



## EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

May 14, 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, and Alternate Commissioner Bryan Free. Commissioners Rod Hess, Brent Strong, and Craig Whiting were excused.

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; and Elizabeth Fewkes, Recording Secretary.

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

Commissioner Allen called the meeting to order at 5:31 p.m.

#### 1. Discussion Items

##### 1.A. DISCUSSION – Rose Ranch

Senior Planner David Stroud began his report by providing an overview of the Rose Ranch project located south of Brandon Park currently zoned Agricultural. This property, initially under a different developer, is now being managed by Edge Homes. They have made modifications to the original plan and are seeking feedback on two primary aspects: the park and the layout of the zones. The feedback will inform the Master Development Agreement before the applicant returns for further development steps. The future land use map indicates potential for parks, trails, and commercial development. A notable feature is the proposed freeway alignment to the west, which is still in flux. The concept plan includes 147 lots in the R3 Zone and 76 to 78 lots in the R2 zone. The previous plan included R1 zoning, which has been removed. The City Council previously requested larger lots in the northeast section to match Brandon Park, which has been incorporated into the new plan. The applicant proposes dedicating some parks and open space areas to the City, particularly considering the long-term plans for Fairfield Road to become a trail.

Applicant representative Brandon Watson, representing Edge Homes, discussed the modifications to the original concept plan. He emphasized the vision of providing larger lots for homes and addressed the feedback regarding buffering against Brandon Park and considerations for Fairfield Road. Mr. Watson solicited feedback on whether to preserve the triangle piece on the east side of Fairfield Road as open space or to expand the nearby lots. Should the City desire to improve the open space to the north of Fairfield Road before the road is vacated, they would install fencing to separate the park space from the road as a safety measure.

#### The Planning Commission:

- Discussed the practicality and future plans for open space and Fairfield Road;
- Considered options to improve the open space to prevent it from becoming an eyesore;
- Emphasized ensuring children's safety if the open space on both sides of Fairfield Road were improved;
- Agreed the proposed park's location is ideal, especially if Fairfield Road transitions into a trail;
- Appreciated adjustments aligning the development with Brandon Park and the inclusion of larger lots; and
- Highlighted the need for a timeline or priority plan for developing the park and trail.

##### 1.B. Lower Tickville Gulch Issues and Management Solutions

Wildlife Biologist/Environmental Planner Todd Black addressed the ongoing issues and potential management solutions for the lower portion of the Tickville Wash. Following up on concerns raised by citizens about the excessive

use of motorcycles, ATVs, and other off-road vehicles impacting approximately 55 to 60 acres of City property, with some areas requiring collaboration with the Silver Lake Village Homeowner's Association (HOA), and the need for a management plan for the area. He illustrated these points with various images showing the current state of the wash, the effects of unauthorized vehicle use, trash and debris, and invasive and noxious weed species. Significant erosion has been noted, with some areas eroding up to five feet in six years, threatening nearby properties. He emphasized the need for monitoring, management, and maintenance.

Mr. Black proposed several management strategies:

- Hydrological Engineering Consultation: Consulting with hydrological engineers to identify and implement best management practices, such as beaver dam analogs and large rock placements to stabilize the soil and reduce erosion.
- Enforcement of Restrictions: Considering measures to restrict motorized vehicle access and potentially prohibiting such activities altogether to protect the area.
- Community Involvement: Engaging with residents for education and volunteer efforts to help maintain the area and foster a sense of community responsibility.

Discussion:

- Seeking professional consultation to determine effective erosion control measures;
- Identifying funding sources and setting a realistic budget;
- Educating residents and involving them in maintenance efforts;
- Creating a sustainable management plan with regular monitoring and enforcement;
- Preserving the area as a natural park aligns with the City's values but would also require significant investment and community involvement; and
- Establishing adequate funding, ongoing education and enforcement.

Commissioner Allen adjourned the work session at 6:10 p.m.

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

Commissioner Allen called the policy session to order at 6:30 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. April 23, 2024 Planning Commission Minutes**

**MOTION:** *Commissioner Fox moved to approve the April 23, 2024 minutes. Commissioner Free seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

***The motion passed with a unanimous vote.***

4.B. April 23, 2024 Planning Commission Special Session Minutes

**MOTION:** *Commissioner Fox moved to approve the April 23, 2024 Special Session minutes. Commissioner Free seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

5. Status Report

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the May 7, 2024 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Pinnacles Multi-Family Preliminary Plat

Senior Planner Robert Hobbs introduced the Pinnacles Preliminary Plat project, mentioning the initial approval of the Pinnacles subdivision in early 2021. This approval included single-family residential units and an area designated for townhouse units zoned MF1 and MF2. He explained that the applicants' request had previously been tabled, but they had since made the necessary revisions to meet current setbacks and adjusted garage sizes to comply with the State-mandated 22-foot width requirement for multifamily units. He concluded that the revised project aligns with codified solution standards and best practice principles for development.

*Commissioner Allen opened the public hearing at 6:38 p.m. As there were no comments, he closed the hearing.*

Some commissioners found the layout of townhomes facing each other with service alleys unconventional and less appealing. However, they acknowledged that similar designs exist in other areas and comply with Municipal Code requirements.

**MOTION:** *Commissioner Allen moved to approve the multifamily preliminary plat for the Pinnacles. Commissioner Fox seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

6.B. ACTION ITEM/PUBLIC HEARING – Fence Code Patch

Mr. Hobbs explained that following the recent passage of a revised fence code, a few issues have emerged that require clarification and a minor code update.

These issues include:

1. Clarifying the required composition and nature of walls placed between residential developments (subdivisions) and collectors/arterials rights-of-way.

2. Specifying the amount of wire fencing allowed within residential perimeter fences. This is based on approximately 80% of a 6-foot by 8-foot fence with 4-inch by 4-inch top and bottom rails and 4-inch by 4-inch posts, with 2-inch by 4-inch boards tied vertically, making the posts effectively 8-inch wide as defined in the zoning code's definition of a "wire fence."
3. Determining the type or nature of fencing to be allowed or required along the Ranches Parkway, considering pre-existing conditions and the ongoing development of small subdivision areas nearby, particularly along its southeastern area near Pony Express Parkway.

Commissioner Free asked if alternatives to wood, like durable synthetic materials that mimic wood, could be allowed to reduce maintenance while maintaining appearance.

Mr. Hobbs responded that the current proposal specifies wood based on a Councilmember's preferences but acknowledged the potential for considering such alternatives.

*Commissioner Allen opened the public hearing at 6:51 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 16.35.090 Privacy Fencing and 17.60.120 General Fencing Provisions. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

#### 6.C. ACTION ITEM/PUBLIC HEARING – Off-Street Parking Adjustments

Mr. Hobbs presented the proposed code amendments for off-street parking adjustments with several key objectives. The primary goal is to ensure parking lots are no more than 100 feet from the main entrances of buildings they serve, a measure aimed at enhancing convenience and accessibility, especially for multifamily housing projects. Additionally, the amendments designate the City Council as the authority to authorize shared parking agreements between properties—a shift from the previous management through conditional use permits. These agreements will now require a professional parking analysis and include a maintenance agreement between joint users. The amendments also propose reducing the allowable percentage of shared parking from 50% to 40% and include minor grammatical revisions.

Mr. Hobbs acknowledged the standard's subjective nature but affirmed its basis on reasonable assumptions regarding the proximity of parking lots to building entrances.

Discussion ensued regarding the following:

- Clarification that the edge of the parking lot must be within 100 feet of the building and that the parking lot may extend beyond that distance;
- Assurance that ADA parking requirements remain unchanged and are not affected by the new 100-foot standard; and
- The shift of approval authority to the City Council, along with the requirement for a professional parking analysis, is seen as a positive change to ensure thorough review and management.

*Commissioner Allen opened the public hearing at 6:59 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 17.55.040 General Provisions for Nonresidential and Multifamily Off-Street Parking Facilities and 17.55.100 Shared Parking and Curb Cuts. Commissioner Fox seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

6.D. ACTION ITEM/PUBLIC HEARING – Residential Definitions and Table Revisions

Mr. Hobbs presented the proposed code amendments related to residential definitions and table revisions. Mr. Hobbs explained the ongoing efforts to revise the zoning ordinance, with a particular focus on Conditional Use Permits (CUPs). The aim is to reclassify CUPs into categories of special permits, allowed uses, or prohibited uses. He emphasized the importance of updating and clarifying the zoning code to enhance its user-friendliness and comprehensiveness. Mr. Hobbs introduced new residential definitions that are commonly used in the industry but were previously absent from the code. He also highlighted the changes made by the economic development team, which included reformatting and relocating some definitions. Additionally, Mr. Hobbs described the reorganization of the residential table, which now groups uses by type, such as animal uses and living space uses, and arranges them alphabetically for easier reference.

Commissioner Allen raised a question about the definitions related to accessory dwelling units (ADUs), specifically pointing out a discrepancy between the existing ADU definition, which allows up to 1,200 square feet, and the new definition for accessory dwelling residential-detached, which limits the size to 500 square feet.

Mr. Hobbs acknowledged this potential oversight and assured Commissioner Allen that he would work to reconcile these definitions.

*Commissioner Allen opened the public hearing at 7:05 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 Chapter 17.10 Definitions and Chapter 17.25 Residential Zones directing staff to resolve the discrepancy in ADU square footage. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

Discussion ensued regarding the need for further revisions to address inconsistencies in ADU integration, appearance, and size standards and to clarify the classification of remodels versus new construction and attached and detached ADUs.

6.E. ACTION/PUBLIC HEARING – Retaining Walls New Code Amendment

Mr. Hobbs introduced an amendment addressing the lack of substantive ordinances concerning retaining walls in the City. Mr. Hobbs outlined the necessity for regulations aimed at preventing the construction of large, potentially unsafe walls along property lines. He highlighted two primary reasons for building retaining walls: retaining the



natural grade and creating level spaces through artificial backfill. He explained that he had collaborated with Commissioner Hess, who is a landscape architect, to revise the initial draft of the amendment and simplify the regulations. He mentioned a recent change in the building code regarding how the height of a retaining wall is measured, now calculated from the top of the wall to the non-load bearing side instead of from the bottom of the footing. He emphasized that retaining walls are prohibited in easements, including drainage wash easements, and must maintain a minimum offset of one foot from property lines to ensure compliance.

He also discussed safety concerns, recalling an incident where stacked boulders used as retaining walls in a development began to fail, leading to complaints. This incident underscored the necessity for involving structural engineering in the approval process for retaining walls. Mr. Hobbs proposed specific separation requirements between retaining walls, specifying a distance of one and a half times the height of the wall, with a maximum allowable height of six feet. Additionally, he included language in the amendment to ensure that the appearance of retaining walls harmonizes with the surrounding natural landscape, promoting aesthetic integration.

Commissioner Fox asked whether an engineering report would be required to provide evidence of the wall's ability to withstand soil-bearing pressure.

Mr. Hobbs confirmed that an engineering report is customary for retaining walls over four feet tall, as part of the building permit process.

*Commissioner Allen opened the public hearing at 7:19 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 Chapter 17.61 Retaining Walls and 17.60.120 General Fencing Provisions. Commissioner Free seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

#### 6.F. ACTION ITEM/PUBLIC HEARING – Historic Zones

Mr. Hobbs explained that zoning administration, including inquiries about property zoning and rules such as land use, setbacks, heights, architecture, and unit density, highlighted the need for recodification of old zones. The proposed amendment reintroduces these old zoning districts, either verbatim or with established equivalencies to current land use zones, to ensure consistent enforcement and support of development rules while properties are rezoned to align with 2024 codes. This initiative aims to resolve ambiguities in the zoning code, especially those concerning historic and master-planned community zones. The process involved extensive cataloging efforts and faced challenges in matching old zones to new standards, requiring subjective judgments on compatibility and usage. Some historic zones, particularly in commercial areas, had no modern equivalents and were marked as expired.

Legal counsel advised to include the stipulation in 17.30.010(D), "Perseverance of master development plans and master development agreements: Any zoning adopted in a master development plan or master development agreement shall survive the expiration of either or both and shall remain in full force and effect after expiration." Recent inquiries into specific zoning requirements like setbacks for accessory sheds, underscoring the need for clear and accessible historical zoning information. Section 17.30.010(B)(6), "If a development standard is not stated for a given zone in an agreement, then the Planning Director reserves the right to require and apply standards from other current, and comparable, city zones, appealable to the Planning Commission and City Council. Consideration shall be given to comparable zone standards when determining equivalencies," addresses how the City will handle ambiguities in historical zoning.

Commissioner Allen opened the public hearing at 7:32 p.m. As there were no comments, he closed the hearing.

Discussion explored the purpose and need for easily accessible information regarding former zoning ordinances.

**MOTION:** *Commissioner Free moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code adding Chapter 17.30 Historic Zones. Commissioner Fox seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

7. Discussion Items

7.A. DISCUSSION – Agriculture and Industrial Zones Code Amendments

Mr. Hobbs presented an amendment to support ongoing efforts to simplify zoning regulations for agricultural and industrial zones with the aim of streamlining decision-making and discussions, similar to previous adjustments in residential zones. These changes address potential modifications in zone uses and involve reformatting tables for better clarity and usability, making the code easier to understand. The proposal also considers revising terminology to align with current standards and replaces existing language with simplified text. A side-by-side comparison of old and new tables and language is suggested to ensure consistency with existing policies and facilitate clearer discussions.

Commissioner Robert Fox inquired about the inclusion of wind turbines in the code, seeking clarification on their definition and use within the zones. He highlighted the importance of having clear definitions to avoid confusion, especially concerning uses like wind turbines that could have multiple applications, such as electricity generation.

Commissioner Allen expressed support for the efforts to make the zoning code more user-friendly, particularly for citizens, and appreciated the categorization and simplification efforts, noting they would facilitate easier comprehension of the code.

Commissioner Free noted the benefits of bringing Eagle Mountain's zoning code closer to those in other cities.

8. Next Scheduled Meeting

The May 28, 2024 Planning Commission was canceled. The next scheduled meeting is June 11, 2024.

9. Adjournment

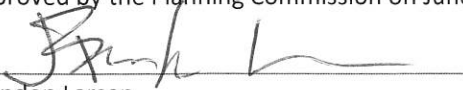
**MOTION:** *Commissioner Fox moved to adjourn at 7:44 p.m. Commissioner Free seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Absent
Brent Strong	Absent
Craig Whiting	Absent
Bryan Free	Yes

*The motion passed with a unanimous vote.*

The meeting was adjourned at 7:44 p.m.

Approved by the Planning Commission on June 11, 2024.

  
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Brandon Larsen  
Planning Director