

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 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: Scott Langford, Preston Dean, John Linton, Daniela Camacho, and Wendy Komoroski

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

1. Pledge of Allegiance

John Linton led the Pledge of Allegiance

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes – July 10, 2012

MOTION: *Preston Dean moved to approve the July 10, 2012, meeting minutes. Daniela Camacho seconded the motion. Those voting aye: Scott Langford, Preston Dean, John Linton, Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.*

4. City Council Action Update

- City Council appointed Jeremy Cook with Parsons Kinghorn Harris as the City Attorney on July 17, 2012.
- City Council held a public hearing on the animal ordinance, requesting feedback from the City residents, no motion or action was made.
- City Energy Building site plan was approved by City Council.
- City Council reviewed the Clearview Estates Annexation and Master Development Plan in a work session.

5. Development Items

- A. Amendment to the General Plan – Clearview Estates; Action Item, Public Hearing.
The proposed amendment to the General Plan Map 2 (Future Land Use and Transportation Corridors Map) is to designate the 287 acres involved in the Clearview Estates Master Development Plan proposal as “Rural Residential,” contingent upon the annexation being approved by the City Council at a future meeting.

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PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Mike Hadley explained that the General Plan Amendment is proposed so that the Clearview Estates Master Development Plan is consistent with the City's General Plan, which is required for a rezone approval.

The Clearview Estates Master Development Plan consists of 287 acres; 43 acres are currently within the City boundaries and designated as Mixed Use Commercial and 244 acres are being proposed for annexation. The Master Development Plan will consist of 342 total units for a density of 1.2 units per acre making it a Tier I residential development. All the lots will be ½ acre with the exception of three lots abutting the North Ranch subdivision; those lots are 1 acre which complies with the City's buffering requirements. The City's current General Plan map does not designate any land uses for land outside of the current city boundary.

The proposed Clearview Estates General Plan Amendment Land Use designation is Rural Residential. This is consistent with the surrounding properties' land use designation. This designation still allows for churches, schools and home businesses, etc. There is a major arterial road currently shown on the General Plan map that goes through the property.

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

Thomas Weidauer, 9121 Canyon Wash Drive, he was concerned with Clearview Estates lot size being half an acre, making it a high density neighborhood. He believed that the lots should be around two to three acres because it is adjacent to North Ranch. He questioned why the City is annexing the property in to develop more housing. He believed that the City already had enough housing developments. He was also concerned what would happen to the gun range, and that the houses were in the path of the airport.

Steve Sowby, developer of Clearview Estates, stated that they want this General Plan amendment.

Commissioner Linton closed the public hearing at 6:15 p.m.

Steve Mumford explained that the landowner is requesting annexation, and that it is the landowner that plans the master plan of the property. The City is not seeking out annexation of this property and it's not the City making the master plan.

Commissioner Dean stated that the Planning Commission is not making a decision on the Clearview Estates annexation.

Commissioner Linton understood that Utah County was encouraging cities to annex property adjacent to their city.

Mr. Mumford stated that Utah County does encourage cities to annex properties with subdivisions, because of the responsibility for fire protection, utilities, and road maintenance. While this property does not contain existing development, the County generally is in favor of property being transferred to cities.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Camacho asked if Section A lots would remain Mixed Use Commercial, and what type of business will that allow?

Mr. Hadley stated that all of Clearview Estates would change to Rural Residential and only home based businesses will be allowed.

Mr. Mumford stated that section A was currently zoned Mixed Use Commercial. The previous 2007 master plan for this property included commercial along that corridor, so North Ranch would have been adjacent to commercial instead of rural residential lots.

MOTION: *Preston Dean moved to recommend approval to City Council of the Amendment to the General Plan – Clearview Estates. Scott Langford seconded the motion. Those voting aye: Scott Langford, Preston Dean, John Linton, Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.*

B. Master Development Plan – Clearview Estates; Action Item, Public Hearing.

This plan includes 287 acres, 244 of which are currently outside of the City boundaries (west of North Ranch, north of SR73). An annexation petition has been submitted for review by the City Council. The project proposes 342 rural ½-acre lots.

Mr. Hadley explained that the project consists of 287 acres of land; 43 acres of the project is located currently in Eagle Mountain City limits and 244 acres is being proposed for annexation. Total units are 342, overall density is 1.2 units per acre with a minimum of a half-acre per lot, except for one acre lots that border North Ranch. This is a master development plan so the developer could come back and propose the number of lots differently later in the development process.

The parks and open space for this project proposed are 42.4 acres for natural open space, 9.8 acres improved open space (including trailhead access, amphitheater, and S.E. park), and 9.4 acres for a storm drain pond (unimproved).

The City's concerns are:

- Clearview Estates Master Development lacks a community park
- The City's engineer suggested they combine the storm drain ponds for the ease of maintenance, and that they make the basins better for recreation.
- The Development Code requires community improvements, or \$2,000 per buildable acre, in the form of public buildings/facilities or regional parks. Do the trails and natural open space fulfill this requirement?

Recommended conditions of approval by the City:

1. Update to the City Master Water Plan and a study to decide if the water system looping and storage/pressure design will be adequate for the project. If not adequate, a water tank must be included for the project.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

2. Traffic plan mitigation requirements need to be implemented prior to issuing building permits.
3. Master drainage plan must be submitted and approved.
4. A plan for the parking areas, trailheads, trails (type and materials).
5. County approval for the septic systems for each lot.
6. Approval contingent upon annexation & master development agreement approval.
7. Water rights and where they will be coming from.

Commissioner Linton asked if the City is selling water that the City does not own.

Mr. Mumford explained that the State Engineer did allow the City to utilize a certain number of water rights that the City does not yet have, basically what the City has in our wells would count for the CWP water that will be replaced once the City can pump in the water. The City recently made a large payment to access an additional 250 acre feet, and then beyond that the City will need to wait until the water is actually in the city system.

Commissioner Linton asked if that was contingent on the pumping station being constructed. He asked if there would be anything that would prevent the construction of the pumping station.

Mr. Mumford explained that the pump station would need to go in to obtain the actual water. The only thing that he could see that could prevent the pump station would be if the City Council decided to not fund the pumping station or the water. He explained that the City Engineer is currently working on that project, so that the pump station and the pipe would go in next spring along with a trail running alongside of Pony Express Parkway.

Mr. Mumford explained how Clearview Estates would impact our utilities:

Water

The applicant would like to tap into the current water system within the City. If the City determines that the Valley View water tank does not have enough capacity or the current line sizes are not adequate to supply the project, then the developer will be required to install a water tank in the project.

Sewer

All lots within the development will be served by small individual underground wastewater disposal systems (septic systems). The County Health Department will be responsible for review and approval of these systems.

Electric

This development will require a new electrical feeder line to be extended from Ranches Parkway to the site.

Storm Drainage

The developer's plan is to include various small storm drain ponds throughout the development to handle storm water runoff. The City Engineer has suggested that many of these be combined together for ease of maintenance and to make better use of the basins for recreation.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Langford asked about septic tanks and he wanted to know what other lots in that area were using.

Mr. Mumford explained that all of North Ranch, and Sage Valley are on septic tanks. The amount of money to pump and lift the sewage to the existing sewer pipe would be costly.

Commissioner Camacho asked if the biggest concern for the City was that Clearview Estates lacked a community park, and that the drainage ponds should be combined. She asked if there were any other concerns that the City staff had.

Mr. Hadley stated that those are two of the biggest issues with Clearview Estates.

Mr. Mumford explained that there is a mistake on the Parks and Open Space Master Plan for this area. It shows that there is an existing community park in North Ranch that expands over into Clearview Estates. The North Ranch park is less than two acres in size and is considered a neighborhood park and not a community park.

Commissioner Dean asked what are the distinctions between a community park and a regional park.

Mr. Mumford explained that the distinction between parks is mostly size and the use of the park. The Parks and Open Space Master Plan is flexible. A community park would have one or more recreational fields plus other uses that a neighborhood or pocket park will not meet. A regional park would be a mix of natural and improved open space, with more fields for the purpose of activities, sports, and recreation. He does not believe the natural out cropping land in Clearview Estates meets the qualification for a regional or community park, but it is a unique park and it does provide for some trail system. But the City views a regional or community park as providing more space for sports and recreational uses.

Commissioner Dean asked if the development code is requiring Clearview Estates Master Plan to include a community park or a regional park?

Mr. Mumford stated that in the City code its closer to a regional park or public facility building. In the past some other master plans have been allowed for some of the community improvements to be used towards a trail system.

Commissioner Dean asked if it is \$2,000 per buildable acre requirement. That would equal just over a half a million dollars for the 287 acres, but is that 287 acres buildable?

Mr. Mumford explained that he did not believe some of the rock area is buildable and the Planning Commission and the City Council will have to determine at a later time in the master development agreement in detail on how the money would be spent.

Commissioner Linton opened the public hearing at 6:37 p.m.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Steve Sowby stated that he had listened to all the recommendations from the Planning Commission and considered all the recommendations except for one. He explained that he had provided an amphitheater, provided access with parking and improvements to the regional outcrop park, he combined smaller pocket parks into a large community park that could be used for a destination park, he combined more of the storm drain ponds, he removed all the lots fronting the arterial road, and he provided access to the North Ranch trail.

He stated that in the City's development code it says, a developer may contribute the value toward community amenities by constructing the amenity or providing an element toward the completion of an amenity, by dedicating land or water rights to the City for such amenities at fair market value or by contributing a fee of \$2,000 per acre of buildable land. He explained that the developer is asking the City to consider and accept all the land. The land would be dedicated to the City for fair market value, and at that time if there is more need, then the developer would fund, construct, or pay the \$2,000 per acre for the amenities.

He explained that the southern part of Clearview Estates water can be served by the existing water system with no improvements. But in the north area of Clearview Estates the developer would need to hook up to the North Ranch tank or build a new tank.

He explained that he had reviewed the Camp Williams Joint Land Use Study and there are minimal effects on the development. The Development is in one flight path, but not in the fire hazard area, and not in the light path.

Commissioner Dean asked what the phase qualifications are for a regional park.

Mr. Mumford explained that land for community and regional park is first dedicated to the City and then the City will develop those parks as needed with the City's timeline, using impact fees and other funds.

Commissioner Dean asked at what time in the development process does the developer deed the land over and when does the appraisal for the land take place?

Mr. Hadley explained that they deed the land over with the first subdivision plat.

Mr. Mumford explained that the appraisal could be done prior to approval, before the first development plat, or conditions could be added to their Master Development Agreement. The City could start developing the park as soon as the land is dedicated to the City.

Commissioner Dean asked at what time will the road be constructed to access the parks.

Mr. Sowby explained that if the developer develops as needed the lower area would be developed first and the City would require the developer to deed 4% or a fair portion of the lower park space.

Commissioner Linton closed the public hearing at 6:53 p.m.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Linton asked about the development being in the flight path.

Mr. Sowby explained that there are requirements on flight paths, for how far it flares out and how high the glide ratio is. The requirements for the flight path in Sage Valley are that planes would have to be 150 ft high. Clearview Estates is across SR 73 and the planes would be 160 ft high, so there would be no restriction for the development, and there is no horizontal restriction.

Commissioner Linton asked if the Utah County Health Department requires septic tank approval for each lot or do they approve the whole development?

Mr. Hadley stated that septic tanks are approved by lot.

Commissioner Langford asked about the 122 ft arterial road and what that entails.

Mr. Mumford explained that entails a 13ft median, 20ft planter strips with 8ft trails, and a four lane road, including the turn lane.

Commissioner Langford asked if the developer could look at moving one of the church sites to the arterial road, because of traffic issues.

Commissioner Langford requested that in the recommendation the City require the developer to combine the drainage basins in a manner that could provide space adequate for a community or regional park.

Commissioner Camacho asked if the City staff in the future could supply a project cost to help aid in making a decision.

Commissioner Linton asked if the developer has thought about an HOA that could manage and maintain the open space.

Mr. Sowby said that the developer could consider a HOA, but the developer would like to dedicate the land to the City. The open space and storm drain ponds could be maintained privately with minimal cost.

Mr. Hadley said the biggest issue is maintaining the storm drain ponds.

Mr. Sowby stated that it's cheaper to maintain the storm drain ponds than a larger drainage system.

Commissioner Langford was concerned about the trail that was tucked away behind the houses in this development. He questioned if the trail would be maintained properly and if our residents would use the trail, because the trail is out of sight and it would leave a resident vulnerable.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

MOTION:

Preston Dean moved to approve and recommend to City Council The Master Development Plan – Clearview Estates with the conditions stated in the staff report adding 6. Approval contingent upon annexation & master development agreement approval, and 7. Drainage space may be combined to meet a community park: Daniela Camacho seconded the motion. Those voting aye: Scott Langford, Preston Dean, John Linton Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.

- C. Preliminary and Final Plat – Meadows Storage Subdivision; Action Item, Public Hearing.
This is a one-lot subdivision creating a 9.51-acre commercial lot located north of SR73 and west of Sunset Drive.

Mr. Mumford explained that the Meadows Storage Subdivision is a preliminary and final plat that includes one parcel of land consisting of 9.5 acres. It is located north of SR 73 along Sunset Dr in the Meadow Ranch subdivision. The Meadows Storage Subdivision is a portion of the previously approved Meadow Ranch Business Center which was approved in 2001. The Meadow Ranch Business Center included five office buildings, self-storage units, two office/retail buildings and open boat and recreational vehicle storage. The development agreement that was approved stated, “The developer is required by this agreement and the terms of approval of the developer’s project by the City Council to submit a site plan application and receive specific site plan approval for each individual development within the overall business center”. The Site Plan was presented to the Planning Commission on July 12, 2012 and consists of eight single story self storage buildings, a two-story office/residence, a future single-story storage building, a large temporary gravel area for open boat and RV storage, a temporary gravel area for RV valet staging and a storm drain retention area. It was recommended for approval to the City Council. After further review and before going to the City Council it was determined that in order to proceed with the final site plan approval, the applicant needed to submit for preliminary and final plat approval. When the original Meadow Ranch Business Center was approved the land was illegally subdivided through the County Recorder’s office using deeds and there was never a subdivision plat prepared and recorded. The subdivision plat process will clear up any land and title issues that might occur in the future so the site plan can continue to the City Council.

Commissioner Linton opened the public hearing at 7:22 p.m.

Commissioner Linton closed the public hearing at 7:22 p.m.

Commissioner Langford asked why the site plan did not show the public utility easements.

Mr. Mumford recommended the Planning Commission add that to the Meadows Storage Subdivision site plan, to show the public utility easements as a condition of approval and that the City Engineer and Energy Director verify that the site plan needs easements.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Ken Melove stated that as the representative for the project he agrees with the condition of adding and verifying the public utility easements.

MOTION: *Preston Dean moved to approve the Meadow Storage Subdivision A final preliminary plat with the following condition that the City staff verify and/or add public utility easements as needed. Daniela Camacho seconded the motion. Those voting aye: Daniela Camacho, Scott Langford, Preston Dean, John Linton and Wendy Komoroski. The motion passed with a unanimous vote.*

MOTION: *Preston Dean moved to recommend approval to the City Council for the Meadow Storage Subdivision A final Plat with the following condition: that the City staff verify and/or add public utility easements as needed. Daniela Camacho seconded the motion. Those voting aye: Daniela Camacho, Scott Langford, Preston Dean, John Linton and Wendy Komoroski. The motion passed with a unanimous vote.*

D. Development Code Amendment – Water Rights Requirements; Action Item, Public Hearing.

The proposed changes include provisions for the purchase of water from the City in lieu of dedication of water rights. Affected code sections include 16.20.040D, 16.25.040At, 17.100.050G, and 16.35.040C.

Mr. Mumford explained that the City Code currently requires that water right documentation be provided along with a preliminary plat application, and that water rights or shares be dedicated to the City prior to recording a plat or obtaining a building permit. The City has purchased water from the Central Utah Water Conservancy District, and is in the process of constructing a pump station and piping to bring that water into Eagle Mountain. Even though we will not technically have access to this water until the water pump station and pipes are completed (next year), the rights to this water are available now for purchase from the City in lieu of dedication of water rights.

The following proposed amendments to the various code sections have been discussed and reviewed by the City's Public Works Director and Attorney. A public water supply agreement is being drafted and will be presented to the City Council at a future meeting. This will be a standard agreement that will be required for any purchase of water from the City. Here are the proposed changes:

Preliminary Plat

Section 16.20.040 contains the application requirements for a preliminary plat application.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

D. Water Rights. Water rights documentation showing availability of water rights sufficient to serve the development, *or acknowledgement in the form of a signed letter that developer intends and commits to purchase water from the City.*

Final Plat

Section 16.25.040A1 contains the application requirements for a final plat application.

t. Water rights conforming to the City's requirements *or a public water supply agreement* shall be submitted to the City Attorney for approval.

Development Standards for Required Public Facilities

Section 16.35.040 discusses potable water, including connection requirements to the City water system, developer's responsibilities, and residential water rights.

C. Residential Water Rights. Table 16.35.130(a), Residential Water Right Requirements, is provided in this chapter for convenience. It defines the amount of water rights that shall be dedicated to the City for detached single-family residential uses. The engineer shall calculate water rights for other uses including commercial, multi-family residential, industrial and recreational uses after a site-specific analysis is performed for the proposed use. Water rights to service detached single-family dwellings shall be dedicated to the City *or sufficient water shall be purchased from the City* prior to the recordation of the subdivision. Water rights to service commercial uses, multi-family residential uses, industrial and recreational uses shall be dedicated to the City *or sufficient water shall be purchased from the City* prior to the issuance of the building permit.

Site Plan Review

Section 17.100.050 contains the application requirements for a site plan application.

G. Dedication of Water Shares. The applicant shall comply with Chapter 13.25 EMMC and shall dedicate to the City the amount of water rights specified in that chapter *or purchase sufficient water from the City* prior to the issuance of any building permit.

Commissioners Linton and Dean asked if the developer would have to supply their own water right before purchasing City water rights.

Mr. Mumford explained that the developer does not have to supply his/her own water right prior to purchasing City water right, that the developer could keep his/her own water rights for future developments.

Commissioner Linton opened the public hearing at 7:35 p.m.

Commissioner Linton closed the public hearing at 7:35 p.m.

MOTION:

Preston Dean moved to approve and recommend to City Council the Development Code Amendment – Water Rights Requirements

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 14, 2012 AT 6:00 P.M.

Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

with the conditions stated in the staff report; Scott Langford seconded the motion. Those voting aye: Scott Langford, Preston Dean, John Linton Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.

6. Discussion / Work Session Items

A. General Plan Update – Discussion / Work Session Item.

Discussion of the General Plan update, including the Future Land Use and Transportation Corridors Map.

Reviewed and Discussed:

Future roads, current and future traffic counts, road studies, and recommendations on current and future roads.

7. Other Business

- Discussed building and development.
- Commissioners requested a meeting between Planning Commission and City Council.

8. Meeting Information:

A. Next Scheduled Meeting – August 28

9. Adjournment

The meeting was adjourned at 8:08 p.m.

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 11, 2012.

Steve Mumford, Planning Director