



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 12, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Matthew Everett, and Christopher Pengra. Commissioner Erin Wells was excused.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Jeremy Bergener.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; and Fionnuala Kofoed, Director of Administrative Services/City Recorder.

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

Commissioner Everett called the meeting to order at 5:44 p.m.

1. Discussion Items

1.A. Priority List of Code Changes

Senior Planner Tayler Jensen presented the item.

Upcoming Agenda Items:

- RTI Overlay Zone
- Street Standards

In Process/To Be drafted:

- Residential Landscape Standards
- Removal of Garage Size Standards for Single-Family Homes
- Community and Multifamily Design Standards
- Community District Node Overlay

Future Amendments:

- Industrial Zone Amendments
- Appeal Authority Amendments
- Hillside Development Amendments
- Electric-Assisted Bicycles
- Administrative Variance Requests
- Short-Term Rentals
- Commercial Zones – Uses
- Caretaker Units in Commercial Storage and Industrial
- Wash Protection Standards
- Plat Review Process and Approval Authority

- Site Plan Review Process
- Multifamily Zones Height Standard
- Master Development Approval Process
- Park Escrow Release Language

Assistant City Administrator/Community Development Director Steve Mumford clarified that the Regional Technology and Industry (RTI) Overlay Zone has already been reviewed by the Planning Commission. Staff is working with Councilmembers assigned to assist with reviewing the standards to be presented at an upcoming City Council meeting. The Planning Department hired a wildlife biologist to focus on the wildlife corridor, ridgelines, open space preservation in partnership with Camp Williams, and reviewing wildlife and environmental impacts of development. Eagle Mountain City is one of few cities to employ a wildlife biologist. The City also recently hired an entry-level planner. Requests for proposals are being drafted for consultation with an architectural firm to assist with multifamily design standards and to review commercial developments.

Commissioner Everett stated the Planning Commission will begin reviewing the General Plan with consideration of legislative requirements including addressing water use conservation.

Mr. Mumford explained that the City intends to review and amend, rather than rewrite, the General Plan with the assistance of external consultants.

Commissioner Pengra expressed his support for contracting expert assistance with the General Plan review.

1.B. 2022 Legislative Update

Mr. Jensen presented recent legislative actions that impact and require adaptations or amendments to City processes and standards.

1.C. Planning Commission Quasi-Judicial Training

Mr. Jensen presented a training regarding the Planning Commission's Quasi-Judicial role in evaluating, granting, or denying variances.

Commissioner Everett noted that the Planning Commission is called upon to function in a quasi-judicial role infrequently and reviewed a few instances where the Commission has acted in that function.

Commissioner Everett adjourned the work session at 6:12 p.m.

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

Commissioner Everett called the policy session to order at 6:30 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. March 22, 2022 Planning Commission Minutes

Commissioner Allen noted a correction to the vote for the failed motion on page 9 of the minutes for the rezone of Saddle Junction to the CC Zone. Commissioner Jeremy Bergener had voted in favor of the motion and Commissioner Everett had voted against the motion. In the minutes, the votes of the Commissioners Bergener and Everett had been inadvertently switched.

MOTION: *Commissioner Allen moved to approve the March 22, 2022 minutes as amended. Commissioner Everett seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.*

5. Status Report

Mr. Jensen reviewed the planning items discussed and voted upon during the March 15, 2022 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – Wasatch Wing & Clay

Mr. Jensen presented the item. The proposal adds the Outdoor Shooting Range Overlay Zone to approximately 163 acres. All three parcels are shown as Neighborhood Residential One on the Future Land Use Map, however, all three are currently zoned Agriculture. All surrounding property is currently zoned Agriculture. The closest residential lot to the property included in the rezone is approximately 1,785 feet. The proposed development is not anticipated to overburden the City's service capacity. The proposed use is not anticipated to generate significant amounts of traffic, however, if necessary, the City Engineer may require a traffic study at the site plan stage. The proposed use is not expected to have a significant negative impact on surrounding property values.

Regarding compliance with EMMC 17.47.030 Outdoor Shooting Range Overlay Zone, the applicant has provided a written narrative that includes the operational procedures of the proposed range. In addition to the distance between the property in question and the nearest resident, the applicant has indicated the shooting ranges will be firing in the opposite direction of homes and will include designated fire areas, backstops, and safety signage. The proposed rezone is on approximately 163 acres which far exceeds the 10-acre minimum. All three parcels are

currently zoned Agriculture which is an appropriate zone for the application of the Outdoor Shooting Range Overlay Zone.

Mr. Jensen noted that the back of the area proposed for the shooting range is adjacent to Bureau of Land Management (BLM) property that is closed to firearm use.

Staff recommends that the Planning Commission motion to recommend approval of Wasatch Wing and Clay Outdoor Shooting Range Overlay Zone to the City Council with the condition that backstopping shall be provided on private property owned by the applicant, which prevents any bullet, shell, casing, or pellet associated with the private shooting ranges from crossing into Bureau of Land Management property.

Commissioner Everett opened the public hearing at 6:41 p.m.

The City received an email from Louis Coleman against the application due to hazard and nuisance concerns and the impact of the shooting range on neighboring properties and BLM land.

Stephen Linde spoke against the item due to concerns regarding the proximity of the shooting range to a park and homes, noise impact on the neighboring properties, and negative impacts on property values.

Virginia Ault alleged that poor maintenance of the fencing and garbage removal by Wasatch Wing and Clay has negatively impacted their property values and expressed concerns with safety to the Boy Scouts and other campers, noise, and property devaluation.

Leo Ault said the location of the shooting range crosses the right-of-way to their property impacting their livestock and is concerned with garbage, safety, and trespassing.

Julie Gillman spoke against the application due to fire hazards, noise, and safety to their families and livestock.

Mark Oaks stated that he has post-traumatic stress disorder and although he is not against shooting, the noise has negative impacts on his health and ability to use the area for recreation and relaxation.

Bruno Hunsaker spoke in favor of the gun range as long as it is in a proper and safe location.

Bruce Walker spoke in favor of the range and thinks the lower elevation of the range will protect against noise and believes that having a public shooting range will increase safety by reducing the number of people shooting in prohibited locations in the area.

Elizabeth Lebrecht stated that she is in favor of the range in hopes it will increase safety by reducing the unregulated, unsupervised shooting activities currently occurring in the White Hills area.

Commissioner Everett closed the public hearing at 7:00 p.m.

Applicant Weston Berry said their site plan, to be presented at a future meeting, should address many of the residents' concerns. The range will angle to the northwest toward the BLM land and will be located away from the park and homes. They will uphold the required fire mitigation processes and limit the types of rounds used. A range safety officer will be onsite at all times. The range will be open to the public and will hopefully reduce illegal shooting in the area. He said that a BLM representative had supported their proposed layout facing BLM land because no trails access the area adjacent to the shooting range backstop. As the backstop area had been burned, no vegetation removal is required. The plan is for an open range without side berms due to economic limitations.

The property owner Jim Smith stated they have had issues in the area with illegal shooting and the resulting trash and noise for the past 20 years. Their purpose is to mitigate safety and other problems by providing an organized and regulated shooting range. Using the BLM hill as a backstop is key to providing safety for the shooting range.

Commissioner Bergener inquired if the City has received any communication from BLM representatives to resolve the discrepancy in whether the BLM supports and will permit the backstop to be located on their land.

Mr. Jensen verified that maps on the BLM website indicate the backstop is adjacent to land closed to shooting.

Commissioner Pengra stated that he supports gun rights and believes the applicants to be responsible owners that take safety seriously; however, he has concerns with the application including the number of serious fire incidents at Camp Williams despite safety, mitigation, and response measures and previous fires in this area of the City. The General Plan designation for Neighborhood Residential One for this property and surrounding land results in compatibility dilemmas and use conflicts.

Commissioner Allen concurred with Commissioner Pengra. He is concerned about fires and evacuations, the legalities of shooting onto BLM land, the future land use designation, and the lack of mitigation measures to prevent bullets from traveling toward residential areas.

Mr. Jensen explained that concerns with trash or maintenance of the area would be addressed through the Neighborhood Improvement Officers. The site plan would include information regarding measures to comply with the terms of EMMC 17.47.

Commissioner Bergener agreed that an organized range with the intention to ensure safety is a preferable option to existing risks caused by unsupervised shooting.

Commissioner Everett noted that the Dump Fire was started by an individual shooting irresponsibly in a prohibited area resulting in evacuations. In his view, an organized facility will hopefully reduce inappropriate shooting activities and promote fire mitigation.

Commissioner Pengra expressed sympathy for the issues that Mr. Smith has experienced due to inconsiderate individuals shooting garbage they leave behind on his property. The City has hosted cleanup efforts to assist with the debris and trash removal on Mr. Smith's and other residents' properties. Nevertheless, he does not believe the gun range will resolve illicit shooting and dumping activities. He feels that an open range without berms will be insufficient to mitigate noise and ensure safety, especially considering the backstop area is on land open for public use. The lack of a trail on the BLM land is inadequate protection and does not prohibit people from entering the backstop area.

MOTION: *Commissioner Pengra moved to recommend denial to the City Council of the Wasatch Wing and Clay rezone to add the Outdoor Shooting Range Overlay Zone. Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Matthew Everett, and Christopher Pengra. Those voting nay: Jeremy Bergener. The motion carried with a vote of 3:1.*

6.B. ACTION ITEM – Austin Variance

Mr. Jensen presented the item requesting a variance to allow for a six-foot privacy fence in the front yard of a property located at 2087 E Sycamore Drive. The request would not violate the clear vision triangle requirement per EMMC 17.60.

Applicant Jesse Austin explained that the original plan had the house facing the cul-de-sac and the reorientation resulted in a small backyard. They fenced their side yard to provide an area for their children to play due to the limited area in their backyard. Replacing the fence with a four-foot fence would reduce the security of his yard and the safety of his children.

Commissioner Everett opened the public hearing at 7:33 p.m.

The City received emails from Duncan Thomson and Benjamin and Talaeseina Fano in favor of granting the variance.

Jed Elton spoke against the variance due to the fence obscuring vision creating safety issues. As such, he requested for the fence to be required to be removed.

Tyler Johnson stated that the fence impedes the line of sight requiring motorists to pull in front of the stop sign. Vehicles use the cul-de-sac as a turnaround and the slope of the road contributes to frequent speeding on the road. He opposes the variance due to safety concerns.

Rachel Johnson said the fence hinders on-coming vehicles and motorists in the cul-de-sac from seeing each other which increases the chances of accidents. She is against the variances and is also concerned with the fence obscuring pedestrian traffic.

Carla Torres supported and concurred with the safety concerns expressed by other residents.

Commissioner Everett closed the public hearing at 7:39 p.m.

Commissioner Allen stated he appreciates the desire of the applicant to create a safe area for his children; however, when he visited the site, he experienced the vision obstruction from the stop sign noted by the residents during the public hearing. The fence combined with the curvature of the road further decreases the line of sight from the area of the road parallel with the curb, several feet in front of the stop sign.

Commissioner Bergener stated that although the denial of the variance would cause a financial burden to the applicant to install a lower fence in the front yard, he does not feel it would qualify as an unreasonable hardship which is an approval criterion for a variance.

Commissioner Pengra said he feels that the variance request meets all five of the approval criteria due to the lack of a yard for his children to play in being an unreasonable hardship thus he is in favor of granting the variance.

Discussion ensued regarding efforts to resolve the issues and mitigate concerns between the neighbors.

Commissioner Everett explained that all five approval criteria must be met to approve a variance and the unreasonable hardship may not be self-imposed or purely economic. He acknowledged the validity of both interpretations of unreasonable hardship. His interpretation is that granting the request to allow a six-foot fence in the front yard would fail to meet the spirit of the title as required by the fifth approval criteria.

MOTION: *Commissioner Pengra moved to approve a variance request to allow for a six-foot privacy fence in the front yard of a property located at 2087 E Sycamore. Motion failed for lack of a second.*

MOTION: *Commissioner Everett moved to deny a variance request to allow for a six-foot privacy fence in the front yard of a property located at 2087 E Sycamore for the reason the request fails to comply with approval criteria that the spirit of this title is observed and substantial justice is done. Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, and Matthew Everett. Those voting nay: Christopher Pengra. The motion carried with a vote of 3:1.*

7. Discussion Items

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for April 26, 2022.

Commissioners Pengra and Wells will be excused. Commissioner Everett plans to attend virtually.

9. Adjournment

MOTION: *Commissioner Allen moved to adjourn the meeting at 7:57 p.m. Commissioner Pengra seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.*

The meeting was adjourned at 7:57 p.m.

Approved by the Planning Commission on April 26, 2022.



Steve Mumford, AICP
Assistant City Administrator/Community Development Director