



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 23, 2019, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham and Melissa Clark.

CITY STAFF PRESENT: Michael Hadley, Planning Manager; Tayler Jensen, Planner; and Lianne Pengra, Recording Secretary.

Commissioner Everett called the meeting to order at 5:32 p.m.

Adjourn to a Closed Executive Session

MOTION: *Commissioner Everett moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Commissioner Wood seconded the motion. Those voting aye: DeLin Anderson, Rich Wood, Matthew Everett, Brett Wright, and Jared Gray. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:33 p.m.

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

Commissioner Everett called the meeting to order at 6:09 p.m.

1. Discussion Item

1.A. Residential Zone & Residential Zone Bonus Density Entitlements Development Code Amendment

This item was discussed after item 5.D.

Commissioner Wood stated he has talked with the Commissioners and City Councilmembers and the majority feel that even with staff's changes, the zones need further amendments. The following are Commissioner Wood's requested changes:

- The nomenclature of the zones needs to be changed as to differ from the General Plan Future Land Use Map;
- The orange colors need to be changed on the Future Land Use map as they are difficult to differentiate;
- Neighborhood Residential 1 needs to be expanded to three separate zones. The three zones will limit lot sizes to 6,500 square feet to 8,500 square feet, 8,501 square feet to 10,000 square feet, and 10,001 square feet to 14,500 square feet. The last zone noted is more appropriate in Neighborhood Residential 2, but there is not much land designated as such in the General Plan;
- Neighborhood Residential 2 needs to be split into two zones;
- Neighborhood Residential 3 needs to be split into four zones: Cottage lots in one zone, Multifamily 1 will include twin homes up to 6 dwelling units per acre, Multifamily 2 up to 12 dwelling units per acre, and Multifamily 3 includes condos, not to exceed 20 dwelling units per acre, even though the current draft notes higher density allowances; and
- Add a third Rural Residential zone: RR1 should be 0.5 to 1.5 acres, RR2 1.51 to 4.99 acres, and RR3 5+ acres.

Commissioner Wood said Euclidian zone are better than what staff has presented, and developers are more familiar with those types of zones. The City also needs to designate where multifamily projects go. He said he looked into six different city codes and they are in line with his recommendations. The Municipal Code needs to dictate how many units are allowed in each building, because the product looks awful when more than twelve units are in a building.

Planner Tayler Jensen explained the number of units per building is dictated through the connectivity code. For example, in Tier III developments, a road connection is required every 600 or 900 feet.

Commissioner Wood said the product at Scenic Mountain is different than the units behind Ridley's, those in Mount Airey, and those in Rock Creek. He said the zones need to be separated to not allow an inferior product to be built next to an upper-end product.

Commissioner Wood asked what a cottage lot is. Mr. Jensen said cottage lots are currently defined as cluster homes in the Municipal Code. They are detached homes that are generally located on a small lot near other detached cluster homes and common open space exists between the homes. He explained the single-family detached homes in SilverLake near the townhomes are a good example of cluster homes, as are the homes in Evans Ranch Plat K.

Commissioner Wood said his changes give greater prescriptive ability to determine what types of products are in specific areas of the City. These changes will alleviate the City Council's concerns, as they are not in favor of the current draft. The changes need to be made in order to move forward.

Commissioner Wood requested a work session with the City Council with the General Plan and topography maps in order to draw out the zone map. This needs to be done to determine the zones within each General Plan designation.

Mr. Hadley explained the zoning map is mostly agriculture, as development has not happened. The Planning Commission and City Council cannot rezone private properties. The proper time to rezone is when a rezone is approved by the City Council. A developer will be able to propose any of the zones that fit within the designations on the Future Land Use Map; once the rezone is approved, the zone map is updated.

Commissioner Wood said the Future Land Use Map needs to be changed. There is not an existing map that gives the direction the City wants. They are allowing the developers to choose what they are building. Mr. Hadley explained the map was recently updated. Staff, the City Council, the Planning Commission and City residents worked on the General Plan for two years. Commissioner Wood stated he knows that, but the Planning Commission and the City Council do not like the Future Land Use Map; they just approved it to move forward because they were not given any other option.

Mr. Jensen explained the appropriate venue for the current discussion is meeting with the Commissioners in person or communicating over the phone or via email.

Commissioner Gray asked how the City can make developers select a lower density zone than is allowed in the Future Land Use Map designations. Mr. Hadley said the developers can pick the appropriate zone for their projects, as long as the proposal aligns with the Future Land Use Map designation.

Mr. Jensen explained to the Commissioners that the cost to developers increases in line with density increases. Staff often sees developers reduce density in the planning stages to avoid installing required amenities such as swimming pools. The proposed zones offer balance that encourages a variety of lot sizes within the zones. Euclidian zones are present in many municipalities, but that structure eliminates lot size variety.

Commissioner Wood said the proposed zones influence the developers to increase density, which the City does not want. Commissioner Gray said instead of changing the Future Land Use Map, the requirements can be doubled in higher density projects.

Mr. Jensen explained staff understands the desire to limit density. The previous General Plan allowed up to twenty-two units per acre in the residential designation. The new map limits that to four units per acre, without a rezone. Commissioner Gray asked if that could be reduced to two units per acre.

Mr. Jensen explained zoning is a legislative decision. If a developer wishes to rezone a property, the application is presented to the Planning Commission and City Council. Those bodies have much latitude in approving rezones. He stated one of the applicants on the agenda at this meeting has applied for multiple rezones and has been denied. The

proposed amendment allows the General Plan to be flexible over thirty years and guards against economic changes.

Mr. Jensen said Euclidian zoning creates developments with one size of lot, and takes flexibility away from the City to provide a variety of projects. Commissioner Wood said it only takes flexibility away from developers. He stated the amendment needs to remove the bonus density system which allows developers to build at high densities.

Mr. Hadley explained that the bonus density system has been included in the new zones, as it allows the City to require parks and open space amenities. Commissioner Wood said the City needs to research how the park maintenance will be funded. He said the City will not have the money to maintain pocket parks in every subdivision. Mr. Jensen explained that the City only takes over parks that are at least two acres, and does not maintain pocket parks. The City Council has adopted a Parks and Open Space Master Plan that requires parks in subdivisions.

Commissioner Wood said The Ranches Master HOA is now defunct and the City has to maintain those parks. He said most people in HOAs in the City believe their HOAs are likely to follow the same path at The Ranches Master HOA.

Commissioner Wright said he understands Commissioner Wood's and Commissioner Gray's concerns, but he likes the variety offered in the proposed zones. He said Commissioner Wood's recommendations are not widely varied in size within each zone. He said the proposed zone requires an average lot size, so the entire subdivision will not be 6,500 square foot-lots.

Commissioner Wood said developers will not build 15,000-foot lots unless it meets their needs. Commissioner Gray said he likes the variety in the proposed amendment, but expressed concerns that developers will always choose the higher density zones, as the Future Land Use Map does not designate where each density will be located within the City.

Commissioner Wood said the Future Land Use Map does not state specific zones. He said developers will choose NR3 for every subdivision and the City will be fighting against that density in all projects.

Commissioner Everett said the Planning Commission and City Council have the ability to decide what is appropriate for the City in the rezone process. Mr. Jensen agreed and said if a developer applies for a rezone to the NR3 zone, the Planning Commission and City Council can determine that NR2 is more appropriate for the developer's project. If a zoning map is created, the City is set with that density.

Commissioner Wood disagreed and said the City does need to designate the zones throughout the City. Commissioner Everett expressed concerns with that idea, as the current economic climate and state of the City will not necessarily match the state of the City in thirty years. Commissioner Wood said every city has a zoning map that is not set

at the base density. Mr. Jensen explained most of the cities Commissioner Wood is describing are built out. They retroactively created zone maps based on existing development. Eagle Mountain City is not in that place at this time. The City does not know what will be developed in the future.

Commissioner Gray asked how the Planning Commission can direct staff to allow development of specific zones in set areas in the City. Mr. Taylor explained the entire Municipal Code works together to encourage responsible growth. The City utilizes buffering codes, road and trail connectivity codes, and transitioning alongside the zoning ordinance.

Discussion ensued regarding the current densities within the City, and the changes staff has implemented to the zoning amendment based on the Planning Commission's previous feedback.

Regarding flagpole height amendments, Commissioner Gray stated he prefers 35 feet for American flags and 30 feet for other flags.

Commissioner Wood said he prefers limiting flagpoles to 20 feet in order to avoid commercial flags flying over homes. He said he would consider allowing the American flag to be ten feet above rooftops, with a maximum height of 35 feet.

Commissioner Everett said if the flagpole size is increased, it should be specifically for the American flag.

Commissioner Anderson said he would approve increasing the height of flagpoles for American flags, but not for other flags.

Mr. Hadley asked if the Commissioners wanted to address flagpoles specifically in the Municipal Code, versus amending the current designation of ancillary structures. He said the amendment can be placed in the sign code, with flagpole restrictions stated per zone.

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. April 9, 2019 Minutes

MOTION: *Commissioner Wood moved to approve the April 9, 2019 Planning Commission meeting minutes. Commissioner Gray seconded the motion.*

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

5. Action and Advisory Items

5.A. Cedar Farms - Rezone and Preliminary Plat, Public Hearing

Mr. Jensen explained the applicant is proposing to rezone 5.47 acres from Agriculture to Residential. The preliminary plat is a two-lot subdivision with a minimum lot size of 2.5 acres. Items to consider include the General Plan designation, compatibility, impact on City services, traffic generation, property value impact, and lot frontage and zoning standards. Mr. Jensen explained the proposal complies with the General Plan, is compatible with surrounding land uses, complies with lot frontage and zoning standards, and is not anticipated to burden City services, have an impact on traffic or on property values.

Commissioner Gray asked if the powerline corridors are dedicated to the City as open space and if the future road is a concern regarding the utility corridors. Mr. Jensen said utility easements can be either dedicated to the City, or included in lots, and staff is not concerned with the future road as it is not included in this plan.

Applicant Karen Scott said most people cannot afford five acres of land, so they have decided to split the property into two lots to make them more affordable.

Commissioner Everett opened the public hearing at 6:13 p.m. As there were no comments, he closed the hearing.

Commissioner Everett asked where the powerlines are located. Mr. Jensen said they are in the rear of the property. Any building that takes place on the lots will be outside of the easements, but the lots still contain large building pads.

Commissioner Wood said he and Commissioner Gray visited the site, and it is important to note that a future road is planned on this property. Commissioner Gray also expressed concerns about the road. Mr. Jensen clarified that the future road will actually be west of the proposed rezone area.

Applicant Jeff Scott confirmed the future road will be approximately 100 feet behind the property, outside of the utility corridor.

Commissioner Anderson asked staff if they have concerns regarding the gas easements. Mr. Jensen said they do not as any future structures will need to comply with the gas company's requirements for building over easements.

Commissioner Wood stated City Attorney Jeremy Cook recommended against rezoning until the new residential zones are in place. He said since the City does not have a zoning map yet, there is no way to determine what requirements and setbacks will apply.

Mr. Jensen explained the proposed rezone does comply with the General Plan. The proposed setbacks follow the base density setbacks, which are not changing in the amended residential zones.

Commissioner Wright said details such as property setbacks and building envelopes are not defined as of yet.

Commissioner Gray said it may be June at the latest when the amended zones are approved. He recommended that the item be tabled until the new zones are in place.

MOTION: *Commissioner Gray moved to table the Cedar Farms rezone and preliminary plat until the meeting directly following the City Council's approval of the new residential ordinance. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

5.B. Chapter 17.80 (Sign Regulations and Sign Permits) - Development Code Amendment, Public Hearing

Mr. Jensen said the applicant-proposed Development Code amendment will allow flagpoles up to 50 feet tall at model homes. The current Code allows flagpoles up to 20 feet tall.

Applicant Jessica Eddington with Edge Homes said homes stand up to 25 feet tall in the City, and they would like to be able to fly the American flag above the homes.

Commissioner Everett asked why she is proposing this for model homes only, and not for the entire City. Commissioner Gray stated the maximum square footage of the flag will remain at forty square feet for the American flag and fifteen square feet for all others.

Ms. Eddington said they are proposing the amendment in this portion of Municipal Code because it applies directly to Edge Homes as they would like to put American flags at their model homes.

Commissioner Wood said he is concerned that the proposed amendment does not limit flags on fifty-foot flagpoles specifically to the American flag. He expressed concerns that Edge homes may fly their flags on fifty-foot poles.

Commissioner Wright said model homes can install up to six flagpoles and expressed concern that the amendment would allow six fifty-foot flagpoles. Mr. Hadley clarified that the limitation is six flags.

Ms. Eddington said the American flag should be flown above all other flags, and the intention is not to fly Edge Homes flags as high as the American flag.

Commissioner Wood said he understands that, but as this is a City-wide amendment, other companies may not fly the American flag as Edge Homes will.

Commissioner Everett opened the public hearing at 6:30 p.m. As there were no comments, he closed the hearing.

Commissioner Wood said he would like to allow model homes to fly the American flag. He asked what happens to the flagpoles once model homes are sold.

Commissioner Gray explained the building code states that buildings cannot exceed 35 feet. He said 50 feet is too high for a flagpole. Since the American flag should fly higher than other flags, he would approve a height limit of 35 feet for American flags and 30 feet for other flags.

Mr. Jensen said flagpoles are defined as ancillary structures in Municipal Code. The height limits are different through the different densities and are typically 20 feet.

Discussion ensued regarding flag poles located at previous model homes in the City.

Commissioner Everett said he appreciates the desire to give prominence to the American Flag, but feels 50 feet is too tall. He expressed concern that this is specific to model homes and said it is appropriate to address this change in other sections of Municipal Code, as residents also desire to fly the American flag. He said a resident may choose to fly a flag that is offensive to other residents, although he would defend that resident's right to fly a flag of their choosing under their First Amendment rights. He asked if it is better to change the amendment to only apply to the American flag.

Commissioner Wood said it may be more appropriate to allow a larger flagpole at entrances to developments, but stated 50 feet is too tall. He said the model home portion of Municipal Code is the wrong section to amend.

Mr. Jensen said taller flags could be provided in parks, as other amenities can be proposed by developers. He said staff's opinion is that 50 feet is too tall in residential neighborhoods, especially as they don't know what will be flown after the model home is sold. Another staff concern is that using the American flag for advertising is against the United States Flag Code.

Discussion ensued regarding the height of existing flagpoles in surrounding cities, and the number of allowed flags in areas with multiple model homes.

Commissioner Gray said the American flag should be flown higher than other flags, and 35 feet is appropriate, with other flags at 30 feet. He said increasing the flagpole height is a legitimate change, and stated he would like the Municipal Code to require all but one flagpole need to be removed once a model home is sold.

Commissioner Wood said this is the wrong section in the Municipal Code for this amendment. He said there are more appropriate places to display the American flag, and the Code needs to designate a location on residential properties for flags.

Mr. Jensen said staff can bring additional changes to flag and flagpole restrictions to a future meeting.

Commissioner Wood said he is not in favor of approving the amendment and stated the City does not want to allow builders to fly flags over model homes. He said residential areas are not appropriate places for flags. Commissioner Gray recommended approving the amendment with changes stating the American flag can be flown on 35-foot flagpoles, other flags on 30-foot poles, and all but one flagpole must be removed at the sale of the model home. He said staff can create an amendment that applies to the remaining areas of the City.

Commissioner Wright stated he is not in favor of moving forward with the proposed amendment at this time, but is open to a well-researched staff-proposed amendment.

Mr. Hadley said the Planning Commission can table the item and direct the applicant to work with staff to adjust the proposed amendment according to the Commission's feedback. If the Commission recommends denial, the item will go to City Council for further consideration.

Discussion ensued regarding potential amendments to the Municipal Code regarding flags, and what the current Code requires regarding ancillary structures. Mr. Hadley recommended the Commissioners make a decision on the current item and allow the flag discussion to come back at a future meeting.

Commissioner Wright asked if they can table the item but allow one flagpole to be taller than currently allowed. Mr. Hadley explained the best way forward is to make a recommendation to the City Council based specifically on information the applicant has provided.

MOTION: *Commissioner Wood moved to recommend denial to the City Council of the Eagle Mountain City Municipal Code Chapter 17.80 (Sign Regulations and Sign Permits). Commissioner Anderson seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

Ms. Eddington asked if she were to return with a revised proposal, would that proposal follow the same process regarding Planning Commission and City Council hearings, or if there was an option to expedite the process. Commissioner Gray said the Commission is interested in amending the regulations regarding flagpoles. He recommended she work with staff to help move an amendment forward regarding flags throughout the City, not just at model homes.

5.C. Eagle Heights Village - Conditional Use Permit

MOTION: *Commissioner Wood moved to approve the findings of fact and conclusions of law supporting the Planning Commission's previous approval of the conditional use permit with the condition that the eastern row of homes be changed to single-family detached homes, according to current Municipal Code. Commissioner Gray seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

5.D. Chapter 8.25 (Explosives) - Development Code Amendment, Public Hearing

Mr. Jensen said the staff-proposed amendment adds an appeals process for blasting permits to allow the process to be in line with Utah State statute regarding appeal authorities. Commissioner Wood asked why the City Council is not the appeal authority on blasting permits. Mr. Hadley said the City Council is the approval authority on blasting permits within a certain distance of existing homes. This amendment adds a layer between the City Council and District Court. The added appeal authority will be a hearing officer. This will be a third-party who has entered into a contact with the City to serve an appeals hearing officer.

Discussion ensued regarding the current appeals process.

Commissioner Gray asked why this item was being presented to the Planning Commission. Mr. Hadley said the City Attorney felt it was necessary to bring the amendment to the Planning Commission, even though it is not required in Municipal Code.

Commissioner Wright clarified the blasting permit process. A developer first submits an application to the City Engineer. If the City Engineer denies the permit, the City Council is the appeal body. If the blasting will take place close to existing residences, the permit is presented to the City Council after the City Engineer review. The third-party attorney will be the appeal authority after the City Council.

Commissioner Everett opened the public hearing at 7:05 p.m. As there were no comments, he closed the hearing.

Discussion ensued regarding the Municipal Code appeal authority table. The areas where the City Attorney was the appeal authority have been amended to Hearing Officer, and Hearing Officer has been added between the City Council and District Court.

MOTION: *Commissioner Wood moved to recommend approval to the City Council the amendment to Eagle Mountain City Municipal Code Chapter 8.25 (Explosives). Commissioner Gray seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

6) Next scheduled meeting – May 14, 2019

7) Adjournment

MOTION: *Commissioner Gray moved to adjourn the meeting at 8:00 p.m. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

Approved by the Planning Commission on May 28, 2019.



Steve Mumford
Community Development Director