



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

September 9, 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, Brent Strong, and Craig Whiting; and Alternate Commissioner Bryan Free.

ELECTED OFFICIALS PRESENT: Councilmember Melissa Clark.

CITY STAFF PRESENT: Brandon Larsen; Community Development Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Senior Planner; David Stroud, Senior Planner; Steven Lehmitz, Planner; and Megan Green, Planning 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 ITEM – CONCEPT PLAN - Bishop Project (Upper Hidden Valley)

- City Planner, Steven Lehmitz, presented the Upper Hidden Valley Project and history of the project, starting with the Hidden Valley Master Plan in 2008 and the Upper Hidden Valley development agreement in 2015.
- The project involves 217 units, a mix of single-family detached homes and townhouses, with Hidden Valley Parkway extending from the Hidden Hollow development.
- Concerns about the topography and the need for feedback on meeting the plan's requirements.
- The applicant requested feedback to ensure the project meets the plan's requirements and emphasizes the inclusion of mountain bike trails and the higher-end product proposed for the area.
- Commissioners Allen and Whiting discussed the reduction in lot count, traffic concerns, particularly on Pony Express, the impact of traffic studies on density, and the need for a temporary fire truck turnaround.
- The feasibility of building on sloped areas and the need for retaining walls and the need for attractive designs, particularly on townhome side elevations were discussed.

Commissioner Allen adjourned the work session at 6:03 p.m.

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

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

3. Pledge of Allegiance

Commissioner Allen led the Pledge of Allegiance.

4. Declaration of Conflicts of Interest

None.

5. Approval of Meeting Minutes

5.A.

MOTION: *Commissioner Strong moved to approve the minutes of the August 26, 2025 Planning Commission meeting. Commissioner Fox seconded the motion.*

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

The motion passed with a unanimous vote.

6. Status Report

Community Development Director, Brandon Larsen, reviewed the planning items discussed and voted upon during the City Council meeting.

7. Action and Advisory Items

7.A. Trails at Hidden Valley MDP Staff report

Presentation summary: The Lower Hidden Valley project [with 1,256 residential units] was approved by the City in 2011. A Master Development Plan (MDP) and a Master Development Agreement (MDA) memorialized that action. Vesting was made in perpetuity. The Agreement was later amended, in minor form(s), in 2023.

A new Second Amendment is proposed. The new amendment proposes to re-configure the approved layout of the project [topography and codes being a factor]. Associated with the changes is a reduction in building lot density count (with a resultant increase in unimproved open space), right-of-way changes (e.g., deletion of the Hidden Valley Parkway) and open spaces' dimensioning and positioning alterations. Because the changes are seemingly substantial on the whole, Staff believes there is cause to require the plan to be submitted as a MDP and MDA Amendment set and to require compliance with the City's adopted hillside, ridge line and wildlife corridor standards - besides regular subdivision/zoning design rules (save as may be allowed otherwise via Development Agreement). Nothing in the original Agreement (or 1st Amendment thereto) seems to contradict that stance.

Last year, the City began an effort to rezone properties that were once assigned a zoning district that is now no longer part of the City's code. Those historical zones included the "Residential" Zone which, by Agreement, was assigned to the Lower Hidden Valley project in 2007. The Residential Zone features a tier system. Each tier has its own density, setback and other zoning controls. Since the Applicant wants to amend the old Agreement, it would seem logical to, at the same time, to update the zoning for the property. However, some of the currently proposed smaller building lots do not dovetail well with adopted residential development standards - particularly with respect to rows of building lots intended to have but 40' of street frontage (vs. meeting a 58' minimum with variations in street frontage widths every three or four lots a la EMMC 17.25.040). Thus, to entertain the proposed Master Plan redo, the City may invoke changes to the Applicant's designs, or, accept what is desired and use the Firefly model to accommodate non-standard building lots [use or assignment of the MF-1 and MF-2 zones to the lots in question won't help as they are strictly for multi-family buildings].

On April 1st of this year, the Applicant's representative appeared before City Council to show the concept version of the plan under consideration. Council was also interested in preserving the prior Agreements' open space amenity(ies) - including a clubhouse. They noted the impact of the future mid-valley road on the project. An apparent change between the two versions (April to September) is the elimination of a number of building lots in places - including on the south of the main entry road off/onto Pony Express as well as on the north side of the entry road

along the Monkey Brass trail, and, along Pony Express [residential pod adjustments]. Elimination of a "one preliminary plat" for the whole development condition from the MDA is also being asked for by the developer.

Applicant's statements summary: Lynsi Neve representing Perry Homes presented the Trails and Hidden Valley Plan. There has been a series of multiple engineering reviews, soil studies, traffic studies, that have been done to create a better plan that fits this piece of land. Perry Homes is reducing from 1200 units down to 709 units. The previous project had pods that were provided across the land, and we're trying to give layouts, larger single-family lots and additional product that we think will be a benefit to the project overall.

Public Hearing Comments:

- Several residents express concerns about the project's impact on their property values, traffic, and safety.

Discussion summary:

- Commissioner Whiting and other commissioners discussed the need for updated traffic studies and the potential for rezoning to single-family dwellings.
- The applicant agreed to provide additional information and consider the Commission's feedback on refining the project.

Commissioner Allen opened the public hearing at 6:44 p.m.

Shandrea Hall, Joshua Hall, and Cynthia Dalton spoke at the public hearing voicing their concerns. Christ Turner spoke on behalf of White Birch Drive Citizen Group.

Commissioner Allen left the public hearing open.

MOTION: *Commissioner Allen moved to table Item 7.A., Trails at Hidden Valley. Commissioner Strong seconded the motion.*

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

The motion passed with a unanimous vote.

7.B. Rush Creek Industrial Phase A Plat 1 Amendment

Presentation summary: Request to divide two platted lots into two additional lots. The proposed new lots (4) meet the standards of the LMD zone. The item was inadvertently noticed as a public hearing, so it has remained as such on the agenda.

Applicant's statements summary: The applicant, Dan Ford, explained the demand for one-acre lots and the high standards for architectural design in the area.

Discussion summary:

- City Planner, David Stroud, presented the Rush Creek Industrial Phase A Plat Amendment, proposing to split two lots into four.
- Commissioner Whiting recused himself.

Commissioner Allen opened the public hearing at 7:10 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Strong moved to recommend approval to the City Council of Item 7.B., Rush Creek Industrial Phase A Plat 1 Amendment. Commissioner Allen seconded the motion.*

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

The motion passed 4-0.

7.C. Mountainland Development Agreement

Presentation summary: Mountainland Supply is developing a lot in the Rush Creek Industrial development. Mountainland needs to construct a retaining wall on their property. City Code requires a 3-foot setback for retaining walls. Mountainland would like to construct the retaining wall on the property line. The proposed development Agreement would provide a legal path to allow them to do so.

Applicant's statements summary: Matthew Cook, project manager, explained the need for the retaining wall to maintain the area and be a good neighbor. They would like to beautify the area and keep it clean.

Discussion summary:

- Marcus Draper presented the development agreement with Mountainland Supply for a retaining wall exemption.
- Commissioner Whiting questioned if neighbors need to be notified.
- Commissioner Strong has no concerns being in the industrial zone.

Commissioner Allen opened the public hearing at 7:13 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Strong moved to recommend approval to the City Council of Item 7.C., Mountainland Development Agreement. Commissioner Free seconded the motion.*

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

The motion passed with a unanimous vote.

7.D. Hansen Retaining Wall Variance

Presentation summary: Several months ago, the Applicant had multiple conversations with Staff to determine what would be required to install a retaining wall with a fence on top. The information provided to the applicant was that if the retaining wall was less than 4 feet high (measured from the bottom of the wall to the top of the wall), then a building permit would not be required. The applicant was never informed by Staff that the retaining wall would need to be 3 feet away from property lines per EMMC 17.60.130(E). The Applicant applied for and was issued a fence permit on June 5, 2025. The plan submitted by the Applicant showed a 5-foot fence atop a 1-foot concrete base. It was unknown to Staff that the 1-foot concrete base was actually the top section of a larger retaining wall. Work on the wall and fence commenced on June 10th.

Following up on a complaint received by the Community Development Department, it was determined that the Applicant was building a retaining wall out of compliance with City Code and without a building permit. A Stop Work order was issued on August 20th. The Applicant was informed that, 1) the wall was too close to the property lines;

and, 2) a building permit would be required since, prior to July 1, retaining wall height was measured from the bottom of the footing to the top of the wall. The Applicant's wall had sections that exceeded the 4-foot height threshold. A building permit is also required if the wall supports a surcharge (in this case, a fence). The Applicant is willing to apply for a building permit but is seeking a Variance from the locational requirements found in EMMC 17.60.130(E).

Applicant's statements summary: Robert Hansen explained the initial purpose of the project was to create a concrete base for a fence due to grade changes. The applicant followed the code's height measurement from finished grade to top of the wall. An engineer assessed the wall, deeming it over-built and structurally sound. The applicant has already invested significantly in materials and construction. The applicant offers to add decorative elements to the wall facing the neighbor's property. Due to poor information received from the City and a breakdown of communications, Robert is requesting a variance.

Discussion summary:

- Steven Lehmitz explained that the applicant was informed that a retaining wall under four feet would not require a building permit and that the wall was initially measured from the bottom to the top, which was under four feet, so no permit was needed.
- The city code regarding retaining walls and the 3-foot setback were discussed.
- Commissioner Strong questioned the structural integrity of the wall if it exceeds four feet.
- The applicant addressed neighbor concerns and explained the construction process and efforts to communicate.
- The Commissioners discussed the need for a code change to address the three-foot setback requirement.
- The criteria required to approve a variance were discussed with majority of the Commission agreed that they had been met.

This item is not a public hearing.

MOTION:

Commissioner Whiting moved to grant Item 7.D., Hansen Retaining Wall Variance Request with the given findings:

- ***Relative to Criteria 1 - Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title: the applicant's neighbor caused undue hardship on the applicant that caused the applicant to come up with a current solution with the fence/retaining wall.***
- ***Relative to Criteria 2 - There are special circumstances attached to the property that do not generally apply to other properties in the same district: the applicant's neighbor caused undue hardship on the applicant that caused the applicant to come up with a current solution with the fence/retaining wall.***
- ***Relative to Criteria 3 - Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district: that the enjoyment of his property was affected by what the neighbor had done, solving it through what the applicant did with this wall.***
- ***Relative to Criteria 4 - The variance will not substantially affect the general plan and will not be contrary to the public interest: there is not much that needs to be justified there, as it does not affect the general public, and not contrary to the public interest.***
- ***Relative to Criteria 5 - The spirit of this title is observed and substantial justice is done: This title is observed, substantial justice is done. Commissioner Fox seconded the motion.***

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Excused

Brent Strong	No
Craig Whiting	Yes
Bryan Free	Yes

The motion passed with a 4-1 vote.

7.E. Parkway Fields Stake Center

Presentation summary: The applicant is seeking site plan approval for a new church to be located at 2858 N Pony Express Parkway (Parcel No. 70:028:7065).

Discussion summary:

- The application includes a front setback of 39 feet, exceeding the minimum and maximum requirements.
- The city council has the authority to approve alternative setbacks.
- The landscaping plan includes trees and shrubs to screen light poles and meet code requirements.
- The Commission shared that they liked the setback and landscaping along Pony Express.

Commissioner Allen opened the public hearing at 8:10 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Whiting moved to recommend approval to the City Council of Item 7.E., Parkway Fields Stake Center, with the consideration that the City Council determine if they would like to approve an alternate setback. Commissioner Fox seconded the motion.*

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

The motion passed with a unanimous vote.

7.F. Ordinance Amending EMMC 17.72 Architectural Standards

Presentation summary: The City has been working with VCBO to amend architectural standards regarding commercial and multi-family residential development(s). The consultant has met with the Planning Commission and City Council as the draft has progressed to the final draft, which is to be reviewed and, if deemed acceptable, forwarded to the City Council.

Discussion summary:

- VCBO presented Architectural Standards and changes after meeting with City Council.
- The standards address site and setting, building location, parking, drive-throughs, landscaping, signage, and activity zones.
- The Commissioners discussed specific modifications and changes, including drive-through requirements and building height standards.
- The multifamily design standards prioritize rear access for garages and include specific requirements for window proportions and material warranties.
- The Commission agreed that brick or rock veneer not be permitted.

Commissioner Allen opened the public hearing at 8:36 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Whiting moved to recommend approval to the City Council of Item 7.F., Ordinance Amending EMMC 17.72 Architectural Standards, with noted changes. Commissioner Allen seconded the motion.*

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

The motion passed with a unanimous vote.

7. Discussion Items
 - The upcoming Planning Conference in Salt Lake City
8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for September 23, 2025.

9. Adjournment

MOTION: *Commissioner Allen moved to adjourn the meeting at 8:38 p.m. Commissioner Whiting seconded the motion.*

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

The motion passed with a unanimous vote.

The meeting was adjourned at 8:38 p.m.

Approved by the Planning Commission on


Brandon Larsen (Oct 15, 2025 11:09:53 MDT)
Brandon Larsen
Planning Director

Approved 9.9.2025 PC Meeting Minutes

Final Audit Report

2025-10-15

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