

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

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

COMMISSION MEMBERS PRESENT: Preston Dean, Bonnie ElHalta (arrived at 6:06), Wendy Komoroski, Matthew Everett, and John Linton.

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

ELECTED OFFICIAL PRESENT: Donna Burnham

Commissioner Linton called the meeting to order at 6:04 p.m.

1. Declaration of Conflicts of Interest

None

2. Approval of Meeting Minutes

A. October 22, 2013

MOTION: *Preston Dean moved to approve the October 22, 2013 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Preston Dean, Matthew Everett, Wendy Komoroski, and John Linton. The motion passed with a unanimous vote.*

3. Development Items

A. Clearview Ranch Phase A Plats 1 & 2; Final Plats –Action Item

These are the two phases of the recently approved Clearview Ranch Preliminary Plat. Each plat contains 27 lots, with a minimum lot size of ½ acre. The project is located north of SR-73, west of the North Ranch neighborhood.

Steve Mumford explained that these two proposed phases are part of the approved Clearview Ranch Preliminary Plat. The project is located north of SR 73 and south of Arrival at North Ranch Development. Each plat contains 27 lots, with a minimum lot size of ½ acre. Lots 226, 227, and 127 have been extended to help meet the side setbacks.

The two parks have been revised to meet the required point totals for amenities, as shown on the submitted landscaping plans. Each City park must be completed prior to 50% of the building permits being issued in the respective plat. The parks will be included in the subdivision bonds as well. A split rail fence will be provided at the parks as shown on the plan as well, to separate the parks from SR 73 and from the wash/gulley. The entryway monuments shown on the plan must be improved along with the 1.10-acre park, prior to 50% of the building permits being issued.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

The applicant has submitted plans to the City and to UDOT that include the widening of SR 73 to allow for right-turn deceleration lanes and left-turn deceleration lanes, as required by the Planning Commission.

There is not enough water pressure in the north area to feed Clearview Ranch development and the existing subdivisions. The issue came up when well number two went down in July. The City found that the north area residents could not water their lawns at the same time due to the lack of water pressure. Dave Norman the Assistant Public Works Director has been working with Psomas to figure out a solution to the water pressure. There is a water pipeline that runs from Pony Express to Cedar Pass Ranch that feeds the north area that requires updates. Because that waterline is the only water line that feeds the north area, the City will be replacing it with two 12 in. waterlines that will help supply water to the north area. With the two water lines the water pressure to the north area will still be insufficient by State standards. Commissioner Linton asked if that would be the City's obligation to install the waterlines and asked when the extra waterline would be finished. Mr. Mumford explained that because it affects existing homes in the north area, that it would be the City's responsibility and the waterline should be finished by July 2014. The developer would be required to put in additional infrastructure to the Clearview Ranch development if the development requires more pressure before the project is developed.

If the Planning Commission chooses to recommend approval of this project to the City Council, the following are possible conditions of approval:

- 1) The plats may not be added to the City Council's agenda for approval until the applicant can demonstrate to the City Engineer's satisfaction that adequate water can be provided to these developments.
- 2) If required by the State, a copy of an approved stream alteration permit for changes to the West Wash must be submitted.
- 3) The SR 73 road widening improvements must be completed along with the infrastructure for the applicable plat, prior to receiving building permits.
- 4) Comply with the City Engineer's redline comments on the construction drawings and plats.

An email letter from Chuck Williams, a Stream Alteration Specialist from the Utah Division of Water Rights, was presented. The letter states that a stream alteration permit is not required for this stream (wash) but does not exempt the developer from any regulatory authority that may have authority; that could include the Army Corps of Engineers. Mr. Mumford explained that the City would have the developer work with the City Engineer to help with any requirements needed. Commissioner Dean asked if the City has any code requirements dealing with the wash. Mr. Mumford stated that the only City Code requirement that he is aware of, is that no structure should be placed within 100 ft of a wash.

Mr. Mumford explained that the letter would take care of the recommendation for item number two, that a stream alteration permit be required by the State. Commissioner ElHalta felt that the recommendation for number two should be reworded and not taken off the required

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

recommendation list. She stated that the State might not require a permit but another authority could require a permit.

Steve Sowby, the engineer of the development, stated that he agrees with the recommendation generally. He felt confident that the Federal government would not require a stream permit for the wash, because the wash is not a navigated stream. He is disappointed that the water system is not up to code and explained that it's not the developer's fault. He felt that the developer should not be held up for existing City problems. The developer would like to see the issue resolved before any building permits are issued. He encouraged the Planning Commission to approve the development with conditions to the water system.

Commissioner Dean asked Mr. Mumford what the reasoning was behind not adding the plats to the City Council agenda until the water system issue is resolved. Mr. Mumford explained that once the plat is recorded the developer can sell lots. The developer can sell individual pieces to builders and individual home owners, then the City is forced to restrict individual lot owners. It would be harder to resolve the water issues. The individual builders and lot owners would have to get together and resolve the issue.

Commissioner Dean requested that the plats not be recorded until the applicant can demonstrate to the City Engineer's satisfaction that adequate water can be provided to these developments.

Mr. Sowby stated that the Planning Commissioners should go one step further and allow the development to be recorded, but not allow building permits to be issued. Commissioner Dean felt that the City had a good reason not to allow the developer to record the plats. Commissioner Linton expressed concern over selling lots that are inefficient and how irresponsible it would be of the developer and City.

MOTION:

Preston Dean moved that the Planning Commission recommend the Clearview Ranch Phase A Plats 1 & 2 Final Plats to the City Council with the following recommended conditions:

- 1) The plats cannot be recorded until the applicant can demonstrate to the City Engineer's satisfaction that adequate water can be provided to these developments.***
- 2) If required by any regulatory authority, a copy of an approved stream alteration permit for changes to the West Wash must be submitted.***
- 3) The SR 73 road widening improvements must be completed along with the infrastructure for the applicable plat, prior to receiving building permits.***
- 4) Comply with the City Engineer's redline comments on the construction drawings and plats.***

Bonnie ElHalta seconded the motion. Those voting aye: Bonnie ElHalta, Preston Dean, Wendy Komoroski and John Linton. Those voting nay: Matthew Everett. The motion passed with a 4 to 1 vote.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

B. Development Code Amendment – Infrastructure & Building Permits – Public Hearing, Action Item

This Item includes proposed amendments to Chapter 16.05.100 Compliance Required, Chapter 16.05.130 Most Restrictive Standards Apply, and Chapter 15.10.230 Building Permits. The amendments require that electrical and natural gas infrastructure be installed and functioning prior to issuing any building permits, including those for model homes.

Mr. Mumford explained that after beginning infrastructure improvements in a subdivision, developers are generally anxious to sell lots to builders, and the builders are anxious to begin construction of model homes. The builder often wants to begin the model homes before the infrastructure is completely installed. This can be problematic, especially for the dry utilities. If the dry utilities are not “energized,” or active, they cannot be “blue-staked.” The blue stakes equipment can only locate active gas and power lines. It becomes easier to hit a gas line if it has not been blue staked, which can have dire safety consequences. The City’s Energy Director has requested that the City Codes be amended to require that the dry utilities be completely installed and active prior to approval of any building permits, including model homes. Commissioner Komoroski asked what the time frame is from infrastructure to energizing the lines. Mr. Mumford explained that it could be weeks.

Commissioner Linton opened the public hearing at 6:45 p.m.

None

Commissioner Linton closed the public hearing at 6:45 p.m.

MOTION:

Preston Dean moved that the Planning Commission recommend the approval of the Development Code amendments to Chapter 16.05.100 Compliance Required, Chapter 16.05.130 Most Restrictive Standards Apply, and Chapter 15.10.230 Building Permits to the City Council with the conditions stated in the staff report. Wendy Komoroski seconded the motion. Those voting aye: Bonnie ElHalta, Preston Dean, Wendy Komoroski, Matthew Everett and John Linton. The motion passed with a unanimous vote.

C. Development Code Amendment – Public Hearing, Land Use Authority, Appeal Authority – Public Hearing, Action Item

Includes proposed amendments to Chapter 16.05.220 Tables and Chapter 17.05.190 Tables. The proposed changes streamline some administrative development applications to the benefit of all parties (City, residents, developers).

Mr. Mumford recommended that this item be tabled. The City Attorney wants to review the proposal and LUDMA (Land Use Development Management Act) before providing feedback. He explained that, there are two different kinds of actions or decisions that the Planning Commission and City Council are involved in concerning development:

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

- (1) Legislative Actions with public hearings (valid if reasonably debatable that it advances the general welfare);
- (2) Administrative or Quasi-Judicial Actions (valid if supported by substantial evidence in the record).

The State Code governs the process for legislative actions, including rezoning and amendments to the City's General Plan and Development Code. The rezoning portion of a Master Development Plan is also considered a legislative action. The City Council is the approval authority for these decisions, and public hearings must be provided. Decisions for these applications also contain the most flexibility, as a decision has to be reasonably debatable that it advances the general welfare. Citizens should be involved in these public hearings, as their "reasonably debatable" opinions can make a difference.

Administrative applications include preliminary plats, final plats, site plans, and conditional uses. Although it has been considered to be generally acceptable practice in many cities, administrative applications do not require approval by the City Council. In fact, many cities have streamlined approval processes of these applications for the following reasons (among others):

- To reduce or eliminate frustration of the City Council when they review plans. The Council can become frustrated when they cannot make substantial changes to a final plat because a preliminary plat was already approved by the Planning Commission. Changes sometimes may not be made if the proposed subdivision plat complies with the City Code.
- To reduce frustration of residents. Residents come to public hearings expecting that their voices are heard and their concerns reflected in the Planning Commission or City Council's decision, but if a subdivision plat or site plan complies with the City Code requirements, they may not be able to implement any of the residents' concerns.
- To reduce "government red tape." Each year various applications are reviewed by the Planning Commission and City Council that seem to be more of a formality than a necessary process, since the decisions are fairly "cut-and-dry."
- To free up time for the Planning Commission to focus on actual planning, rather than only subdivision review. The Planning Commission should be spending a majority of their time on the General Plan, the Future Land Use and Transportation Corridors Map, the City Code, and other planning-related items. Subdivision and site plan reviews are important, but the real planning for the City happens long before these applications are even submitted.
- To free up some time for the City staff to get more involved in future/long range planning, capital improvement projects, community development, and other important duties. A majority of the Planning Department's time is taken up with receiving & routing applications for review, reviewing plans, writing and

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

preparing staff reports, putting together packets for both the Planning Commission and City Council, preparing the proper notices for public hearings, and preparing PowerPoint presentations for meetings. Any simplification of the review/approval process will be beneficial to the future planning of the city.

Commissioners felt that there should be a way to educate the residents on what the Planning Department can and cannot do. Commissioner ElHalta stated that residents think they are not being heard, at the time residents voice their concerns there is nothing the Planning Department can do. Commissioner Komoroski felt that education and information about the project should be mailed out to the resident with any notice required for land development. The education and information should contain what the Planning Commission can or cannot do and what is being proposed. She also stated that if residents know where they have a voice and where they do not have a voice it would help resolve frustrations.

Mr. Mumford reviewed the following proposed changes:

1. Preliminary Plats
 - a. Residential & non-residential plats with greater than 5 lots or a multi-family plat would be reviewed by both the Commission and the Council, with public hearings at both.
 - b. Plats with less than 5 lots would be approved by the Planning Director & City Engineer.
 - c. Major amendments to a plat would require approval by the City Council.
 - i. Major amendments include an increase in lots or units, a decrease in improved open space, or a significant change to a road or lot configuration.
 - d. Minor amendments would be approved by the Planning Director and City Engineer.
 - i. Minor amendments include changes that do not fall into the category of "major amendments."
2. Final Plats & Final Plat Amendments
 - a. Final plats would be reviewed for approval by the Planning Director and City Engineer. These plats should conform to the approved preliminary plat. If they do not (except for minor modifications), an amendment to the preliminary plat would be required prior to any approval of the final plat.
3. Site Plans & Master Site Plans
 - a. Master site plans (multi-family, non-residential > 5 acres or to be developed in phases) would still be approved by the City Council.
 - b. A site plan that is less than 5 acres would be approved by the Planning Commission.
 - c. A site plan that is a phase of an approved master site plan would be approved by the Planning Director and City Engineer.
 - d. A minor amendment to a site plan would be approved by the Planning Director and City Engineer. Major amendments would be approved by the original approval authority.

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Linton stated the reason the Planning Commission had Item A, the Clearview Ranch plats, is because it was not addressed properly at the Preliminary Plat level. He was concerned if the City wiped out the final plat level, how could the City prevent or avoid this type of problem from happening in the future. Mr. Mumford explained that the preliminary plat should be under more scrutiny, where the final plat should just be construction drawings that are reviewed by the City Engineer and the preliminary plat conditions looked at by City staff. There would still be the option for an appeal process. The City would give their stamp of approval and if the developer felt that it was not a fair approval, then the developer could appeal it to the Planning Commission.

Commissioner Linton was concerned that the City Council was not receiving the background information behind the Planning Commissioners' recommendations and decisions. He felt that the Planning Commission has an obligation to make sure every project is up to the best quality. He does not mind having two sets of eyes for projects, but does not want to create more work for another body and/or lose work that should be reviewed by a specific body.

Mr. Mumford suggested a concept plan that would be reviewed by Planning Commission before the preliminary plat or have final plat come to Planning Commission.

Mike Hadley explained that final plat approval would not just be the Planning Department, it would be a combination of Public Works, Parks Department, Planning, and any other applicable department.

Commissioner Dean requested that future preliminary plats require more detail. Commissioner Linton requested that the Planning Department's checklist for preliminary plats be more defined with future developments. Commissioner Dean felt that the new streamlining would give the developer more security.

Commissioner Linton was concerned about public hearing notifications on larger lot developments. Mr. Mumford explained that he would be looking into the issue.

Commissioner ElHalta recommended tabling the item.

Commissioner ElHalta was excused from the meeting at 7:15 p.m.

Commissioner Dean was concerned with property that would not be in a big commercial development, like an individual smaller piece. He felt that it would have value if the City Council reviews those site plans.

Commissioner Linton opened the public hearing at 7:24 p.m.

Lee Gillenwater, 2020 Autumn, asked if there was a fallback plan when a plat is over-tweaked and at what time it should go back to City Council or Planning Commission. Mr. Mumford explained that plats would be reviewed again if the developer adds lots, changes roads, or decreases open space. He also explained that the developer would have to have a good reason

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

Eagle Mountain City Conference Room; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

other than financial hardship to change the development. He explained that in Logan there was a 10% rule: if the development changed 10%, that project would require a review.

Marianne Smith, 6104 Lake Mountain Road, requested that any type of approval for BLM or State land in the City area be addressed in the City Code.

Commissioner Linton closed the public hearing at 7:30 p.m.

MOTION: *Preston Dean moved that the Planning Commission table the Development Code amendments for Land Use Authority and Appeal Authority. Wendy Komoroski seconded the motion. Those voting aye: Preston Dean, Wendy Komoroski, Matthew Everett and John Linton. The motion passed with a unanimous vote.*

4. Work Session

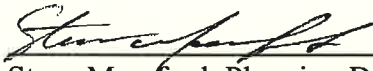
A. Discussion of Potential Changes to the General Plan & the Municipal Code

B. Next Scheduled Meeting: November 26

5. Adjournment

The meeting was adjourned at 7:35 p.m.

APPROVED BY THE PLANNING COMMISSION ON DECEMBER 10, 2013.



Steve Mumford, Planning Director