



# EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

September 26, 2023, 5:30 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Robert Fox, and Brent Strong, and Alternate Commissioner Jimmy Eaton.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Commissioner Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Robert Hobbs, Planning Manager; and Steven Lehmitz, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Bergener called the meeting to order at 5:52 p.m.

1. Discussion Items
  - 1.A. Planning Commission Training

City Attorney Marcus Draper presented training on the Open and Public Meetings Act and the Municipal Officers' and Employees' Ethics Act.

Commissioner Bergener adjourned the work session at 6:30 p.m.

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

Commissioner Bergener called the policy session to order at 6:30 p.m.

2. Pledge of Allegiance

Commissioner Bergener led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes
  - 4.A. August 22, 2023 Planning Commission Minutes

**MOTION:**        *Commissioner Fox moved to approve the August 22, 2023 minutes. Commissioner Strong seconded the motion.*

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*The motion passed with a unanimous vote.*

5.        Status Report

Staff reviewed the planning items discussed and voted upon during the September 19, 2023 City Council meeting.

6.        Action and Advisory Items

6.A.     ORDINANCE/PUBLIC HEARING – Panter Rezone

*Items 6.A. and 6.B. were presented and discussed concurrently.*

Planner Steven Lehmitz presented the item. Near the end of July, staff was contacted by the applicants with questions about how to pursue dividing their 1.45-acre property, Lot 16 in Sage Valley Plat A, to create an additional lot. The applicants expressed that this change would fit within their neighborhood as many of the lots are smaller. It was found that Sage Valley was zoned Residential and developed through the Sage Valley Master Development Agreement (MDA), entered into on July 6, 1999. The MDA vested 67 units across the development and Plat A with 21 lots was developed with one-acre minimum lots. On September 6, 2005, the MDA was amended, increasing the total vested units to 98, meaning an additional 77 lots could be developed. Sage Valley Plat B platted all 77 of those lots, with ½-acre minimum lot sizes. Sage Valley Plat B Phase 2 combined Lots 36 and 37 to create one two-acre lot.

Staff recommended that the applicants propose a rezone of the property from Residential to RD2, a current zone designation with ½-acre minimum lot sizes. To further pursue their request, the applicants would need to apply for a recorded plat amendment to divide their current lot and create an additional lot.

If the proposed rezone is approved, the recorded plat amendment application should be considered under RD2 zoning standards. Both newly created lots would be over the ½-acre lot size minimum; both lots would have street frontages of at least 100 feet; neither of the new lots would have issues with setbacks making the lot unbuildable. A petition was prepared by the applicants to inform the adjacent and proximate neighbors of their intention to subdivide the lot and was signed by three of the four property owners. Mr. Lehmitz was unsure whether the applicants had been unable to

get ahold of Brandon Reda or if he objected to the proposal. The owners of the other properties in Plat A were not presented with the petition, but they were sent public notices by the City of the plat amendment and rezone request. The City does not receive confirmation of the delivery of public notices. Public notices are also posted on the City’s website and at City Hall.

*Commissioner Bergener opened the public hearing at 6:47 p.m.*

Leslie Austin spoke against the application due to concerns with the approval changing the integrity of the neighborhood intended for one-acre and larger lots and setting a precedent for additional subdivision of lots.

Blaine and Susan Hartwell sent an email to the City in opposition to the rezone.

*Commissioner Bergener closed the public hearing at 6:50 p.m.*

Mr. Lehmitz explained that the email address on the public notices was inadvertently incorrect and has been corrected for future notifications.

Commissioner Eaton agreed with Ms. Austin’s concerns regarding the alteration of the neighborhood.

Commissioner Everett concurred with upholding the original design of the plat and the original approval of the property.

Applicant Todd Panter explained that they have had their property for sale for a while and have found that they are unable to get the value of their property because they are the largest lot in the area. He believes that none of the other lots would be able to meet the 100-foot frontage width, setbacks, and ½-acre lot minimum criteria for the RD2 Zone necessary to be subdivided. Plat B originally had also been planned with one-acre lots. Developing ½-acre lots to the east negatively impacted their property and resale value. They invested a lot of money into surveying the property to find the ideal division line that meets City standards for the RD2 Zone.

Mr. Lehmitz said that without further research he is unable to verify the assertion that only this property could be subdivided to meet the standards for the RD2 Zone. However, it is unlikely that most of the properties in Plat A could be subdivided and meet the 100-foot-wide frontage requirement.

**MOTION:**        *Commissioner Everett moved to recommend denial to the City Council of the rezone for Sage Valley Plat A Lot 16 from residential to RD2 as it does not conform with the approved plat for the original development. Commissioner Allen seconded the motion.*

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*The motion passed with a vote of 4:1.*

6.B. ORDINANCE – Panter Recorded Plat Amendment

**MOTION:** *Commissioner Bergener moved to recommend denial to the City Council of the plat amendment for Sage Valley Plat A to divide Lot 16 into two separate lots. Commissioner Allen seconded the motion.*

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*The motion passed with a unanimous vote.*

6.C. PRELIMINARY PLAT – Firefly 5 Phase A

Planning Manager Robert Hobbs presented the request for a preliminary plat approval for Firefly NPA 5 Phase A, a 110-acre subdivision within the Firefly Planned Community, proposing 71 single-family, agricultural-style building lots with 3.87 acres of open space. The lots, roads, intersections, connectivity, and open space adhere to City standards. The applicants have made the minor revisions requested by the Development Review Committee. Access to the property will be along the northern road section that will tie into Pole Canyon Boulevard. The parking lot for the equestrian trailhead will be gravel and owned and maintained by the homeowners’ association (HOA).

Applicant representative David Vitek with Candlelight Homes verified that the gravel parking lot and equestrian trail behind and between the lots will be owned and maintained by the HOA and is common property separate from the individual lots. The maintenance plan and schedule for the trail and parking lot will be outlined in the HOA documents. In the exhibits, Lots 60 and 61 were erroneously labeled as a single lot and are divided as illustrated by the line in the center of the lot labeled 60. The unique design of Lots 30 and 31 is for usability benefiting Lot 31 as the space would have been unusable if included in Lot 30. NPA 5 was designed to maximize space for large lots and is the only numbered planning area (NPA) that excludes a park amenity.

Discussion clarified that gravel is the intended material for the horse trailers and all-terrain vehicle (ATV) parking lot and loading and unloading area as it is preferable for horses to a hard surface such as asphalt.

Commissioner Bergener opened the public hearing at 7:19 p.m. As there were no comments, he closed the hearing.

Mr. Vitek explained that ½-acre, equestrian lots will be developed in the adjacent phase to buffer and transition between these lots and smaller lots. The ½ acre lot property owners will have access to the equestrian trails in this phase. The trails will have signage indicating the trails are exclusively for equestrian use and prohibit motorized vehicles and bicycles. The trails do not connect to Bureau of Land Management (BLM) land.

Commissioner Strong recommended designating separate areas in the parking lot for horse trailers and ATVs to prevent conflicts and vehicles blocking trailer access to load and unload horses.

**MOTION:** *Commissioner Allen moved to recommend approval to the City Council of the preliminary plat for Firefly NPA 5 Phase A. Commissioner Fox seconded the motion.*

**AMENDED MOTION:** *Commissioner Allen moved to recommend approval to the City Council of the preliminary plat for Firefly NPA 5 Phase A with the following conditions:*

1. *The labeling error for lots 60 and 61 shall be corrected; and*
2. *The applicant shall determine and make updates to the plans for the gravel parking lot prior to presenting the item to the City Council.*

*Commissioner Fox seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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*The motion passed with a unanimous vote.*

Mr. Hobbs stated that due to the size and scope of the Firefly development, he will compile the approved documents for the project and provide them to the Planning Commission to allow the Commissioners to evaluate and compare each future application to the overall approved MDA.

7. Discussion Items

Discussion ensued clarifying the City’s drainage requirements and evaluation process, Planning Commission training requirements and opportunities, methods to adhere to the Open and Public Meetings Act, and the rarity of circumstances arising that would require the Planning Commission to hold a closed session.

Deputy City Administrator/Community Development Director Steve Mumford announced that the City hired Brandon Larsen as Planning Director and he will begin work on September 27, 2023.

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for October 10, 2023.

9. Adjournment

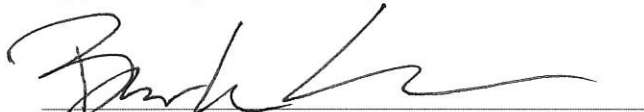
**MOTION:** *Commissioner Allen moved to adjourn at 7:41 p.m. Commissioner Strong seconded the motion.*

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*The motion passed with a unanimous vote.*

The meeting was adjourned at 7:41 p.m.

Approved by the Planning Commission on October 10, 2023.




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Brandon Larsen  
Planning Director