



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

February 13, 2024, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Rod Hess, Robert Fox, and Brent Strong. Alternate Commissioner Jimmy Eaton was absent.

ELECTED OFFICIALS PRESENT: Councilmember Brett Wright, Liaison to the Planning Commission.

CITY STAFF PRESENT: Brandon Larsen, Planning Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Senior Planner; David Stroud, Senior Planner; Steven Lehmitz, Planner; and Elizabeth Fewkes, Recording Secretary.

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

Commissioner Allen called the meeting to order at 5:33 p.m.

1. Discussion Items

1.A. A CONCEPT/DISCUSSION – Atkinson Exception to ADU Setback Standards, Lot 34, Valley View Ranch South, Plat "B"

Planning Director Brandon Larsen presented the item. Applicant, Jordan Atkinson, is considering submitting a request for an exception to the setback requirements for accessory dwelling units (ADUs). He would like to expand his home at 1998 E Horizon Cove, Lot 34 in Valley View Ranch South Plat B, and establish an internal ADU. EMMC 17.70.040(C) appears to establish a process by which the Planning Commission may approve, approve with conditions, or deny an exception to the ADU standards. This is just a discussion item to gauge the Planning Commission's interest in considering such a request. The requested minimum setback for the proposed addition to the west side of the house would be 16 feet 7 inches. The setback requirements in Valley View Ranch are 25 feet on all sides.

Other homes in the subdivision appear to meet the setback requirements but a survey would be required to verify the measurements depicted on the plat map are accurate. The addition would sit 10 to 15 feet closer to Horizon Drive than other structures on the road. Setbacks assist with privacy and uniformity in neighborhoods. Mr. Larsen does not foresee a safety concern should the Planning Commission grant the exception. The neighboring property owners would be notified of the application prior to the public hearing should the item move forward.

Applicants Jordan and Lexi Atkinson said that they have measured the setbacks for other homes in the area and several fail to meet City requirements and have setbacks as low as 14 feet. They desire to build an ADU to care for Ms. Atkinson's father and need it to be large enough to accommodate wheelchair access and mobility. They have spent money on a design they provided to the Planning Commission to review and desire feedback regarding feasibility before investing more money in the plans. The east side of the home is where their and other neighborhood children play on a flat area away from the road. The location of the septic system prevents them from placing an addition to the south. The septic system would be easier to connect to an addition on the west side. The ADU would not be out of conformity with the area as several large accessory buildings in the neighborhood have setbacks under 25 feet. The sidewalk along their side of the street sets their house back several feet farther from Horizon Drive than the homes on the opposite side of the street which does not have a sidewalk. Additional parking for ADU occupants is available via a third-car garage and the side yard area. Their neighbors have written letters about the request that they can submit to the City.

The Planning Commission discussed the request and their concerns, and provided the following feedback:

- The visual prominence of the addition due to being located on a street;
- Whether the addition will block motorist visibility;
- The City's desire to permit ADUs;
- Impact to the neighboring property owners;
- Consistency in applying and imposing setback standards and only granting exceptions when no other option is available;
- The City Council's firmness in enforcing setbacks; and
- Reservations about the request but a willingness to have the application return for a public hearing and Commission decision.

1.B. DISCUSSION – City Open Space GIS Database

Wildlife Biologist/Environmental Planner Todd Black presented the item. Eagle Mountain has thousands of acres of designated open space within the City and is continually acquiring more. Some of these open space parcels have been improved for City parks and park strips. However, the majority of the City's open space could benefit from greater positive attention. Work is underway to develop an open space plan that will give guidance toward implementing actions, strategies, and management practices for these open space areas. In order to accomplish this, the first step is getting a GIS database set up to help identify open space areas, quantify them, and make sure they have a proper designation and purpose. This database will play an important part in the development of a specific open space plan. Many of the areas have experienced significant take of City property by adjacent property owners through debris and trash, housing livestock, fencing, and/or installation of structures. Some open space areas should have been deeded to the City by developers but have not been formally acquired. He reviewed the location, use, purpose, condition, connection, encroachment, enforcement, and disposal desirability of higher priority improved and unimproved open space properties. The budget for the Parks and Recreation Department excludes maintenance funds for unimproved open space.

Discussion ensued regarding the following:

- Preserving and protecting land with beneficial uses and purposes such as retention areas;
- Addressing the care and management of unimproved City property;
- The reasons for and processes of the City's original procurement of the land and possible changes to development code to prevent acceptance of difficult-to-maintain, nonbeneficial properties;
- Maintenance and water usage concerns about open space areas with Kentucky blue grass; and
- Notification to residents that they are infringing on City property and addressing infractions through penalties or land disposal.

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

Commissioner Allen called the policy session to order at 6:39 p.m.

2. Pledge of Allegiance

Commissioner Allen led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. January 23, 2024 Planning Commission Minutes

MOTION: *Commissioner Fox moved to approve the January 23, 2024 minutes. Commissioner Strong 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>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☒ <i>Jimmy Eaton</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>
☒ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</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

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the February 6, 2024 City Council meeting and updated the Commission on the plans to begin the review and revision of the City's General Plan.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Flinders' Exception to ADU Setback Standards, Lot 720, Valley View Ranch Phase A Plat 7

This item was presented and discussed following item 6.G.

Planner Steven Lehmitz presented the item. The applicants submitted an ADU application for a unit to be located within an already-constructed detached accessory structure. The ADU is completed and the applicants are now seeking to obtain an ADU permit issued by the City. EMMC 17.70.030(D)(3) requires that a detached unit meet the same setbacks as the primary unit, which in this case is 25 feet on the sides per the recorded plat. The original site plan for the accessory structure noted a setback of 21 feet. The application submitted by the applicant has the accessory structure setback listed as 23 feet. The applicants are petitioning the Planning Commission for an exception to the setback standards for detached ADUs.

Other than the side setback, everything else on the application is in compliance with the City's ADU standards. The proposed ADU has one window facing west. The house located on the property to the west is approximately 80 feet away. The ADU is located in the top, back section of a detached garage that has been there for several years.

City Attorney Marcus Draper explained that an accessory structure, such as a detached garage has a different setback requirement than an ADU. The garage is compliant with the 10-foot Municipal Code setback standards for an accessory structure. Many older master development agreements (MDAs) have historical zoning with specific setbacks and other standards.

Mr. Larsen clarified that the zoning for the property is low density per the Valley View MDA.

Jessica Jones and Cameron Flinders stated that they submitted the exception application as they want to comply with City standards.

Commissioner Allen opened the public hearing at 6:59 p.m. As there were no comments, he closed the hearing.

Mr. Lehmitz confirmed that the applicants have made improvements to the interior of the detached garage and have not added to the exterior of the structure.

Commissioner Allen noted that a resident could get approval for an accessory structure with the intention of later converting it to an ADU to obtain a reduced setback. He suggested that the City address whether to allow the practice with a future Municipal Code amendment. He is in favor of approval as the structure was already in place and providing an ADU is beneficial to the City.

Commissioner Strong said as the structure is not located on a road or a corner and the exterior is not being augmented or altered, he has no objections.

Discussion clarified for the benefit of the public that the Planning Commission is the land use authority for granting an exception and will be rendering a decision on this item rather than making a recommendation to the City Council.

MOTION: *Commissioner Fox moved to grant the accessory dwelling unit setback standards exception for Lot 720, Valley View Ranch Phase A Plat 7. Commissioner Allen 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>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☒ <i>Jimmy Eaton</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>
☒ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

6.B. ACTION ITEM – First Amendment to Firefly ARMDA

Mr. Draper presented the item. The parties are looking to amend Exhibit E to the Firefly Amended and Restated Master Development Agreement (ARMDA) to update the level of service requirements for culinary water to reflect changes to Municipal Code in response to the City’s adoption of new waterwise landscaping standards. The City had agreed to sell the developer 1,000-acre feet of water. The City applied for an additional 3,000-acre feet of Central Utah Water Conservancy District (CUWCD) water and was awarded 2,000-acre feet. Adopting the waterwise landscaping requirements was a condition of being awarded the additional water from the CUWCD. Exhibit E in the agreement is being replaced rather than amended. The City Engineer is working with the applicant to integrate the changes.

Applicant Chase Andrizzi with Oquirrh Wood Ranch explained that the amendment represents technical changes to account for the City’s adoption of water efficiency standards and does not encompass land use elements.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of the First Amendment to the Firefly Amended and Restated Master Development Agreement. Commissioner Strong 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>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☒ <i>Jimmy Eaton</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>
☒ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</i>	☐ <i>Rod Hess</i>

☒ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong**

The motion passed with a unanimous vote.

6.C. ACTION ITEM/PUBLIC HEARING – Parkway Fields F – Preliminary Plat

Items 6.C. and 6.D. were presented and discussed concurrently.

Senior Planner Robert Hobbs presented the item. The applicant is petitioning to subdivide a portion of the Ault Farms Master Development approved by Council in December of 2021 in the southeast region of the City. The development continues the platting of that master development now using Parkway Fields as its name. Phase F now proposes 61 single-family detached home sites and six open space parcels on 69.84 acres of land. The building lots' dimensions and arrangement are designed to conform to the FR Zone, as well as the approved master plan for the project. On February 06, 2024, the City Council authorized the re-design of the plat from what was depicted in the original Ault Farms Master Development Agreement. The Council's action allowed a new street and open space layout and recognized the finalized dedication widths and vectors of Old Airport Road and Eagle Mountain Boulevard. The changes are reflected in the plat's design. A total of 4.70 acres of open space is required for Phase F based on the proposed preliminary plan prior to corrections; the amended preliminary plat provides 22.30 acres of open space. Open space as illustrated in the plat was approved by the City Council via MDA and master development plan (MDP) amendments on February 06, 2024.

Phase G proposes 209 single-family detached lots, two commercial lots, and four open space parcels on 66.96 acres of land. The building lots' dimensions and arrangement are designed to conform to the RC and R3 Zones, as well as the approved (as amended) master plan for the project. On February 6, 2024, the City Council authorized the conversion of one point of access from the residential portion of the plat into the commercial area to the west, in lieu of the one access shown in the original Ault Farms MDA. The two accesses are reflected in the plat's design.

Mr. Hobbs noted that with recent legislative changes, the Planning Commission is the approval authority for preliminary plats. The open space plans for the preliminary plats are in harmony with the open space plan for the original approval.

Discussion ensued regarding the land in the utility corridor being deeded to the City as unimproved open space for future road expansion and/or a regional trail, concerns about maintenance of the unimproved open space in the interim, and lot size average and screening requirement compliance.

Applicant representative, Bronson Tatton, with Flagship Homes stated that they have met the improved open space requirements in other areas of the project. The unimproved open space is encumbered with a gas and power easement and a portion will be improved with native landscaping, a trail, and a trailhead off Pole Canyon Boulevard. If additional programming for the space merits regional use, it will qualify for impact fee reimbursement. The utility easements limit usage but a pump track and other amenity options are under consideration. They are in the process of placing precast concrete walls along the collector roads.

As no comments were received for the item, Commissioner Allen closed the public hearing, continued from the January 23, 2024 Planning Commission meeting, at 7:23 p.m.

MOTION: ***Commissioner Hess moved to approve the preliminary plat for Parkway Fields F. Commissioner Strong seconded the motion.***

Those Voting Yes

☒ **Jason Allen**
☐ **Jimmy Eaton**

Those Voting No

☐ **Jason Allen**
☐ **Jimmy Eaton**

Those Abstaining

☐ **Jason Allen**
☐ **Jimmy Eaton**

Those Absent

☐ **Jason Allen**
☒ **Jimmy Eaton**

☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox
☒ Rod Hess	☐ Rod Hess	☐ Rod Hess	☐ Rod Hess
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a unanimous vote.

6.D. ACTION ITEM/PUBLIC HEARING – Parkway Fields G – Preliminary Plat

As no comments were received for the item, Commissioner Allen closed the public hearing, continued from the January 23, 2024 Planning Commission meeting, at 7:25 p.m.

MOTION: ***Commissioner Strong moved to approve the preliminary plat for Parkway Fields G. Commissioner Fox seconded the motion.***

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☐ Jimmy Eaton	☐ Jimmy Eaton	☐ Jimmy Eaton	☒ Jimmy Eaton
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox
☒ Rod Hess	☐ Rod Hess	☐ Rod Hess	☐ Rod Hess
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a unanimous vote.

6.E. ACTION ITEM/PUBLIC HEARING – General Plan Amendment and Rezone for Pony Express 27

Mr. Lehmitz presented the item. The Ranches MDP zoned the property, located across Pony Express Parkway from Hidden Hollow Elementary, Village Core Commercial, and Community Open Space. The applicants are seeking to develop the subject property with residential lots. To do so, they are seeking a General Plan amendment, updating the Future Land Use and Transportation Map from Community Commercial and Civic Uses/Schools to Neighborhood Residential Two. A rezone would also be required and the applicant is proposing the RC zone. Part of the applicant's proposal is purchasing a portion of City property to the west (about one acre worth). The property owned by the City includes a well and pumphouse that would not be included in the proposed land disposal. Along with the General Plan amendment and rezone recommendation, the applicant is also seeking feedback on the concept plan they submitted.

The property has steep slopes and some of the lots would be deemed unbuildable. Staff has raised concerns about accessing the water tank and an access agreement would be necessitated should the request be approved. The RC Zone prohibits cul-de-sacs unless the applicant can show that it is necessary to develop the site. The western access is close to a Circle 5 Ranch approved intersection. The developer for Circle 5 Ranch has indicated a willingness to share an access with this development which would require an agreement with the City as it impacts City-owned land. The concept plan shows four intersections being added along Pony Express Parkway within a 2,400-foot segment of the road. The applicants would have to submit a traffic plan/report when applying for a preliminary plat.

Staff recommends that the Planning Commission consider the General Plan amendment and rezone request and forward a recommendation of denial to the City Council for the following reasons:

1. The commercial development of this site would be beneficial to the City; and
2. The submitted concept plan shows that residential development would be challenging on the site.

Mr. Black said that the west side of the property is a part of the mule deer migration route. The proposal would create obstacles to wildlife corridor connectivity.

Commissioner Hess expressed concerns about grading, earthwork, and retaining walls needed for the rear of RC lot sized properties and the creation of four access points onto Pony Express Parkway.

Commissioner Fox stated that the request for residential uses should be considered given the challenges to commercial development of the site.

Mr. Hobbs stated that the owner had previously contacted the City about developing the land as residential due to the lack of interest in commercial development.

Discussion ensued regarding the limited viability of the site for commercial development and ways to address the grade of the site, lots that would be unbuildable due to slope standards, and previous concept plans for the site.

Mr. Larsen presented a map demonstrating the overlap of the property with the wildlife corridor and areas designated as unbuildable due to grading. In accordance with the General Plan and Future Land Use Map, the City is interested in steering commercial development to this property.

Applicant representative David Crockett provided company background about Pulte Homes. A parking lot is planned to be adjacent to the Joe's Dugout marker memorializing the location as a stop on the Pony Express Trail. Their request for RC zoning is to transition between single-family homes to the north and single-family and multifamily units to the south. The plan for the walkable community integrates with existing trails. The owner has been unable to attract businesses to locate on the site. Commercial developers have indicated that the grade of the site prohibits sufficient parking and the necessary building footprint. The plan provides a wildlife crossing on the west side. Homes would be designed with walkout basements to account for the grade. Three initial accesses line up with the existing median breaks and curb cuts. They added a right-in, right-out access on the east side due to concerns with the length of the cul-de-sac but they are amenable to removing the access. They have yet to confirm if all the proposed lots meet development code slope requirements and would remove lots if necessary. The application shows the maximum number of potential lots. They feel that it is the highest and best use of the property.

Commissioner Allen opened the public hearing at 7:55 p.m.

Commissioner Allen noted that the Planning Commission received an email from Clinton Spencer against approval as he wishes for the land to remain commercial to benefit residents.

Bettina Cameron, speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance, stated they are against the item due to concerns about the development fragmenting the east wildlife corridor.

Commissioner Allen closed the public hearing at 8:01 p.m.

Commissioner Hess stated that based on the factors discussed, he is leaning towards denial.

Commissioner Allen supported denial due to the dearth of commercial in the area and the segmentation of the wildlife corridor.

MOTION: *Commissioner Hess moved to recommend denial to the City Council of the General Plan Amendment and rezone for Pony Express 27. Commissioner Strong seconded the motion.*

Those Voting Yes

- ☒ ***Jason Allen***
☐ ***Jimmy Eaton***

Those Voting No

- ☐ ***Jason Allen***
☐ ***Jimmy Eaton***

Those Abstaining

- ☐ ***Jason Allen***
☐ ***Jimmy Eaton***

Those Absent

- ☐ ***Jason Allen***
☒ ***Jimmy Eaton***

☐ Robert Fox	☒ Robert Fox	☐ Robert Fox	☐ Robert Fox
☒ Rod Hess	☐ Rod Hess	☐ Rod Hess	☐ Rod Hess
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a vote of 3:1.

Commissioner Fox clarified that his abstention was due to concerns with the landowners ability to sell and develop the land for commercial use.

6.F. ACTION ITEM/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.49 Wildlife Corridor Overlay Zone.

Mr. Black presented the item. Municipal Code amendment changes to 17.49 were presented as a discussion item to the Planning Commission last year in October. This section has gone through multiple staff revisions and is now ready to present to the Planning Commission and City Council. While not changing the intent of the Wildlife Overlay Zone standards, several additions have been made to add clarity and definitions. EMMC 17.49.090 Noncompliance with a Wildlife Overlay Zone has been added to the standards.

Mr. Black explained that the critical mule deer migration route will be a fenced corridor through the City. However, there are other wildlife corridors that other animals will use such as the Tickville Wash. Property within the corridors may be dedicated to the City or a conservation organization, or it can remain private with restrictions. He recommended moving the item forward to the City Council and making additional changes, as merited, should issues arise.

Discussion clarified the differences between the attributes and purpose of an overlay zone compared to the underlying standard zoning.

Commissioner Fox advocated for cooperating with landowners to prevent adversarial feelings and to respect property rights. He raised concerns about the City rejecting plans that impede the wildlife corridor without providing an opportunity for negotiation with property owners.

Commissioner Strong voiced support for approving the standards to identify land in the corridor and to notify landowners before development rather than spending additional time further amending the standards.

Mr. Black stated that most property owners have been amenable to negotiating with the City to reach a mutually beneficial arrangement to mitigate the taking of private property rights. Hopefully, the critical mule deer migration route will alleviate the vast majority of human and wildlife conflict. The City needs to secure additional funding for wildlife crossings. The implemented strategies are demonstrating progress – only one deer has been killed on Wride Memorial Highway within the City boundaries and six on Pony Express Parkway this season. Once the amendment is passed, the City and developers will have maps available to better view the connectivity of the corridor between projects to be able to consider options during the initial planning stages rather than altering plans later.

Commissioner Allen opened the public hearing at 8:22 p.m.

Bettina Cameron, speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance, thanked the City and Mr. Black for the amount of time and effort to work with the public on the item. She reviewed suggested changes to the amendment requested in an email she had sent to the Planning Commission.

Commissioner Allen closed the public hearing at 8:30 p.m.

Discussion ensued regarding the prohibition of constructing or developing within 90 feet of the critical mule deer migration route during migration and bird nesting season and the inclusion of verbiage permitting density transfers.

Mr. Black explained that there are areas in the City where the wildlife corridor is well defined and portions that will require landowner negotiations or road crossings and will necessitate future corridor geographical designation modifications. He amended the standards to allow a seven-to-eight-foot fence to account for the width of materials available and height lost to the overlapping of dual sections of meshing. The City has grant funding available to pay property owners adjacent to the corridor \$5.00 a linear foot for their choice of fencing material including chainlink. The allowance of chainlink fencing has not been codified.

MOTION: *Commissioner Hess moved to recommend approval to the City Council of an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.49 Wildlife Corridor Overlay Zone as presented in the staff report. Commissioner Strong seconded the motion.*

Those Voting Yes

☒ ***Jason Allen***
☐ ***Jimmy Eaton***
☒ ***Robert Fox***
☒ ***Rod Hess***
☒ ***Brent Strong***

Those Voting No

☐ ***Jason Allen***
☐ ***Jimmy Eaton***
☐ ***Robert Fox***
☐ ***Rod Hess***
☐ ***Brent Strong***

Those Abstaining

☐ ***Jason Allen***
☐ ***Jimmy Eaton***
☐ ***Robert Fox***
☐ ***Rod Hess***
☐ ***Brent Strong***

Those Absent

☐ ***Jason Allen***
☒ ***Jimmy Eaton***
☐ ***Robert Fox***
☐ ***Rod Hess***
☐ ***Brent Strong***

The motion passed with a unanimous vote.

6.G. ACTION ITEM/PUBLIC HEARING – EMMC 17.61 Land Use Compatibility With Military Use

This item was presented and discussed prior to item 6.A.

Senior Planner David Stroud presented the item. State Code was amended during the 2023 legislative session to enact 10-9a-537 to require municipalities to notify the state when proposed land development is within 5,000 feet of enumerated military land. Camp Williams is one of the identified military lands and the only facility that affects Eagle Mountain. When a development application is received and before the City can approve it, the state must determine if the use is compatible with Camp Williams. The state has 90 days to determine compatibility. Past projects in the City that have been reviewed by the state under the new law. In each instance, the State responded within 24 hours that such uses were compatible.

Discussion ensued regarding potential impacts on the standards of bills under consideration during the current Legislative session including the possible removal of 17.60.030(C), "The notification requirement does not apply to individual building permits." The City's Director of Legislative Affairs is researching whether the change would impact residential permits.

Mr. Draper clarified that currently the City is only obliged to take into account compatibility when evaluating the land use application unless the property owner already has a vested right to the use.

Commissioner Allen opened the public hearing at 6:50 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Hess moved to recommend approval to the City Council of Eagle Mountain Municipal Code 17.61 Land Use Compatibility with Military Use directing staff to adjust the standards, if merited, to reflect action taken by the State Legislature prior to presenting the item to the City Council. Commissioner Strong seconded the motion.*

Those Voting Yes

☒ Jason Allen
☐ Jimmy Eaton
☒ Robert Fox
☒ Rod Hess
☒ Brent Strong

Those Voting No

☐ Jason Allen
☐ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

Those Abstaining

☐ Jason Allen
☐ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

Those Absent

☐ Jason Allen
☒ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

The motion passed with a unanimous vote.

7. Discussion Items

Discussion ensued regarding the status of approval of the zoning map for the City and the designation of areas with MDA specific zoning on the map.

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for February 27, 2024.

9. Adjournment

MOTION: *Commissioner Fox moved to adjourn at 8:46 p.m. Commissioner Strong seconded the motion.*

Those Voting Yes

☒ Jason Allen
☐ Jimmy Eaton
☒ Robert Fox
☒ Rod Hess
☒ Brent Strong

Those Voting No

☐ Jason Allen
☐ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

Those Abstaining

☐ Jason Allen
☐ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

Those Absent

☐ Jason Allen
☒ Jimmy Eaton
☐ Robert Fox
☐ Rod Hess
☐ Brent Strong

The motion passed with a unanimous vote.

The meeting was adjourned at 8:46 p.m.

Approved by the Planning Commission on February 27, 2024.



 Brandon Larsen
 Planning Director