

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES
TUESDAY, JUNE 9, 2015 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: Wendy Komoroski, Daniel Boles, Miriam Allred, John Linton, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. May 26, 2015

MOTION: *Wendy Komoroski moved to approve the May 26, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: John Linton, Daniel Boles, Miriam Allred, Wendy Komoroski, and Matthew Everett. The motion passed with a unanimous vote.*

4. Advisory Items (Recommendations to the City Council)

A. Glenmar – Rezone; Public Hearing, Advisory Action

Mike Hadley explained that this is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway. The General Plan land use designation for this area is Rural Residential, which requires lots of a ½-acre minimum. All of the lots in this proposed concept plan are 1 acre or larger.

Rezone proposals are evaluated using the following criteria:

A. Compliance with Future Land Use Plan. The City's Future Land Use Plan designates this area as Rural Residential. Based on the overall density, this proposal complies with that plan.

B. Compatibility Determination. This property is surrounded by agricultural land and land that zoned for residential, but with a transition of 2 acre and 1 acre lots. By

rezoing the land to residential the rezone is compatible with the future proposed uses of the land and compatible with the adjacent residentially zoned land.

- C. Buffering of Incompatible Uses. The City Code requires that a transition of lot sizes (starting with 1 acre lots) be placed adjacent to agricultural lots that have been subdivided for the purpose of building. Although the adjacent properties have not been subdivided for this purpose, this proposed plan consists of 1 acre lots.

Commissioner Linton opened the public hearing at 6:08 p.m.

Elise Erler, SITLA, said that SITLA supports the rezone.

Karen Scott, resident, felt that the development was a great idea.

Marianne Smith, applicant, felt that the 1 acre lots could be a buffer between the 5 acre lots and the town core.

Commissioner Linton closed the public hearing at 6:10 p.m.

MOTION: *Wendy Komoroski moved to recommend approval to the City Council of the Glenmar rezone application with the following condition:*
 1. The lot size minimum for this property is 1 acre.
 Matthew Everett seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.

B. Eagle Mountain Benches / Eagle Mountain Ranches – Rezone; Public Hearing, Advisory Action

This is an applicant-proposed rezone of approximately 85 acres from Agriculture to Residential and 11.11 acres from Agriculture to Commercial Storage. A majority of the property is located near 5504 N Lake Mountain Road, and 5.5 acres are located immediately south of 5121 N Lake Mountain Road. Parcel Numbers: 59-006-0028, 59-006-0046, 59-006-0055, 59-006-0042, 59-006-0054.

Mr. Hadley explained that the applicant is proposing rezoning approximately 101.62 acres of land currently zoned agricultural to residential. There is also a small portion that is being proposed as a Commercial Storage zone (lots 134 to 139 on concept Plan). Included in this application is a concept plan for a proposed residential development. The residential portion of the rezone complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential which requires lots of a ½-acre minimum. All of the lots in this proposed concept plan are 1 acre or larger. The Commercial Storage portion for rezone does not comply with the General Plan.

The proposed concept plan for Eagle Mountain Benches currently includes the following:

- 56 total lots
- Average lot size is 1.6 ac
- The density is .55 units/acre

The proposed concept plan for Eagle Mountain Ranches (not shown in an exhibit) currently includes the following:

- 3 total lots
- Average lot size is 1.8 ac in size

Items to Consider

1. Regional Trail. A regional trail is planned within the power line corridor, which crosses portions of this property.
2. Power Line and Gas Line Corridor. This property is considered unbuildable, and will restrict the uses and layout of lots in this project. Certain restrictions are also placed on the property by PacifiCorp, Kern River Gas, and the City.
3. Commercial Storage Zone. Once the property is rezoned, the permitted and conditional uses within that zone must be considered by the Planning Commission and City Council, and must be approved if all development code standards are met. Permitted and Conditional Uses for this zone include:
 - a. Public and private utility structures or facilities;
 - b. Public and private utility equipment and inventory storage, fenced or enclosed;
 - c. Fully enclosed commercial storage of equipment and inventory;
 - d. Fenced or unfenced outdoor storage of commercial equipment and inventory;
 - e. Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles;
 - f. Self-storage or mini-storage units;
 - g. Small office uses associated with storage.

Commissioner Linton was concerned that most of the lots are unbuildable due to the power and gas corridor.

Commissioner Linton opened the public hearing at 6:21 p.m.

Public comment emails are attached to the minutes.

Marci Taylor, resident, said she felt that the development would bring a different look and feel to the area. She was also concerned about the traffic it would bring to the area.

Jodi Hooley, resident, *see attached letter.*

Jeff Scott, applicant, explained that he wanted to give residents a place to expand and store RVs. He said the gas company was fine with building commercial storage in the gas corridor. He said that the City requested that the top road be put in. He also explained that John Walden is approved to develop beside his development. He said John Walden development consists of about 780 new homes. He felt that his development would help create a buffer between the existing and new developments.

Karen Scott, applicant, explained that she had about 14 letters from home buyers wanting to buy their lots. She also explained that they are not there to harm or be a burden to the neighbors.

Doug Sutton, superintendent of the project, he explained the need for a storage facility for recreational vehicles in Eagle Mountain. The storage facility would not be an eyesore, because the only one to see the RV storage would be the ones that drive by the facility. He felt that it would benefit the City more than the developer. He also explained that Lake Mountain Road is a public road, and how paving the road would benefit the residents on Lake Mountain Road. He felt that septic tank for the development is not an issue.

Kim O'Donnell, resident and operator of the Friends in Need Animal Rescue. He said that the commercial property is not compatible with the residents. He explained that he was under the impression that the property in the development would be 5 acres plus and no commercial building. He was upset about all the development coming to the area, and said that it was too big of an increase for an agriculture residential development. He was concerned about his property taxes going up because of the new development and the safety of his animals.

Karen Crofered, resident, said she wanted to know how you could approve development at each end of the road and not the middle of Lake Mountain Road. Her first thought of Eagle Mountain was a ghetto in the making with its postage stamp lots. She was also for the RV storage facility.

Craig Jepson, resident, said he wanted it on recorded that he opposes the rezone of the development. He was concerned if the City allowed this development that soon after the land behind their lots will also be rezoned to make small lots. He said that it will push out the agriculture lots. He felt that the development should be left at the 5 acre plus lots. He was also concerned that there would be too many septic tanks, wood burning stove and propane tank in one area. He felt that with acre or less lot size that there would not be enough room if the septic tanks needed to be replaced. He felt that Eagle Mountain was selling their self short with developer and risking the health of the residents. He felt that the developer should wait until the necessary utilities are available for the development before the development is approved.

Ilene Wetzel, agriculture land owner in the area, said she is for the rezoning of the property and the RV storage facility. She explained that she can't get to her property and can't wait for the road to be paved. She knows that John Jacob, who sold them the land, made promises to the property owners in their development about the 5 acres plus. But she said that times are changing and the property owners need to go with the change.

Kristy Barnson, resident, felt that an RV storage facility in the area was a wonderful idea. She explained that she would love an RV but her lot is not big enough to store one.

Ryan Rawlings, resident, was concerned about a lack of trail system in the proposed development.

Ray Belgian, resident, felt that there was a great need for an RV storage facility in the City.

Commissioner Linton closed the public hearing at 7:15 p.m.

Commissioner Boles asked what kinds of improvement are required for Lake Mountain Road. Mr. Hadley explained that with a rural cross section, the road would need to be paved with asphalt, typical swells and a trail on one side.

Commissioner Komoroski said she does not understand how the City could build lots on the unbuildable land, because of the gas and power line corridors. Mr. Hadley explained that the plan that was presented is only a concept plan and the developer would have to meet all the City standards.

Mr. Hadley explained that any development on Lake Mountain Road would require the improvement of Lake Mountain Road.

Commissioner Komoroski felt that there is a need in the City for RV storage, but this property is not the right spot for that kind of commercial facility. Commissioners Allred and Everett also agreed.

Commissioner Boles said that he would recommend to the City Council the rezoning of the rural residential property but not the commercial rezoning.

Commissioner Allred would recommend 1 acre plus lots for the area.

MOTION:

Wendy Komoroski moved to recommend approval of the residential portion of the Eagle Mountain Benches / Eagle Mountain Ranches rezone application with the following conditions:

- 1. The lot size minimum for this property is 1 acre.***
- 2. No residential lots on the land restricted by the power and gas corridor.***
- 3. Denial of the commercial storage rezone.***

Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.

C. Spring Run – Master Development Plan Amendment; Public Hearing, Advisory Action
Parcel Numbers: 58-033-0281, 58-033-0282.

D. Spring Run Phase B – Preliminary Plat; Public Hearing, Advisory Action
Parcel Numbers: 58-033-0281, 58-033-0282.

Mr. Hadley presented items C. and D. located east of the Meadow Ranch neighborhood and northwest of the new Ranches Parkway northern extension. He explained that there are two proposals:

1. The amendment to the Spring Run Master Development Plan to change “Pod 3” from Town Center (Commercial), allowing 237 residential units, to Residential zoning, allowing 156 residential units, decreasing the density of the proposal.

2. The proposal of the Preliminary Plat for a subdivision containing 150 single-family lots on 25.43 acres in "Pod 3" of the Spring Run Master Development Plan.

Fencing

The City Code requires 6-foot privacy fencing or a decorative wall along collector and arterial roads. This project is completely surrounded by collector roads, so the perimeter fence will need to be improved by the developer along with each final plat's infrastructure, prior to building permits being issued. This fencing must be included in the bond as well. The developer should provide a fence detail for the City Council to review for approval along with this plat.

Parks

This preliminary plat includes a park which is being proposed to be deeded to the City. The MDA states that it will be maintained by the Home Owners' Association, so the City will need to decide. The park is 1.08 acres in size and conforms to the required open space in the Master Development Agreement (required a park of 1.07 acres). 108 total amenity points are required for this park (1.08 x 100). The following table represents what the applicant has proposed. This park must be fully improved, or developer shall place into escrow with the City sufficient funds to improve the park space prior to the issuance of 40% of the building permits within this project, and a bond must be posted for the park along with the subdivision improvements. The funds shall be escrowed with the City with each final plat recording.

Commissioner Linton opened the public hearing at 7:33 p.m.

Christy Gordon, resident, strongly opposed the development, and was concerned with not getting the proper notification. She also felt that the City has already sold out Meadow Ranch development by allowing smaller lot to come in west of the development.

Dean Thornton, resident, opposed the development, and felt that the City keeps taking away from their development.

Teresa Heart, resident, explained that since new development has come to their area that their water pressure has gone way down. The water run-off from the new developments are also affecting their homes in Meadow Ranch. She felt that 1 acre plus lots should only be approved around their subdivision. She also felt that her neighbors have given up fighting for their subdivision.

Anna Allen, resident, said that she is against having lots smaller than an acre in the area.

Jim Allred, applicant, explained that the master plan for Spring Run has been in place for 4 years which gives development of the town center a density of 10 units per acre. When the development was approved the developer put in a 100 foot buffer so there would be no negative impact on the surrounding neighbors. The developer wants to be a good neighbor. The developer had the option of putting in townhomes. He explained that the developer has decreased the density of the proposed development.

Lisa Barton, resident, is opposed to the size of the lots for this development.

Ralph Johnson, applicant, explained that all the developer is doing is proposing less density than what was permitted in the master development plan for Spring Run.

Commissioner Linton closed the public hearing at 7:48 p.m.

Commissioner Allred asked the applicant about the master development plan that contains the elements and uses that are no longer consistent with the City's future plans and which are no longer viable. Mr. Johnson explained that the developer is in the process of changing those elements to meet City staff's recommendations.

MOTION:

Miriam Allred moved to recommend approval to the City Council of the Spring Run Master Development Plan Amendment with the following conditions:

- 1. No additional plats may be approved before an overall amendment of the MDP is approved that addresses the freeway, commercial property, fire station, and community park.***

She also moved that the Planning Commission recommend approval of the Spring Run Phase B Preliminary Plat to the City Council with the following conditions:

- 1. This approval is contingent on the amendment to the Spring Run MDP allowing 150 single-family residential lots in the town center area.***
- 2. All lot frontages within the project must meet City standards (55 feet minimum except for the patio homes adjacent to the park).***
- 3. Any traffic flow issues brought up by the traffic engineer must be resolved to the satisfaction of the City Engineer. If the resolution causes major redesigns, then this plan must return to the Planning Commission and City Council for reconsideration.***
- 4. A six-foot privacy fence or decorative wall must be installed along the perimeter of the project with the infrastructure for each final plat. A detail of the fence/wall design and color shall be reviewed for approval by the City Council.***

Matthew Everett seconded the motion. Those voting aye: Wendy Komoroksi, John Linton, Daniel Boles, Miriam Allred, and Matthew Everett. The motion passed with a unanimous vote.

5. Adjournment

The meeting was adjourned at 7:58 p.m.

APPROVED BY THE PLANNING COMMISSION ON JUNE 23, 2015



Steve Mumford, Planning Director

Michael Hadley

From: Mike Kieffer <mkieff@gmail.com>
Sent: Monday, June 08, 2015 8:34 PM
To: Mayor; Fionnuala Kofoed; Adam Bradley; Donna Burnham; Ryan Ireland; Richard Steinkopf; Tom Westmoreland; Steve Mumford; Michael Hadley; Jeff Thompson
Subject: Eagle Mountain Ranches Re-Zoning

(I am unable to attend the planning commission meeting on the 9th, please print this and give it to the members of the committee or have it read during public input.)

I would like to be put down on the record for my opposition for the re-zoning of agricultural to commercial in the Eagle Mountain Ranches proposed-subdivision.

I would like to encourage the City Council and Planning Commission to not approve the commercial zone. I am not in opposition to the proposal for residential 1+ acre lots, but do not feel that a commercial zone in the middle of residential and agricultural zones fits into the over all feel of Eagle Mountain. Please make sure you read the Planning Commission Staff Report, in the report is specifically states, "The Commercial Storage portion of the rezone does not comply with the General Plan." I believe that is true, and I feel that anything but the already planned rural residential and mixed residential in that area would lessen the appeal to that area. Lets keep it so that when you look at the mountains, you see mountains.

I have voice my opinion on this before, and just want to make sure that you know where I stand. We have plenty of other areas in Eagle Mountain for commercial zoning. There are a lot of acres already zoned for commercial development. The city does not need to have one plopped down in the middle of an out of the way sub-division.

I also ask that as you make plans for development, that you keep in mind that there are families on Lake Mountain road, with small children. We need to make sure that the roads are safe for kids as well as cars. The more development that happens on Lake Mountain, the more traffic the road will see. I would suggest that as part of the development plans that you put in place traffic control measures. Lets slow the traffic so that it is still safe for those of us that have houses facing Lake Mountain. When the road becomes paved, the traffic will increase to the east end of City Center via Lake Mountain Road. We need to take this into consideration as well.

Thanks,
Mike Kieffer
Aimee Kieffer
Kallie Kieffer
Katie Kieffer
Sarah Kieffer
Emma Kieffer
Thomas Kieffer
Lydia Kieffer
Abbie Kieffer
Jack Kieffer

The Kieffers
5121 Lake Mountain Road

Michael Hadley

From: bjeppson3@netzero.net
Sent: Wednesday, June 03, 2015 3:37 PM
To: Michael Hadley; Mayor
Subject: Lake mountain Road

Discussion about paving, fire Marshall opinion and "making exceptions" here and there.... and then they discuss changing city code because the 5 acre lots stay and the entire road needs to be paved prior to developing....

The "Master Plan" is mentioned several times and the importance of it. My question is; WHY do we pay so much attention to the MASTER PLAN, when WE make it so easy to "REZONE"?? Wouldn't rezoning change the Master Plan? It seems to me that allowing Agricultural to be rezoned to Residential; would make the Planning Commission unnecessary, as well as any "Master Plans." {What is the point??}

Millions of Agricultural Acres have disappeared over the past few decades and to allow the constant rezoning; millions more will disappear. We do not necessarily need to be concerned about ourselves... but what about our children and their children??

Where will they grow food? Where will the cattle graze? Where will the wild animals live? {How often do you see dead deer on Pony Express? {I saw 3 dead deer within 1 week, last month.}}

WE NEED TO STOP REZONING AND STOP THESE GREEDY DEVELOPERS. WE NEED TO BE RESPONSIBLE FOR THE FUTURE, WE NEED TO TAKE RESPONSIBILITY NOW!!

Our new concern about the Utah County Health Department's statements regarding septic tanks and ground water, would also impact our environment up here.

This workshop discussed 5 acre lots and now we are meeting to discuss changing codes?? WHY??? {Just so you are aware; There is NOT one resident in Eagle Mountain that does not believe that the property owner/developer is getting "special favors".}

Please reconsider rezoning.... please stand up to these developers and show your concern for the future. Please lead by example.

Thank You

See this work shop: <https://www.youtube.com/watch?v=jy2SCY8MTto>

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Michael Hadley

From: Steve Mumford
Sent: Tuesday, June 09, 2015 5:05 PM
To: Michael Hadley
Subject: FW: NO to Rezoning Lake Mountain Road



Steve Mumford, AICP

Planning Director

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From: sue martin [<mailto:fisherq@netzero.com>]

Sent: Wednesday, June 03, 2015 12:50 AM

To: Steve Mumford

Subject: NO to Rezoning Lake Mountain Road

There is no reason for this area to be rezoned. The individual making this request should not receive special treatment due to the fact he is a city employee. Last month the Utah County Health Department expressed serious concerns about contamination to our groundwater Commissioner Everett wants to know how the City is going to identify the pollution.... The City should NOT ALLOW REZONING. This person does not satisfy the requirements to change the current zoning law; Utah State Code 17-27a-702. ZONING LAWS were implemented to serve a purpose; protect watersheds, provide habitat for important wildlife, maintain clean water and air. The specific purposes and intent of the County Commission in establishing the A-40 Agricultural Zone - implement the plans provided for in Section 17-27-301 of the said Code; preserve the county's agriculture land, preserve and protect agricultural activities from the conflicts and problems in residential areas by limiting residential areas by limiting residential developments. According to a 2008 Governor's Office of Planning and Budget report, in 1960, about 250,000 acres of land had been developed in Utah. By 2008, 750,000 acres in Utah had been developed for non-agricultural uses. It is predicted that by 2030, more than a million acres of land in Utah will be developed for urban uses. Unjustifiable discrimination would result against those who are not allowed to escape the requirements of the ordinance, i.e. to those without political influence. Many years ago, Bassett, a leading authority, pointed out that such dis-crimination would have gravely weakened the cause of zoning politically. If there was no mistake in the original zoning ordinance or no change of conditions in the area, and the change is not "in accordance with a comprehensive plan.... Zoning amendments, it is usually said, must be made for the general welfare; they must not be just a "special privilege" for the property owner.

My name is Jody Hooley, I live at 5008 N Lake Mtn. Rd. My husband and I bought our property here in 1993 and became residents in 1997. I sat where you are sitting several years ago and so I understand that this hearing is only for the rezoning of these properties, but I also know that you will ~~be~~ ^{MAKE} recommendations to the city council based on the basic site plan and the input you receive from this hearing. I also want to say that getting a copy of the actual site plan was only possible because I am registered through a government site to receive all information regarding planning and council meetings. While I appreciate the 1 acre lots in this plan, I also have several concerns about how many and their situation as platted. These are my concerns: • First, the 5+ acre piece directly across from my house I don't believe has the required frontage to split in to 3 lots. ~~I believe putting that~~ I believe putting that many lots next to the Kiefer's property to the north which is over 5 acres and across from ours creates a compatibility issue including the traffic of 3 driveways across from our home. I looked up lot split in the city code, but there was no clarification as to whether the property had to be owned by the owner of record in 1996 to be considered pertinent to this lot, which would not make it eligible as they are not to be less than 5 acres. As for the property to the north of me: • Although I know the code allows for 1 acre next to 5 acre I believe in certain areas as ours there should be better transitioning of lots and this plan shows 8+ acres, the Scott's home with 1 acre bordering 3 sides, and then to the north the lots go back up to 3 acre and larger because of the building restraints of the power and gas lines. • I am unable to tell from the paper work I was able to view as to whether the 32 lots around the existing house of Scotts's whether all the lots have the 150' required for 1 acre lots. • These 32 lots will require septic tanks which for all of us on wells, feel this is a very high concentration and are concerned about the possibility of eventual contamination. I know there are 2 washes toward the top of the property and I see no accommodations for them, they would be right on lots and send water down to others. There may also be alluvial discharge areas, but with the short amount of time I was able to view this plan and 2 jobs I was unable to research that possibility. Is there an open space plan or will the developer pay a fee in lieu? • I believe this is a base density residential development? One of the items in those requirements is "developments will be rural residential areas that are compatible with predominantly agricultural uses and natural open spaces that traditionally define the character of Cedar Valley and the associated foothills of Lake Mountain and Cedar Pass". One of the defining characters of Lake Mountain is the 100+ year old Juniper trees that create a huge grove in the area between the north cattle guard and the substation. Creating that high density of lots with streets would virtually destroy all the Junipers in that area. In the original city code there was very strong wording about mitigating the total destruction of those trees. • I know the code provides for the ability to have one road access for up to 30 lots, but feel as though that is not safe regarding the high risk of wild fires in this area. The only access to this property is one road off Lake Mountain Road. The drawing depicts another road going south from the top road, but there is no road there and I believe the developer may think there is a plan for one in the division created by John Jacob, but that is not safe regarding the high risk of wild fires in this area. The only access to this property is one road off Lake Mountain Road. The drawing depicts another road going south from the top road, but there is no road there and I believe the developer may think there is a plan for one in the division created by John Jacob, but it's access is also Lake Mountain and has no north outlet.

I did not address the commercial ~~residential~~ storage because I think it should be tabled as it was not in our notice, but it is not compatible with existing or future master plan,