



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 9, 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 Work Session

COMMISSION MEMBERS PRESENT: Matthew Everett, DeLin Anderson, Rich Wood, Brett Wright, and Jared Gray. Commissioner Everett was excused at 8:08 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Stephanie Gricius, Colby Curtis, and Melissa Clark.

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Tayler Jensen, Planner; Jeremy Cook, City Attorney; and Lianne Pengra, Recording Secretary.

Commissioner Everett called the meeting to order at 5:30 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: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:31 p.m.

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

Commissioner Everett called the meeting to order at 7:02 p.m.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

3.A. March 26, 2019 Planning Commission Meeting Minutes

MOTION: *Commissioner Wood moved to approve the March 26, 2019 Planning Commission meeting minutes. Commissioner Wright seconded the motion.*

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

4. Action and Advisory Items

4.A. Eagle Heights Village Conditional Use Permit

Planner Tayler Jensen explained the Eagle Heights Village conditional use permit was approved by the Planning Commission on March 12, 2019. The applicant appealed the condition imposed by the Planning Commission to the City Council. The City Council remanded the item back to the Planning Commission.

MOTION: *Commissioner Wood moved to table the Eagle Heights Village conditional use permit with instructions for staff to explore findings of fact and conclusions of law. Commissioner Gray seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.*

4.B. Agriculture and Definitions Development Code Amendment, Public Hearing

Mr. Jensen presented the applicant-proposed Municipal Code amendment. The applicant is proposing to add "Equine Assisted Therapy Center" to the Code's definition chapter. The proposed definition is, "A facility that offers therapeutic equestrian riding, clinical therapy services, equine-assisted services, and equine-facilitated therapeutic services." The applicant is proposing this use be added as a conditional use in the Agriculture zone.

Applicant Marley Juarez explained her desire to open an equine-assisted pediatric therapy clinic at a facility on Wride Memorial Highway. They plan to offer therapeutic riding, and equine-assisted physical, occupational, speech and psychotherapy. They will also offer clinical therapeutic activities.

Commissioner Gray asked how many stalls on the property would be leased out. Ms. Juarez said there are currently seventeen stalls on site and the property has been used as a boarding and training facility for the last several years. They will likely add a few more stalls and some of those stalls will be leased by able-bodied riders. They will offer an able-bodied riding academy alongside the therapeutic riding.

Mr. Jensen explained if the amendment is approved, the applicant will apply for a site plan and conditional use permit. Details surrounding the specific site can be discussed at that time.

Commissioner Gray asked where the applicant's potential therapy site is located. Ms. Juarez said it is near Cedar Fort and the property is currently owned by Lee Brown.

Commissioner Wright asked who would be served at the applicant's therapy site, and Commissioner Wood asked if the program will be similar to Hoofbeats to Healing in Saratoga Springs. Ms. Juarez said it will serve those under 21 years of age. Hoofbeats to Healing offers therapeutic riding, but does not offer physical, occupational or speech therapy, and none of their sessions are run by a professional therapist. She explained their

sessions will be supervised and ran by a licensed therapist, and a certified therapeutic riding instructor will be present at all therapeutic riding sessions. Their sessions will be research-based and more clinical than a basic therapeutic ride.

Commissioner Wright asked why the amendment is necessary as the Municipal Code currently has definitions for commercial riding arenas and equestrian centers. Mr. Jensen explained the applicant would like to add classrooms and office settings alongside the riding, which requires an amendment to Municipal Code.

Commissioner Gray confirmed with the applicant the design presented in the Planning Commission's packet is a future plan, and the buildings noted do not currently exist. Ms. Juarez said the intent is add one mobile building with office space, and the building design will be congruent with other structures in the Agriculture zone; they will not build a large glass office structure.

Commissioner Wright asked what the amendment will allow residents to do that is not currently permitted through the equestrian center definition. Mr. Jensen explained the equestrian center's definition is not highly detailed in what is allowed within that use. Some uses allowed are riding, roping, and shooting events. The proposed definition allows therapeutic riding and clinical therapy sessions. He reiterated that each property will need to obtain a conditional use permit and the specific details of each property will be determined during that process. Ms. Juarez said adding horse riding to the therapy sessions causes them to be outside of uses currently defined in Municipal Code.

Commissioner Gray asked how the amendment applies to the home-based business requirements, and if the business will be required to limit employees. Mr. Jensen said there is not a residence on the property, and the center will not be a home-based business.

Discussion ensued regarding specific details of Ms. Juarez's property. Mr. Jensen clarified that the Municipal Code amendment applies to the City as a whole, and advised the Planning Commission to review the amendment regarding the appropriateness of this use in the Agriculture zone, instead of considering only Ms. Juarez's site.

Community Development Director Steve Mumford stated sites that request this use will be required to go through the conditional use permit process, and conditions can be placed to mitigate concerns such as traffic and employees.

Commissioner Gray confirmed with City staff that Mr. Brown had installed a road around his property. Discussion ensued regarding access to Ms. Juarez's site.

Commissioner Everett opened the public hearing at 7:17 p.m. As there were no comments, he closed the hearing.

Commissioner Wood asked City Attorney Jeremy Cook about the appropriateness of adding additional conditional uses in Municipal Code, as the Utah League of Cities and Towns discourages creating more conditional uses. Mr. Cook explained conditional uses are harder to defend against and are more likely to be approved. He said additional conditional uses should be uses that will be generally allowed. Commissioner Wood asked

if sites can be reviewed on a case-by-case basis for approval instead of adding another conditional use.

Mr. Jensen clarified that anything not specifically allowed in Municipal Code is prohibited; therefore, approving this use without the amendment would be difficult. Mr. Cook confirmed that adding this use as a conditional use is the best option.

Commissioner Everett said the Planning Commission's communicated desire is to have a rural feel to the City, and denying the amendment would go against that understanding. He stated quality services such as these are desirable and benefit the City.

Commissioner Gray confirmed that the conditional use only applies to the Agriculture zone, and is not being added to the residential zone.

MOTION: *Commissioner Wood moved to recommend approval to the City Council the Agriculture (17.20.050) and Definitions (17.10.030) Municipal Code amendments. Commissioner Anderson seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.*

4.C. Concept Plan (16.15) Development Code Amendment, Public Hearing

Mr. Jensen said the staff-proposed amendment clarifies in Municipal Code that applicants have the option to bring concept plans to the City Council.

Commissioner Everett opened the public hearing at 7:24 p.m. As there were no comments, he closed the hearing.

Commissioner Everett asked if the amendment allows applicants to bypass the Planning Commission and present concept plans directly to the City Council. He stated it is helpful for the Planning Commission to see concept plans to provide feedback to applicants. It would be detrimental for concept plans to bypass the Planning Commission.

Mr. Mumford said staff did not consider that possibility, but it is staff's intent that concept plans are presented to the Planning Commission before being presented to the City Council; this amendment would not remove the Planning Commission from the concept plan process. He recommended the Planning Commission add language or direct staff to add that language in the motion.

Commissioner Wood asked if the amendment should clarify that applicants are not to rely on staff comments, and staff comments are not binding. Mr. Jensen said that is already included in the Municipal Code, and clarified staff is not a land use authority. Commissioner Wood said he is aware of that and stated it needs to be reiterated in the amendment. Commissioner Everett asked that the updated amendment language be reviewed by the Planning Commission before being presented to the City Council. Mr. Mumford said staff will verify the updated language with the Commissioners before the item goes to City Council.

MOTION: *Commissioner Gray moved to recommend approval to the City Council the Concept Plan (16.15) Municipal Code amendment, with the following conditions:*

- 1. Section 16.15.020 shall state that concept plans must be presented to the Planning Commission before being presented to the City Council; and*
- 2. Section 16.15.050 shall state that no binding agreements come from staff's concept plan review.*

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

4.D. Residential Zone & Residential Zone Bonus Density Entitlements Development Code Amendment

Mr. Mumford said the Residential Zone amendment has been discussed in multiple previous Planning Commission meetings, and changes have been implemented based on the Planning Commission's feedback. He said changes such as increasing the lot size in the Neighborhood Residential 1 (NR1) zone, decreasing density in the Neighborhood Residential 3 zone, and increasing side setbacks in multiple zones have been made.

Mr. Mumford explained the intent of the amendment is to implement the Future Land Use Map portion of the General Plan. Staff has created six residential zones, as well as a land use table listing permitted, conditional, special and prohibited uses for each zone. He explained once this amendment is approved by the City Council and codified, property owners will need to obtain a rezone to develop. If a property owner wanted to build townhomes under eight units per acre, the property would need to be rezoned to the Neighborhood Residential 2 (NR2) zone; multifamily projects are no longer conditional uses that must be approved as long as conditions can be imposed that mitigate impacts. This gives the Planning Commission and City Council more discretion in best planning for the City.

Mr. Mumford said the amendment eliminates Chapter 17.30, the bonus density entitlements chapter, as those are now included in Chapter 17.25; the bonus density system is still in place within each zone. In the NR2 zone, a developer can develop less than eight units per acre. If they develop at this lower density, they would not have as many requirements, similar to how the bonus density system currently works. Many provisions in the current bonus density system are included as generally applicable provisions in the amendment.

Mr. Mumford stated Mr. Cook recently performed a legal review of the amendment and provided recommended changes to staff. Most of the changes are minor, and some sections need to include more defined criteria to create a better legally defensible position. Staff is comfortable moving forward, but if the Planning Commission feels there are enough changes that need to be made, the item can be tabled and brought back to a future Planning Commission meeting.

Commissioner Gray asked if future applicants will be required to use this version of Municipal Code if the Planning Commission recommends approval of the amendment to

the City Council. Mr. Mumford explained having this item on the agenda informs developers that the amendment is in process and this version will apply. Mr. Cook said having the item on the agenda qualifies as having initiated the process. Development applications submitted from this point will be subject to the amended ordinance.

Commissioner Everett opened the public hearing at 7:39 p.m. As there were no comments, he closed the hearing.

Commissioner Wood asked why staff wants to continue utilizing the bonus density, as it is a loophole that the Planning Commission and City Council continually fight. He stated the individual zones should designate minimum standards instead of coercing applicants to provide amenities if they want higher density. Mr. Mumford explained an important reason for its use is to require open space and amenities within developments. There is an argument that states if there is not a bonus density system in place that allows developers to develop at a lower density, the City would need to require impact fees instead of requiring the developers to install parks. Most cities in the state do not require parks or open space in their developments.

Commissioner Wood said with the City's limited tax revenue, it may not be wise to require parks in all subdivisions as the City does not have the funds to maintain existing open space areas. Mr. Mumford explained quality of life is improved when parks are within walking distance. Some cities have extremely high park impact fees and only have regional parks; they do not have pocket parks tied in with a trails system. Commissioner Wood asked if trails can be required without the bonus density system in place. Mr. Mumford said he believes the City can still require trails based on transportation needs.

Commissioner Wood said recent applications have come to the City in which the City determined pocket parks were not appropriate and required a fee-in-lieu to go towards regional parks. He asked if the City has performed an analysis to determine what park maintenance will cost and if it is appropriate for the City to spend funds on park maintenance. Mr. Mumford said the Parks and Recreation Director has that information and the City has a contract with a landscape/park maintenance company. The City has a budget in place for updating and maintaining park equipment, and it is the City Council's responsibility to determine if funding park maintenance is an appropriate use of taxes.

Mr. Mumford said the most feasible option other than requiring developers to install parks is to update the parks and open space impact fees, but the City can only charge an impact fee amount based on the existing level of service provided. The City can improve parks with its own funds, such as was done with Cory Wride Memorial Park, to increase the existing level of service. With this option, the City would need to purchase land for parks, instead of developers deeding property to the City.

Commissioner Wood stated the updated Municipal Code should be specific in the types of uses the City will require. Instead of requiring averages of lot sizes, the Code should state a specific number of lots be specific sizes and prohibit streets from containing only one lot size. He said the intent of the individual zones should be stated in the Code and the Code needs to close loopholes.

Commissioner Wood stated the Foothill Residential (FR) zone should have a minimum lot size of 0.33-acre, as the homes built on 0.25-acre lots will be inferior. He stated the developers will only build 0.25-acre lots if allowed to do so in the Code. Commissioner Wright explained that for every 0.25-acre lot planned, the developer must add a 0.75-acre lot to meet the average required in the Code.

Commissioner Wood said he would like the amendment to require variations in number of stories, two- versus three-car garages, and number of elevations. He said subdivisions do not look good if the homes are all the same. He would also like the amendment to require different setbacks for each lot size.

Mr. Mumford explained the setbacks are addressed in the amendment presented in the Commissioners' packets. The FR side setback was increased to eight feet and ten feet on the garage side. The Rural Residential 2 zone side setbacks were increased from twelve and eighteen feet to fifteen feet on both sides.

Commissioner Wood asked what the minimum and maximum lot sizes are in the NR1 and NR2 zones. Mr. Mumford said there are not maximum lot sizes; the minimum lot size in NR1 was increased to 6,500 square feet with a required average of 8,000 square feet; 25% of the lots must be at least 0.25 acres. Commissioner Wood said side setbacks need to be increased in this zone and requested they be increased to seven feet and ten feet on the garage size.

Mr. Mumford said the side setbacks were increased based on the Planning Commission's feedback; staff does not want to prohibit third car garages due to lot frontages and setbacks. He explained the original amendment required 20% of the lots to have frontages of at least 62 feet, and staff increased that requirement to 25% at the request of the Planning Commission. Commissioner Wood said it should be increased to 30% or 35%.

Mr. Mumford explained the larger the side setback, the smaller the homes will be. Commissioner Wood said the side setbacks need to be appropriate for the size of the home and the size of the lot. Homes should not be built to the edge of lots. He stated this is happening in Oak Hollow and Evans Ranch and the City can do better.

Commissioner Wood asked that garages be required to be larger than 20 feet by 20 feet. He said the City has many young children and larger vehicles cannot park in that size of garage; they are parked on the street. It is easier to require a larger garage than it is to require wider streets. Mr. Mumford explained staff reviewed other cities' codes and researched what developers are currently building in other cities. They did not find a city that required garages larger than 20 feet by 20 feet. Mr. Jensen said many cities have a smaller garage requirement than Eagle Mountain's standard. Mr. Mumford explained driveways for single-family homes are required to be 22 feet long, so vehicles can be parked in driveways.

Commissioner Wood said minimum architectural design standards are only required on front elevations and stated the standards should include requirements for the side and rear elevations, as well. He said he wants to avoid the types of poor products that exist at the entrance to the City.

Commissioner Gray asked if Municipal Code addresses rear elevations along major roadways. Mr. Mumford explained master development agreements address those issues.

Discussion ensued regarding design standards and masonry building products. Commissioner Wood said all-stucco homes are not attractive, and the minimum standards need to be increased. He asked that single-family home design standards be addressed.

Commissioner Wood said if an average slope of a lot is over 25%, it is unbuildable. He expressed frustration that developers can grade portions of 25% slopes on lots with an average under 25%. Mr. Mumford explained the amendment will direct developers to the hillside ordinance, where this can be addressed.

Commissioner Wood asked that the garage standards be improved and said if stairs are present in a twenty-foot by twenty-foot garage, vehicles cannot park inside. Commissioner Gray stated he has never parked his vehicle in his garage. He said the market will determine what is built, and asked if the Planning Commission is regulating too much if they require larger garages. Mr. Cook said it is a building standard and if the Planning Commission feels it is an important issue, they can address it. Commissioner Gray expressed concerns that they may be adding too many restrictions to lots. Commissioner Wood said this standard will encourage builders to develop larger lots, as there are enough smaller lots in the City.

Commissioner Wright stated he likes the variation of lot sizes listed in the amendment. He said changes have been made according Commissioner Wood's previous feedback and asked if the additional changes go too far. Commissioner Wood said increasing setbacks in the NR1 zone will cause developers to plan better. He said he does not want the City to be developed like West Jordan.

Mr. Mumford said staff did a great amount of research and the proposed amendment provides much more variety than currently exists. He said the statement in the amendment that notes "lot size variety is required" can be clarified. Commissioner Wood said he does not want to repeat past decisions.

Commissioner Wright said the five-foot and ten-foot setbacks are too small and asked for seven-foot and ten-foot setbacks with a minimum 57-foot frontage. Commissioner Wood asked if NR1 could be split into two zones.

Mr. Mumford said only allowing large lots can cause the City to miss out on great products and projects. He said if the Planning Commission wants larger lots, they can increase the minimum lot sizes, but his understanding from previous meetings was the Planning Commission's desire was lot size variety, which this proposed amendment ensures.

Commissioner Wood asked if the City can afford to bring the number of people in as will come with small lots. Mr. Mumford explained that higher density pays for services as larger lots do not cover as much as small lots. If a better tax base is the Commission's desire, multifamily projects will provide that more than large single-family home lots.

Commissioner Gray confirmed lot size variety is the Planning Commission's desire but stated the need for balance in large and small lots. He said there is a need for high density,

but the City needs move-up or estate lots. The minimum lot size should be increased, or another residential zone should be added.

Mr. Mumford said staff performed an analysis and there is not a correlation between lot size and move-up home purchases. Larger lots are not necessarily where residents move when moving up.

Commissioner Wood asked if developments are required to have a minimum of five elevations in all residential zones. Mr. Mumford said that was changed from three elevations to five elevations in NR1 and NR2. Townhomes and multifamily projects must comply with the multifamily design standards, which include more stringent requirements.

Discussion ensued regarding number of units per building in multifamily projects in The Ranches. Mr. Mumford said NR2 only allows condos and townhomes. NR3 allows stacked townhomes. Commissioner Wood said he wanted the amendment to dictate how many units are allowed per building.

Commissioner Gray said the proposed amendment ensures variance but not balance between small and large lots. Commissioner Wright said staff has done a great job in preparing the amendment. He said the General Plan contains a lot of NR1 and asked what changes could be made to provide Commissioner Gray's version of balance.

Discussion ensued regarding possible overlay zones or creating an additional residential zone that fits within the NR1 areas on the General Plan. Commissioner Wood suggested renaming the proposed residential zones, so they are no longer the same as the general plan designations.

Commissioner Wright stated he believes the item should be tabled and asked if a temporary restriction can be placed on future projects until the amendment is approved by the City Council. He expressed concern that the amendment may not be approved in a short amount of time and asked if the Planning Commission can recommend to the City Council that a moratorium be placed on development.

Mr. Cook explained any property in expiring master development agreements is subject to the General Plan. He said moratoriums are generally unpopular, and would be in this case as the City is growing quickly.

Mr. Mumford said the length of time will depend on the severity of the changes the Planning Commission requests. Small changes can be brought back to the Planning Commission in two weeks.

Commissioner Gray asked if the Commission can send the amendment to the City Council and direct staff to make changes. Commissioner Wood said the changes may not be made.

Commissioner Gray asked that the amendment include reasoning as to why changes were or were not made when it is brought back to the Commission.

MOTION: *Commissioner Wood moved to table the Residential Zone and Residential Zone Bonus Density Entitlements Development Code amendment and*

directed staff to implement as many changes discussed as possible. Commissioner Wright seconded the motion. Those voting aye: DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.

4.E. Development Standards for Required Public Facilities Development Code Amendment, Public Hearing

Mr. Mumford explained this was addressed with City Council in the past, and the Parks and Recreation Director and Planning Department discussed this previously. The City was awarding developers 100 amenity points for 600-square foot restrooms, but the City was installing 190-square foot restrooms which cost approximately \$50,000. The consensus from City Council is that to be fair to developers, it is reasonable to change the Municipal Code to allow developers to build restrooms similar to what the City installs.

Commissioner Wood asked if the City can require larger restroom facilities. Mr. Mumford explained all proposals are discretionary and the Planning Commission and City Council can determine if larger restrooms are warranted. The awarded amenity points are based partially on construction costs and this amendment allows restroom amenity points to be more in line with other amenity point standards.

Commissioner Wood asked if the City can require larger restrooms in regional parks. Mr. Mumford said there is discretion in that situation.

Commissioner Wood opened the public hearing at 8:56 p.m. As there were no comments, he closed the hearing.

Commissioner Gray asked if the Municipal Code prevents a developer from installing a restroom in a less desirable location such as a pocket park. Mr. Mumford said there is discretion in that situation, as well. Earlier in this Municipal Code section, it allows developers to propose park amenities, but states what is typically provided in neighborhood parks.

MOTION: *Commissioner Wright moved to recommend approval to the City Council the staff-proposed Municipal Code amendment to chapter 16.35 Development Standards for Required Public Facilities, specifically 16.35.105 Park and Improved Open Space Requirements (Table 16.35.130 (c)). Commissioner Gray seconded the motion. Those voting aye: DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.*

5) Next scheduled meeting

6) Adjournment

MOTION: *Commissioner Gray moved to adjourn the meeting at 9:01 p.m. Commissioner Anderson seconded the motion. Those voting aye: DeLin Anderson, Brett Wright, Rich Wood, Jared Gray. The motion passed with a unanimous vote.*

Approved by the Planning Commission on April 23, 2019.



Steve Mumford
Community Development Director

