



EAGLE MOUNTAIN APPEALS BOARD MEETING MINUTES

January 5, 2021, 6:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

7:00 P.M. APPEALS BOARD MEETING – ELECTRONIC MEETING VIA LIFESIZE

The meeting was moved to after the regular City Council meeting.

BOARD MEMBERS PRESENT ELECTRONICALLY: Board Chair Tom Westmoreland, Board Members Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Board Member Jared Gray was excused.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; Eric McDowell, Deputy Sheriff; Linda Peterson, Communications Director; Evan Berrett, Senior Management Analyst; and Robert Ballif, Engineering Assistant.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 54-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

1. CALL TO ORDER

Board Chair Westmoreland called the meeting to order at 11:03 p.m.

2. APPEAL

2.A. Scenic Mountain Phase C Conditional Use Permit Appeal

City Attorney Jeremy Cook presented the item and explained Utah Code 10-9a-507(2)(a)(i) stipulates “a land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” The conditional use permit (CUP) request for Scenic Mountain Phase C is for multifamily units.

The Planning Commission denied the CUP based upon the findings of fact:

1. Townhome units do not include man doors at the garage, as specified by the Fire Marshal;
2. Parallel parking spaces create a safety issue for ingress and egress for safety vehicles and do not present a guest-type parking space; and
3. The open space features do not meet the requirement of EMMC 16.35.105, as presented at the signing of the MDA.

For the appeal, the City Council was tasked with determining whether the Planning Commission's findings were correct. Subsequent to the Planning Commission meeting, the City received a letter from Unified Fire Authority indicating they had discussed the project with the applicant and were satisfied with the noticing on the buildings and did not feel the project created and health, safety, or welfare issues. The City Council needed to determine if the remaining issues could be addressed with conditions of approval of the project.

MOTION: *Board Member Burnham moved to reverse the denial of the conditional use permit on the following grounds:*

- 1. With respect to the denial of the conditional use permit based on fire and emergency response issues, the Planning Commissions' denial is based on conclusions that are not consistent with the Unified Fire Authorities' letter dated December 9, 2020, and therefore do not support the denial of the conditional use permit. We find that the applicant can mitigate those concerns by complying with the recommendations in the December 9, 2020 letter.*
- 2. With respect to the adequacy of the guest parking and the park improvements complying with City Code, we find that reasonable conditions can be imposed as part of the Phase C Master Site Plan to mitigate the reasonably anticipated detrimental effects of the proposed use.*

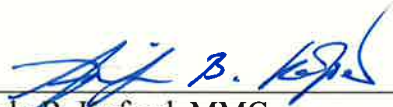
Accordingly, the conditional use permit should be granted with the condition the applicant complies with any changes or modifications imposed in conjunction with the Phase C Master Site Plan. Board Member Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.

3. ADJOURNMENT

MOTION: *Board Member Curtis moved to adjourn the meeting at 11:08 p.m. Board Member Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 11:08 p.m.

Approved by the City Council on January 19, 2021.



Fionnuala B. Kofoed, MMC
City Recorder