

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES

TUESDAY, FEBRUARY 24, 2009 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E Stagecoach Run, Eagle Mountain, Utah 84005

Commissioner Tom Maher called the meeting to order at 6:00p.m.

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Preston Dean,

**Staff Present**

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Lianne Pengra, Planning Coordinator

**Others Present**

Mike Wren, 4109 N Major Street

Ryan Kent, Sage Communities

Nate Shipp, DAI, Pole Canyon

Jared Westoff, DAI, Pole Canyon

**1. Pledge of Allegiance**

Commissioner Maher led the Pledge of Allegiance.

**2. Declaration of Conflicts of Interest**

None

**3. Approval of Minutes**

A. February 10, 2009 Planning Commission Meeting Minutes

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the February 10, 2009 Planning Commission Meeting Minutes.*

**Commissioner Dean seconded. Ayes: 4, Nays: 0. Motion passed.**

*The following sets of minutes were previously approved by the then-sitting Planning Commissions. The minutes were lost through a computer issue and were recompleted with only the actions taken, at the recommendation of the city attorney.*

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the minutes from the following Planning Commission Meetings: 10/9/07, 10/23/07, 6/14/05, 6/28/05, 7/12/05, 8/23/05, 3/14/06, 3/28/06, 4/11/06, 5/30/06, 7/25/06, 9/12/06, 9/26/06, 10/24/06, 11/7/06, 3/13/07, 3/27/07, 4/10/07, 4/24/07, 5/8/07, 5/22/07, 6/12/07, 6/26/07, 7/10/07, 8/14/07, 8/28/07, 9/12/07, and 9/25/07.*

**Commissioner Bechtel seconded. Ayes: 4, Nays: 0. Motion Passed.**

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#### 4. Development Items

##### A. Development Code Amendment – Public Hearing, Action Item

Mr. Mumford said he discussed this amendment with the city attorney today; the recommendation is to hold the public hearing today, but table the item for a later meeting. Mr. Mumford said that there are issues with Final Plats and the bonds for those plats. He said that if a Final Plat and Development Agreement are approved with a bond posted but doesn't record the plat, the bond amount is no longer correct. He said that they need to add something that allows the bond amount to be recalculated every six months or so. He explained that most of the issues were with bonding. He said the changes weren't going to change the major points of the amendment, but would be beneficial to add.

Commissioner Maher asked what other cities do as far as expiration periods. Mr. Mumford explained that out of Lehi, Saratoga Springs, American Fork, Spanish Fork, Provo, Orem, Herriman, and Logan, all except American Fork have expiration dates on at least Preliminary Plats, Final Plats, Site Plans and Conditional Use Permits. Commissioner Maher asked how those cities deal with the bond issue. Mr. Mumford said that since this issue was brought up today, they haven't contacted other cities regarding this issue, yet. He said that he would like to get the developers' comments tonight, as well. He said that the time periods staff has proposed are mainly based on other cities' expiration periods and what we thought to be reasonable.

Mr. Mumford said that problems can occur if expiration periods are not imposed. He said that it is hard ~~to build~~ when the economy is slow ~~to build~~; ~~there are~~ many preliminary and final plats ~~that~~ are just sitting. When they come to record, there is a lot of time spent researching what codes they were approved under. He said that codes and standards change, and if nothing is being done with the project, staff would like to be able to bring the project up to current standards.

Mr. Mumford explained the proposed time periods for expirations of approval. The Master Development Plan would expire two years from the City Council approval if the Master Development Agreement is not approved by the City Council. The Master Development Agreement would expire six months from City Council approval to get the owner/applicant signature.

Commissioner Maher asked why there is a period at all on Master Development Agreements. He asked why there would be an agreement on file if it isn't signed.

Commissioner Dean asked if the Master Development Agreement is a document that is present at the City Council meeting for approval. Mr. Mumford said that it was.

Mr. Mumford said that he agrees with what the Commissioners were stating and that at least having an expiration time would encourage the applicants to sign the agreement quickly. Commissioner Maher said to look into having the agreement sign within ten days, rather than six

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months. Mr. Hadley said sometimes there are conditions of approval that are still being taken care of, as well.

Mr. Mumford said the Preliminary Plats would have a two-year expiration period. He said that Saratoga Springs just increased their expiration to two years on most of their applications and he felt that was appropriate for the Preliminary Plats. He said the Final Plat has a one-year expiration, if not recorded. He said the Development Agreement, like the Master Development Agreement, is six months if not signed. The Master Site Plan is two years if the Site Plan application is not submitted and the Site Plan is one year.

Mr. Mumford said that a one-year extension is available administratively through the Planning Department if the applicant can prove that it is applicable according to criteria set in the proposal. He explained that the applicant can appeal if the extension is denied.

Mr. Mumford said that staff recommends getting feedback and tabling the item.

*Commissioner Maher opened the Public Hearing at 6:14 p.m.*

Mike Wren, 4109 N Major Street. Mr. Wren said that he agrees that if the Development Agreement is not signed it shouldn't be valid, but he doesn't feel that is a good enough reason to make the code more strict for those who do sign them. He said that he is concerned with the time periods of the expirations. He said that having approved development is good for the community to know what the subdivisions will be around them, rather than have the approvals lapse. He said that no development is happening now, so they are using this time to get the large projects done so they can have them approved and on the shelf so that when the market does turn around, they are ready to go. He said that the bonding costs are lower now, and asked if the new code will allow developers to reduce the bond.

Commissioner Maher said that is an item for staff to research.

*Commissioner Maher closed the Public Hearing at 6:18 p.m.*

Commissioner Dean said that he agrees that people should know what is going to be built around them and he feels the General Plan meets that need. He said that they have had many changes to the code in the last year that cannot be applied to old developments. He said that is a concern to him and he would like to keep the development consistent by applying these codes across the board.

Commissioner Linton asked if the changes the attorney recommended are material changes. Mr. Mumford said that it would be to add a few more items that are related to what has been presented tonight. Commissioner Linton said that they can continue the item, rather than table it.

Commissioner Bechtel said that expiration dates are necessary.

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**MOTION:** *Commissioner Linton moved that the Planning Commission continue Development Code Amendment – Expiration Periods on Approvals to the March 24, 2009 Planning Commission Meeting.*

*Commissioner Dean seconded. Ayes: 4, Nays: 0. Motion passed.*

**B. Upper Hidden Valley Concept Plan – Discussion Item**

Mr. Mumford said the Upper Hidden Valley is located southeast of the Hidden Valley Master Development Plan. He explained that it is 140 acres and about half of the plan is buildable. He showed a chart that listed 57 acres of residential development with a net density of 2.8 du/ac. He said there is a lot of native open space due to the steep hillsides and that specific parks have been designated.

He showed the slope map and examples of possible parks, an entryway and amenity features.

Mr. Mumford said that the slopes create issues. He said that they can leave the planning areas with the steep slopes and address them at site plan stages, or remove them from the developable land map. He said that one area is out of the city boundaries and the applicant will apply for annexation into the city for that 20-acre area.

Ryan Kent, Sage Communities. He said that Nuszer Kopatz is designing this area, as they did with Hidden Valley. He explained that they expect both areas to have similar aspects and this will probably fall under the Hidden Valley HOA, as well as the Hidden Valley design guidelines.

Commissioner Linton asked about the long cul-de-sacs. Mr. Kent said that most don't exceed 500 feet or 15 homes length. He said that there are steep slopes and the intent of the cul-de-sacs is to create a fire lane that would also serve as a trail way.

Commissioner Linton asked if the pedestrian portal/guardhouse noted on the parks concept page was requested by the developer, or was something Nuszer Kopatz added. Mr. Kent said that was purely from Nuszer Kopatz. He said that a gated community was discussed and they haven't decided one way or another.

Commissioner Maher asked about the annexation. Mr. Kent said this project is five to ten years out and they do plan on submitting the annexation. He explained that they don't own the property; they are representing the bank who owns the property.

Mr. Kent said they will come back with pictures and elevations showing how they plan on effectively building on this land.

Commissioner Maher said that they have the opportunity to add trails and create a unique experience for Eagle Mountain in this area.

**C. Pole Canyon Concept Plan – Discussion Item**

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Mr. Mumford said this same group presented this to the City Council. He said they will focus more on the land use plan than annexation issues.

Mr. Shipp said that the annexation area is about 3,000 acres. He explained that with the lull in the economy, they have the opportunity to look to the future and identify where land uses will be in the next 10-30 years. They have taken that information and created their top four priorities which are economic development of Cedar Valley, improvement to the existing infrastructure, expansion of the transportation corridors and providing amenities to enhance lifestyle in Cedar Valley.

Mr. Shipp further explained how the Pole Canyon area will apply those four priorities to increase transportation access to Eagle Mountain, add amenities to the valley, and create a possible 5,000 jobs through light industrial parks and other commercial development.

Mr. Shipp explained that this area will be built out and he would like to do it correctly. He gave examples of the level of interest state-wide on developing this area.

He explained that they want to address all concerns of residents in the Pole Canyon area as well as the concerns of residents of Eagle Mountain. He explained that the County has insisted that the White Hills and White Hills Estates areas are included in the Pole Canyon annexation. He said that the County will be sending a letter to those residents explaining the County's position on the annexation and the benefits of annexing with Eagle Mountain City.

Mr. Shipp presented maps of the land use plan and discussed different types of development throughout the area and the different Neighborhood Planning Areas and density hubs.

Mr. Shipp explained an SAA for the Pole Canyon area which allows the land owners to pay for the infrastructure upgrades and explained the advantages to Eagle Mountain of the utilities in the area.

Discussion regarding informing White Hills residents of the separate aspects of the annexation ensued. Mr. Westoff explained that the residents have some animosity towards them due to water rates being raised. He also said that they have attempted to inform the White Hills residents that annexing to Eagle Mountain would result in lower property taxes. He said they have provided as much information to the residents as possible and will continue to do so.

## **5. Other Items**

## **6. Adjournment**

Commissioner Maher adjourned the meeting at 7:23 p.m.