



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

October 10, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Robert Fox, and Brent Strong. Alternate Commissioner Jimmy Eaton was excused.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Brandon Larsen; Planning Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Brad Hickman, Public Works Director; and Andrew Knowlton, GIS Intern.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the meeting to order at 5:36 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – City Trails Database

Public Works Director Brad Hickman presented the item. Despite all the trails within Eagle Mountain City, only one officially recognized trail exists, the Pony Express Trail. The City has three bike/ATV/two-track trails with use agreements with the School and Institutional Trust Lands Administration (SITLA) but does not do anything to mark, classify, or maintain the trails. All other trails (excluding sidewalks, asphalt trails, and the bike park) are not authorized City trails and are not officially sanctioned or maintained. The City does not have a current trail map and has not installed signage, assigned use designation, or established use agreements with the landowners for the trails. Some trail apps have information regarding City trails but some of that data is inaccurate.

During the summer of 2023, City GIS interns:

- Digitally mapped with current imagery all trails, including sidewalks and asphalt, within Eagle Mountain City boundaries.
- Entered the data into a GIS database including information regarding land ownership, trail names, trail lengths, and conflicts.
- Traveled all the trails to QA/QC (quality assurance and quality control) assess them to determine maintenance issues and concerns, connectivity, and accuracy issues.

The timeline moving forward:

- October 2023 – Present the information to the Planning Commission and City Council for discussion and comments.
- January 2024 – Invite user group discussions and comments.
- April 2024 – Implement an Off-Street Trails Master Plan.

- May 2021 – Present the plan to the Planning Commission and City Council for official, final approval.
- July 2024 – Trails plan funding budgeting annual maintenance.

GIS Intern Andrew Knowlton presented the trail mapping data he assisted in gathering and compiling of the City trail networks – 83 miles of the trails are located on City-owned property and 137 miles of the trails are located on private property. The City has use agreements for some of the trails on SITLA land.

Discussion ensued regarding the following:

- The definition of the types of trails;
- Individuals and groups placing signage for pedal-bike use only on City-owned land without permission and City representatives requesting the removal of the signs;
- Maintenance and liability concerns;
- Being strategic in the placement and number of trails;
- Parking concerns and conflicts and possibly installing parking lots in the powerline corridor;
- Offsetting the cost and infrastructure impacts of the use of Eagle Mountain bike trails by individuals and organizations from other cities; and
- Using cell phone tracking data to determine if City businesses are benefiting from nonresident usage of the bike trails.

1.B. DISCUSSION ITEM – Industrial Zone

Planning Manager Robert Hobbs requested Planning Commission feedback regarding the EMMC 17.40.030 Land Use Table for the Industrial Zone.

Commissioner Everett recommended better defining several of the use descriptions and questioned whether the City should allow onsite dry cleaning due to concerns with property and ground contamination. He asked if motels and hotels or public parks, plazas, and squares are appropriate uses in the Industrial Zone. He suggested that public buildings or facilities owned by the City and public and private utility structures or facilities be zoned Public Facilities and self-service storage businesses be zoned Commercial Storage rather than Industrial. Should moving and storage facilities remain a permitted or special use in the Industrial Zone, Section 17.40.070(F) should be amended to allow a maximum of six moving vehicles to be displayed outside of a building or in front of the fence to coincide with the number of vehicles permitted in the Commercial Storage Zone. Otherwise, the Commercial Storage Zone standards should be amended to reduce the number to three vehicles to maintain consistent standards. He objects to permitting the use of chain-link fencing.

The Planning Commission provided feedback regarding and discussed:

- The types of medical facilities they would desire to be located in an industrial area;
- The five-story building height limit;
- Adding uses referenced in EMMC 17.40.070, “service stations, gas pumps, plant nurseries, home improvement material yards, automobile sales,” to the land use table;

- Whether to limit the number of rental vehicles stored behind a six-foot privacy fence or wall; and
- Allowing for some flexibility to be able to consider desirable and similar uses not specified on the land use table while protecting against undesired uses.

1.C. DISCUSSION – Agricultural Zone Code Amendments

This item was presented and discussed during policy session following item 7.A.

Senior Planner David Stroud presented the current land uses in the Agricultural Zone and requested feedback from the Planning Commission regarding which uses should remain as conditional uses and which should be amended to permitted, special, or prohibited uses. Per State Code, conditional uses are required to be permitted by the City; however, Municipal Code standards can stipulate conditions for conditional uses. “Any use not specifically permitted in this chapter shall be prohibited,” could be removed from 17.20.030 as it is redundant.

City Attorney Marcus Draper stated that the verbiage in EMMC 17.20.030 specifying that excluded uses are prohibited is standard in other sections of Municipal Code.

Discussion ensued regarding the following:

- Parking impacts of riding arenas and other uses and other City requirements that govern parking;
- State Code requiring public and charter schools to be permitted uses in all zones;
- Schools can only be prohibited due to legitimate health and safety concerns; and
- Accessory structure setbacks in relation to the lack of a City definition of a front yard.

Commissioner Everett adjourned the work session at 6:38 p.m.

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

Commissioner Everett called the policy session to order at 6:38 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. September 26, 2023 Planning Commission Minutes

Commissioner Everett requested a correction to page four of the minutes to delete a superfluous inclusion of his name in the notation of Commissioner Bergener opening and closing the public hearing for item 6.C.

MOTION: *Commissioner Everett moved to approve the September 26, 2023 minutes as amended. Commissioner Fox seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

5. Status Report

None.

6. Action and Advisory Items

6.A. ACTION ITEM – Cedar Pass Ranch Plat F Amendment Recommendation

Mr. Hobbs presented the item. Applicants began constructing a house earlier this year. It was discovered after commencement that the house was situated too close to the street and the front property line. As the proposed 35-foot setback cannot be sanctioned through a variance process, a plat amendment application has been submitted for review and approval. There are no formal criteria found in the plat amendment section of EMMC 16.55; accordingly, the City may freely approve, approve with conditions, or deny the applicants' petition.

Cedar Pass Ranch was originally approved in Utah County. During its entitlement, a 50-foot circuitous building setback was imposed and memorialized by the plat. While interest in being allowed reduced setbacks for primary and accessory structures has been expressed by a few Cedar Pass Ranch residents, no formal allowance has been approved by the City which now controls development in the subdivision post-annexation. Most lots in the whole of Cedar Pass Ranch are built out and presumably positioned in compliance with the plat's required setbacks. The placement of the applicant's house was approved based on the plan depiction of a 50-foot front setback. Unfortunately, the actual placement of the home on the applicant's property was done in error. The house foundation and exterior shell framing are now in and set 35 feet from the front property line. Construction has been delayed pending the outcome of the proposed plat amendment. There appears to not be any real topographical hardship that would hinder having the building moved back another 15 feet from the front property line.

Applicant representative Danielle Peterson with Empress Homes, the builder for the project, said they are about \$450,000 into building the structure. The inspector measured the setback from the back of the road and approved the project. After a neighbor that had been denied a variance from the City noticed the setback issue, the applicant paid for a civil engineer to plat the property, and the setback measured 37 feet from the current property line and 50 feet from the back of the road. The project has been delayed for three months while the loan accrues interest until the issue can be resolved. The homeowner's association (HOA) originally approved the project then later noticed the setback error. She has an audio recording of an HOA representative agreeing to allow the project to move forward as designed. She explained the reasons, per her understanding, why some neighbors would not sign the petition. She was unable to reach other neighbors regarding the petition despite several attempts to contact them.

Commissioner Strong, a Cedar Pass Ranch HOA board member, said his recollection of the discussion of the project by the board differs from that recounted by Ms. Peterson. He said that he is aware that the issue was brought to the attention of the owner two days after the footings were placed. Although he recognized it was a mistake, Cedar Pass HOA had several complaints from neighbors that the building was too close to the property line. In Cedar Pass Ranch, a split rail fence was placed between the property line and the road making the property boundaries easily identifiable.

Commissioner Fox noted that due to the slope of the property, the reduced setback will be visually less impactful. Due to the number of faux pas with the approval of the application and the financial impact, it does not make sense to stand in the way of the project over 15 feet. The issue should have been caught by someone in the City before the footings were placed.

Ms. Peterson stated that she does not believe that insurance would cover the financial impact of a denial and that the expense would bankrupt the homeowner.

Mr. Hobbs stated that he did not observe any survey stakes placed on the property.

Mr. Draper clarified that the applicant is not required to have the land surveyed. The building permit application is unclear as to where the road is located in relation to the property line. The inspection for the footings was erroneously measured from the back of the road believing it was the property line.

Commissioner Everett stated that his assessment is that although a series of people did not perform their job appropriately, he does not believe that any of the parties acted with malicious intent. If this had come as a setback variance request prior to being built, he would have voted against the application.

Commissioner Bergener noted that we are all human and make mistakes and there needs to be allowances especially where people's rights and finances are impacted. Nevertheless, he is concerned with setting a precedence for granting reduced setbacks.

Mr. Hobbs clarified that the amendment allows for a note to be added to the plat to allow for an exception to the setback distance standards for this lot. This approval would not create a legal

precedent for future exemptions. However, it could create a psychological precedence for City officials to feel they need to grant other requests because this one was approved.

Mr. Draper confirmed that no legal precedence would be created but political pressure for additional exemptions could arise. There is no legal right to a plat amendment or requirement for the City to approve a plat amendment request.

Discussion ensued regarding ways to handle potential future setback reduction requests.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the amendment to Cedar Pass Ranch Plat F. Commissioner Allen seconded the motion.*

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The motion passed with a vote of 4:1.

7. Discussion Items

7.A. DISCUSSION – Multiple-Family Maximum Building Height Change to 45 Feet

Mr. Stroud explained that staff has been directed by the City Council to move forward with a Municipal Code amendment consideration to increase multifamily building height standards from 35 feet to 45 feet to allow for steeper roofs and additional architectural features. Also, under consideration is permitting flat roofs with amenities as have been developed in other areas in the State. Church heights in residential zones are limited to 35 feet with leeway for ancillary structures such as a steeple to be an additional 10 feet above the structure. The steeples in the community are much higher than permitted. A current application has a 71-foot-tall steeple on a 32.9-foot-tall structure. A height standard specific to steeples for religious structures in the City could be set.

Discussion ensued regarding the following:

- Current heights of church steeples in the City;
- Staff desiring to bring steeple heights into compliance with Municipal Code standards even though there have not been any reported issues or concerns with steeples;
- Maintaining the same building height for churches as multifamily units but allowing taller steeples;
- Elevator considerations and requirements in relation to building height standards; and
- Increasing roof height maximums to 45 feet to allow for taller ceilings in the units while retaining the three-story limitation for multifamily uses.

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for October 24, 2023.

8. Adjournment

MOTION: *Commissioner Strong moved to adjourn at 7:44 p.m. Commissioner Everett seconded the motion.*

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☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 7:44 p.m.

Approved by the Planning Commission on October 24, 2023.

Brandon Larsen

Brandon Larsen
Planning Director

10.10.2023 PC Approved Minutes

Final Audit Report

2023-10-26

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