EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

December 14, 2021, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director.

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

Commissioner Wright called the meeting to order at 5:31 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Wildlife Corridor Overlay Rezone

Senior Planner Tayler Jensen presented the item. The City plans to actively rezone property within the designated corridor area with the Wildlife Corridor Overlay beginning in 2022. Staff has spoken with impacted landowners with upcoming projects regarding the plan to rezone their property.

Assistant City Administrator/Community Development Steve Mumford said the City has spoken with several of the property owners, including representatives for the Church of Jesus Christ of Latter-day Saints, and entities with land in the critical areas of the corridor. Staff will continue notification efforts by contacting the impacted owners. The majority of the corridor located in Hidden Valley was already indicated for open space in the master development plan. Other portions of the corridor are along washes that are used by deer and are less desirable for development or are undevelopable per City standards. The northern part of the corridor is narrower but has sufficient width to work with developers to adjust the corridor, if necessary, to provide enough space for wildlife passage. Most of the developers have been amendable to the proposal as long as they are not heavily impacted by the corridor preservation efforts and are compensated for land dedications. Staff has encouraged open space credits rather than density transfers while informing the developers some improved open space or parks will still be required. Although several developers have expressed willingness to work with the City, only one was willing to sign a memorandum of understanding for the Wildlife Corridor Overlay, so the City is pursuing other routes. The Eagle Mountain Wildlife and Nature Alliance citizen group has also been reaching out to landowners regarding the corridor.

Commissioner Everett expressed support of the efforts to notify impacted landowners. He would prefer granting open space credits, while still requiring some improved open space, rather than density transfers.

Commissioner Wells arrived at 5:40 p.m.

Mr. Mumford reviewed the history of the project and the desire of the City to address deer migration. The Division of Wildlife Resources tracking programs to both preserve wildlife and to reduce vehicular collisions with migrating deer have been utilized in designating areas as wildlife corridor. The Mayor met with interested residents that have assisted with the project. Some of the landowners are unable to make commitments until the property is ready to develop. Achieving the full 330-foot recommended width may be difficult in certain areas.

Discussion ensued regarding the areas that might encounter difficulties or have conflicts with application of the overlay.

1.B. DISCUSSION ITEM – Road Standards

Mr. Jensen presented the item and examples of curb extensions in other cities as a potential traffic calming measure that reduces vehicle speed and illegal parking, shortens pedestrian crossing distances, and increases pedestrian space and visibility. Curb extensions are more difficult to maintain, impede snow removal, increase development costs, and may result in motorists increasing speed after passing the curb extension.

Discussion ensued regarding the size of various curb extensions based upon the road type and usage, obtaining statistics to determine the behavior changes in motorists and the impact of curb extensions on auto-pedestrian accidents, potential amendments to current right-of-way width standards, the benefits of curb extensions including mitigating on-street parking issues, adding measures to assist snowplow drivers, the additional benefit of reducing landscaping in park strips and water use, concerns that requiring increased road design standards will result in additional density to offset the expense, limiting the locations for curb extensions to high-pedestrian areas such as school crossing to reduce the maintenance negative impacts, and the impact of curb extensions on emergency vehicle access.

Commissioner Wright advocated for increasing the local right-of-way standards from 53 feet to 62 feet. He recommended increasing the number of parking stalls required for multifamily units, prohibiting private drives, and requiring the minimum of a 62-foot local right-of-way to assist with parking congestion. During a discussion the previous week, a United Fire Authority representative stated that the City could better assist emergency services by requiring improved road access.

Commissioner Everett concurred with prohibiting private roads or creating private road standards, with consideration of private roads becoming a public right-of-way maintained by the City.

Commissioner Wells expressed concern with the maintenance impact of curb extensions and suggested only installing them in high-pedestrian areas such as school crossings. She is hesitant to require road widths sufficient for street parking along both sides due to resulting conflicts with developers and is unsure if the scope of the issues would justify changing the width standard for all local roads.

Commissioner Wright adjourned the work session at 6:10 pm.

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

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

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Wells said that as the applicant for item 6.A. is the mayor-elect for the city she works for, she will not be participating in the discussion or vote. For transparency purposes, she lives near the proposed Atlas Tower site and is friends with the owners of Salt City Fitness.

4. Approval of Meeting Minutes

    4.A. November 9, 2021 Planning Commission Minutes

MOTION: ***Commissioner Everett moved to approve the November 9, 2021 minutes. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained as she was not in attendance at the November 9, 2021 meeting.***

5. Status Report

    5.A. Status Report

Mr. Jensen summarized the planning items reviewed and voted upon during the November 16, 2021 and December 7, 2021 City Council meetings.

6. Action and Advisory Items

    6.A. ACTION ITEM / PUBLIC HEARING – Eagle Quest East

Commissioner Wells was present for the discussion and vote; however, she elected not to participate due to working for the city where the applicant is the mayor-elect.

Mr. Jensen presented the item. At approximately 163 acres, the project requires a master development plan (MDP), including a preliminary plat, rezone, and General Plan amendment, to help ensure that the project will relate well to surrounding uses while establishing the required public investments and benefits for the development and the community. The applicant is proposing a 424-lot preliminary plat and an amendment to the General Plan Map, moving Old Airport Road to the east property line of their parcel. The current Future Land Use and Transportation Map show Old Airport Road as a major arterial that cuts diagonally through the northeast corner of the development.

Compatibility considerations include Neighborhood Residential One and Neighborhood Residential Two uses to the north; a 152-foot right-of-way, Agricultural/Rural Density One, and Agricultural/Rural Density Two to the east; one-quarter to one-third acre lots to the south; and Overland Village 4, with 2.39 dwelling units per acre, to the west. Approximately nine acres of open space is required. The plan provided approximately 9.2 acres of improved open space; however, 4.314 acres is in a retention pond. Municipal Code limits 75% of the retention pond to count towards the improved open space. As such, the plan provides 8.06 acres of approved open space improvements and requires about 46,174 additional square feet or to increase the size of some of the lots to a zone with a lower open space requirement.

Currently, the entire parcel is zoned Agriculture, with a future land use designation of Neighborhood Residential One. The applicant is proposing to rezone the 163.211 acres to the following zones: 9.1396 acres to the OS-I, 9.044 acres to the RD1, 9.028 acres to the R1, 33.630 acres to the R2, and 51.3187 acres to the R3. The remaining 51.05 acres are included in public right-of-way. RD1 is typically anticipated within the Agricultural/Rural Density Two designation. As RD1 is a less dense development pattern, it may be considered appropriate within the Neighborhood Residential One land use designation, alternatively, the General Plan Map is being proposed to be amended with this application, and that area could be amended to the Agricultural/Rural Density Two future land use. RD1 is not an appropriate zone adjacency to R1 per the transition standards. Staff recommends a row of RD2 units be placed between the RD1 and R1 lots, which would also reduce the required acreage of open space.

A recommendation of approval may be made for the General Plan amendment if desired to amend the General Plan Future Land Use and Transportation Map moving Old Airport Road to the eastern edge of the property.

Staff recommends that the Planning Commission motion to recommend approval to the City Council of the rezone to RD1, RD2, R1, R2, R3, and OS-I as shown in the land use, concept site, and phasing plane with the following condition:

1. A row of RD2 lots shall be included between the RD1 and R1 zoned property.

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

1. Additional improved open space shall be provided per the requirements in EMMC 17.25.040;
2. Community mailbox locations shall be shown on the master development plan/preliminary plat that utilize the pullout design standard from EMMC 16.35.150(D), with at least one mailbox in the first phase of the development; and

3. The road stub to Old Airport Road shall be moved to be a least 1,320 feet from any other intersection.

Applicant representative Kurt Ostler explained their reason for requesting to relocate Old Airport Road to the east of the project is in order to meet the Utah Department of Transportation (UDOT) traffic light spacing standards. Even though Old Airport Road will not be a UDOT roadway, they believe following UDOT standards will increase safety and connectivity and reduce traffic on Lake Mountain Road and neighboring subdivisions. Aviator Avenue has been increased in width to a collector road. They have increased the width of the southern road in their project accordingly.

Commissioner Wright opened the public hearing at 6:47 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Wright expressed concerns with the number of R3 units; he proposed increasing the R1 and R2 units to have about a third of each housing type. He prefers the alignment in the Future Lane Use and Transportation Plan as he feels it would be onerous to require the owner of the northern property to accommodate the entirety of the road curvature in that development. He requested for civic uses to be indicated on the plan, preferably in an R3 area. He agrees with the staff recommendation regarding community mailboxes and adding a row of RD2 units as a transition between the RD1 and R1 zones. He expressed concern with the one-acre lots being adjacent to a major arterial road.

Commissioner Everett concurred with indicating potential locations for civic uses and mailboxes. He is open to either option for the road as he understands the benefits of relocating the road but also understands concerns with the impacts to development to the north.

Commissioner Bergener said the distribution of the unit types is consistent with many of the plans presented and the Commission is challenged with encouraging balancing product type. He agrees with the thoughts expressed by the other Commissioners regarding reducing the R3 product to accommodate civic uses and concerns regarding the impact of the road adjustment to the northern property owner. Transitioning standards would allow for a density reduction in the R3 units.

Mr. Mumford explained the factors leading to the currently proposed curvature of the road in the Future Land Use and Transportation Plan, as indicated since 2004, including a land dedication by the School and Institutional Trust Lands Administration in 2003. A slight alignment change occurred in 2018, as a reaction to the Sunset Flats development and the powerline crossing of the road. He noted the placement of the RD1 lots on the east side of the project was due to City Council feedback regarding transitioning and road alignment.

Discussion ensued regarding the potential positive and negative impacts of the applicant's request to locate Old Airport Road on the east side of the development and the feedback given to the applicant by the City Council during the concept plan review.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the General Plan amendment for Eagle Quest East including an amendment to the General Plan Future Land Use and Transportation Map moving Old***

Airport Road to the eastern edge of the property and amending the Future Land Use Plan to Agricultural/Rural Density Two as consistent with the final drawing of the RD1 and RD2 lots. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the rezone to RD1, RD2, R1, R2, R3, and OS-I as shown on the land use concept and phasing plan for Eagle Quest East with the following conditions:***

1. ***A row of RD2 lots shall be included between the RD1 and R1 units;***
2. ***The number of R1, R2, and R3 units shall be adjusted to each represent approximately one-third of the Neighborhood Residential One units;***
3. ***The parks and open space requirement shall be recalculated based upon the number and requirements for the amended lot number and type in accordance with the zoning changes with the retention basin counted towards fulfilling 75% of the improved open space requirement;***
4. ***At a minimum, one church site shall be identified for civic uses; and***
5. ***A community mailbox location shall be indicated in phase one with contemplation of locations for additional community mailboxes in accordance with the total unit calculation requirements.***

Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the master development plan and preliminary plat for Eagle Quest East with the following conditions:***

1. ***Additional improved open space shall be recalculated and provided per the requirements in EMMC 17.25.040;***
2. ***Community mailbox locations shall be shown on the master development plan/preliminary plat that utilize the pullout design standard from EMMC 16.35.150(D), with at least one mailbox in the first phase of the development; and***
3. ***The percentage of the R1, R2, and R3 lots shall be recalculated to provide a balance of a third of each unit type.***

Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained.

6.B. ACTION ITEM / PUBLIC HEARING – Atlas Tower – Sunset Flats

Mr. Jensen presented the item. Atlas Tower is proposing an 80-foot wireless cell tower, with the appearance of a grain silo, to be constructed on 2,500 square feet within parcel 59:007:0077, located to the north of the Rocky Mountain Power Substation, west of Lake Mountain Road between the two powerline corridors.

Staff recommends that the Planning Commission motion to recommend approval of the Atlas Tower – Sunset Flats site plan to the City Council for the reasons set forth in the staff report and the meeting with the following conditions:

1. A six-foot privacy fence shall replace the chain-link fence in accordance with EMMC 17.75.091(A)(2);
2. The applicant shall submit copies of all federal permits to the City prior to a building permit being issued; and
3. Generators or noise-producing venting systems shall not be used in compliance with EMMC 17.75.091(9).

Applicant representative Michael Powers noted that the zoning for the property is Agriculture. They have met all the zoning requirements. The maximum height for this type of structure is 120 feet and the proposal is for an 80-foot tower. He explained that they build, maintain, and provide communication infrastructure that they lease to communication providers which is the dominant model in the United States. Their goal is to maximize both personal and community benefits, including facilitating emergency services, by leasing to various wireless providers. The dominant, most utilized method to provide backup power is a small, diesel generator, anticipated to produce 40 to 50 decibels, with a minimal amount of fuel stored on-site. Other less-effective methods could be used if the generator should be prohibited. The silo façade hides the electrical equipment. This is their safest design option and the most suitable for the surrounding area. Taller towers allow space for multiple tenets reducing the number of towers in a city.

Discussion ensued regarding the size and noise level created by an emergency generator, the color and design of the silo, and the height of the tower.

Applicant representative Carri Wullner said they would be amenable to painting the silo.

Commissioner Wright opened the public hearing at 7:33 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Bergener stated that although some residents may have concerns, this use benefits many residents and first responders.

Commissioner Everett concurred with the benefits of the use. He feels the location is appropriate and the ambiguity in the standards regarding generators could be interpreted to allow an emergency generator. He requested for the applicant to paint the silo to make it look as aesthetically pleasing as possible.

Commissioner Wells supported painting the tower to mimic the style of a farm silo.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the site plan for the Atlas Tower at Sunset Flats with the following conditions:***

1. ***A six-foot privacy fence shall replace the chain-link fence in accordance with EMMC 17.75.091(A)(2);***
2. ***The applicant shall submit copies of all federal permits to the City prior to a building permit being issued;***
3. ***Allowing a small, on-site generator with use limited to emergency conditions and testing periods; and***
4. ***Renderings to demonstrate the painting proposal for the silo shall be included in the submission materials for the City Council review.***

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

6.C. ACTION ITEM / PUBLIC HEARING – Salt City Fitness

Mr. Jensen presented the item. The applicant is proposing an 8,000-square-foot fitness equipment repair facility to be located on 42,304 square feet of property within parcel 59:056:0048. The property was rezoned to Industrial with the added Sweetwater Industrial Overlay Zone on April 20, 2021. As a light manufacturing and assembly use, Salt City Fitness is a permitted use in the Sweetwater Industrial Overlay. The Planning Commission shall determine if additional design features should be required. The plan provides 16 parking shall, thus no more than 16 employees should be employed per shift. All of the shown landscaping is waterwise.

Staff recommends that the Planning Commission motions to recommend approval of the site plan for Salt City Fitness to the City Council for the reasons set forth in the staff report and in the meeting with the following conditions:

1. The applicant shall confirm that no more than 16 individuals shall be employed within a single shift; and
2. Any changes to the elevations the Planning Commission finds appropriate.

Applicant representative Scot Hazard stated that the business is currently operating out of the Meadow Ranch subdivision. The owner desire to relocate because they have outgrown their current home-based location. The elevations took into consideration the feedback received by the City Council and Planning Commission regarding the LBISat building.

Applicant Summer Mercado stated that the business currently has seven full-time employees including herself.

Commissioner Wright opened the public hearing at 7:46 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Wells said that she appreciates the water-wise landscaping and the design features that are included in light of the building being in an industrial area.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the site plan for Salt City Fitness with the condition that the applicant shall confirm that no more than 16 individuals shall be employed within a single***

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

6.D. ACTION ITEM / PUBLIC HEARING – Antelope Meadows Pool and Clubhouse

Mr. Jensen presented the item. The applicant is proposing to add a pool and clubhouse, that will be open to the residents of the Antelope Meadows Homeowner's Association on property owned by the applicant adjacent to Autumn Ridge Park on parcel 59:044:0509. Antelope Meadows contains two Church of Jesus Christ of Latter-day Saint chapel sites and only one will be developed as a church. The applicant will be bringing forth a proposal to add approximately ten lots to the undeveloped church site. They request that the pool and clubhouse count towards the amenities for those units, should the amendment be approved. However, approving this site plan will not vest any approval of an amended preliminary plat.

Staff recommends that the Planning Commission motion to recommend approval of the site plan for the Antelope Meadows pool and clubhouse for the reasons set forth in the staff report and the meeting with the following conditions:

1. A portion of the property left in its current state shall be dedicated to the City as open space; and
2. The pool and clubhouse shall be permitted to count toward the required amenity points for any future amended preliminary plat.

Applicant representative Robert Lusk with Fieldstone Homes said the additional ten lots, if approved, would bring the total number of units in Antelope Meadows to 165 single-family units. The pool will be 30 feet by 40 feet or 1,200 square feet.

Discussion ensued regarding the size of the pool in relation to the number of units it is meant to serve and clarifying that neither a pool nor a clubhouse is required for single-family units.

Mr. Jensen noted that pools are required to provide four square feet of pool space for each unit for multifamily developments.

Commissioner Wright opened the public hearing at 7:54 p.m. As there were no comments, Commissioner Wright closed the hearing.

Discussion ensued regarding the standards for egresses and ingresses for roundabouts.

Commissioner Wright requested for the Planning Commission to contemplate standards for roundabout egresses and ingresses. He has no concerns with the proposal and views the added amenities as a gift to the residents. The amenity points awarded for the pool and clubhouse will likely far exceed the requirements for the ten additional units if granted.

Commissioner Everett clarified that although he recognizes that the amenities are not required, he still desired to evaluate the size of the amenities to ensure the useability for the benefit of the residents prior to recommending approval of the application.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the site plan for the Antelope Meadows pool and clubhouse with the following conditions:***

1. ***A portion of the property left in its current state shall be dedicated to the City as open space; and***
2. ***The pool and clubhouse shall be permitted to count toward the required amenity points for any future amended preliminary plat.***

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

6.E. ACTION ITEM / PUBLIC HEARING – Eagle Ridge

Mr. Jensen presented the item. Parcel 58:044:0011 was annexed into Eagle Mountain on November 17, 2020, as Agriculturally zoned property with a future land use designation of Agriculture/Rural Density One. The applicant is proposing a General Plan amendment to designate the property Agriculture/Rural Density Two, a rezone to RD1, and a preliminary plat with 17 units. The development fails to meet the connectivity requirements as it exceeds the allowed block length and has a cul-de-sac. However, per EMMC 16.30.090(4), the Planning Commission may waive this requirement as the plat creates no new nodes, and can be considered landlocked because the surrounding properties have no remaining development rights, and there is no other access into the Arrival subdivision to create a loop road. The Fire Marshal reviewed this proposal, and with the inclusion of a turnaround sufficient for fire apparatus, has no concern with the block length in this location.

Staff recommends that the Planning Commission motion to recommend approval of the General Plan amendment, rezone, and preliminary plat to the City Council for the reasons set forth in the staff report and in the meeting with any conditions that the Planning Commission finds appropriate.

Applicant Kim Rindlisbacher said they have sought direction from the City Engineer regarding stormwater mitigation. They are adding berms to the west and north sides of the property for runoff from the mountain to channel the water to 25 acres of land with a developable grade that they are leaving natural due to its proximity to Camp Williams. The detention pond, on Parcel A, will capture stormwater from the developed portion of the property. The City Engineer has indicated that the higher well site to the northwest is the more desirable of the potential well locations. The agreement with Camp Williams provides for access roads to both wells sites. They combined two of the original 18 lots to provide enough buildable area due to grade limitations.

Commissioner Wright opened the public hearing at 8:07 p.m. As there were no comments, Commissioner Wright closed the hearing.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the General Plan amendment, rezone, and preliminary plat for Eagle Ridge. Commissioner Everett seconded the motion. Those voting aye: Jeremy***

Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

6.G. ACTION ITEM / PUBLIC HEARING – Triumph

This item was discussed prior to item 6.F.

Planning Manager Robert Hobbs presented the item. The property made the subject of this application package comprises 161.99 acres of land currently zoned Agriculture/Rural Density and designated as Agricultural/Rural Density Two per the City's adopted General Plan Future Land Use Map. The applicant proposes emplacement of a Foothills Residential General Plan designation on the property and the assignment of Foothill Residential (FR) zoning to the land to facilitate development of a 235-lot development with 233 single-family detached residential homesites divided into one-third to one-acre sized lots. The right-of-way widths, alignment, and dedication needs have been evaluated and changes have already been made to the preliminary plat civil drawings to accommodate the development review committee (DRC) comments.

Triumph proposes an average of 1.36 dwelling units per acre compared to a density of 4.31 detached houses per acre average in Ault Farms to the northwest and 1.36 detached houses per acre in Scarlet Ridge Estates to the east. The property is bordered on the west by an approximately 600-foot-wide power line corridor. Ault Farms has a zoning mix that includes FR, R1, R2, R3, MF1, MF2, and Commercial. Areas zoned FR, R1, R2, R3 and open space areas of that development are juxtaposed against the west/northwest portion of Triumph. The utility corridor could be determined to serve as a sufficient buffer and barrier between the non-compatible adjacencies in Ault Farms and Triumph.

Staff recommends that the Planning Commission motion to recommend approval of the General Plan Map amendment, master development plan, rezone, and preliminary plat application to the City Council for the reasons set forth in this staff report and in the meeting, subject to applicant/project compliance with the following condition:

1. The project shall be developed in accordance with the approved preliminary plat of/for the same, including dedication of requisite, City required right-of-way;
2. The project shall comply with any requirement(s) from the Eagle Mountain City Engineer as are, or may be, set forth for the project;
3. Open space development in the project's common lots shall comply with requirements listed in EMMC 16.35.105;
4. The developer's engineer shall correct any spelling, grammar and punctuation, and numbering errors that may be evident on the plat and/or in the proposed project plat development notes; and,
5. The developer/development shall comply with any other conditions as may be levied by the Planning Commission.

Possible additive conditions, not included in the packet materials:

- A condition to cause a walkway connection at or near lots 190 or 191;
- A correction condition that the developer's engineer identify their drainage land across Old Airport Road as a parcel;

- A correction condition that they label the apparent building lot # 148 on plat page C1 that has an/its identifier missing; and/or,
- A correction condition that to make plain the purpose/function of Parcel C.

Applicant representative Scot Hazard explained that the plan has been updated to incorporate feedback previously received from the City. Additional expenses are inherent in the project due to the requirements for road dedications of millions of dollars' worth of land and the inability to load houses on major transportation corridors. The storm drain pond will have minimal improvements as it will be located between the utility corridor and a freeway. Developing the entire parcel as Foothill Residential facilitates transition with Scarlet Ridge and simplifies the agreement. They are working with staff to develop a more robust than required park utilizing the fee-in-lieu paid by Scarlett Ridge to provide park space for residents in both developments. Walkways are provided along the side of strategic lots to offer pedestrian connectivity to the parks and open space. Acre lots are used to serve as a buffer around an existing two-acre lot indicated as Parcel C. He is working with Rocky Mountain Power to possibly bury the powerlines servicing the existing homes; however, the plan has been outlined to provide for the existing power poles should the lines not be buried.

Commissioner Wright opened the public hearing at 8:28 p.m.

Marion Bingham said he built a home 22 years ago on the site identified as Parcel C on the preliminary plat. His main concern is that his home faces east based upon the information he had been given regarding the development of the area and the proposed road adjacent to his property would be on the west. He is concerned that he will lose access to his home when the development is completed.

Commissioner Wright closed the hearing at 8:32 p.m.

Mr. Hazard said he had been unaware that Mr. Bingham had been utilizing the neighboring property to access his home as there is no record of an easement but he will work with Mr. Bingham to provide access. A portion of property Mr. Hazard owns to the east of Parcel C had been intended to be added to lots 264 and 259 and could possibly be adjusted to provide access to the existing home.

Commissioner Wells explained that the additional conditions added to the staff report were due to concerns she had discussed with Mr. Hobbs. The discussion with the applicant clarified that the walkway connection near lots 190 or 191 is not needed. After discussion, she is still in favor of adding the other additional conditions.

Discussion ensued clarifying the suggested condition to label the apparent building on lot 148.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the General Plan amendment, master development plan, rezone, and preliminary plat with the following conditions:***

1. ***The project shall be developed in accordance with the approved preliminary plat of/for the same, including dedication of requisite, City required right-of-way;***
2. ***The project shall comply with any requirement(s) from the Eagle Mountain City Engineer as are, or may be, set forth for the project;***
3. ***Open space development in the project's common lots shall comply with requirements listed in EMMC 16.35.105;***
4. ***The developer's engineer shall correct any spelling, grammar and punctuation, and numbering errors that may be evident on the plat and/or in the proposed project plat development notes;***
5. ***The developer/development shall comply with any other conditions as may be levied by the Planning Commission;***
6. ***The developer's engineer shall identify their drainage land across Old Airport Road as a parcel;***
7. ***The applicant shall label the building lot # 148 on plat page C1 that has an/its identifier missing;***
8. ***The use of Parcel C shall be clarified; and***
9. ***The applicant shall work with the owner of Parcel C to ensure ingress and egress to provide access to the existing home.***

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

6.F. ACTION ITEM / PUBLIC HEARING – RTI Overlay Zone (Code Amendment)

This item was discussed after item 6.G.

Mr. Mumford presented the item. The RTI Overlay Zone is intended to promote large-scale development of technological, clean industrial, distribution, and high-tech manufacturing uses. The zone allows properties that have received the overlay to go through a streamlined approval process if they permanently employ over 100 people or include a minimum of 100,000 square feet of building floor area in the first phase of development. The RTI Overlay has been utilized for Facebook, Tyson, and Google and has an automatic repeal date of May 31, 2022. The City received an Award of Merit from the Utah Chapter of the American Planning Association for the overlay.

Economic Development Aaron Sanborn stated that the RTI Overlay has been beneficial to City economic development efforts as the allowances save time, reduce uncertainty and risk for the businesses, and set the City apart from other cities. Retaining the zone will help with promoting economic interests and amendments can address concerns to ensure that the types of businesses that are a benefit to the City and residents are attracted.

Site plans are administrative applications and should be approved if they comply with the ordinance/Municipal Code. A public approval process can create frustration for residents or others that have concerns that are not validated because the project complies with requirements. The Commission and Council are in a difficult situation, having to approve projects amidst complaints from neighbors/residents because denial due to public clamor can breed lawsuits or other issues.

The proposed amendments to Chapter 17.48 include removing the repeal date, adding that the City Council member serving as the Planning Commission liaison shall also serve as the DRC liaison for projects within the RTI Overlay, the application process shall require a final rather than preliminary plat, that allowed uses in EMMC 17.48.040 that may have a significant impact on the City's utilities or infrastructure may be prohibited at the discretion of the City, and removing the permitted building height of five stories or approximately 50 feet to require building height approval based upon the specific use and potential impacts to neighboring properties.

Mr. Hobbs stated that other cities have staff and/or a design review committee approve proposed site plans if it meets code and extra measures of review with the Planning Commission and City Council require additional staff time and can disincentives applicants. When interested developers learn that the site plan process in Eagle Mountain City requires around three months compared to a few days or weeks with other cities, it can cause frustration.

Discussion ensued clarifying that the RTI Overlay has been approved for portions of areas designated as Employment Center/Campus on the Future Land Use and Transportation Map including the southeast portion of the southern area of the City and the west portion of the Pole Canyon area including the land purchased by Google. Additional portions of Employment Center/Campus or other areas of the City could potentially be rezoned with the overlay after Planning Commission and City Council review and approval.

Commissioner Wright opened the public hearing at 8:58 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Everett said the overlay has resulted in beneficial corporate partnerships that give the City an in-state, regional, and national competitive advantage for economic development. Nevertheless, he recommends including a provision such as an automatic repeal in order for the City to review the overlay periodically, about every five to six years, to verify the City feels it is still appropriate and desirable and to allow the City to amend or repeal the overlay. Although he understands the advantage of expediting applications, he expressed concern that the perception is that information is being withheld or hidden from the public. His personal frustration as a Planning Commissioner is being asked to review an application excluding the use and user information. He advocated for the Planning Commission to be trusted with and included in the discussions and privy to the same information as the City Council and able to sign nondisclosure agreements if needed. He would like to allow for an accelerated, public process while still retaining private information regarding the use and user. He suggested calling special, single-item Planning Commission and City Council meetings to approve or deny RTI items. He advocated for the City to implement an Economic Development Board and clarified, as a member of the Eagle Mountain City Chamber of Commerce Board of Directors, that the Chamber of Commerce does not function in that capacity. The Chamber serves as an advocacy group for City businesses. He recommended for the verbiage in EMMC 17.48.020 indicating for the Planning Director or "his" designee to chair the DRC to be changed to "his/her or their."

Commissioner Wright recessed the meeting from 9:08 to 9:11 p.m.

Commissioner Bergener said that he appreciates the insight offered by Commissioner Pengra during the previous meeting regarding the importance of the overlay. He believes that the overlay is important to attracting businesses to locate in Eagle Mountain. Because the purview of the Planning Commission is to evaluate whether an application complies with Municipal Code, he feels the overlay meets the spirit of the process. Due to issues with discouraging potential businesses and losing knowledge regarding the purpose, the reason for, and success with the overlay, he would be more in favor of a review mechanism that excluded an automatic repeal date.

Commissioner Wells agrees with staff regarding the difficulty in a public site plan review process for both the residents and City Councilmembers with projects that meet Municipal Code requirements that individuals dislike that would result in legal ramifications should the Council deny compliant applications in response to public clamor. As such, she concurs with approving site plans for the overlay administratively, especially considering that a rezone request would include a public process to approve the overlay for new locations. She feels that the automatic repeal is unnecessary because the reason to make changes would be in response to an unfavorable agreement which would trigger a review and amendment of the overlay standards and a set repeal date can potentially result in deterring desired users in the City.

Mr. Sanborn noted that the perimeters stipulated in Municipal Code eliminate undesired or problematic uses and projects. The City currently has about ten large-scale, industrial projects in process and about half would qualify for the overlay. Three entities are interested in rezoning their properties with the overlay and are awaiting the result of this review before moving forward.

Commissioner Wright recognized the need for a simple, quick process, the benefits of attracting users to the City, and the protections provided by the qualifications and prohibitions in the overlay requirements. Nevertheless, he understands public concerns with feeling eliminated from the process and believes that a process, as suggested by Commissioner Everett, could be implemented as long as it was not a deterrent for businesses. He is in favor of the overlay if it can compel an outcome that is beneficial to the City. The requirements for the overlay reduce some of his concerns; however, he wishes to examine the standards to identify and repair any oversights that could lead to undesired, unintended results. He recommended for both the primary and secondary Planning Commission liaisons to participate in the DRC meetings due to variances in the opinions of individual Councilmembers.

Discussion ensued regarding potential resident concerns with projects, standards to mitigate or prevent undesired elements, and whether to include a review and automatic repeal date and/or have two Councilmembers attend DRC meetings.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the development code amendment for the RTI Overlay Zone Chapter 17.48. with the following changes:***

1. ***In EMMC 17.48.020, the Councilmember serving as the City Council liaison to the Planning Commission and the Chair of the Planning Commission shall serve as DRC liaisons for projects within the RTI Overlay Zone review; and***

2. ***EMMC 17.48.020 shall be amended to the "Development review committee or "DRC" shall be chaired by the planning director, or his/her designee."***

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

MOTION: ***Councilmember Wright moved to reconsider the development code amendment for the RTI Overlay Zone Chapter 17.48. Councilmember Wells seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.***

AMENDED MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the development code amendment for the RTI Overlay Zone Chapter 17.48. with the following changes:***

1. ***In EMMC 17.48.020, the Councilmember serving as the City Council liaison to the Planning Commission and the Chair of the Planning Commission shall serve as DRC liaisons for projects within the RTI Overlay Zone review;***
2. ***EMMC 17.48.020 shall be amended to the "Development review committee or "DRC" shall be chaired by the planning director, or his/her designee;" and***
3. ***The RTI Overlay will have a May 31, 2027, automatic repeal date with a compelled review date of May 31, 2026.***

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

7. Discussion Items

8. 2022 Meeting Schedule

8.A. 2022 Planning Commission Schedule

Discussions ensued regarding the meeting scheduled on November 22, 2021, due to the proximity to the Thanksgiving holiday and potentially working with the City Council to amend the date of the November meeting.

MOTION: ***Commissioner Everett moved to approve the 2022 Planning Commission Schedule. Commissioner Wells seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Erin Wells. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wright abstained as he will not be on the Planning Commission in 2022.***

9. Recognition

Mr. Mumford recognized Chairman Wright's election to the City Council. The Commission and staff congratulated him and thanked him for his service on the Planning Commission.

Commissioner Wright thanked the staff members and Commissioners he has worked and served with during his tenure.

10. Adjournment

MOTION: ***Commissioner Wright moved to adjourn the meeting at 10:00 p.m. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 10:00 p.m.

Approved by the Planning Commission on January 11, 2022.

Steve Mumford (Jan 11, 2022 13:13 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

3806_001 (002)

Final Audit Report 2022-01-12

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