



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

October 26, 2021, 5:30 p.m.

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jeremy Bergener, Matthew Everett, and Brett Wright. Commissioner Christopher Pengra was excused.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Erin Wells.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission.

CITY STAFF PRESENT: Tayler Jensen, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

CITY STAFF PRESENT ELECTRONICALLY: Steve Mumford, Assistant City Administrator/Community Development Director.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Wright called the meeting to order at 5:35 p.m.

1. Discussion Items

1.A. INFORMATION ITEM – Wildlife Corridor Rezone

Senior Planning Tayler Jensen presented maps that identify areas the City desires to protect including land designated for the wildlife corridor, parks and open space, and 25-foot-wide washes and 50-foot-wide ridgeline buffers. The total acreage of land within the wildlife corridor will be calculated designated as either buildable or unbuildable to determine the appropriate compensations for the dedication of buildable area to the City such as open space credit, density transfer, or design guideline credits. The property owners with land in the corridor have been identified. After the completion of data collection, the City will begin discussions with the impacted landowners and will work on a City-driven rezone to apply the Wildlife Corridor Overlay Zone to the properties. The overlay will be added to the updated City zoning map.

1.B. LAND USE TRAINING – DISCUSSION ITEM

Mr. Jensen presented the item. The Planning Commissioners and City Councilmembers occasionally act in a judicial role. Judicial is the least frequently used of the three powers granted to decision-making bodies, executive and legislative being the other two. When acting in a quasi-judicial role Commissioners are tasked with interpreting the law/ordinance when disputes arise about the enforcement of executive actions such as granting a variance from Municipal Code standards or business license appeals. The quasi-judicial is the most restrictive of the three roles.

Public input is restricted to the parties in the case. The role is based on established state law and community ordinance and seeks only to identify errors made in the process. The decision is not judgmental through determining right or wrong but instead focuses on if the process was followed. Public input is for information only.

In quasi-judicial functions:

- A. Decision-makers are neutral and unbiased.
- B. Conclusions of law are based on relevant statutes, ordinances, and case law that are identified in the record.
- C. Findings of fact are based on substantial evidence included in the record of the proceedings and nothing else.
- D. There are no ex parte contacts or political pressure.
 - a. For example, conversations outside the meeting with an interested party.
- E. Public clamor is irrelevant to the decision.

To ensure due process:

- Decision-makers must be impartial.
- Each party has a fair opportunity to present evidence and argument to the decision-maker.
- All law and evidence to be considered are made available to each party in a manner that allows each party to review and respond to it.
- Those providing evidence as witnesses, if any, shall be available for questions.

The Utah League of Cities and Towns and the Land Use Academy of Utah have more information and resources available on the subject.

Commissioner Everett inquired if a mechanism is in place to communicate the Planning Commission will be called to act in a quasi-judicial role on an item to inform the Commission that the terms are in effect regarding ex parte conversations.

Mr. Jensen said the City has not experienced issues with the Planning Commission behaving inappropriately in the past. Staff will communicate upcoming agenda items to the chair and vice-chair and provide the requisite 10 to 14 days of public noticing before the meeting. Items, such as appeals and variances, are not official until the City receives an application.

Commissioner Everett recommended adding a specified notification process to the Planning Commission Policies and Procedures, the Commission drafted in 2019 and adopted in January 2020, as he has learned of items in the past via questions from the residents or post on social media after the public notice has been posted and prior to notification through City channels.

Mr. Jensen stated that a notification procedure could be introduced. Should an ex parte conversation have occurred, the Commissioner could disclose the conversation or be recused from the decision depending upon what the Commission and City Attorney felt was most appropriate. At times, an item may have elements that fall under the ex parte conversation limitations in addition to aspects the Commission would be free to discuss.

Commissioner Wright concurred with the recommendation to create a procedure to notify the Commission in a timely manner regarding upcoming items requiring them to act in a quasi-judicial role.

1.C. DISCUSSION ITEM – City Rezone #2

Assistant City Administrator/Community Development Director Steve Mumford presented the item. A number of master development agreements (MDA) have expired and new zoning has been adopted. The City is beginning the process to rezone existing properties in the City to match current zones in Municipal Code. The process will occur in stages over several months. The areas will be reviewed by the Planning Commission and discussed in work sessions prior to notifying property owners and presenting rezones in public hearings.

Current properties and homes noncompliant with the standards for a new zoning designation are legal nonconforming uses in accordance with Utah Code 10-9a-511 standards including:

- “Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.”
- “A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.” To be considered abandoned, the home must have been unoccupied for a minimum of six months.
- Abandonment: “A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use.”

Setbacks listed on a recorded plat would continue to apply, no matter the setbacks in the zone in Municipal Code, unless the City found a countervailing public interest for applying the new setbacks. Accessory structure setbacks in the code would apply, but nonconforming structures would be grandfathered.

Per a new addition to Utah Code 10-9a-509 during the most recent legislative session:

- “(4)(a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.”
- “(4)(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.”

City rezone area #2 includes Ash Point and Ruby Valley. The Future Land Use Map in the General Plan designates the area as Neighborhood Residential One, Foothill Residential, Parks and Open Space, and Community Commercial. Rezoning based solely upon minimum lot sizes would prevent zone groupings as many properties have a lot size noncongruent with the lot size of the adjacent lot according to the current minimum lot size designations.

Commissioner Wells virtually joined the meeting at 6:00 p.m.

The properties were evaluated in accordance with the following Municipal Code standards:

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
Zone Designation	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Minimum Residential Lot Sizes	5+ acres (217,800 sq ft)	2.5 acres (108,900 sq ft)	1 acre (43,560 sq ft)	1/2 acre (21,780 sq ft)	1/4 acre (10,890 sq ft)	1/4 acre (10,890 sq ft)	8,000 sq ft	6,500 sq ft	4,500 sq ft		
Minimum Average Lot Sizes ⁷				3/4 acre (32,670 sq ft)	1/2 Acre (21,780 sq ft)	1/3 Acre (14,520 sq ft)	1/4 Acre (10,890 sq ft)	8,500 sq ft	6,000 sq ft		
Required Improved Open Space (in compliance with EMMC 26.23.010)				500 sq ft per lot	750 sq ft per lot	750 sq ft per lot	900 sq ft per lot	1,000 sq ft per lot	1,000 sq ft per lot	1,000 sq ft per 3 bd; 750 sq ft per 1 and 2 bd	1,000 sq ft per 3 bd; 750 sq ft per 1 and 2 bd
Primary Structure Maximum Height ¹	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'
Accessory Structure Maximum Height ¹	35'	35'	35'	25'	20'	20'	20'	20'	20'	20'	20'

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
Zone Designation	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Minimum Setbacks for Primary Structures ³											
Front	35'	35'	30'	25'	25'	25'	25'	15'	15'	15'	15'
Front Garage	45'	45'	40'	30'	25'	25'	25'	22'	22'	22' ⁵	22' ⁵
Rear	35'	35'	35'	35'	35'	25'	20'	20'	20'	30' between buildings	
Side	20'	20'	15'	10'	10'	10'	8'	8'	8'	15' between buildings	20' between buildings
Garage Side	20'	20'	15'	15'	10'	10'	10'	10'	10'	15' between buildings	20' between buildings
Street Side	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'	15'
Maximum Size of Accessory Structure				75% of dwelling footprint ²	50% of dwelling footprint ²						
Minimum Setbacks for Accessory Structures											
Front	Same as principal structure										
Rear	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Side	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'

Mr. Mumford presented graphics indicating the proposed zoning for each of the lots in the developments. The residential zones have the following minimum lot frontage requirements: RC 58 feet, R3 62 feet, R2 80 feet; R1 85 feet, FR 90 feet, and RA-2 150 feet. Staff evaluation and considerations including lot size, frontage, setbacks, and preventing the subdivision of lots resulted in proposed zoning including OS-N, OS-I, PF, FR, RA-2, R1, R2, R3, and RC. The area

indicated as OS-N is privately owned and likely unbuildable due to inaccessibility and topography challenges. The area designated with the PF Zone is a church and a park owned by the Church of Jesus Christ of Latter-day Saints. He explained that should a resident voluntarily remove a structure without prior consent from the City, in order to rebuild the structure as previously constructed, they would lose their previously grandfathered status and new construction would be subject to current ordinances.

Commissioner Everett supported grouping properties into zones as much as reasonably possible rather than spot zoning properties individually.

Commissioner Bergener said he had no objection to the proposing zoning due to the reasoning employed by staff in assigning the designations.

Mr. Mumford said Joe's Dugout adjoins the OS-N area to the south and is designated as commercial property in the General Plan, to the northwest is an open space City parcel, and to the west is Circle Five Ranch. A parcel in the central north FR area is owned by the adjacent property owner and the intent was to originally combine the lots. The rear parcel could not be subdivided because it lacks road frontage and access. The City owns an unbuildable lot due to topography in the R3 cul-de-sac that could be zoned as open space or R3 to allow the land to be sold to an adjacent property owner.

Commissioner Wright agreed that the suggested FR zoning would be most appropriate and would prohibit the subdividing of the lots, the location along a hillside, and the minimum average lot size for the FR Zone. He would prefer for the northern parcel to be zoned as RA-2 rather than FR to provide an appropriate buffer to the RA-2 lots and to prevent subdivision of the lot should a method to add access be devised.

Commissioner Wright adjourned work session at 6:26 p.m.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wright called the policy session to order at 6:30 p.m.

2. Pledge of Allegiance

Commissioner Bergener led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. October 12, 2021 Planning Commission Minutes

MOTION: *Commissioner Bergener moved to approve the October 12, 2021 minutes. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: None. The motion carried with a vote of 3:0. Commissioner Wells abstained as she was not in attendance at the October 12, 2021 meeting.*

5. Status Report

Mr. Jensen reviewed the planning items discussed and voted upon during the October 19, 2021 City Council meeting.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Sign Code

This item was removed from the agenda at the request of the applicant.

6.B. PUBLIC HEARING – Mochila Rezone

Mr. Jensen stated that staff review determined that the property had previously been rezoned with the RTI Overlay Zone in 2018. The item was removed because the rezone is not necessary.

6.C. PUBLIC HEARING – Tagg N Go Carwash

Mr. Jensen presented the item. The proposed site plan is located directly south of Maverick, and directly north of the recently approved Stonebridge Montessori School. EMMC 17.60.110(D) requires a headlight screen of 3.5 feet capable of blocking headlights. The applicant is proposing a number of compact burning bush plants between the drive aisle and Ranches Parkway, to serve as a headlight screen. The Parks and Recreation Director stated that the plants would be spaced closely enough to form a hedge to provide adequate screening. EMMC 17.72.040(A) requires commercial buildings to be similar in style to significant adjacent buildings. The significant adjacent buildings include the Maverick and Stonebridge Montessori School. The elevations are similar in style to the Stonebridge School while the chosen colors are of a darker pallet. It shall be up to the Planning Commission to determine if any changes shall be required.

The traffic study of the existing level of service for the study area concluded that the intersection of Wride Memorial Highway and Ranches Parkway operates at a level of service (LOS) D, the intersection of Ranches Parkway and Campus Drive operates at a LOS A, the intersection of Ranches Parkway and Stonebridge Lane operates at a LOS A. The project trip generation anticipates 61-weekday trips entering and exiting, 7 AM trips entering and exiting, and 29 PM trips entering and exiting the business. The addition of the car wash for the full development level of service for the study area retained the same level of services except for reducing the intersection of Ranches Parkway and Campus Drive from a LOS A to a LOS B in 2022 and reducing the intersection of Ranches Parkway and Stonebridge Lane from a LOS A to LOS B by 2025. The City Engineer reviewed the study and based upon the mitigation and the submitted

plan, he recommended approval. The north-to-south connection to the Stonebridge Montessori School will be provided but has been moved to the west slightly at the request of the school.

The proposal includes seven normal parking stalls and 19 vacuum stalls. Quiet hours are defined as 9:00 p.m. to 7:00 a.m. Monday through Friday and 9:00 p.m. to 9:00 a.m. on Saturday and Sunday.

Staff recommends the Planning Commission motion to recommend approval of the Tagg N Go Site Plan to the City Council with the following condition, and any other conditions the Planning Commission feels are appropriate:

1. The project shall comply with quiet hours defined in EMMC 8.15.070 as 9:00 p.m. to 7:00 a.m. Monday through Friday and 9:00 p.m. to 9:00 a.m. on Saturday and Sunday.

Mr. Jensen clarified that the Parks and Recreation Director did not have concerns with the compact burning bushes providing adequate screening during the winter when they lose their foliage because of the density of the plants. The north to south drive access has been moved slightly to the west to accommodate the school.

Commissioner Wright opened the public hearing at 6:46 p.m.

Camille Gardner said she is concerned with the traffic generated during peak hours due to the length of queues at other carwashes. She feels the site has inadequate onsite queuing and the carwash traffic combined with the school will result in traffic backing up onto the roads. Traffic from Rockwell Charter High School already backs up onto residential roads. Residents with nearby homes would not have a route to pass through the other traffic. The road is insufficient and the business is not appropriate for a residential road. The road should be widened and righthand turn lanes should be provided on Ranches Parkway and Stonebridge Lane to accommodate the business.

The following residents provided email comments on the item:

Dear Eagle Mountain Planning Commission,

I am deeply concerned about the proposed Tag-N-Go with entrance on Stonebridge Ln. As a resident on Stonebridge Ln its already risky getting onto Ranches Parkway. There is already traffic with the high school and I cannot see how safely you would place further traffic on this street. With the long lines car washes in this area receive, it is ridiculous to think of placing those lines in a Residential neighborhood (proposed entrance on Stonebridge Ln). A little up the street you have a sharp bend that impedes visibility. You will have accidents on both Ranches Parkway and Stonebridge Ln. As a family we walk along the running paths on Ranches Parkway and would be highly concerned for the safety of my kids at both corners of the proposed establishment. Why would you think putting a car wash where kids (both neighborhood kids & high school students) often travel, could be safe? A sincere explanation would be appreciated.

Thank you for your time.

Brian Koka
Stonebridge Ln Resident

To Whom It May Concern:

As a resident who lives on Stonebridge Ln in a residential neighborhood, I am deeply concerned for the proposal of putting in a car wash at the entrance of our neighborhood. Not only do I have young children, but we have so many young families in this area who use the walkways on Stonebridge and Ranches Parkway. It's already dangerous trying to turn left from Stonebridge to Ranches Pkwy, I can't even fathom how horrific traffic would become with cars coming and going constantly. I also would hesitate to even walk the path anymore with my young children knowing how careless drivers can be when they are in a hurry.

Quite frankly, it would be ignorant and reckless to put a car wash at this location. I could understand a business with offices (dentist, Dr, etc) because while traffic would increase, it would be regulated significantly in comparison to a car wash with constant movement.

This would impact our quality of life here in a neighborhood we love and have appreciated having the space and quiet. Please listen to the residents that this would impact the most.

Sincerely,

A concerned resident
Carrie Koka

I am really concerned about the traffic that would occur from having a car wash on the corner of Stonebridge lane and ranches parkway. This intersection has frequent accidents and it is already dangerous enough to try to turn left into ranches when you cannot see clearly up the road. Having way more cars have to enter from the intersection is an insanely bad idea. Have they looked to see what the safety impact would be? How it would back up traffic on Stonebridge, especially during heavy traffic time frames like when the school begins and ends. We would need a traffic light to safely get everyone off of Stonebridge and onto ranches without having traffic back up, which means then that the traffic would then back up onto ranches parkway impeding drive-73. The businesses that will be placed onto this intersection need to be low trafficked businesses or it is going to create a headache and safety issue. I had no idea they were even planning this until someone posted on social media. This is insane that it would even be considered a good idea. Please seriously consider the safety impact this would have on that intersection.

Alexis Hicks

I am writing to voice my concern over the access road proposed from Stonebridge Lane to the new car wash being put in next to Maverick. I live on Stonebridge Lane, and as it is, it is too congested with the Rockwell Charter school and the traffic on the Ranches Parkway. We could really use a traffic light but it's too close to the light at SR-73 and Ranches Parkway for a second light to be feasible. A designated right turn lane on southbound Ranches Parkway is necessary for the current traffic there, and another designated right turn lane would be needed on Stonebridge to accommodate an entrance street for the car wash. There is no way our street can hold the traffic that comes with a car wash without a major redesign of the proposed plan that has been put forward which proposes no change to either Stonebridge Lane or the Ranches Parkway. Please do not go forward with the current plan.

Christine Kiesel

To Whom it may concern,

I live on Stonebridge Lane. Having this business entrance come off our street is going to pose many problems. If you are unfamiliar with this turn it is quite tight. If you're coming off of SR73 heading south on Ranches Parkway you really have to put your turn signal on when you start the curve and ride your brakes until the turn. It's a tight turn like I said and the cars on Ranches Parkway don't like to slow down. I've been surprised that over the last 8 years I've lived here there haven't been more accidents. We've had many close calls. There is no feasible way for this to work without a light, and adding the light feels a little silly since there's already a light right around the corner at SR73.

It looks to me like the car wash is going to be right next to the Maverick. Why would the entrance not just be right there through the parking lot? There's already a partial road built right there. Currently it's just used for parking, often by the sheriffs. It would seem more logical to me as there is already more traffic in and out through the Maverick than there is on our street.

Realistically I really don't know that our street can handle that influx of traffic, especially around the start and stop times for the school right down the road. Please reconsider allowing this to occur. The parking lot entrance really is the better option. There's already a crossway cut in across both sides of Ranches and people are already used to watching for cars turning there. I'm really concerned about the number of accidents that will occur should the entrance be put on Stonebridge lane.

Michelle Blackburn

Commissioner Wright closed the public hearing at 6:54 p.m.

Mr. Jensen explained that the traffic engineer reviewed the daily trip estimates in the traffic study prior to approving the study.

Discussion ensued evaluating the traffic volume estimates in the traffic study.

Commissioner Everett expressed concerns regarding staff numbers and staff parking needs and using a deciduous bush for headlight screening due to the lack of foliage during a portion of the year resulting in inadequate screening. He recommended tabling the item until an applicant can be available to answer questions.

Mr. Jensen stated the traffic study indicated that additional commercial uses being added to the area will result in the need for a traffic light at Stonebridge Lane and Ranches Parkway. The traffic engineer indicated a light at that location could also improve the traffic at the intersection of Campus Drive and Ranches Parkway.

MOTION: *Commissioner Everett moved to table the site plan for Tagg N Go Carwash until an applicant is able to be present to answer questions. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

6.D. PUBLIC HEARING – Shooting Ranges

Mr. Jensen presented the item. The RTI Overlay zone currently allows “Indoor Shooting Ranges” but there is no definition or standards for either indoor or outdoor shooting ranges in City Code. This change is proposed to allow for and regulate said uses in the City.

Municipal Code currently permits:

9.10.030 Discharge allowed at Firing Ranges

This article shall not prevent the firing of firearms at any rifle, pistol, or shotgun range lawfully designated by the City Council of Eagle Mountain.

Proposed changes to Eagle Mountain Municipal Code:

17.48.040 Allowed Uses

M – Indoor Shooting Ranges 17.10.030 Definitions

“Indoor Shooting Range” means a target range used for shooting, or for any other use involving the discharge of handguns, rifles, or Archery Bows, which is open to the General Public upon payment of a fee and which is located within the confines of a building.

“Outdoor Shooting Range” means a target range used for shooting, or for any other use involving the discharge of handguns, rifles, or Archery Bows, which is open to the General Public upon payment of a fee and which is located outside the confines of a building.

17.20 Agricultural Zone

17.20.050 Conditional and special uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area and special uses as defined in 17.75 will be considered:

K. Outdoor Shooting Range – Special Use

17.35.030 Commercial Land Use Table

Commercial/Nonresidential Uses			
	Commercial Neighborhood (CN)	Commercial Community (CC)	Commercial Regional (CR)
<u>Indoor Shooting Range</u>		<u>S</u>	<u>S</u>

17.37.030 Business Park Zones Land Use Table

Commercial/Nonresidential Uses			
	Light/Manufacturing/ Distribution (LMD)	Medical/Educational Campus (MEC)	Office Professional (OP)
<u>Indoor Shooting Range</u>	<u>S</u>		

17.40 Industrial Zone

17.40.040 Conditional and special uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area and special uses as defined in 17.75 will be considered:

K. Indoor Shooting Range – Special Use

L. Outdoor Shooting Range – Special Use

Chapter 17.75 Standards for Special Use

17.75.072 Indoor Shooting Ranges

Indoor shooting ranges may be permitted only where:

- A. Nuisance. The Use will not be a nuisance to surrounding uses.
- B. Lot Size. Shall be located on lots with a minimum of three (3) acres in size.
- C. Safety Regulations:
 1. The range shall conform to all federal, state, and industry regulations and standards for health.
 2. Material and construction shall be designed and certified to capture all fired rounds.
 3. No ammunition shall be permitted to be fired that exceeds the certified design specifications of the range.
 4. No alcoholic beverages shall be sold, consumed, or permitted on the premises.
 5. A written log of all range users shall be maintained by the ranger operator.

6. Minors shall not be permitted on the shooting range unless accompanied by an adult at all times, and at no time shall a child under the age of eight (8) be permitted to discharge or handle firearms on the shooting range.
7. On-site supervision and monitoring shall be provided by the range operator in addition to a credentialed qualified range master at all times.
8. An alarm system, cut wire protected, shall be provided for general security of the premises.
- D. Sound Study. A sound study shall be performed and submitted with the application indicating decibel levels at the property lines and on the interior of neighboring properties (if connected by a shared/party wall) a measurement of 65 decibels or above shall be considered a nuisance per 8.15.070 B.
- E. Additional Components: In addition to the above an Indoor Shooting Range may include the following components:
 1. A retail component for the sale of firearms, ammunition and other accessories related to firearms. Such facility shall comply with all licensing and operation requirements of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF), State Agencies, and other regulator organizations.
 2. Classroom facilities to be used for community education, public forums, and seminars on gun safety and use.
 3. Restaurant or dining component.

17.75.073 Outdoor Shooting Ranges

Outdoor shooting ranges may be permitted only where:

- A. Nuisance. The Use will not be a nuisance to surrounding uses.
- B. Lot Size. Shall be located on lots with a minimum of Five (5) acres in size.
- C. Standards:
 1. Access to the facility shall be from a public rights-of-way or road.
 2. The applicant shall submit a plan of operations for the shooting range, including all ancillary uses and activities. Such plan shall include a safety plan that addresses the safety and security of patrons, guests, staff, and persons on adjacent parcels or lots of land.
 3. Applicant shall provide documentation to demonstrate that such facility has been designed, and shall be operated, to contain, on-site, all projectiles and debris caused by firing ammunition.
 4. Food services, as well as groceries, sporting goods, merchandise, guns, and ammunition shall only be provided or sold to patrons, guests, staff, or operators of the facility.
- D. Safety Regulations:
 1. The range shall conform to all federal, state, and industry regulations and standards for health.
 2. Material and construction shall be designed and certified to capture all fired rounds.
 3. No ammunition shall be permitted to be fired that exceeds the certified design specifications of the range.
 4. No alcoholic beverages shall be sold, consumed, or permitted on the premises.
 5. A written log of all range users shall be maintained by the ranger operator.

6. Minors shall not be permitted on the shooting range unless accompanied by an adult at all times, and at no time shall a child under the age of eight (8) be permitted to discharge or handle firearms on the shooting range.
7. On-site supervision and monitoring shall be provided by the range operator in addition to a credentialed qualified range master at all times.
- E. Additional Components: In addition to the above an Outdoor Shooting Range may include the following components:
 1. A retail component for the sale of firearms, ammunition and other accessories related to firearms. Such facility shall comply with all licensing and operation requirements of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF), State Agencies, and other regulator organizations.
 2. Classroom facilities to be used for community education, public forums, and seminars on gun safety and use.
 3. Restaurant or dining component.
 4. Event Facilities

Commissioner Wright opened the public hearing at 7:08 p.m.

Jim Smith, one of the owners of Wasatch Wing and Clay, said he approached the City several months ago regarding allowing a shooting range and submitted a proposed ordinance to staff. They have no objections to the staff-drafted standards but would like to make some suggestions for consideration including the sale of guns and ammunition, firearm rental, restrooms, administrative office space to process liability releases, allowing yurt membrane structures for the office materials, instructors, and recovering lead from around the targets. They receive as many as 20 calls a day asking if they have a rifle range. The City lacks a safe area to use as a range, but they could create one if allowed. They want to provide a convenient, reasonably-priced, well-planned out, and safe range that will help prevent people from shooting in prohibited areas.

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

Commissioner Wells suggested for the amendment to address areas of the City inappropriate for shooting ranges such as the Wildlife Corridor Overlay Zone. Requiring three acres might be excessive for an indoor range located in commercial areas. It would be beneficial to include outside knowledgeable parties in amending the proposed standards.

Mr. Jensen explained manufacturing and selling of homemade ammunition is allowable in the City with ATF approval and the requirement for the range to conform to all federal, state, and industry regulations and standards for health was included to clarify that all standards as stipulated by other entities and agencies are required to be followed within City ranges.

Commissioner Everett expressed concern with fire prevention at outdoor ranges and advocated for prohibiting exploding targets and requiring landscaping maintenance to clear dry plant materials. He had no objections to Mr. Smith's recommendation.

Commissioner Wright concurred with concerns with exploding targets and suggested for such targets to be regulated either through the City or by a private range master. He recommended for EMMC 9.10.030 to include archery and bows, to strike "The Use will not be a nuisance to surrounding uses," from EMMC 17.75.072(A) Indoor Shooting Ranges to allow safety standards to determine the appropriate lot size for the use, to add "safety" to EMMC 17.75.072(C)(1) and EMMC 17.75.073(D)(1), to have the City perform or require regular safety inspections, and to amend EMMC 17.75.072(C)(6) from "an adult" to "a responsible adult." He supports the requests made by Mr. Smith during public comment. He requested to remove the planning director from the conditional and special uses approvals process stipulated in EMMC 17.20.050 and EMMC 17.40.040. He advised staff to utilize and evaluate Utah Code Title 47-3-101 Shooting Ranges when amending the standards and incorporating the applicable elements into Municipal Code requirements.

Discussion ensued regarding if shooting ranges are appropriate in the Community Commercial Zone in relation to the other allowed uses and appropriate supervision requirements for minor children using the range.

Mr. Jensen explained that the requirement for a sound study for shared party walls was intended for properties in a strip mall or other configuration with shared walls to prevent noise nuisance to the adjacent businesses and that requiring a parent or guardian to accompany minors could be problematic for scouting groups or classes. He clarified that EMMC 17.75.072(C)(1) requires that all State requirements be followed and prevents the need to update Municipal Code should State Code be amended.

MOTION: *Commissioner Wells moved to table the Municipal Code amendment related to Shooting Ranges to allow staff to incorporate changes requested by the Commission and to receive input from interested parties. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

7. Discussion Items

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for November 9, 2021.

Commissioner Everett stated he will not be able to attend the meeting in person but hopes to be able to attend electronically.

Commissioner Wells stated that she will not be in attendance due to a work conflict.

9. Adjournment

MOTION: *Commissioner Everett moved to adjourn the meeting at 7:37 p.m. Commissioner Bergener seconded the motion. Those voting aye: Jeremy*

Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

The meeting was adjourned at 7:37 p.m.

Approved by the Planning Commission on November 9, 2021.


Steve Mumford (Nov 17, 2021 15:52 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

2299_001 (000000004)

Final Audit Report

2021-11-10

Created:	2021-11-10
By:	Shawna Ellis (sellis@emcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAJ5bzMIqPhjr_sn-9WAE5XvDF1MfH56oS

"2299_001 (000000004)" History



Document created by Shawna Ellis (sellis@emcity.org)

2021-11-10 - 10:16:34 PM GMT- IP address: 206.251.45.149



Document emailed to Steve Mumford (smumford@emcity.org) for signature

2021-11-10 - 10:17:12 PM GMT



Email viewed by Steve Mumford (smumford@emcity.org)

2021-11-10 - 10:51:20 PM GMT- IP address: 206.251.45.149



Document e-signed by Steve Mumford (smumford@emcity.org)

Signature Date: 2021-11-10 - 10:52:57 PM GMT - Time Source: server- IP address: 206.251.45.149



Agreement completed.

2021-11-10 - 10:52:57 PM GMT

