dumpster is not comparable to a commercial area such as the adjacent Chevron gas station, as the proposed location is on private property.

Commissioner Wood said the status of the property is irrelevant. He stated the application needs to be complete to include protections for adjacent vehicles, orientation of the enclosure, size of the enclosure, and materials to be used. He said sending the application to City Council without these details sets a bad precedent.

Commissioner Wright agreed that a completed application is needed prior to final approval.

Commissioner Anderson said the Commissioners can recommend approval to the City Council and include conditions based on the concerns presented, versus tabling the item.

MOTION: *DeLin Anderson moved to recommend approval of the Cold Springs amended site plan to the City Council with the following conditions:*

- 1. The enclosure will have a front gate;*
- 2. The enclosure will match material and height of other enclosures in the development;*
- 3. Protections are in place to keep vehicles in adjacent parking stalls from damage; and*
- 4. All units will retain two assigned parking stalls.*

Brett Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and DeLin Anderson. Those voting nay: Rich Wood. The motion passed with a vote of 3:1.

C. Arrival, Amended Preliminary Plat, Public Hearing; Action Item:

Mr. Jensen presented the amended preliminary plat and noted a master development plan amendment is currently being drafted, but is not part of the amended preliminary plat application. The proposed plan reduces the size of the park, creates a half-acre lot, enlarges one lot, and moves trails in the development. He stated the applicant has committed to installing sod and sprinklers, a pavilion and picnic tables, and playground equipment in the park.

Commissioner Wood said the added lot is small and asked if septic tanks are permitted on lots that size. Mr. Jensen explained the development has approval for septic tanks on half-acre lots, and the proposal will not increase the number of lots approved for septic tanks.

Scot Hazard with Arrival explained the proposal has been driven by the residents. He said the development is in the base density and a park is not required, but he is installing one for the residents. He said the original agreement required the HOA to maintain the park with the City providing water. The equipment was to be paid for through a capital reinvestment fee through the HOA. Residents were concerned that they were covering the expenses for park facilities open to the public. Mr. Hazard said the revenue from the additional lot will be used to purchase the park components. The park will be a minimum of two acres in order to allow the City to accept the park and maintain it as a City-owned park.

Mr. Hazard stated the 8-foot asphalt trail has an unimproved horse trail alongside it, and both are within a 20-foot easement. He clarified the trail does not encumber the drain field.

Mr. Hazard said the park plan is not finalized. He stated he would like feedback from residents before presenting the plan to the City. The pavilion will have ten tables and will seat 80 to 100 people. He said he is modifying the park design, but the smaller version has the same vision as the original.

Commissioner Wood asked if hitching posts for horses would be available in the park. Mr. Hazard said only approximately 5% of residents have or want horses.

Commissioner Wright expressed concerns regarding the removal of horse trails. Mr. Hazard said the removal is due to lack of planning and foresight when the project was originally planned. He explained the topography of the area and Tickville Wash create challenges to installing horse trails. He explained the trail connectivity will remain, and all of the trails will connect to the park in the center of the development.

Commissioner Everett opened the public hearing at 7:23 p.m. As there were no comments, he closed the hearing.

Commissioner Wood stated the residents have provided guidance to the applicant and the application reflects the residents' desires. He said it is within the applicant's rights to request a change to the master development agreement.

MOTION: *Rich Wood moved to recommend approval of the Arrival amended preliminary plat to the City Council. DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.*

D. SilverLake Clubhouse and Pool, Site Plan, Public Hearing; Action Item:

Mr. Jensen presented the SilverLake clubhouse and pool site plan. The clubhouse and pool are located on a lot previously platted in SilverLake 20, and will serve the multifamily units in SilverLake south of Tickville Wash. The 3,614-square foot clubhouse has a 1,017-square foot gathering room, a 243-square foot kitchen, a 206-square foot children's play room, and a 997-square foot exercise room. He stated the building has four-sided architecture and is well designed. While the exterior of the building has visual articulation, it lacks physical articulation. Additional colors should be used, including colors that match the townhomes in the area.

Mr. Jensen explained the applicant is requesting an exception to the privacy fence along the collector road. The fence presented has one-inch gaps, so it does not meet the fencing requirement for arterial roads. He said staff does not feel that is a concern.

Commissioner Wood stated he does not like the design of the clubhouse roof. He said would prefer multiple rooflines to avoid the appearance of a shed, and stated physical articulation should be added to the exterior of the building.

Flagship Homes President Nate Hutchinson explained the colors will be changed to match the townhomes in the development. He said the façade and roofline are more expensive than traditional structures, and the vision for the design is that of a modern farmhouse. He explained the intent of the semi-private textured vinyl fence is to allow visibility into the pool area, and to allow sightlines to Utah Lake and the future LDS temple.

Commissioner Wood expressed concern that the vinyl fence will break and allow children access to the pool area. Mr. Hutchinson explained the fences are reinforced and sturdy; he does not have concerns about the fence breaking.

Commissioner Wood confirmed with staff that the pool and clubhouse will only serve up to 250 homes, as limited by Municipal Code. Mr. Hutchinson explained they are building a nicer, larger facility than is required. Commissioner Wood said more movement is needed on the exterior.

Commissioner Wright said he likes the design; however, he is concerned that it will not fit in with the townhomes in the development. Mr. Hutchinson explained the south side of the development has architecture that transitions towards what is presented in the clubhouse design.

Commissioner Everett opened the public hearing at 7:39 p.m.

Chad Cummings asked if the clubhouse and pool will be open to the single-family homes in the development. He said when he purchased his single-family home, he was told he would have access to the clubhouse and pool. He also expressed concerns regarding the pool fence and stated a four-foot fence is not sufficient.

Mr. Hutchinson confirmed that Mr. Cummings will have access to the facilities.

Commissioner Wright clarified that a six-foot fence will enclose the pool.

Commissioner Everett closed the public hearing at 7:41 p.m.

Commissioner Everett said he does not like the design of the building, as it looks too industrial; however, he does like the amenities provided within. He would like to see the updated color scheme, and would like articulation added. The changes would not compromise the developer's intent, and would allow the plan to meet Municipal Code.

Commissioner Wright agreed that additional articulation will allow the plan to meet Municipal Code.

Commissioner Wood asked what the planned materials are for the exterior of the building. Mr. Hutchinson said the exterior will be Hardie board and batton, and will not include metal.

Commissioner Wood asked if the Commission should set specific approval conditions regarding exterior locations where the pop-out is required. Commissioner Everett said the applicant understands the Commission's desires and can discuss possibilities with their architect.

MOTION: *Rich Wood moved to recommend approval of the SilverLake clubhouse and pool site plan to the City Council with the following conditions:*

- 1. Collector and arterial road fencing shall be built along SilverLake Parkway and Golden Eagle Road, north and east of the parcel. Fencing shall be consistent with the approved SilverLake collector road fencing;*
- 2. Additional physical articulation added to clubhouse elevations; and*
- 3. Additional colors be used for the clubhouse, including colors that match the townhomes in the development.*

Matthew Everett seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.

E. Overland Phase C, Preliminary Plat, Public Hearing: Action Items:

Mr. Jensen presented the Overland Phase C preliminary plat. The plan includes 190 units on 46.15 acres, with a density of 4.12 dwelling units per acre. He explained if the plan is approved as presented, 215 units would be available for future phases in Village 1. The applicant has expanded roads to 63 feet to allow for trails, as per the Planning Commissions' request. Mr. Jensen said neighboring property owners have requested an additional connection to the west, and the request is supported by the General Plan. The traffic impact study showed all study intersections operating at an acceptable level of service in 2024, except for the intersection of Sheps Ridge Road and Pony Express Parkway. The study recommends having two egress lanes: one for left turns, one for right turns.

Bryon Prince with Ivory Development explained some of the rights-of-way were mislabeled on a previous version of the plans; the intent was to have the trails included from the start. He said he does not believe the additional connection is necessary. He asked if the property owner west of this project has applied for a master development plan, and where that plan was in the approval process. Mr. Jensen said the adjoining master plan is feasible without the additional road connection, but the preference is to include it.

Commissioner Wright asked why the larger estate lots shown on the concept plan were removed, and if they will be included in the final phase. Mr. Prince stated the lots can move and adjust in size, as long as the plan is within the density and maximum unit number parameters. He said Phase 1 was successful; however, it has been difficult to get residents to install landscaping on such large lots. He said buyers want deep lots for large backyards, but do not want large front and side yards. He explained the lots in this plan are 75 to 80 feet wide, but remain 100 feet deep. He believes lots may be removed on the final plat, so they are requesting higher density now, as it is easier to remove lots, versus adding them. He said the grade and market response will dictate what the final plat looks like.

Mr. Prince stated they will consider adding the road connection; however, the location may be adjusted due to topography.

Commissioner Everett opened the public hearing at 8:05 p.m. As there were no comments, he closed the hearing.

Commissioner Wood asked if staff would be opposed to moving the road connection further to the south. Mr. Jensen stated that should not be an issue.

MOTION: *Rich Wood moved to recommend approval of the Overland Phase C preliminary plat to the City Council with the following conditions:*

- 1. Applicant shall provide a detailed park plan to be approved by the City Council;*
- 2. An additional road stub shall be provided to the west of the project, between the middle and the south portion of the project; and*
- 3. Two egress lanes are provided on Sheps Ridge Road accessing onto Pony Express Parkway.*

DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.

Commissioner Everett recessed the meeting at 8:08 p.m. and reopened the meeting at 8:11 p.m.

F. Pole Canyon Mass Grading, Rezone to include Extractive Industries Overlay Zone, Public Hearing; Action Item:

Mr. Jensen presented the rezone request for Pole Canyon. He stated the applicant is applying to have the Extractive Industries Overlay Zone added to their property, along with a mass grading permit. The overlay would allow the applicant to extract earth products, and produce asphalt and concrete. The overlay also allows material removed due to mass grading to be sold or used offsite. Mr. Mumford noted that the applicant has not requested asphalt production and has stated he does not intend to produce asphalt; allowing production of asphalt and concrete is included in the Municipal Code language.

Mr. Jensen explained compatibility determination must be made in approving the overlay designation. He said a Boy Scout camp is located on the property to the north; the properties to the south and east are zoned Residential within the Pole Canyon Master Development Plan; the property to the west is outside of City boundaries. The closest existing development is approximately 1,154 feet away from the boundaries of the proposed extractive industries overlay zone. Staff believes adding the overlay zone is not anticipated to place a burden on City services. Regarding traffic generation, the applicant must designate a truck route, not utilizing Wilson Avenue, to be used for the transportation of materials, and provide adequate dust control mitigation.

Mr. Jensen said the mass grading is in preparation for development of additional residential neighborhoods, the development of which should have a positive impact to nearby property values. Measures must be taken, however, to make sure that dust, noise, and other impacts are mitigated properly to minimize any impact on the adjacent neighborhood.

Mr. Jensen noted items to consider include permits, dust mitigation, a designated truck route, the specific grading plan, blasting options, and the Pole Canyon Master Development Agreement. The City will issue grading permits, and the applicant will be required to obtain permits from the

Utah State Division of Oil, Gas, and Mining. If the overlay is approved, the applicant must provide a grading plan to the City Engineer for approval. Any blasting must be in compliance with Municipal Code, and staff believes the master development agreement should be amended or a new agreement should be created that addresses the hours of operation, dust mitigation standards, truck routes, a timeline for the extraction operation, and reclamation plans.

Commissioner Wood asked if the City would benefit from the overlay. He expressed concern that the overlay would create a mine for the purpose of allowing the applicant to make money. Commissioner Wright asked what the overlay allows the applicant to do that is currently not permitted.

Mr. Jensen explained the overlay allows material created from grading to be sold offsite, and allows the applicant to produce concrete and asphalt. He reiterated the applicant has not expressed interest in concrete or asphalt production.

Mr. Nate Shipp with Oquirrh Wood Ranch LLC stated his understanding is the proposed grading plan is in compliance with the existing master development agreement, and follows all current vesting. The grading is needed in order to build homes. The grading will go along the hillside, creating tiers to allow for roads and home sites. He explained when he applied for a grading permit and was asked how the excess excavated material would be utilized, he informed City staff it would be moved offsite. He was told moving the material offsite requires the overlay zone.

Mr. Shipp explained the master development agreement states they are permitted to extract and process material in ordinary development processes, which he believes his plan complies with. He reiterated he has no intention of mining. He stated he would be happy to have the item tabled so he can work with staff and return with an updated plan.

Commissioner Wood confirmed with the applicant and Mr. Mumford that staff directed the applicant to apply for the rezone; it was not initiated by the applicant. Mr. Mumford said the applicant can grade and use the material onsite, but the Municipal Code does not allow for the material to be moved offsite. He said another option is to amend the Master Development Agreement to specifically allow for shipping of material offsite, but that would not be the most upfront option for the residents.

Mr. Mumford clarified the purpose of the Extractive Industries Overlay zone. He stated the City's intent is to utilize the overlay instead of a master development plan that approves grading over a large area of land with the excess material shipped offsite.

Mr. Shipp said his plans show that he is not intending to remove large amounts of material. Commissioner Wood said the permit allows for mining, though, and would like to have an agreement that protects the City.

Commissioner Wright asked for the total amount of material to be removed, numbers of acres affected, and timeline for the grading project. Mr. Shipp said the timeframe for the physical grading work will take approximately one year; however, the area will be developed over many years to come. He explained as drawings and engineering plans are finalized, he will return to the City to apply for permits to complete infrastructure and utility work in the first phase.

Commissioner Wood said the applicant should move the excavated material to other areas within the property. He stated residents want to know how the material will be excavated – if blasting will be utilized – and what the plan is for dust mitigation.

Mr. Shipp said they will not utilize blasting. He explained his understanding was the item under discussion was the overlay, so he is not prepared address the specific questions asked. His plan was to return at a later meeting with those details, as he went through the other permitting processes. The intent of the development is to create a separate construction access to Wride Memorial Highway to avoid affecting residents. He will comply with all City ordinances regarding dust mitigation, and will make all reasonable efforts to mitigate dust.

Commissioner Wright asked if Mr. Shipp intends to operate a cement or asphalt plant, and what the hours of operation for the grading would be. Mr. Shipp confirmed that they will not have a concrete or asphalt plant, and would be happy to include a stipulation restricting those operations in the overlay approval. He stated all work will happen during normal business hours. Mr. Mumford clarified the Municipal Code limits construction hours to 7:00 a.m. to 9:00 p.m. on weekdays, and 9:00 a.m. to 9:00 p.m. on Saturday and Sunday.

Commissioner Everett opened the public hearing at 8:38 p.m.

Peggy Hunsaker spoke against the application, and stated concerns related to blasting, asphalt plants, traffic, water pressure, and the project timeline.

Bruno Hunsaker spoke against the application, and stated concerns related to dust, hours of operation, and expressed his opinion that the twenty-one lots currently recorded be developed before additional grading is permitted.

Amy Saunders spoke against the application, and stated concerns about buffering, resident impact, the size of the project, and grading on property with less than 5% slope.

Karen Lumley spoke against the application, and stated concerns regarding the scale and timeline of the project, dust mitigation, and disruption of the natural landscape.

Karen Lumley read an email from Brad Gurney, Mayor of Fairfield, in which he stated the town's opposition to the rezone.

Blaire Galey spoke against the application, and stated concerns regarding flooding and water pressure.

Kendall Saunders spoke against the application, and stated concerns regarding the scope of the project.

Dave Snyder spoke against the application, and stated concerns regarding flooding, dust, and effects to vegetation and residents.

Jeff Ruth spoke against the application, and stated concerns regarding the size of the project, dust, water use, and potential mining operations.

Jennifer Mullins spoke against the application, and stated concerns regarding quiet hours, truck traffic, the scope of the project, and the developer's ability to meet conditions of approval.

Corbett Douglas spoke against the application, and stated concerns with the number of potential conditions of approval and the timeline of the project.

Erika Douglas spoke against the application, and stated concerns regarding environmental impact.

Julie Myers sent an email speaking against the application, and stated concerns regarding dust, noise, water pressure issues, property values, the number of rock and gravel businesses in the area, view restrictions, and the timeline of the project.

Randy Rowe sent an email speaking against the application, and stated concerns regarding noise, traffic, dust, and property values.

Elise Erler with SITLA sent an email stating SITLA's approval for the application, as SITLA anticipates the need for mass grading in the future on its property adjacent to Pole Canyon's mass grading.

A White Hills resident was not able to attend the meeting and left a phone message requesting her statement be included in the record that she is against the application.

Commissioner Everett closed the public hearing at 9:07 p.m.

Commissioner Wood asked if the applicant has submitted applications other than for the grading permit. Mr. Mumford said the applicant has submitted an application for a grading and excavation permit to the City Engineer. He stated the application has not been fully reviewed, as the City Attorney recommended the applicant apply for the overlay.

Commissioner Wright asked if a plat has been recorded for the twenty-one lots in the development, referenced by a resident during the public hearing. Mr. Jensen said the developer has applied to develop those home sites, but the application process was stopped due to sewer line issues. Mr. Mumford clarified the City stopped the process; the lack of completion of those homes is not the fault of the developer.

Commissioner Wood asked the applicant for clarification on where the water will be obtained for dust mitigation. Mr. Shipp explained he was in the process of gathering that information, but was instructed to apply for the rezone before compiling those specific details. He stated he will purchase water from the City, from a well or area designated by the City in order to avoid negatively impacting other residents. He said he is happy to present the details requested as part of the grading application process, and expressed his opinion that the rezone application was complete with all City-required details.

Mr. Shipp explained he has removed 110,000 to 130,000 cubic yards of dirt for basements in Evans Ranch, one of his developments. He expressed concern that the material is being hauled by trucks one lot at a time in residential developments over newly installed streets, and would like to avoid that removal process in Pole Canyon.

Commissioner Wood stated the Commission is not in favor of approving the mass grading permit. He asked if the applicant is able to obtain a grading permit, how water will be retained, and if the applicant would amend the hours of operation. Mr. Shipp said the grading permit

application he submitted contains a storm water pollution prevention plan. He explained the City would monitor the progress of the grading. Mr. Shipp said preferences on construction hours of operation change from person to person. He said if there are concerns with work starting too early, a Municipal Code change is in order.

Commissioner Wood asked staff if the City is required to approve all uses allowed within the overlay, as noted in the Municipal Code. Mr. Jensen said the Planning Commission may remove specific operations such as asphalt plant operations and blasting from the approval, if so desired.

Commissioner Wright asked if the project can be approved through a grading permit, instead of allowing an overlay to be applied. Mr. Mumford explained the primary reason for the rezone application is to allow excavated material to be processed and removed for offsite use.

Commissioner Wood expressed concerns regarding mass grading, and said it takes years to develop the graded land, which creates dust issues. He asked if the overlay can require the grading to be completed in phases. Mr. Mumford said the Planning Commission can recommend approval for a smaller section of land, or an updated master development agreement can address specific areas to be disturbed, and reclamation processes for the disturbed areas.

Commissioner Wright asked if it is typical for mass grading permits applications to encompass 2700 acres of land. Mr. Mumford clarified the areas noted on the application in question add up to 200 to 300 acres of land.

Commissioner Everett asked if it is possible to limit the overlay to a smaller section of the property, and how the land limitation is monitored. Mr. Mumford confirmed the overlay can be limited, and can be monitored through updated aerial photos that are taken every few months, and through inspections. He explained the City has an employee responsible for inspecting and monitoring developments' storm water pollution prevention plan adherence, and for inspections of mining and excavation operations.

Commissioner Wood said he would like to move forward with the project in a measured way, but would like the master development agreement to be updated first.

Commissioner Wright said the master development agreement allows for extraction for ordinary and customary development. He expressed his opinion that the proposal to mass grade is not ordinary or customary. He said before recommending approval of the rezone, he would like the applicant to provide a timeline for development, the amount of material to be removed, and the acreage of the specific areas affected.

Commissioner Anderson agreed with Commissioner Wright's request for details, and asked if an environmental study would be completed before grading begins. Mr. Mumford said staff will discuss what the City can require with the City attorney.

Commissioner Anderson asked the applicant why the grading is necessary. Commissioner Everett asked why grading was needed on 3% slopes. Mr. Shipp reiterated that he does not have those specific details, as he understood the discussion was to be regarding the overlay, not the grading permit. He said the property slopes are approximately between 1% and 6%, and the intent is to not grade the 3% slope areas. The development plan is to create tiers for roads and walkout basements, not remove significant amounts of material.

Commissioner Wood asked what the elevation difference will be between the streets. Mr. Shipp said he cannot state with certainty, but it may be between a five- and fifteen-foot elevation change between streets.

Commissioner Anderson asked how water pressure issues would be addressed. Mr. Mumford explained water models will be created for each development. Mr. Shipp stated the current water pressure issues are due to an incomplete private water company system that was not finished; the existing water tank is not connected to the system. He said the City requested changes and upgrades to the water system which were made by DAI before it was turned over to the City, but the changes do not completely fix the issue. He explained once homes are built in the area and the tank is realigned and connected, the pressure concerns will be remedied.

Commissioner Wood stated he does not have enough information to approve or deny the application. He said the master development agreement needs to be updated in order to provide assurances to the City. Mr. Shipp requested the Planning Commission provide specific details regarding the information needed, so he can attend a future meeting with answers to their questions.

MOTION: *Rich Wood moved to table the Pole Canyon Extractive Industries Overlay Zone rezone until the following items and details are provided for Planning Commission review, and questions answered for City staff and the City Attorney:*

- 1. The applicant identify a truck route to be used for the transportation of materials, which does not utilize Wilson Avenue;*
- 2. The applicant identify dust control and mitigation plans for the truck route;*
- 3. The applicant identify dust control and mitigation plans for the extractive industries site;*
- 4. The applicant provide detailed hours of operation;*
- 5. The applicant provide a project timeline;*
- 6. Prior to receiving approval for a mining/extraction (grading/excavation) permit from the City Engineer, the Pole Canyon Master Development Agreement shall be amended to include appropriate hours of operation, dust mitigation standards, truck routes, and a timeline for the operation;*
- 7. The applicant provide a volume of material for extraction;*
- 8. The applicant provide specific location and acreage in which to apply the Extractive Industries Overlay Zone;*
- 9. The Pole Canyon Master Development Agreement shall be amended to eliminate blasting, concrete plants, and cement and asphalt production for offsite use or sales; and*
- 10. City attorney and City staff identify any environmental impacts from the grading.*

Brett Wright seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.

4. Next scheduled meeting: January 22, 2019

5. Adjournment

MOTION: *Brett Wright moved to adjourn the meeting at 9:46 p.m. Rich Wood seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and DeLin Anderson. The motion passed with a unanimous vote.*

Approved by the Planning Commission on January 22, 2019.

A handwritten signature in dark ink, appearing to read "Steve Mumford", is written over a horizontal line.

Steve Mumford, Community Development Director

