



EAGLE MOUNTAIN
PLANNING COMMISSION MEETING
MINUTES

October 23, 2018 6:00 p.m.

Eagle Mountain City Hall Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

COMMISSION MEMBERS PRESENT: Matthew Everett, Rich Wood and DeLin Anderson. Brett Wright and Jared Gray were excused.

OFFICIALS PRESENT: Councilmembers Melissa Clark and Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; and Lianne Pengra, Recording Secretary.

Commissioner Everett opened the meeting at 6:00 p.m.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

- A. August 28, 2018
- B. September 11, 2018

MOTION: *DeLin Anderson moved to approve the August 28, 2018 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.*

MOTION: *DeLin Anderson moved to approve the September 11, 2018 meeting minutes. Rich Wood seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.*

4. Action and Advisory Items

A. Hatch, Hobby Breeder Permit, Public Hearing; Action Item:

This item was discussed after item 4C.

Planner Tayler Jensen explained the application is for a hobby breeder permit to house up to eight Saint Bernard dogs at a property located at 1138 E. Russell Road. The applicants received a single complaint about their dogs, and while the initial cause for the complaint was rectified by

the applicant, it was discovered that due to the number of animals on the property, a hobby breeder license is required. They have since received another neighbor complaint.

Commissioner Wood said that breed is large and the size of the lot may not accommodate eight animals of that size. He expressed concerns with allowing eight 240-pound dogs that can be up to 36 inches tall at shoulder height.

The applicant, Valerie Hatch, clarified that the largest dog they have is 160 pounds. She said the sizes listed by Commissioner Wood are incredibly large and rare.

Applicant Booker Hatch said the dogs are low energy animals. He said they are using bark collars and fencing to mitigate concerns with the neighbor. He explained one of the dogs is deaf and it has been challenging to teach her to not bark as much.

Commissioner Wood asked how the applicant would mitigate odor and if the applicant has the distances from neighboring properties required by Municipal Code.

Ms. Hatch explained they put up a solid wood fence after the initial complaint. She said they have over 36 feet from the dogs' fence to the neighboring properties.

In regard to odor, Mr. Hatch said they have put in six inches of gravel, and the area is cleaned up at least every other day. He explained the dogs eat six to seven cups of food a day, and do not have large volumes of feces, as they do not require the calories of a more active dog.

Commissioner Wood asked how many animals are part of the applicant's breeding program. Ms. Hutch said they have three dozen show animals co-owned throughout the county, but have six to eight at their home.

Commissioner Anderson asked how often they will breed the dogs. Ms. Hutch said they will have two litters per year at the most, and there are five to seven dogs in a litter.

Discussion ensued on Municipal Code allowances for specific dog breeds and number of animals allowed.

Commissioner Everett opened the public hearing at 7:32 p.m.

Scott Hawkins, 1057 E. Russell Road, expressed his approval of the conditional use permit. He owns a 115-pound Hatch Saint Bernard, and expressed support of animal rights in his area.

Josh Hugentobler, 1120 E. Russell Road, said he is the neighbor who has complained. He expressed concerns regarding the barking.

Commissioner Everett closed the public hearing at 7:37 p.m.

Mr. Jensen clarified the approval process of conditional use permits, and when the hobby breeder permits are required.

In regard to sound mitigation, Mr. Hatch explained the kennel is 30 to 40 feet away from the fence line, but since the dogs are still able to see the neighbor, he is considering a taller screen

around the kennel. He said they will ensure the bark collars are in operation, and they are raising funds to install a vinyl fence.

Discussion ensued regarding keeping the animals inside and what a reasonable time frame may be. Ms. Hatch said she likes to keep the dogs outside during daylight hours, but if required to bring them in at sundown, they will need to be allowed to go outside to use the bathroom at night.

Mr. Hugentobler said he put up a tarp to fix an issue with a dog barking at a neighboring horse. He does not want the dogs locked up during set hours. He explained the biggest problem with the dogs is that they can see him. He said putting up a tarp and closing the gaps in the fence should mitigate the issue.

Commissioner Wood said they are setting precedent and setting specific hours is important. Commissioner Everett said the applicant can be required to follow the nuisance ordinance.

Commissioner Everett appreciates the applicant's desire to be in compliance and their collaboration with the neighbors. He explained he likes the idea of quiet hours, but with the understanding that it would not mean the dogs are to stay indoors during those hours.

- MOTION:** *Rich Wood moved to approve the Hatch hobby breeder/kennel license application with the following conditions:*
- 1. The applicant shall receive and maintain a valid business license;*
 - 2. The applicant shall be allowed up to eight dogs (a single litter may be kept for up to six months, and one puppy may be kept for up to twelve months).*
 - 3. The applicant shall provide proof of rabies certificates and registration with a national registry for all dogs; and*
 - 4. The applicant will shall maintain quiet hours between 9:00 p.m. and 6:00 a.m.*
- DeLin Anderson seconded the motion.*

Commissioner Everett said if additional complaints are received, the permit can be withdrawn.

Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.

B. Sunset Flats, Preliminary Plat, Public Hearing: Action Item:

Mr. Hadley said this proposed preliminary plat is for 384 single family units on approximately 206.65 acres, previously approved as a master development plan.

On September 5, 2017, the City Council reviewed the Sunset Flats master development plan and denied the application. The applicant revised the plan and on October 17, 2017, the City Council received and approved a request to resubmit the Sunset Flats master development plan.

The applicant removed the multi-family units, substantially reducing the overall number of units, removed the commercial storage component, included a connection to the road serving the high school, and reduced and combined the amount of improved open space. The original submittal proposed 688 lots/units. The original proposal had an overall density of 3.3 units per acre and consisted of a mixture of Tier I, Tier II, and Tier III, and included a Commercial Storage

component. He said City Council approved the updated master development plan on January 2, 2018.

Mr. Hadley said the park plan submitted complies with all Municipal Code requirements.

Commissioner Wood expressed appreciation that the applicant redesigned the project based on concerns from the Planning Commission and City Council.

Mike Carlton with Wilding Engineering was asked which phase would be the first section developed. He said it will be Phase A.

Commissioner Everett opened the public hearing at 8:02 p.m.

John Bilton said he works with a group that owns the property directly to the north of the application area. He wanted to know the plan for the road between the developments, and which entity would be required to pay for the road. Mr. Hadley explained that the road will be a minor collector. He said he does not know if this road has been discussed yet; the land will be dedicated with the plat. Mr. Bilton said they have started the process of a master development agreement and would like to know what their requirements would be, as well as what is required from Sunset Flats. He also would like to know if sewer will be available. Mr. Hadley said the sewer systems will be tied together.

Rachel Frost said she lives in a lot adjacent to the application area. She asked if the development will have an HOA, if the homes will be built to suit, and if more parks will be built than are shown on the plan. Mr. Hadley said they will not have an HOA and the applicant will be required to provide home design options. Commissioner Everett said the application contains all planned parks.

Commissioner Everett closed the public hearing at 8:07 p.m.

MOTION: *DeLin Anderson moved to recommend approval of the Sunset Flats preliminary plat to the City Council with the following condition:*

1. The applicant shall work with staff to finalize the park plan for the seven-acre park located in the southwest corner of the project;

Rich Wood seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.

C. Glenmar Ranches Phase B, Preliminary Plat, Public Hearing; Action Item:

This item was discussed before item 4A.

Planning Manager Mike Hadley explained that on February 6, 2018, the Eagle Mountain City Council rezoned approximately 126.25 acres from Agriculture to Single Family Residential. The applicants has have refined their proposal and has have submitted a preliminary plat for a portion of the approved rezone. The applicants are proposing a total of 45 single-family residential lots on 56.84 acres of buildable land for a density of 0.79 lots per acre. The rezone was approved for lots from 10,000 square feet to 1-acre minimum lots. This proposal consists of lots from 1 to 2 acres.

Mr. Hadley noted that with a density of 0.79 dwelling units per acre, this proposal is a Base Density residential development, and falls under 17.25.110 Base Density Residential Development Standards; there are no minimum open space requirements for this proposal.

Mr. Hadley said the applicant would like to have septic systems rather than connect to the City sewer system, but the project is within 1,320 feet of an existing sewer line. Projects located within 1,320 feet of existing sewer lines are required to connect to City sewer, according to the Municipal Code.

Commissioner Wood asked if it was unreasonable for the applicant to connect to the sewer line. Mr. Hadley said it would require the applicant to construct the line through other properties. The connection would also potentially require a lift station. He explained the City does not typically utilize lift stations unless they serve a wide range of properties. Commissioner Wood asked if the lift station would be temporary. Mr. Hadley clarified that when a sewer line comes within 300 feet of the development, the applicant would connect to the City sewer.

Commissioner Wood said Elise Erler with SITLA submitted a comment via email. In that email, Ms. Erler mentioned that neither SITLA nor Ivory Homes had been contacted by the applicant regarding sewer connections on their properties.

Mr. Hadley said the City's General Plan/Future Transportation Map has a collector road running through this development. The road runs from the lower Hidden Valley area west to Pony Express Parkway. The applicant is requesting that the road is be realigned, as there is an existing home directly in the path of the approved road. Mr. Hadley said that City Engineer Chris Trusty and Community Development Director Steve Mumford went to the project site and viewed the road options. They found that it was plausible to move the alignment based on grades and slopes of the land, and would not change the nature of the land. Mr. Hadley explained the applicant would need a variance to move the road.

Commissioner Everett said the new alignment works well as there is already an intersection with the Oquirrh LDS church building. Mr. Hadley clarified that the City Transportation Plan's connection with the approved road to Pony Express Parkway is not exact at this time.

Mr. Mumford said he and Mr. Trusty went to the top of the project and looked at both options. He said the original road location is better if the purpose is connectivity from Hidden Valley to City Center; if the purpose of the road is connectivity to the north or west, the proposed change may be better. He clarified that it is unclear where the original road location will connect with the Ivory development on Pony Express Parkway. He said based on hills and slopes, both options could work.

Commissioner Wood asked if the intent of the current road option was to provide access south to City Center. Mr. Mumford explained that the Hidden Canyon development had a future road connection planned, so the City added the current road location. Commissioner Wood said his understanding was that the road was located there for City Center residents to travel east. Mr. Mumford said the preferred route is via Pony Express Parkway to Porters Crossing.

Commissioner Wood asked what would happen if Pony Express Parkway closed. Mr. Mumford said the proposed road would still offer an alternate route to Pony Express Parkway. He

explained there are no compelling reasons to choose one proposed route over the other, except for the removal of a home on the currently approved route.

Discussion ensued on locations of major arterial roads and potential distances to Airport Road.

Commissioner Wood asked if the road could connect to Lake Mountain Road. Mr. Mumford said Lake Mountain Road was never planned to be a collector road.

Mr. Mumford explained the reason the Planning Department has not given a firm answer to the applicant is that both options work; they will leave the decision to Planning Commission and City Council.

Steve McCleery, the applicant, stated that the proposed route does not condemn the currently existing home. He asked who would pay for the condemning of the home. He said the home location and the continuity between the first eleven lots of Glenmar Ranches and this proposal are the main reasons they prepared another route option.

Mr. McCleery said that in order to afford sewer connections, the project would need a higher density. He explained the City Council preferred larger lots, but it is not feasible financially to develop one-acre lots with sewer connections.

Applicant Marianne Smith said people prefer one-acre over two-acre lots as two is too much to handle and one acre is more affordable. One-acre lots will allow animal rights while maintaining a country feel.

Mr. McCleery explained that they did not talk to SITLA or Ivory Homes yet, because they do not want to be tied down to a specific scenario without engineering, gravity flows, access through properties, or lift station specifics. He said lift stations would increase the cost of the project to where they would need more density. They have worked with Mr. Mumford and City staff regarding well sites.

Mr. McCleery said Ms. Smith has been working with bird conservation groups and mountain bikers in order to deed open space areas for a 30- to 50-acre reserve. Ms. Smith explained the preserve will be located on the west side of the ridge; the east side would contain the well sites and mountain bike trails.

Ms. Smith explained that much testing goes into the land sites for septic systems. She said the project land has been tested and results show the location will work for septic.

Commissioner Everett opened the public hearing at 6:36 p.m. and closed it due to lack of comments.

Commissioner Wood said he can see a third option for the road on Google maps. He asked if it was not possible to build the road as planned without removing the house. Mr. McCleery said they would like to avoid the home. Commissioner Wood said the road can go around the home to the southwest. He said the purpose of the road is to connect two major parts of the City. He is in favor of building the road around the home, and does not like the option of connecting the road to the proposed site, as it does not connect the both sides of the City.

Mr. McCleery said leaving the existing home undisturbed is the most important reason for moving the road; leaving open space for the preserve is the second most important item. He explained the second option better meets the goals of the preserve.

Commissioner Anderson asked if they did not know if the road can be moved to avoid removing the home, while keeping the general location of the transportation plan. He expressed concern that the applicant did not have an answer. Mr. Mumford said staff looked at the site from the ridge just north of the home and the least expensive and least impactful option would be to go straight through the house. Mr. McCleery explained they don't have an answer on a third option, as they used staff recommendations for the proposed route.

Commissioner Wood asked if the General Plan would need to be amended if the proposed option was approved. Mr. Mumford said if the Planning Commission feels the change meets the intent of the General Plan, it can be approved as is; if they feel the proposed route changes the intent of the General Plan, the plan should be amended.

Discussion ensued on the process of updating the General Plan.

Commissioner Everett expressed his preference for the proposed road route. He said he is more concerned with the option of septic systems. He is not a fan of allowing septic tanks on one-acre lots and is concerned about what could happen if a homeowner does not maintain their septic system. He said if the septic system fails on a one-acre lot, there is not another place on a one-acre lot to install a septic tank.

Mr. McCleery clarified that there are multiple places on a one-acre lot for septic tanks, and that tanks can be repaired. He explained that they have received the geotechnical report and the land is similar to the existing eleven lots in the area, and has been approved for septic. They wanted to ensure the soils were approved for septic before moving forward with the application. Ms. Smith said the homeowner also will need to do a percolation test for the septic tank location.

Mr. Mumford explained the half-acre lots in Valley View were concerning to the Health Department. Due to the home sizes in that subdivision, the lots did not have adequate space for an additional tank location. He clarified the recent Municipal Code amendment protects lots that have existing septic tanks. He said these homeowners who are within 300 feet of a sewer line will only need to connect to the City's sewer system if the septic system fails.

Mr. Mumford said if this application is approved, the plat will contain a note that requires the homeowners to connect to the City sewer system if the sewer lines come within 300 feet of the property. The note will also stipulate that the homeowners will support a special assessment area.

Commissioner Wood asked if lift stations would be maintained by an HOA. Mr. Hadley said the City does not like to maintain and control lift stations that serve only one development; they prefer regional lift stations.

Commissioner Anderson said he is not concerned about failed septic systems. He expressed concern about requiring lift stations and sewer systems. He feels this would go against what the Planning Commission is trying to accomplish with approving larger lot subdivisions.

Commissioner Wood said he does not have a problem with septic systems, but he does not want a city full of septic systems. He expressed concern with future problems with leach fields, but does not want to hold up the application as the Planning Commission desires larger lots in the City.

Commissioners Anderson and Wood recommend sending the application to the City Council with recommendations regarding the road location. Commissioner Wood said the City Council will need to make the decision on the septic tanks versus connecting to the City sewer.

- MOTION:** *Rich Wood moved to recommend approval of the Glenmar Ranches Phase B preliminary plat to the City Council with the following conditions:*
- 1. The application complies with the intent of the General Plan, which allows the rerouting of the collector road to Hidden Valley to the north, or to follow the existing road on the General Plan while avoiding existing structures.*
 - 2. The application complies with the City's development standards.*
 - 3. An exception to the City's requirements to connect to the sewer system is warranted based upon the following reason: required lift stations make the connection to the sewer system cost prohibitive for larger lots.*
- DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood and DeLin Anderson. The motion passed with a unanimous vote.*

D. Eagle Point Townhomes Plat C – Preliminary Plat, Conditional Use Permit, Site Plan, Public Hearing; Action Item:

Mr. Jensen said this is a proposed preliminary plat, site plan, and conditional use permit for 306 townhome units on approximately 22 acres of property located south of Eagle Mountain Boulevard and the existing Eagle Point Townhomes Plats A & B. On April 24, 2018, the Eagle Mountain Planning Commission reviewed the Eagle Point Townhomes concept plan. During the previous meeting, parking, driveways, and park amenities were discussed. The applicant has included a number of longer driveways and has clustered amenities in the center of the project, at the Planning Commission's recommendation.

Mr. Jensen said in August of 2002, Patterson Construction was given approval for a multi-family condominium project for a total of 390 condo units, which includes the existing townhomes in Eagle Point Plat A & B. Of the 390 units approved in the 2002 plan, 318 are located on the property included in this submittal.

Commissioner Wood asked about connectivity in the development, and if a traffic study was completed. Mr. Jensen said the project is surrounded by built out areas and connectivity options were limited. He said the applicant has completed an updated traffic impact study for Eagle Point G, Eagle Point J, and Eagle Point Townhomes. He said the report shows all study intersections except Pony Express Parkway & Eagle Mountain Boulevard operating at an acceptable level of service in 2040 without any mitigation. With mitigation, it shows all study intersections operating at an acceptable level of service. Mr. Jensen said staff feels the connectivity is sufficient.

Commissioner Wood asked if the applicant is following Planning Commission recommendations for the clubhouse. Scott Dunn, with Patterson Homes, said a new clubhouse is proposed next to the existing clubhouse. He explained the existing clubhouse would be converted to a fitness

center, and the new clubhouse would be a gathering area. When asked if the applicant is concerned about access points, Mr. Dunn said they understand that the access is more than adequate.

Commissioner Wood asked if the back of the Curtis Minor townhome design will have variations, and if the Ken Harris townhome design is flat. Mr. Dunn explained the Curtis Minor design has pop outs and balconies. These buildings will be side facing to Eagle Mountain Boulevard. He said the Ken Harris design has gables that pop out two feet.

Commissioner Wood asked if the applicant could break up the side view of the Curtis Minor, as it is facing Eagle Mountain Boulevard. Mr. Dunn said they are open to options. Commissioner Wood asked the applicant to bring alternative options for side elevations to City Council.

Commissioner Everett expressed concern regarding the garages on the front of the Ken Harris designs, as they do not meet Municipal Code. Mr. Dunn explained there is articulation on the buildings, and the applicant can look at articulating between unit lines. He said the fronts of the buildings have architectural movement, and the desire is to ensure the focus is not the garage door.

Commissioner Wood said this is one of the best front-loading townhome designs that he has seen, but it does not fit Municipal Code that requires back loading alley garages.

Commissioner Anderson asked the width and depth on the single-car garages. Mr. Dunn said they will be a minimum of eight feet wide, but may also have the option of nine feet wide. The garages will be 22 feet deep.

Commissioner Everett opened the public hearing at 8:27 p.m.

Jeff Ruth expressed concern regarding parking. He recommended removing units to add parking.

Julie Muhlestien expressed disapproval of the plan. She does not believe the traffic study is correct and believes there are too many units.

Julie Muhlestien read an email from Michelle Kantaris. Ms. Kantaris expressed disapproval of the plan. She is opposed to additional traffic and feels the application creates a safety issue.

Devin Smith lives in the existing townhomes. He said he recommends a change in design to open up the area. He said there may be frustrations with parking and traffic, but overall he likes the plan.

Adam Ludwig lives in the neighborhood adjacent to the project. He asked if the applicant can add an additional road.

Pat Burk lives in the existing townhomes. She expressed disapproval of the plan, and with the existing HOA.

Keith Moore lives on Summer Way and asked if it was possible to require less density.

Commissioner Wood said they cannot, but the Planning Commission is not in favor of high

density housing. Commissioner Wood explained the applicant has a vested higher density, but has proposed a plan with fewer units than allotted. Mr. Moore said he disapproves of the plan on the basis of traffic and parking.

Commissioner Everett closed the public hearing at 8:55 p.m.

Commissioner Wood expressed concern that the third egress will not be completed until the next development is built, and asked what mitigations can be offered. He asked if the road on the plan that goes into the storm detention area was included in the traffic study. Mr. Jensen said they will look the traffic study and have the City Engineer reevaluate it.

Commissioner Wood asked what the applicant would be willing to do to improve traffic flow. Mr. Dunn said they will ensure lines of sight are clear. He explained they are relying on the traffic engineers who state the plan is sufficient. He said they cannot add an additional connection to Eagle Mountain Boulevard, as it is a limited access road.

Commissioner Wood asked how the snow will be removed. Mr. Dunn said the HOA's management company will hire a snow removal company.

Discussion ensued on residents' concerns regarding the HOA and the developer. Commissioner Wood recommended residents contact the HOA or the developer with concerns.

Commissioner Wood said this is plan is an improvement from the previous plan, and stated the elevations are remarkable. He expressed concern about the access points. He asked Mr. Dunn to work with residents regarding the HOA issues.

Commissioner Wood explained as a Planning Commission, they have to follow Municipal Code. As the applicant has vested rights, the Planning Commission cannot require changes to those rights. He reiterated the applicant has put fewer units in than what is approved. He said he does not see anything in the Municipal Code preventing the approval of the application.

Commissioner Anderson said he does not see anything preventing approval of the plan. He expressed concern about the traffic study and that the Planning Commission is allowing such high densities.

Commissioner Everett said this is an improvement from what the applicant was vested with in 2002. He explained they have worked with the applicant to improve the plan. He does not see anything in the Municipal Code that would prevent the approval.

Commissioner Wood said residents can bring concerns to City Council. Mr. Jensen clarified that this item will not have a public hearing, but comments can be made during the public comment section.

MOTION: *Rich Wood moved to approve the conditional use permit for Eagle Point Townhomes Plat C. DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.*

MOTION: *Rich Wood moved to recommend approval of the Eagle Point Townhomes Plat C preliminary plat and site plan to the City Council with the following conditions:*

- 1. Additional articulation is provided for Ken Harris units.*
- 2. Additional architectural movement features are provided for side units adjacent to the public rights-of-way.*

DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.

5. Next scheduled meeting: November 13, 2018


Mr. Hadley said there are three items on the agenda, and other items may be added.

Commissioner Everett said in regard to the breeder permits, the City may need to look at guidance or clarification on the ordinance so that it takes into account the size of the property and the size of the dog.

6. Adjournment

MOTION: *Rich Wood moved to adjourn the meeting at 9:13 p.m. DeLin Anderson seconded the motion. Those voting aye: Matthew Everett, Rich Wood, and DeLin Anderson. The motion passed with a unanimous vote.*

Approved by the Planning Commission on November 13, 2018.


Steve Mumford, Community Development Director

