



## EAGLE MOUNTAIN PLANNING COMMISSION MINUTES

**OCTOBER 8, 2024, 5:30 PM**

EAGLE MOUNTAIN CITY COUNCIL CHAMBERS

1650 EAST STAGECOACH RUN, EAGLE MOUNTAIN, UT 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; Robert Hobbs, Senior Planner; Steven Lehmitz, Planner; Elizabeth Fewkes, Planner; Ashley Swensen, Planner; Kimberly Ruesch, Director of Administrative Services; David Salazar, Assistant City Engineer; and Lianne Pengra, Chief Deputy Recorder.

### **5:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION WORK SESSION**

Commissioner Allen called the meeting to order at 5:30 PM.

#### 1. DISCUSSION ITEMS

##### 1.A. DISCUSSION – General Plan Outline

Planner Elizabeth Fewkes presented the item. Staff has prepared a draft outline for the Eagle Mountain City General Plan update. This outline will be amended throughout the General Plan preparation process to incorporate direction from the City Council, recommendations from the Planning Commission, research findings, and public feedback. The outline is presented at the beginning of the process to ensure all desired aspects of the General Plan are considered.

**Please see the attached Report of Action for details regarding the discussion.**

##### 1.B. DISCUSSION – Solar Power/Alternate Energy Code

Planning Director Brandon Larsen presented the item.

**Please see the attached Report of Action for details regarding the discussion.**

Commissioner Allen adjourned the work session at 6:22 PM.

### **6:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION POLICY SESSION**

#### 2. CALL TO ORDER

Commissioner Allen called the meeting to order at 6:30 PM.

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Allen led the Pledge of Allegiance.

#### 4. DECLARATION OF CONFLICTS OF INTEREST

None.

5. MINUTES

5.A. September 24, 2024 Planning Commission Minutes

**MOTION:** *Commissioner Fox moved to approve the September 24, 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.*

6. STATUS REPORT

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the previous City Council meeting.

7. ACTION AND ADVISORY ITEMS

7.A. ACTION ITEM/PUBLIC HEARING – Amending the Consolidated Fee Schedule for Section 10.1 Master Development Fees, Section 10.7 Other Development Fees, and Section 13.1 Building Permit Fees.

Finance Director Kimberly Ruesch presented the proposal to amend the Eagle Mountain City Consolidated Fee Schedule to increase fees for a Hobby Breeder License Application, establish a Pet-Sitting License Application; reduce fees for a Master Development Agreement Amendment Application, reduce fees for Building Permits, and to eliminate the Fast Track Fee.

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

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Whiting moved to recommend approval to the City Council of the amended Consolidated Fee Schedule for Sections 10.1 Master Development Fees, 10.7 Other Development Fees, and 13.1 Building Permit Fees. 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.*

7.B. ACTION ITEM – First Amendment to the Master Development Agreement for the Triumph Subdivision

City Attorney Marcus Draper presented the item. On July 6, 2022, the parties entered into a Master Development Agreement for the Triumph Subdivision. Section VIII.a of the MDA includes requirements that the Developer within two years of the effective date submit its first final plat for approval and that the site work for the first final plat or site plan

begin. To date, the Developer has failed to complete either of those benchmarks and more than two years have elapsed. The Developer is seeking to restart the clock on completing those benchmarks. The Developer is also looking to extend the expiration date to six years from the effective date of the first amendment, instead of six years from the original effective date.

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Hess moved to recommend approval to the City Council of the First Amendment to the Master Development Agreement for the Triumph Subdivision. 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.*

7.C. ACTION ITEM/PUBLIC HEARING – Strides Pediatric Therapy Site Plan

Planner Steven Lehmitz presented the item. The proposed Site Plan application for Strides Pediatric Therapy, located at 18406 W. White Quest Drive (Utah County Parcel Number 59:051:0026), adds additional building locations and parking spaces.

*Commissioner Allen opened the public hearing at 7:13 PM.*

The following individuals spoke during the public hearing: Dave Snyder.

*Commissioner Allen closed the public hearing at 7:14 PM.*

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Strong moved to recommend approval to the City Council of the Strides Pediatric Therapy Site Plan. 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.*

7.D. ACTION ITEM/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code 17.10.030 Definitions and 17.59 Easements.

Planner Steven Lehmitz presented the item. The proposed code amendment adds the definition of an easement and enacts Chapter 17.59 Easements to establish standards related to easements.

*Commissioner Allen opened the public hearing at 7:23 PM. As there were no comments, he closed the hearing.*

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Whiting moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Section 17.10.030 Definitions and Chapter 17.59 Easements. 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.*

7.E. ACTION ITEM/PUBLIC HEARING – Belle Street Seminary Building Site Plan

Planner Ashley Swensen presented the item. The proposed site plan is for the Belle Street Seminary Building, located at 1215 E Harmony Way, Utah County Parcel Number 38:716:0002.

*Commissioner Allen opened the public hearing at 7:29 PM. As there were no comments, he closed the hearing.*

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Fox moved to recommend approval to the City Council of the Belle Street Seminary Building Site Plan. 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.F. ACTION ITEM – Jenson Pet Sitting Expansion – Request/Petition

Planner Steven Lehmitz presented the item. The Locke Pet Sitting expansion, which allowed the holder of the business license to have up to ten dogs on the property at any given time, was approved by the Planning Commission at the June 11, 2024 meeting. The current applicant is seeking the same approval granted to Melanie Locke for the same property, 2322 E Hawk Lane.

Please see the attached Report of Action for details regarding the discussion.

**MOTION:** *Commissioner Fox moved to approve the Jensen Pet Sitting Expansion Request to allow up to ten dogs on the property. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	No
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

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

8. DISCUSSION ITEMS

9. NEXT SCHEDULED MEETING

The next Planning Commission meeting is scheduled for October 22, 2024.

10. ADJOURNMENT

**MOTION:** *Commissioner Hess moved to adjourn the meeting at 7:44 PM. 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.*


The meeting was adjourned at 7:44 PM.

Approved by the Planning Commission on October 22, 2024.



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Brandon Larsen  
Planning Director



# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #1A Staff has prepared a draft outline for the Eagle Mountain City General Plan update. This outline will be amended throughout the General Plan preparation process to incorporate direction from the City Council, recommendations from the Planning Commission, research findings, and public feedback. The outline is presented at the beginning of the process to ensure all desired aspects of the General Plan are considered. Beth Fewkes (801) 789-6681 [efewkes@emcity.org](mailto:efewkes@emcity.org)

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## DISCUSSION ONLY

Planning Commissioners Present: Rod Hess, Craig Whiting, Robert Fox, Jason Allen, Byran Free (alt) and Brent Strong

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### RELATED ACTIONS

General Plan Update

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

N/A

### CONCERNS RAISED BY PUBLIC

No concerns were raised by the public at this meeting.

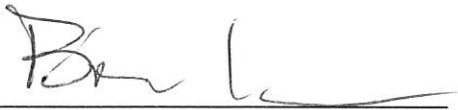
### APPLICANT RESPONSE

The applicant was Staff.

### PLANNING COMMISSION DISCUSSION

The Planning Commission proposed the inclusion of information about various religious institutions in the City in the

General Plan and verified with Staff that animal rights would be included in the agricultural preservation element. Staff suggested the addition of slope and ridgeline protection to the Environmental Stewardship chapter of the plan.



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Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #1B The city has indicated a desire to consider how it assesses and entitles alternative energy applications, such as solar energy. City staff have been working with a group interested in submitting an application for a battery storage facility. This group has prepared some draft language for the City to consider relative to alternative energy. Rob Hobbs (801) 789-6682 [rhobbs@emcity.org](mailto:rhobbs@emcity.org)

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## DISCUSSION ONLY

Planning Commissioners Present: Rod Hess, Craig Whiting, Robert Fox, Jason Allen, Brent Strong, and Bryan Free (alt)

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### RELATED ACTIONS

N/A

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

N/A

### CONCERNS RAISED BY PUBLIC

No concerns were raised by the public at this meeting for this item.

### APPLICANT RESPONSE

City-initiated

### PLANNING COMMISSION DISCUSSION

- Commissioner Hess asked if §10-9a-610, UCA, should be contemplated as the City considers requirements for

alternative energy. Marcus Draper, City Counsel, said this chapter of Utah Code is essentially saying a city could (not shall) refuse to record a plat if the developer establishes covenants, conditions, and restrictions for the development that restricts the usage of solar infrastructure, such as panels.

- Commissioner Strong asked Mr. Draper if the City could deny proposals for large solar farm projects. Mr. Draper said he is aware of nothing that would require the city to make solar farms a permitted use.



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Planning Director

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7A The Finance department periodically reviews the costs associated with providing services and makes recommendations for fee adjustments as needed. At the October 15, 2024, City Council meeting a resolution amending the Eagle Mountain City Consolidated Fee Schedule will be considered. The amendment includes proposed fee reductions for the Master Development Agreement Amendment applications and Building Permit fees, an increase to the Central Water Project One-time Development Take Down Fee, as set by Central Utah Water Conservancy District Board of Trustees and the Central Water Project Capital Amount for Capital Recovery. Kimberly Ruesch (801) 789-6606  
[kruesch@emcity.org](mailto:kruesch@emcity.org)

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Craig Whiting (to Recommend Approval)

Second By: Robert Fox

Votes in Favor of Motion: Robert Fox, Jason Allen, Brent Strong, Rod Hess, and Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### RELATED ACTIONS

N/A

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

N/A

CONCERNS RAISED BY PUBLIC

No concerns were raised by the public at this meeting for this item.

APPLICANT RESPONSE

City-initiated

PLANNING COMMISSION DISCUSSION

- Commissioner Free asked how staff comes up with the fees for applications. Kimberly Ruesch, Finance Director, said the city is typically looking at the cost to provide the service. We look at staff time, and how many and what staff members are involved in the application process. Ms. Ruesch also explained that the City generally does not set their fees based on the needs of other cities. Thus, comparison with other cities' fees is problematic.
- Commissioner Strong wanted an explanation of why many application fees are proposed to go down. Ms. Ruesch explained that we are only allowed to charge fees that are commensurate with what it costs the City to do the review.



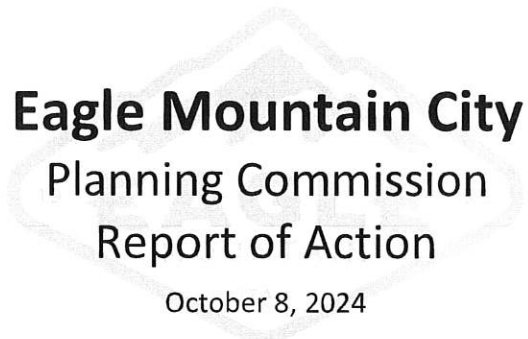
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Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7B On July 6<sup>th</sup>, 2022, the parties entered into a Master Development Agreement for the Triumph Subdivision. Section VIII.a of the MDA includes requirements that the Developer within two years of the effective date submit its first final plat for approval and that the site work for the first final plat or site plan begin. To date, the Developer has failed to complete either of those benchmarks and more than two years has elapsed. The Developer is seeking to restart the clock on completing those benchmarks. The Developer is also looking to extend the expiration date to six years from the effective date of the first amendment, instead of six years from the original effective date. Marcus Draper (801) 789-6621 [mdraper@emcity.org](mailto:mdraper@emcity.org)

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Rod Hess (**to Recommend Approval**)

Second By: Brent Strong

Votes in Favor of Motion: Rod Hess, Craig Whiting, Robert Fox, Jason Allen, and Brent Strong,

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### RELATED ACTIONS

N/A

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

N/A

CONCERNS RAISED BY PUBLIC

No concerns were raised by the public at this meeting for this item.

APPLICANT RESPONSE

- Caden Hazard reaffirmed the half-acre average lot size. He stated that offsite infrastructure had been completed, but no final plat had been recorded due to market conditions.

PLANNING COMMISSION DISCUSSION

- Commissioner Allen inquired what would happen if the amendment wasn't approved. Mr. Draper said that the applicant would end up being in breach of the agreement.
- Commissioner Whiting asked for clarification of where the Triumph development was located and what density it was approved with.
- Commissioner Hess asked about what the expirations were.
- Commissioner Strong wanted to know what changes the applicant would need to make to meet our current requirements if the amendment wasn't approved. Mr. Draper stated that the applicant was already in breach of the agreement for not meeting the first benchmark, but the request to set new expirations would keep the agreement intact and not require other changes to be made.
- Commissioner Hess asked if it was reasonable to reset the benchmark but keep the overall expiration date.



Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7.C. Elizabeth Lebrecht requests approval of a proposed site plan amendment application for Strides Pediatric Therapy, located at 18406 W. White Quest Drive (Parcel Number 59:051:0026), to add additional building locations and parking spaces. Steven Lehmitz (801) 789-6617 [slehmitz@emcity.org](mailto:slehmitz@emcity.org) SITE-24-5

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above-noted application.

Motion By: Brent Strong (**to Recommend Approval**)

Second By: Robert Fox

Votes in Favor of Motion: Robert Fox, Jason Allen, Brent Strong, Rod Hess, and Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### LEGAL DESCRIPTION FOR PROPERTY

The property included within the site plan is described in Exhibit A.

### RELATED ACTIONS

On April 16, 2019, the City Council approved a code amendment (O-09-2019) that added a definition for "Equine Assisted Therapy Centers" and added the same as a conditional use in the Agriculture Zone. On May 28, 2019, the Planning Commission approved a conditional use permit and recommended approval of a site plan and preliminary plat. Then on October 1, 2019, the City Council approved the site plan and preliminary plat.

### PROPOSED OCCUPANCY

- Variable depending on the number of buildings on the site

PROPOSED PARKING

- 50 total spots, 3 of which are for ADA parking

DEVELOPMENT AGREEMENT

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

N/A

CONCERNS RAISED BY PUBLIC

- Dave Snyder expressed his support and admiration for the site/business.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicants confirmed that the septic tank currently meets capacity and if the additional buildings are approved, then they would work with the Utah County Health Department to ensure that the septic system continues to maintain capacity.
- The fencing was approved and is now being improved by surrounding residential developments. The buildings from the original site plan were placed further to the west to keep them away from the property to the east.
- The applicants feel welcome in the community and want to expand their space to help the children feel more comfortable.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Hess asked the applicant about the septic tank and the fencing between the site and the property owner to east.
- Commissioner Whiting stated that the world needed more of this type of use and thanked the owners for what they provide for the community.



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Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

## EXHIBIT A

ADJUSTED PARCEL 1 (59:051:0023): A parcel of land lying and situated in the Southeast Quarter of the Northeast Quarter of Section 19, and the Southwest Quarter of the Northwest Quarter of Section 20, Township 6 South, Range 2 West, Salt Lake Base and Meridian. Comprising the remaining 45.13 acres of that particular parcel of land described in that certain Parcel Line Adjustment recorded as Entry 96748:2017 of the Utah County Records. Basis of Bearing for Subject Parcel being Geodetic NORTH as determined by GPS or North 89°42'52" East 5339.92 feet coincident with the south line of the Northwest Quarter of said Section 19. Subject Parcel being more particularly described as follows: Commencing at the West Quarter corner of said Section 19, North 89°42'52" East 4009.29 feet coincident with said Quarter Section line; Thence North 00°00'16" West 816.10 feet to a number 5 rebar and cap stamped "PLS 356548" and the True Point of Beginning; Thence South 89°50'33" East 819.74 feet along a fence line to a number 5 rebar and cap stamped "PLS 356548"; Thence North 00°09'20" East 159.40 feet to a number 5 rebar and cap stamped "PLS 356548"; Thence South 89°49'26" East 843.43 feet to a number 5 rebar and cap stamped "PLS 356548"; Thence South 00°02'28" West 477.34 feet to a number 5 rebar and cap stamped "PLS 356548"; Thence South 89°50'46" East 952.02 feet to the westerly right of way line of SR-73 and a number 5 rebar and cap stamped "PLS 356548"; Thence South 09°16'09" East 495.66 feet coincident with said right of way to a number 5 rebar and cap stamped "PLS 356548"; Thence North 89°47'15" West 1364.44 feet coincident with the south line of the Northwest Quarter of Section 20, Township 6 South, Range 2 West, Salt Lake Base and Meridian to the West Quarter Corner thereof; Thence South 89°42'52" West 1330.63 feet coincident with the south line of the Northeast Quarter of said Section 19 to a number 5 rebar and cap stamped "Flint LS 160156"; Thence North 00°00'16" West 816.10 feet to the point of beginning.

ADJUSTED PARCEL 2 (59:051:0019): A parcel of land lying and situated in the Southeast Quarter of the Northeast Quarter of Section 19, Township 6 South, Range 2 West, Salt Lake Base and Meridian. Comprising 9.80 acres, the 6.80 acres of land contained in that particular parcel of land described in that certain Parcel Line Adjustment recorded as Entry 23908:2019 of the Utah County Records and a 3.00 acre portion of "Adjusted Parcel 59:051:0020" described in that certain Parcel Line Adjustment recorded as Entry 96749:2017 of said County Records, (currently known as Tax Parcel 59:051:0023) Basis of Bearing for Subject Parcel being Geodetic NORTH as determined by GPS or North 89°42'52" East 5339.92 feet coincident with the south line of the North Half of said Section 19. Subject Parcel being more particularly described as follows: Commencing at the West Quarter corner of said Section 19, thence North 89°42'52" East 4009.29 feet coincident with said Quarter Section line; Thence North 00°00'16" West 816.10 feet to a number 5 rebar and cap stamped "PLS 356548" and the True Point of Beginning; Thence North 00°00'16" West 518.64 feet to the Sixteenth Section Line and a found rebar and cap stamped "FLINT LS 160156"; Thence North 89°56'17" East 733.69 feet coincident with said sixteenth section line to a number 5 rebar and cap stamped "PLS 356548"; Thence North 00°07'41" East 33.00 feet; Thence North 89°56'17" East 600.00 feet; Thence South 00°07'41" West 33.00 feet; Thence South 89°56'17" West 512.50 feet; Thence departing said sixteenth section line South 00°09'20" West 521.79 feet to a number 5 rebar and cap stamped "PLS 356548"; Thence North 89°50'33" West 819.74 feet to the point of beginning.

# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7.D Staff requests approval for a development code amendment that adds the definition for an easement and proposes EMMC 17.59 as a new chapter that establishes standards related to easements. Steven Lehmitz (801) 789-6617 [slehmitz@emcity.org](mailto:slehmitz@emcity.org)

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted proposal.

Motion By: Craig Whiting (**to Recommend Approval**)

Second By: Jason Allen

Votes in Favor of Motion: Brent Strong, Rod Hess, Craig Whiting, Robert Fox, and Jason Allen

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

N/A

### CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission.

### APPLICANT RESPONSE

N/A

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Hess asked Attorney, Marcus Draper, about the definition provided for an easement and how it works with the State's definition.
- Commissioner Allen asked for clarification about what is meant by a structure that can't be removed, and Commissioner Strong echoed the question.



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Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7E This property (Parcel No. 38:716:0002) is part of the Clearview Estates Master Development Agreement and was originally zoned "Residential Tier I." However, during the May 7<sup>th</sup>, 2024, City Council meeting a motion was passed to approve a rezone to the Public Facilities Zone for the purpose of locating a seminary building for the Church of Jesus Christ of Latter-day Saints. The seminary will be built for the new junior high school and will be located at 9068 N Belle St. The applicant seeks approval for their proposed site plan. Ashley Swensen (801) 789-6620 [aswensen@emcity.org](mailto:aswensen@emcity.org) SITE-24-8

The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above-noted application.  
Motion By: Robert Fox (to Recommend Approval)

Second By: Craig Whiting

Votes in Favor of Motion: Rod Hess, Craig Whiting, Robert Fox, Jason Allen, and Brent Strong

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### LEGAL DESCRIPTION FOR PROPERTY OF SITE PLAN

The property where the seminary will be built is described in the attached Exhibit A.

### RELATED ACTIONS

The City Council approved the rezoning of this property from "Residential Tier I" to "Public Facilities Zone"

### PROPOSED PARKING

\*4 Total parking stalls required

\*6 Total parking stalls provided

\*The Planning Commission reviewed the parking plan and found it sufficient for the needs of the site

DEVELOPMENT AGREEMENT

This parcel is still part of the Clearview Estates Master Development Agreement, but development standards will default to the Public Facilities Zone in Chapter 17.31 EMMC.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

N/A

CONCERNS RAISED BY PUBLIC

No concerns were raised by the public at this meeting.

APPLICANT RESPONSE

The applicant was present but offered no comments.

PLANNING COMMISSION DISCUSSION

Planning commission reviewed the proposed site plan and had no additional comments or discussion.



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Planning Commission

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

**EXHIBIT A**

LOT 2, EAGLE MOUNTAIN MIDDLE SCHOOL SUB AREA 0.619 AC.

# Eagle Mountain City Planning Commission Report of Action

October 8, 2024

ITEM #7F      Locke Pet Sitting Expansion, allowing the holder of the business license to have up to 10 dogs on the property at any given time, was approved by the Planning Commission at their June 11, 2024, meeting. The current applicant, Andrew Jenson, is seeking the same approval granted to Melanie Locke and for the same property (2322 E. Hawk Lane). Steven Lehmitz (801) 789-6617 [slehmitz@emcity.org](mailto:slehmitz@emcity.org) BL-578

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The following action was taken by the Planning Commission on the above-described item at its regular meeting of October 8, 2024:

## RECOMMENDED APPROVAL

On a vote of 4:1, the Planning Commission approved the above-noted request.

Motion By: Robert Fox (**to Recommend Approval**)

Second By: Jason Allen

Votes in Favor of Motion: Craig Whiting, Robert Fox, Jason Allen, and Rod Hess

Votes Against: Brent Strong

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### LEGAL DESCRIPTION FOR PROPERTY

LOT 229, MEADOW RANCH PLAT 2 SUBDV. AREA 1.260 AC.

### RELATED ACTIONS

On June 11, the Planning Commission approved a request for Melanie Locke to have up to 10 dogs on the same property.

### PROPOSED OCCUPANCY

N/A

### PROPOSED PARKING

N/A

DEVELOPMENT AGREEMENT

N/A

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

N/A

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission.

APPLICANT RESPONSE

- Andrew Jenson stated that his whole job is to train dogs, so he would do his best to keep dogs well-behaved and well-groomed.
- The applicant confirmed that dogs would be kept inside, but outdoor kennels are available for dogs to be outside occasionally.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Strong confirmed that the property in question is changing ownership and stated that the reason the original approval was granted was based on the owner. He wanted the current owner to build up a reputation before asking for 10 dogs. He suggested giving them six months with 8 dogs and then coming back to ask for 10.
- Commissioner Whiting confirmed that there would only be up to 10 dogs and not up to 20 on the property. He also wanted to know if the dogs would be housed inside or outside.
- Commissioner Strong asked the applicant where they were previously located and whether or not they would have more than 10 dogs on the property at any time.
- Commissioner Allen stated that with everything staying the same, he was fine with the current request.
- Commissioner Fox stated that going from 8 to 10 dogs is not too big of a difference.
- Commissioner Free pointed out that there are other things in the code such as nuisance ordinances to keep the property in check.



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Planning Director

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