



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

March 26, 2024, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Robert Fox, Rod Hess, Brent Strong, and Craig Whiting; and Alternate Commissioner Bryan Free.

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; Caden Lyon, 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 5:30 p.m.

1. Discussion Items
 - 1.A. Financial Resilience Presentation

Planner Caden Lyon presented the following information regarding financial resilience for municipalities:

- Context of financial resiliency for Eagle Mountain,
- Financial resilience as it pertains to a municipality,
- The necessity for a municipality to be financially resilient, and
- Examples of municipal financial resilience.

Mr. Lyon explained that for the purpose of this presentation, he focused on property tax rather than sales tax and other revenue sources.

- 1.B. DISCUSSION – Retaining Wall Code Amendments

Senior Planner Robert Hobbs presented the item. Current Eagle Mountain Municipal Code (EMMC) standards only state that retaining walls are not allowed in easements and that they require permits. Where the City lacks zoning code regulations affecting retaining walls, staff has prepared draft language addressing their appearance, composition, height maximums, and tier levels. Retaining walls must comply with building code and have structural engineering where needful and are prohibited in some instances. Prompted by a simplification suggested by Commissioner Hess, further revision removed identifying two types of retaining walls. The City has had issues with retaining walls failing that were never shown on any engineering plans.

Discussion and direction:

- Add additional language to EMMC 17.61.030(D)(1) to further clarify that retaining walls over four feet require a building permit and structural drawings and provide a link to building permit application standards and processes;
- Specify in EMMC 17.61.030(D)(2) when fall barriers are required;
- Concern with the use of inappropriate fill dirt, insufficient compaction, and inadequate footing depths;
- Support of requiring a minimum horizontal distance equal to 1.5 times the average height of the two adjacent retaining walls; and
- Consideration of whether to set a maximum height and number of tiers.

Commissioner Allen adjourned the work session at 6:15 p.m.

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

Commissioner Allen called the policy session to order at 6:32 p.m.

2. Pledge of Allegiance

Commissioner Allen led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Recently appointed Commissioners, Alternate Commissioner Bryan Free and Commissioner Craig Whiting, introduced themselves.

There were no Declarations of Conflicts of Interest.

4. Approval of Meeting Minutes

4.A. March 12, 2024 Planning Commission Minutes

MOTION: *Commissioner Hess moved to approve the March 12, 2024 minutes. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

5. Status Report

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the March 19, 2024 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Scott Exception to ADU setback standards, Lot 608, Valley View Ranch Phase A Plat 6

Mr. Lyon presented the item. The applicant is seeking an exception to accessory dwelling unit (ADU) standards based on the uniqueness of his situation. He is seeking to build a detached accessory structure that will serve as a garage on the lower floor and an ADU on the upper floor. The applicant's property has a unique shape in the rear of the property, forming a triangular angle. The Valley View Ranch subdivision, of which his property is a part, requires that homes of .75 acres or less have a 25-foot rear setback. EMMC 17.70.030(D)(3) requires that a detached unit meets the same setbacks as the primary dwelling unit on the property. The applicant is petitioning for a 15-foot rear setback to be granted as an exception to this requirement because of the unique shape of the rear of the property. In this way, the property owner will avoid losing the utility that this space provides.

Discussion clarified the frontage and setbacks of the primary dwelling in relation to the requested and required ADU setbacks.

City Attorney Marcus Draper clarified that his interpretation is that an ADU must meet the same setback requirements, rather than the exact setback distances, as the primary dwelling unit.

Commissioner Allen opened the public hearing at 6:46 p.m. As there were no comments, he closed the hearing.

Commissioner Fox expressed concern about setting a precedent and feels that an applicant needs a more compelling reason than the desire to better utilize their lot to qualify for an exception.

Commissioner Strong concurred with Commissioner Fox that an applicant should have a compelling, insurmountable reason to qualify for an exception such as limitations due to grading. The building could be relocated to meet the setback requirements.

Commissioner Whiting noted that Municipal Code requires the applicant to provide evidence that the exception will not cause negative impacts on other residents which has not been included in the submission. He would like to have heard from the impacted neighbors as to whether they have invasion of privacy or other concerns with the ADU. He feels that insufficient information has been provided to warrant an exception especially where the ADU could be reoriented to be parallel with the home to preserve more yard useability while still meeting setback requirements.

Commissioner Allen supported the views and concerns of the other Commissioners.

Commissioner Hess verified with staff that the plot plan in the packet presented during the meeting indicates setbacks that would allow the applicant to meet the requirements and the applicant desires to alter that proposal to reduce the rear setback from 25 to 15 feet.

The Planning Commission discussed uncertainty regarding the metrics to use in granting an exception other than the impact on the neighbors. Staff confirmed that the applicant will have the ability to appeal a denial by the Planning Commission to the City Council or to reapply with a materially different application.

MOTION: *Commissioner Strong moved to deny the Scott Exception to accessory dwelling unit setback standards for Lot 608 Valley View Ranch Phase A Plat 6. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

Mr. Larsen recommended that staff prepare a set of criteria to be used when evaluating exception requests and the Planning Commission agreed.

6.B. ACTION ITEM/PUBLIC HEARING – Oquirrh Mountain Ranch and Eagle Mountain, UT, Central Stake Church Site Plan

Mr. Lyon presented the item. Chad Spencer with EA Architects requests the Planning Commission review and forward a positive recommendation to the City Council regarding the Oquirrh Mountain Ranch and Eagle Mountain, Utah Central Stake chapel site plan for The Church of Jesus Christ of Latter-day Saints. The lot is located at the parcel number listed above and contains 4.85 acres. The Church has owned the property since 2009. The site is flanked by a major road on the west, namely Pony Express Parkway, with the Oquirrh Mountain Ranch subdivision on the west side of the road. Surrounding uses are single-family residences, and religious or cultural meeting halls are special uses in a residential zone. The site plan contains the main building, a storage building, and a pavilion.

Wildlife Biologist/Environmental Planner Todd Black indicated the location on the northeast side of the parcel that will be deeded to the City for a trail and wildlife corridor that will connect to the trail system and petroglyph park.

Commissioner Allen opened the public hearing at 7:09 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of the site plan for Oquirrh Mountain Ranch and Eagle Mountain, Utah, Central Stake Church with the condition that the steeple shall be reduced by 1 ½ feet to meet the 70-foot maximum height requirement. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.C. ACTION ITEM/PUBLIC HEARING – Code Amendment Regarding Food-Grade Oil Recycling and Definitions

Senior Planner David Stroud presented the item. A consultant contacted the City regarding where a facility that recycles food-grade oil (oil that is used in restaurants and fit for human consumption) may be located. The land use table does not contemplate that specific use and will default to the recycling facilities use. Recycling facilities are not permitted in the Sweetwater Industrial Overlay Zone, the consultant's location of interest. Staff informed the consultant that the City would work on an amendment on behalf of the potential user but this should not be taken as complete support of such an amendment as the Planning Commission and City Council would decide on the appropriate direction.

The land use tables in EMMC identify "Recycling Facilities" as a conditional use in the Industrial zone and not permitted in the Sweetwater Industrial Overlay zone. However, recycling facilities are not defined in EMMC. This type of facility can take on several meanings absent of any definitions in the code. The proposed changes will add definitions to Municipal Code and list recycling food-grade oil as a conditional use in the Industrial Zone and a conditional use in the Sweetwater Industrial Overlay Zone. Junkyard or wrecking yard will also be defined to prevent them from being interpreted as a recycling facility. Junkyards and wrecking yards are currently not allowed in the City and this change would maintain the use as prohibited in all zones.

Nate Walter with LEI Engineers explained the business model for filtering and processing the oil inside the building. Their facilities do not have the capacity to refine the oil to use as fuel. Air scrubbers mitigate odor production and no pollutants are created or released into the air or water. Waste is disposed of offsite. They have not had any complaints regarding noise or pollution at the current facility in Saratoga Springs, but desire to relocate due to encroachment by residential development.

Commissioner Allen opened the public hearing at 7:22 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.10.030 Definitions, 17.40.040 Conditional Uses (Industrial Zone), and 17.53.040 Land Uses (Sweetwater Industrial Overlay). Commissioner Whiting seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes

Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.D. ACTION ITEM/PUBLIC HEARING – Electronic School Signs

Mr. Hobbs presented the item. The Planning Department was contacted by Creative Signs & Graphics to ascertain how Black Ridge Elementary School might get permission to have an electronic, wall-mounted LED sign. Review of the matter revealed that such signs were currently not allowed by Municipal Code, even though about one-half of elementary schools in the City already have them (which are likely unpermitted). Exemptions in State law that allow schools to not comply with certain local zoning laws do not provide means to circumvent complying with a community's sign code. Staff determined that the course left to the school to get their desired sign would be to apply to amend Municipal Code. The draft amendment language, if passed, will affect all schools (including charter and private) in the City, formalizing their ability to have electronic wall signs.

Commissioner Allen opened the public hearing at 7:38 p.m. As there were no comments, he closed the hearing.

Planning Commissioners requested the following changes to the Municipal Code amendment proposal to be brought back at a future meeting for further consideration:

- Permit one electronic reader board per school on the monument or the wall, not both;
- Clarify appropriate dimming hour restrictions for schools per EMMC 17.80.060(D);
- Create height and width size restrictions for electronic message signs;
- Verify dark sky ordinance compliance requirements for school uses; and
- Establish enforcement procedures.

MOTION: ***Commissioner Hess moved to table amendments to Eagle Mountain Municipal Code 17.10.030 Definitions and 17.80 Sign Regulations and Sign Permits with direction to staff to implement the recommendations made by the Planning Commission to the standards and place the item on the agenda of a future meeting. Commissioner Fox seconded the motion.***

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.E. ACTION ITEM/PUBLIC HEARING – Fence Code Minor Addition

Mr. Hobbs presented the item. The City Council recently approved a rewrite of the City's fence code. In conjunction with that action, the Council asked staff to bring back an ordinance to address how the City measures fence or wall heights. The original amendment would add the following verbiage to EMMC 17.60.120(A), "Fence or wall height is measured or assessed from the height of finished grade of the property whereupon a fence lies, or to which it pertains, to the top of the fence or wall."

Mr. Hobbs explained that he spoke with a Councilmember prior to the meeting. The Councilmember recommended the following additional language as a secondary option for height measurement, "from the height of the grade of the building/parking pad where such is at a higher grade elevation than any abutting single-family development(s)."

The Planning Commission discussed the proposed amendments and advised staff to change the word "single-family" to "residential" and alter the formatting of the additional language to EMMC 17.60.120(A) as follows:

1. Fence or wall height is measured or assessed from either:
 - a) the height of finished grade of the property whereupon a fence lies, or to which it pertains, to the top of the fence or wall, or,
 - b) from the height of the grade of the building/parking pad where such is at a higher grade elevation than any abutting residential development(s).

Commissioner Allen opened the public hearing at 7:54 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.60.120 General fencing provisions as amended and presented in the meeting with the addition of the following language to EMMC 17.60.120(A):*

- *EMMC 17.60.120(A)(1): "Fence or wall height is measured or assessed from either:"*
 - *EMMC 17.60.120(A)(1)(a): "the height of finished grade of the property whereupon a fence lies, or to which it pertains, to the top of the fence or wall, or,"*
 - *EMMC 17.60.120(A)(1)(b): "from the height of the grade of the building/parking pad where such is at a higher grade elevation than any abutting residential development(s)."*

Commissioner Whiting seconded the motion.

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7. Discussion Items

Commissioner Allen explained that a Planning Commission Chair and Vice Chair will be voted on and appointed by the Commission during the next meeting.

Discussion ensued regarding property ownership requirements and commitments for master development agreements.

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for April 9, 2024.

9. Adjournment

MOTION: *Commissioner Hess moved to adjourn at 8:06 p.m. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

The meeting was adjourned at 8:06 p.m.

Approved by the Planning Commission on April 9, 2024.

A handwritten signature in black ink, appearing to read "Brandon Larsen", written over a horizontal line.

Brandon Larsen
Planning Director