

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES
TUESDAY APRIL 25, 2017 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: Matthew Everett, John Linton, Daniel Boles, Muriel Xochimitl and Mike Owens.

CITY STAFF PRESENT: Mike Hadley, Senior Planner; Tayler Jensen, Planner; Steve Mumford, Community Development Director; and Johna Rose, Deputy Recorder.

ELECTED OFFICIALS PRESENT: Tom Westmorland and Chris Pengra.

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. March 28, 2017

MOTION: *Matthew Everett moved to approve the March 28, 2017 meeting minutes. Daniel Boles seconded the motion. Those voting aye: Matthew Everett, Daniel Boles, John Linton, Mike Owens, and Muriel Xochimitl. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Recommendations to the City Council)

A. SilverLake 16 Preliminary Plat, Public Hearing, Action Item

Tayler Jensen explained that this is a preliminary plat proposal for a 31 lot (30 residential unit 1 church lot) development located along Woodhaven Boulevard south of the Tickville wash on 15.37 acres.

Items for consideration:

Slope Stability: The applicant has conducted a slope stability study to determine what mitigation needs to take place to ensure safety of homes located near the wash.

Connectivity: The project has block lengths in excess of 800'. Connectivity needs to be addressed.

Privacy Fencing: Privacy fencing details should be provided for the standard arterial/collector road fencing in the Silverlake subdivision south of the Tickville Wash.

Commissioner Boles asked if the City was comfortable with the Geotechnical Engineer and the City Engineer review of the slope stability study. Mr. Jensen stated that the City and the developer have a plan in place that will take care of the issues brought up in the slope stability study.

Commissioner Xochimitl stated that the slope stability study states that “upstream flood control measures in Tickville Wash that have been implemented to prevent flooding then the risk of meander will be greatly reduced.” She asked if that was one of the mitigation measures the City was looking into and what other type of mitigation is needed to ensure the City is comfortable with the slope stability. Steve Mumford stated the City feels comfortable that the lots for this development are safe. The mitigation measures are for the future trails behind the lots which is a City project, but the developer will be working with the City to complete the trails. The City Engineer is working out an agreement with the developer.

Commissioner Linton was concerned about what “upstream” means in the slope stability study. How does the City control upstream when the wash does not start in Eagle Mountain?

Commissioner Owens questioned how the proposed code amendment pertaining to the natural drainage will effect this development. His understanding is that the code change will require the natural drainage to be left in its natural state. Mr. Jensen explained that the City will protect residential property. The City is not changing the channel of the wash, but is trying to enforce and protecte the curves of the wash. The City will require the developer to put in measures that will protect from erosion.

Commissioner Xochimitl asked what liability the City would have if a flood occurred. Mr. Mumford said that it would fall back on the Geotechnical Engineer. She was still concerned about the Geotechnical Engineer analysis of the study.

Commissioner Linton opened the public hearing at 6:25 p.m.

Pete Evans, Flagship Homes, explained that there are two parts to the slope stability study, because they had the Geotechnical Engineer go out twice. Flagship Homes wanted to make sure that the homes would be safe. They also wanted to know what needed to be done long term to the channel to make sure erosion will be controlled and that the water will flow in an controlled manner. He explained that if any construction on the wash accrued upstream that would change the flow of the wash, then the study and the construction to improve the wash would be null and void. Mr. Mumford stated that there are no current plans to change the wash upstream at this time.

Commissioner Linton closed the public hearing at 6:32 p.m.

Commissioners Everett, Xochimitl and Linton requested a statement from the City Engineer assurance the safety of the homes and the liability to the City.

MOTION: *Matthew Everett moved to continue the SilverLake 16 preliminary plat to the next Planning Commission meeting. He also invited the City Engineer to attend the next Planning Commission meeting or to provide a statement of assurance. Muriel Xochimitl seconded the motion. Those voting aye: Matthew Everett, Muriel Xochimitl, and John Linton. Those voting nay: Daniel Boles and Mike Owens. The motion passed with a 3-2 vote.*

B. Ranches HOA Design Guidelines, Chapter 17 code Amendments, Public Hearing, Discussion Item, and Action Item. A discussion of current Ranches HOA design guidelines in anticipation of the dissolution of the HOA, and proposed changes to Chapter 17 of the Eagle Mountain Municipal Code

Mr. Jensen said that with The Ranches HOA disbanding, staff has conducted a review of the CC&R's, Design Guidelines/Standards, etc. that the HOA has in place. City staff has proposed an amendment to Chapter 17 of the Eagle Mountain Municipal Code.

Commissioner Everett felt that the code change that states "Houses sited on three (3) adjacent lots, or directly across the street (sharing frontage) shall have different floor plans OR elevations" is too restrictive. He suggested maybe only houses adjacent to one another. Commissioners Linton and Boles did not feel that the 3 adjacent lots were that constrictive.

Commissioner Everett asked how the City was planning on informing the property owners that they will be required to maintain the back of the fence along Ranches Parkway. Mr. Jensen stated that the City could do a campaign informing those residents.

Commissioner Linton opened the public hearing at 7:09 p.m.

Attached are two resident emails.

Kevin O'Donnal, resident, asked if the turf requirement has changed. He stated that he would love to put in a desert theme.

Camille Gardner, resident, stated that many residents bought into The Ranches HOA values. She prefers to keep the green grass look. She hopes the City will keep the look of the entrance into The Ranches.

Commissioner Linton closed the public hearing at 7:12 p.m.

Commissioner Xochimitl asked about keeping the wood post signs in The Ranches. Mr. Mumford explained that most of the wood post has deteriorated over time. The Streets Department has found a new powder coated brown pole that would match the theme of The Ranches.

Commissioner Owens explained that the City is not trying to enforce The Ranches HOA bylaws onto the rest of the City. The proposal is adopting good practice and standards into the Eagle Mountain Municipal Code.

MOTION: *Daniel Boles moved to recommend approval of the amendment to Chapter 17 of the Eagle Mountain Municipal Code to the City Council. Matthew Everett seconded the motion. Those voting aye: Matthew Everett, Daniel Boles, Mike Owens, Muriel Xochimitl, and John Linton. The motion passed with a unanimous vote.*

C. Regional Technology and Industry Overlay Zone, Development Code Amendment, Public Hearing, Discussion Item, Action Item

Mr. Jensen explained that City staff has proposed an overlay zone intended to provide for the development and operation of large scale technological, clean industrial, distribution, and high-tech manufacturing uses that will increase the tax base and provide jobs for the City's residents. Overlay Zones are provisions added in addition to the Base Zoning of a property. The adoption of this Overlay Zone would not place the Zone over any property unless the property is rezoned Regional Technology and Industry Overlay Zone.

Mr. Mumford explained that this Overlay Zone was modeled after Story County, Nevada which has the largest industry park in the nation. They have a very streamlined process that gives them an advantage in locating businesses that was possible before due to the desert location.

Mayor Pengra explained that he asked the Planning Department to look into advantages that would attract large businesses to Eagle Mountain. He did not know of any other cities in Utah that have this Regional Technology and Industry Overlay Zone.

Commissioner Xochimitl asked if the City has considered the impact that some of the uses could have on the City like traffic flow, the environment, and noise. Mr. Jensen explained that most businesses that are allowed in our Industry Zone are disruptive. The City is looking at accelerating only uses that will be allowed uses within the zone. The Planning Commission should look at what kind of uses should be allowed and give recommendations. Commissioner Boles questioned allowing indoor shooting ranges as they do produce noise. He suggested adding retail to allowed uses.

Commissioner Boles requested that standards be added to the setback section of the code.

Commissioner Linton opened the public hearing at 7:59 p.m.

Camille Gardner, resident, was concerned about residents not having input on what would be built and reminded everyone that the residents are the City. She encouraged the City to plan and set land aside that could help build our community. She stated that Eagle Mountain is the backbone to the west and that could be a huge asset.

Commissioner Linton closed the public hearing at 8:01 p.m.

MOTION: *Matthew Everett moved to recommend approval of the amendment to Chapter 17.48 of the Eagle Mountain Municipal Code to the City Council. Muriel Xochimitl seconded the motion. Those voting aye:*

Matthew Everett, Daniel Boles, Mike Owens, Muriel Xochimitl, and John Linton. The motion passed with a unanimous vote.

D. Development Code Amendment, Title 6 (Animals) and Chapter 17.85 (Animal Regulations), Public Hearing, Action Item

Mr. Jensen stated the proposed code amendment combines chapter 17.85 with Title 6 of the Eagle Mountain Municipal Code.

Commissioner Linton opened the public hearing at 8:05 p.m.

None

Commissioner Linton closed the public hearing at 8:05 p.m.

MOTION: *Matthew Everett moved to recommend approval of the amendment to Chapter 17.85 and Title 6 of the Eagle Mountain Municipal Code to the City Council. Mike Owens seconded the motion. Those voting aye: Matthew Everett, Mike Owens, Daniel Boles, Muriel Xochimitl, and John Linton. The motion passed with a unanimous vote.*

E. Development Code Amendments, Title 17, Public Hearing, Action Item

Mr. Jensen explained that the proposed code amendment clarifies that any use not specifically permitted in the code is prohibited. A recent evaluation of the code revealed that the City could potentially be at risk of undesirable items being permitted as per State code.

Commissioner Owens was concerned about this code taking away owners property rights. Mr. Mumford explained that zoning was created to protect people from negative impacts. Mr. Jensen explained that if the City does not adopt the code change than anything could be permitted into a residential neighborhood. This code would help protect property rights and the neighbors' rights.

Commissioner Linton opened the public hearing at 8:20 p.m.

Kevin O'Donnal, resident, recommended that the Planning Commission move the item forward to City Council.

Commissioner Linton closed the public hearing at 8:21 p.m.

MOTION: *Daniel Boles moved to recommend approval of the amendment to Title 17 of the Eagle Mountain Municipal Code to the City Council. Matthew Everett seconded the motion. Those voting aye: Matthew Everett, Daniel Boles, Mike Owens, Muriel Xochimitl, and John Linton. The motion passed with a unanimous vote.*

5. Next scheduled meeting: May 9, 2017

6. Adjournment

The meeting was adjourned at 8:25 p.m.

APPROVED BY THE PLANNING COMMISSION ON MAY 9, 2017



Steve Mumford, Planning Director

Taylor Jensen

From: Steve Mumford
Sent: Tuesday, April 25, 2017 12:59 PM
To: Sandy White
Cc: Fionnuala Kofoed; Taylor Jensen
Subject: RE: Planning commission meeting comment 4/25/17

Sandy,

Thank you for your comments. I'll make sure the Planning Commission receives these for tonight's meeting. You brought up some excellent points. A large majority of the proposed code additions affect new construction; however, I believe the way the proposed change to the arterial and collector fencing could have an unintended consequence here in city center where the fencing already doesn't match and isn't consistent along the arterial and collector roads. Our main purpose with this proposed code amendment was to maintain a consistent look and feel along the main roads. Ideally, the fencing along Pony Express Parkway for Eagle Park would have one consistent fence style and color, while all of the internal fences could be different. It wasn't built that way, however, so it is a different scenario from the Ranches. We'll definitely look into some possible alternative language. Thank you.



Steve Mumford, AICP
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EAGLE
M O U N T A I N



From: Sandy White [mailto:sandy.white@gmail.com]
Sent: Tuesday, April 25, 2017 12:34 PM
To: Steve Mumford
Cc: Fionnuala Kofoed
Subject: Planning commission meeting comment 4/25/17

Dear Mr. Mumford,

I am unable to attend the planning commission meeting tonight, but would like my comments to be read to the board in consideration for their recommendation to the city council.

I have reviewed the agenda documents, specifically those related to recommendations for changes to city code due to the dissolution of the Ranches HOA. I have a few comments that I would like the board to consider.

Regarding the changes to sections 17.25.080, 17.25.130, and 17.60.120 -- the codes all affect design elements of ALL homes in the city, not just homes in the Ranches. When discussing these changes, please keep in mind that while some people purchased homes in the Ranches because they liked the uniformity and were willing to give up personal freedoms regarding the designs of their homes (e.g. stucco/vinyl siding colors, fence colors and materials, mailbox colors, gardening options, etc.), many of us also purchased outside of the HOA because we

did NOT want these liberties taken away. I lived for 7 years in the Ranches, and when we bought our home 5 years ago we specifically stayed away from all homes within the Ranches HOA because we did not want to live by their restrictions. We bought a home in the beautiful Eagle Park neighborhood, and we love it here, even without cedar fences stained Monterey Grey, and with homes varying outside the brown color scheme. It is not the government's role to tell homeowners that they cannot tear down their aged, or termite-infested wood fence and install a vinyl fence, because it won't match their neighbor's. We should not spend tax dollars on a code enforcement officer who is comparing stain colors between neighbors' fences. We should not tell a homeowner he cannot paint his house because the color is too similar to one across the street. We should not be policing the color of a homeowner's garage or rain gutter. If we have extra tax dollars to spend, let's spend them improving our roads and parks, adding in sidewalks where kids are walking in the roads on their way to school, increasing the size and scope of our library, growing our youth sports programs, replacing our 8 million stop signs with signs and signals that improve traffic flow, and so on. Let's not waste tax dollars on policing paint colors and arbitrating neighborhood squabbles. If people want their neighborhood to have uniformity, let them set up a subdivision HOA and implement those rules. In fact, many of the neighborhoods in the Ranches already have subdivision HOAs. If those want those rules, let them implement and enforce them. For those that don't want those restrictions, including those of us who purposely bought homes outside of the Ranches, don't take away our rights because of those who feel they have the right to tell us what color our fences can be.

Please remember that not everyone wants to tell their neighbor what to do with their property. Putting in place a few guidelines that will affect new construction is one thing, but putting in place code that affects current residents' ability to beautify their personal property is another. We love our freedom, and our white vinyl fence, and would not want to lose either.

Thank you.

--Sandy White

Hi, Steve –

I live in the Lone Tree Subdivision. With the untimely demise of The Ranches HOA, I have some concerns about the future of the 'look' of our subdivision. The rules thus far regarding fencing and mailboxes have been well suited to a good overall look for our subdivision. Homes there are highly sought after. Some, in recent weeks, have sold within days of being placed on the market. Some, when word got out that the owner was selling, have even sold before the sign was put up.

My concern is that if the fencing guidelines are cast aside and residents are allowed to put various types of fencing – even the white vinyl – we will lose some of our appeal. I would hope that if the City decides to allow vinyl fencing, that the code would specify the color we've all (up to now) been asked to abide by in the past. I understand that there is a vinyl fencing available that has the color and look of our current fencing guidelines. It might even last longer than the current cedar wood fencing, which has its drawbacks as to lasting quality for various reasons, including extreme wind and wood rot. My concern is the same for the mailboxes. Currently they are specific as to the apparatus that holds the mailbox, color matching the fencing. These guidelines contribute to the overall look and high appeal of our subdivision.

Values of the homes in our subdivision have been going up at a steady rate since we've come out of the 2008 recession. Since we will eventually sell, this is a trend I would like to see continue.

Best Regards,

Pat Catherall

(can this be read in the meeting this evening, since I won't be able to attend in person?)