

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES
TUESDAY, APRIL 24, 2012 AT 6:00 P.M.
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

6:00 P.M. - Eagle Mountain City Planning Commission Policy Session

COMMISSION MEMBERS PRESENT: Daniela Camacho, John Linton and Tom Maher

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, and Johna Rose

ELECTED OFFICIAL PRESENT: Ryan Ireland and Donna Burnham

1. Pledge of Allegiance

Tom Maher led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes – March 27, 2012

MOTION: *John Linton moved to approve the March 27, 2012, meeting minutes. Daniela Camacho seconded the motion. Those voting aye: John Linton, Daniela Camacho and Tom Maher. The motion passed with a unanimous vote.*

City Council Action Update

Steve Mumford reported that

- Ordinance was approved for OHV use on city streets beginning July 1, 2012.
- Ladder sign concessionary agreement was approved by City Council for Lehi Area Chamber of Commerce to improve and manage the ladder signs.

4. Development Items

A. Development Code Amendment – Ch. 17.55 Extractive Industries Overlay Zone: Action Item, Public Hearing

This new overlay zone will allow earth products extraction and asphalt and concrete production, along with other ancillary uses. This overlay zone may be applied to property on a case by case basis upon approval by the City Council.

Steve Mumford explained that this would create a new overlay zone. The intent of this overlay is to provide locational control over extractive uses, as well as asphalt and concrete production, to promote the reclamation of these sites and to provide proper buffering and protection for neighboring development and uses.

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This overlay zone specifically permits earth products extraction (mining) and asphalt and concrete production. Concrete batch plants have previously been approved through a conditional use permit process for a temporary time period. Mining and extraction have been approved through a grading and excavation permit for properties that have received some level of subdivision, site plan, or conceptual approval. Grading and excavation will still be permitted through that same process, but larger mining operations with processing or production equipment will be restricted to properties that contain this overlay zone. This not only provides the property owners with additional protection, but provides neighboring property owners with notice of potential mining/excavating activities.

The following are some key points from the proposed overlay zone:

- Minimum lot area is ten (10) acres;
- 1,000' buffer from residential development;
- Quarter mile (1,320 feet) buffer for rock crushers, shredders, batch plants, and other noisy equipment;
- Berming and/or landscaping may be required to buffer equipment from neighboring properties or public roads;
- Lights must be directed to limit light pollution onto adjoining properties;
- A reclamation plan must be submitted for approval by Planning Director and City Engineer.

Commissioner Maher asked who would take care of the issue with the final grading and how would the final grade be approved. He was concerned about who would be responsible for the grading if the project was abandoned.

Mr. Mumford explained that when the developer submits a reclamation plan they are required to submit a grading plan that would show a final grade. The developer would apply for a grading and excavation permit that would be approved and processed by the Public Works Department.

Commissioner Linton asked about bonding for the project.

Mr. Mumford explained that a form of financial security with the Division of Oil, Gas and Mining would have to be in place. That State agency would reclaim the site and bring it back to a finished grade if the project was abandoned. For those projects not regulated by the Division of Oil, Gas and Mining, the City would require a financial bond be in place through the city.

Commissioner Linton asked if we are exceeding the DOGM standards.

Mr. Mumford explained the only difference is that we require a traffic study. The City could restate that and require a traffic study for all operations.

Commissioner Linton questioned why the slope analysis was removed.

Mr. Mumford stated that it was determined by the City Engineer that a starting slope is not necessary to review, but the end slope should be required.

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Commissioner Maher opened the public hearing at 6:17 p.m.

Jennifer Konold, 9467 N. Sunset Dr, was concerned that Planning meetings were not being recorded, and details were not getting into writing or into the motions. She was also concerned that they were not getting notified in time for meetings. She stated that she has been to many meetings and fought for or against projects that were not approved, but those projects and regulations are going on now and have been for many years.

Mr. Mumford stated that the notice is only required to go out 10 days before the hearing. The notices were sent out in the proper timeframe for this meeting.

Elise Erler with SITLA explained that DOGM (Division of Oil, Gas and Mining) regulates and manages all mining in the state except for sand, gravel, and aggregated rock (the only minerals not regulated by DOGM are minerals that can be moved in their natural form). The mining operator already submits so much information to DOGM, the City should look at that State agency for their expertise. She stated that SITLA's overall concern is with the existing projects being grandfathered in. Depending on this project, they will be looking for other sites in the future for mining in Eagle Mountain.

Andy Bedingfield with SITLA explained that standing gravel is regulated by the City or County, and normally the bond amount is comparable to DOGM.

Clay Peck with Peck Rock Products, lessor of the property for Staker Parson, was concerned with the annexation. They would prefer to stay with the County, and if changed they hope to be grandfathered in. He hoped that the City Planners and Planning Commissioners look closely at the security of the businesses and not allow encroachment on the existing business, for safety reasons. He was also concerned that they were not notified of this meeting.

Shawn Pierson, 2603 E. Patriot Dr, was concerned that they have not been properly notified as property owners.

David Konold, 9467 N. Sunset Dr, was concerned about the Meadow Ranch community and his neighbors not being heard, being encroached on, and not getting the proper notification.

Commissioner Maher closed the public hearing at 6:36 p.m.

Commissioner Maher and Mr. Mumford explained that Staker Parson has been operating since 1997 and it is in unincorporated County land, so the City has no authority over that gravel pit.

Mr. Mumford explained City Code notification requirements.

- The creation of the Extractive Industries Overlay Zone is a City-wide notification. The code requires publishing in the newspaper seven days before, posting on the state and city web sites 24 hours before the meeting, and there is no notification by mail.

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- Amendments to Master Development Plans require a mailed notification to everyone in a 600-ft buffer zone around the property line ten days prior. If there are not 25 people to notify in that 600 ft then the buffer will expand until 25 people are notified. The land information comes directly from the Utah County Recorder's Office / Land Records. The proper notices were sent on time for this meeting.

Commissioner Maher and Mr. Mumford explained that the Cedar Valley Highway is on the Mountainland Association of Governments 2040 plan, with the projected population for Cedar Valley being over 113,000 people. Cedar Valley Highway, SR73, and a road to the south area of Cedar Valley are currently being studied by UDOT and Mountainland Association of Governments for future transportation.

Mr. Mumford explained that the City is currently updating the City's General Plan and Future Land Use and Transportation Corridors Map, and will hold a public open house, and the public at that time can come and express their opinions and ideas on the future land use map. He explained that residents could get notification through Eagle Mountain's City Twitter account, web page, and Facebook page. They can also get notification of upcoming meetings or public hearings through the State's Public Notice Website (pmn.utah.gov).

Commissioner Maher asked Mr. Mumford to explain to the Peck brothers how this would affect their company.

Mr. Mumford explained that the City believes that the Extractive Industries Overlay Zone would help protect the gravel pit operations even more. It would simply allow those operations to be permitted uses in the Overlay Zone.

MOTION: *John Linton moved to recommend approval to the City Council for Ch. 17.55 Extractive Industries Overlay Zone, as presented in the staff report, with the change that on 17.55.060 item 3 be deleted (slope analysis) and in its place a statement that the reclamation shall be completed in a reasonable time following cessation of the extraction, and if a reclamation plan is not submitted through the Utah Division of Oil, Gas and Mining, they would need to carry a security bond through the City. Daniela Camacho seconded the motion. Those voting aye: John Linton, Daniela Camacho and Tom Maher. The motion passed with a unanimous vote (3-0).*

B. Development Code Amendment – Ch. 17.10.030 Definitions: Action Item, Public Hearing
This proposal includes the addition of definitions for “asphalt and concrete production” and “earth products extraction.”

MOTION: *John Linton moved to recommend approval to the City Council for the Development Code Amendment - Ch. 17.10.030 Definitions as proposed in the staff report. Daniela Camacho seconded the motion. Those*

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voting aye: John Linton, Daniela Camacho and Tom Maher. The motion passed with a unanimous vote(3-0).

C. Master Development Plan Amendment– Spring Run: Action Item, Public Hearing

This master plan is north of SR73 and east of Meadow Ranch, consisting of 520 total acres and provides a mix of residential densities, a town center area, commercial/ mixed-use areas, a business park, and industrial land. This proposal modifies the land uses in the approved plan, reducing the residential units, designating more land as Industrial (the northeast portion of the project), and adding the proposed Extractive Industries Overlay Zone to a portion of the project. An annexation petition is still being considered for the eastern 240 acres.

Mr. Mumford explained that this amendment is proposed by the applicants for the Spring Run Master Development Plan. The Master Development Plan Land Use Element was approved by the City Council July 19, 2011. The City Council is considering annexation of 240 acres (Staker Parson Pit and the land to the north of Staker Parson) of the total 520 acres. Also the Master Development & Annexation Agreement is nearing its completion.

The Commissioners and Mr. Mumford explained that the County is in favor of giving away property to cities. The County has rules and regulation on the creation of islands and peninsulas. There are safety hazards that are created due to islands and peninsulas left in the County.

Mr. Mumford explained that the proposed amendments will be removing 51.43 acres of Commercial land, 8.03 acres of Commercial Mixed-Use land, 9.48 acres of Residential land (41 units/lots), and 4.47 acres of neighborhood parks. The proposed amendment will also be adding 6.18 acres of Business Park, 63.76 acres of Industrial, Extractive industries Overlay Zone, Mining Operation Buffer (on the map to show the phase plans), and roads. They will be moving the 1.61 acre Fire Station and the Highway connection to the Mountain View Corridor. The Planning Department recommendation to the Planning Commission is that they recommend to the City Council approval of the Spring Run Master Development Plan Amendment with the 11 conditions of approval listed in the staff report.

Jim Allred, 557 Walnut Brook Dr, Murray, representing Spring Run Development, explained that they want to be good neighbors, and work with the Planning staff, the neighbors, and SITLA. He wanted everyone to keep in mind that this project is more like a 50 year plan. He would like to get the zoning in place so the City could identify this in the future as a business park, once the mining of materials is complete.

Commissioner Maher asked how long they projected the mining of materials to last.

Cole Peck with Peck Rock Products stated that they have the property leased until 2032 and the lease automatically renews as long as they perform. The mining could last 20 to 40 years depending on the economy. The hillside needs to be addressed. The County required it for a buffer and there are about a million tons of material in the hillside that would need to be mined at

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the end. He stated that problems always come up when people build next to a gravel pit. He would like the Commissioners to put on the record the letter from Staker Parson.

Mr. Allred explained that they changed the Commercial zoning to Industrial for legal issues to protect Hadco's rights. He believed the best zoning for the property is Commercial once the mining is complete.

Mr. Mumford explained Industrial zones are areas of the city that are suitable for industrial parks and warehouses, research and development uses, manufacturing, corporate offices or campuses, and similar uses. Industrial areas should generally locate along major transportation corridors and must be separated or buffered from residential development. Housing should not be considered in these areas.

Commissioner Camacho asked what the difference was between Industrial or Commercial with the overlay zone, and why did Hadco feel that it should be zoned Industrial.

Mr. Mumford explained that the City felt that the property was better zoned Industrial due to the proximity of the Utah Data Center and because it is adjacent to the business park. Hadco wanted all the protection they could get on their property. Hadco didn't want to start the asphalt business and be shut down by the City in the future. The Overlay Zone was created to give the landowners and business owners additional protection.

Commissioner Camacho asked how the City could address the concern of businesses being built before the mining is complete.

Mr. Mumford explained that property owners have property rights and the City can't just eliminate or prohibit all development. The developer would have to propose a development, submit a site plan, and go through a subdivision process. He hoped at that time the City could work out something between all parties involved. But if the influence of the gravel pit or the mining operation would simply not allow the development, the City Council and Planning Commission would decide on an action at that time. One option would be to put some standards or general phasing and expectations in the Master Development Plan.

Mr. Allred explained that he has been a land planner for over 30 years and he has developed around mining operations before. They have made some of the best developments. The mining is taking place to the back of the property away from the development area.

Scott Hazard, 9258 Deerfield Cir, stated that he is one of the neighboring land owners and he is in support of the development. He is currently in negotiations with about a half dozen businesses to develop the southwest quadrant of his property. Those business owners are aware of what is going on around the property. He is also in support of the gravel pits. His gravel pit is on the back side of his property and is a distance away from the development area. He can't wait until the mining gets done because that will be a great development.

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

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Andy Bedingfield, SITLA, was concerned that the buffer hillside has about a million tons of material to mine and they will not be able to abstract that material. They will lose revenue for the schools if they cannot recover that material from that hillside. He stated that Staker Parson and the Pecks have approved the mining plan from the Division of Oil, Gas, and Mining and the City will be going against that agency.

Commissioner Maher asked about the approved plan from the Division of Oil, Gas and Mining and through the County.

Mr. Mumford stated that if they need to, the Commissioners and Planners could look at expanding the buffer zone or the overlay zone, include the buffer, rethink the buffer, or remove the buffer.

Commissioner Linton was concerned that Staker Parson has a preexisting right to mine that property.

Clay Peck stated that mineral rights supersede surface rights, and that they have leased those mineral rights from SITLA. They just want to have their rights protected.

Mr. Mumford pointed out that the City does have a copy of their lease and has reviewed that lease with Jim Allred and the attorneys. This proposal is simply zoning the property as Business Park, it does not prohibit the rights they already have, it does not prohibit them from removing the buffer hillside. The Extractive Industries Overlay Zone gives Staker Parson added protection. Staker Parson will be grandfathered in and included in the master development with language that keeps their rights intact.

Mr. Allred explained that he hopes they would leave the buffer as long as they are mining the mountain for protection, but once they're done they can remove the buffer. He is just requesting to use the flat spot off of SR73. He knows that it is at his own risk, and that they will not be mining under the grade of SR73. He has been working with SITLA on the buffer.

Mr. Bedingfield stated that it's not safe to be blasting that close to a building. It's not good on the windows or the foundation of a building. SITLA just wants to protect the minerals in the ground that can be removed.

Mr. Mumford stated that there is an option to remove the buffer and show the Extractive Industries Overlay over the whole property. That does not prohibit development or mining, that is for the private property owners and the lessees to work out.

Cole Peck was concerned about who will take responsibility years down the line when this has caused so many problems. Mr. Allred said that he would build at his own risk, so will he be supplying the dust control or be fixing the broken foundation. He agrees someday this will be a great place in the future for development. But that flat spot we're talking about is 5 ft from the

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buffer. How could you blast and drill that close to a building? Even though the buffer was required by the County, he wanted to know if they should take down the buffer now.

Jim McNulty, City of Saratoga Spring Planning Director, explained that the City of Saratoga Springs has had an annexation petition submitted by Interpace Holding, and that they are currently going through amending their Annexation plan and Annexation expansion area. They are also looking at the 2010 boundary agreement between the cities. They also oppose the alignment of the Cedar Valley Freeway in this area.

Lara Hicks, 9549 N. Shiloh Way, was concerned about the residential area on the plat, that the 53 homes planned for that development is comparable to about 15 Meadow Ranch homes. Be considerate of the preexisting homes and move them to another area to help eliminate complaints in the future (most home owners don't like living next to the smell of horses or the noise of heavy machinery).

Commissioner Maher closed the public hearing at 8:02p.m.

Commissioner Maher asked about how they would come up with the additional acres for the park.

Mr. Allred stated that he would add the 4.47 acres and move it to a new location.

MOTION: *John Linton moved to recommend approval to the City Council for the Master Development Plan amendment-Spring Run proposed in the staff report with the conditions that item 10 be added, item 2 be deleted, and item 1 be completed with 4.47 acres of additional park land. Daniela Camacho seconded the motion. Those voting aye: John Linton, Daniela Camacho and Tom Maher. The motion passed with a unanimous vote.*

D. Amendment to the General Plan Map 2 – Future Land Use and Transportation Corridors Map: Action Item, Public Hearing.

This proposal amends the land uses and roads in accordance with the proposed amendment to the Spring Run Master Development Plan.

Mr. Mumford explained that the City has various master development plans throughout the City with different zonings. Those plans act as the zoning for those properties. The developer or land owners would have to comply with the land uses on the Future Land Use Map. If the map shows Industrial and the developer would like to build residential homes, that developer would have to apply to change the Future Land Use Map. The General Plan Amendment is proposed so that the Spring Run Master Development Plan is consistent with the City's General Plan, as is required for a rezone approval.

The area of this plan that is currently within the City boundaries is designated as Mixed Use Residential, with a strip abutting Meadow Ranch as Rural Residential. The City's current General Plan map does not designate any land uses for land outside of the current city boundary.

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Descriptions of the Future Land Use categories as stated in the General Plan:

- **Mixed Use Residential:** This category will allow a mix of residential densities and small-scale commercial such as restaurants, retail shops, professional services and entertainment. The Planning Commission will recommend and the City Council may approve the commercial uses that are deemed appropriate for this category.
- **Mixed Use Commercial:** This category is for areas where retail and office development occurs at traditionally desirable locations including the intersections of major streets, appropriate neighborhood activity centers or adjacent to other compatible land uses. Appropriate industrial uses will be considered for compatibility with surrounding developments. It is anticipated that development will primarily be nonresidential; however, mixed-use developments that incorporate medium and high-density housing types may be recommended by the Planning Commission and approved by the City Council during the zoning process.
- **Rural Residential:** This category is for larger lots and may be developed with rural infrastructure improvements. Rural Residential properties, because of their location and character, are generally to be developed with lower densities.
- **Industrial:** This category is for areas of the city that are suitable for industrial parks and warehouses, research and development uses, manufacturing, corporate offices or campuses, and similar uses. Industrial areas should generally locate along major transportation corridors and must be separated or buffered from residential development. Housing should not be considered in these areas.

The area proposed as a Community Park is included as Rural Residential, due to the current lack of a park or open space land use designation in the General Plan. The Town Center area is shown as Mixed Use Residential. This designation still allows for some commercial development, as well as churches, schools, recreation centers, etc.

Additional collector roads have been added to the General Plan map to provide for proper circulation through the Spring Run properties, as well as the other industrial property. The owner of that property is aware of these changes and has been involved in several meetings with the City and the Spring Run developers.

The City General Plan document states that the City “encourages a combination of land uses that are integrated into master-planned communities.”

As you know, we are in the midst of the General Plan update process, which includes updating and amending the Future Land Use and Transportation Corridors Map. Additional changes to the map may be proposed throughout the City in coming months as a result of that process.

Commissioner Maher opened the public hearing at 8:13 p.m.

Jim McNulty, City of Saratoga Spring Planning Director, was concerned with the alignment of the Cedar Valley Highway that impacts both properties especially Interpace’s property to the north.

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Commissioner Maher closed the public hearing at 6:36 p.m.

MOTION: *John Linton moved to recommend approval to the City Council of the General Plan Map 2-Future Land Use and Transportation Corridors Map. Daniela Camacho seconded the motion. Those voting aye: John Linton, Daniela Camacho and Tom Maher. The motion passed with a unanimous vote (3-0).*

5. Discussion Items

Commissioner Maher requested that we go through the discussion items when all the Commissioners are present.

- A. Development Code Amendments Discussion
Discussion of potential amendments to the Development Code for beekeeping.

6. Meeting Information:

- A. Next Scheduled Meetings – May 8, May 22, June 12

7. Adjournment

The meeting was adjourned at 8:28 p.m.

APPROVED BY THE PLANNING COMMISSION ON MAY 22, 2012.



Steve Mumford, Planning Director