



EAGLE MOUNTAIN
PLANNING COMMISSION MEETING
MINUTES

February 28, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, Brent Strong, and Alternate Commissioner Robert Fox.

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

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the work session to order at 5:31 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM: REVIEW OF DRAFT CODE AMENDMENTS

Staff presented and discussed the proposed amendments to Eagle Mountain Municipal Code with the Planning Commission and received the corresponding feedback:

Items presented by Planning Manager Robert Hobbs:

- 16.56 Vacations: A developer requested to combine several residential lots into a single lot for a charter school. Current standards would require the full plat amendment process to combine the lots. The proposed changes would allow applicants or the City to initiate an alternative process for similar situations.
 - Discussion – required public hearings listed in 16.56.60 and concern with the wording in 16.56.030 including “other interested parties.”
- 17.10.30 Definitions: adds definitions for alleyways and service drives.
- 17.25.050(M) Fire Access for Exclusively Rear-Loaded Only Homes: limits parking to one side of the street on alleys and service drives under 35 feet wide, requires a paved walkway to be installed at each end of a building leading from the garage and roadway to the main access door, and stipulates that address numbering shall be provided above the garage bay door as well as the main access door to any rear-loaded home.
- 17.55.040(I) Service Drives: the changes align the service drive standards with parking code standard dimensions and require service drives longer than 150 feet to have a fire department-approved turnaround.
 - Discussion – Simplifying service drive width requirements.
- 17.55.070 Handicapped Accessible Parking: clarifies the City standards and reinforces Federal requirements.

- Discussion – concern with reducing the dimension of ADA parking stalls in Subsection E to be in harmony with other cities' impact on vehicle accessibility, clarification that the table on page 10 of the packet materials will replace the table on page 9, and the financial impacts of having a stall width requirement greater than other cities.
- 17.55.130 Drive-Thru Regulations: adds additional standards for drive-thru establishments and specifies the need for a bypass or escape lane to provide for motorists to leave the queue in emergencies.
 - Discussion – concern that the requirement for a bypass or escape lane would be financially onerous on the business, especially on smaller parcels, and have a negative impact on economic development in the City.
 - Direction – Amend Subsection A to clarify the Planning Director is the director evaluating or assigning a designee to assess compliance.
- 17.72.030(C)(1): Fire Access: forbids parking along both sides of alleys or service drives equal to or under 26 feet wide.

Items presented by Planner Steven Lehmitz:

- 17.20.050 Conditional Uses: 6.05.270 states that kennels are conditional uses within the agriculture and industrial zones. This amendment adds kennels to the list of conditional uses in 17.20.050.
 - Commissioner Everett requested staff to include this amendment as an action item on the agenda of the next Planning Commission meeting.
- 17.25.050 Generally Applicable Provisions: adds a stipulation that accessory structures shall be constructed after or at the same time as the primary structure on a lot or parcel.
 - Discussion – whether to allow accessory structures used for livestock and agricultural purposes to be built prior to the completion of a primary structure, State permit requirements for agricultural accessory structures, and concerns about the needs for and impacts of the prohibition.
 - Direction – have the language reference State Code and delineate between accessory structures for agricultural and nonagricultural uses.
- 17.25.040 Residential Development Standards: adds a new footnote 3 to the table to clarify setbacks and structure easement for accessory structures.
 - Commissioner Everett requested staff to include this amendment as an action item on the agenda of the next Planning Commission meeting.

Items presented by Senior Planner David Stroud:

- 17.55.080 Landscaping in Parking and Drive Lane Areas: requires all parking and drive lane areas for nonresidential or multifamily residential uses, which are adjacent to a public right-of-way, to have a landscaped berm strip or planting width of not less than 10 feet placed on-site and adjacent on the right-of-way line to preserve right-of-way for possible future road widening.
 - Discussion – concern with requiring landowners to buy and preserve property for the City reducing the amount of useable land on the site limiting the commercial viability, possibly only enacting the requirement for properties along major roadways, prioritizing impacts on residents, having the 10-foot landscape easement be a part of subdivision applications rather than an individual site plan requirement, and existing business locations that do not have landscaping along their drive aisles.

Due to time limitations, the review of proposed amendments to Municipal Code standards in 17.25.050(A), 17.60.070, 17.60.100, 12.25.040, and 17.100.050 was delayed to a future meeting.

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

Commissioner Everett called the policy session to order at 6:35 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. January 24, 2023 Planning Commission Minutes

Commissioner Strong requested a correction to his vote on page six of the minutes to the amended motion for the Firefly Master Development Plan and Master Development Agreement.

MOTION: *Commissioner Strong moved to approve the January 24, 2023 minutes as amended. Commissioner Everett seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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<input checked="" type="checkbox"/> <i>Brent Strong</i>	<input type="checkbox"/> <i>Brent Strong</i>	<input type="checkbox"/> <i>Brent Strong</i>	<input type="checkbox"/> <i>Brent Strong</i>

The motion passed with a unanimous vote.

5. Status Report

Staff reviewed the planning items discussed and voted upon during the February 21, 2023 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – PUBLIC HEARING: REVIEW OF A REQUEST FOR SITE PLAN APPROVAL FOR A NEW 100' MONOLITHIC CELL TOWER

Mr. Hobbs presented the item. AT&T has submitted a site plan for a new 100-foot monolithic cell tower as a replacement for one of the 75-foot-high light poles that abut the Cedar Valley High School football field adjacent to Pony Express Parkway. The easement area for needed tower-related equipment and electrical lines has or will be procured. The applicant has requested to install an 8-foot-high fence around the tower, to place a lightning rod on the top of the tower, and to have an emergency power generator. The City has received letters from the School and Institutional Trust Lands Administration and Ivory Homes indicating that neither has objections to the tower as long as it complies with City standards.

Staff recommends a favorable recommendation, made contingent upon applicant compliance with any conditions the Planning Commission prefers regarding the proposed tower and associated equipment, be advanced to the Mayor and City Council and the motion should also:

1. Sanction the lightning rod;
2. Specify where the equipment for the tower will be positioned; and
3. State whether an 8-foot-high surround fence is agreeable.

Applicant representative Jason Evans stated they plan to work with Alpine School District to determine the electrical needs for the lighting before submitting a plan for a new foundation for the tower and the location will not impede existing public utilities. The lightning rod would ground and disseminate energy from a lightning strike into the ground. The generator will run a monthly test that can be scheduled at the most appropriate time and will only be used in cases where the power is out for longer than eight hours. A Federal mandate requires the towers to have backup generators. This structure will not require special lighting for aircraft.

Commissioner Everett opened the public hearing at 7:03 p.m. As there were no comments, he closed the hearing.

Commissioner Allen advocated for future applicants to be required to provide the radio frequency engineering review per Municipal Code. He supports this location as it is utilizing an existing pole and the site is being leased through the school district but has some apprehension due to the proximity to the bleachers.

Commissioner Pengra stated that although he has no apprehensions about the location of the tower, he agrees with Commissioner Allen that future applicants should be required to provide the study results to comply with City standards.

Commissioner Everett agreed with the benefits of the collocation of the equipment on an existing pole. He prefers the proposed location for the equipment shed closer to the parking lot for maintenance accessibility and supports the 8-foot fence as preferential.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the site plan request for a new 100-foot monolithic cell tower to the City Council with the following conditions:*

- 1. The relocation of the equipment as proposed in the cell tower drawings shall be approved;*
- 2. A lightning rod shall be allowed;*

3. *Eight-foot fencing shall be approved; and*
 4. *A radio frequency engineering review as required by EMMC 17.75.091(I)(3) shall be submitted to the City Council.*
- Commissioner Allen seconded the motion.*

AMENDED MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the site plan request for a new 100-foot monolithic cell tower to the City Council with the following conditions:*

1. *The relocation of the equipment as proposed in the cell tower drawings shall be approved;*
 2. *A lightning rod shall be allowed;*
 3. *Eight-foot fencing shall be approved;*
 4. *A radio frequency engineering review as required by EMMC 17.75.091(I)(3) shall be submitted to the City Council; and*
 5. *An emergency generator shall be permitted.*
- Commissioner Allen seconded the motion.*

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

6.B. ACTION ITEM – PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS - CHAPTER 17 - HOME BUSINESSES

Grants Coordinator/Management Analyst Natalie Winterton presented the item. Under current Municipal Code, Eagle Mountain citizens who are business owners cannot park their personal vehicles on their property if the vehicle is used by the business. This has created parking difficulties for Eagle Mountain residents. In order to create a more business-friendly environment in Eagle Mountain City, it is proposed that the standards be amended to allow vehicles used by businesses to be parked on the owner's property. Staff suggests that the Commission recommend approval of the proposed code amendment to Eagle Mountain City Code 17.65.060.

Commissioner Strong expressed concern with signage on large vehicles such as tractor-trailers, vans, and buses being used as advertising billboards in neighborhoods causing property value reduction.

Ms. Winterton explained that EMMC 10.10 limits the types of vehicles that can be parked in residential areas and should help mitigate residents using vehicles solely for advertising.

Commissioner Pengra noted that vehicles with signage for a company that a resident works for but does not own are allowed and can be found throughout the City. The prohibition of parking a commercial vehicle on a public street for longer than 24 hours will prevent vehicles from being used exclusively as signage for businesses.

Commissioner Bergener noted that the City using a definition of a commercial vehicle differing from State definitions could cause confusion.

Ms. Winterton stated that the amendment retains the existing Municipal Code definition of a commercial vehicle and the definition could be altered in the amendment if desired. She is aware of an instance in which a local business purchased a business location outside of Eagle Mountain for the purpose of being able to park their vehicles at their home and the current standards could impede small businesses locating in the City.

Commissioner Everett opened the public hearing at 7:26 p.m. As there were no comments, he closed the hearing.

Commissioner Everett said although he agrees with Commissioner Strong’s concerns, he is in favor of the changes as there have been unintended negative consequences for home business owners.

Commissioner Allen stated he is in favor of the amendment as a way to support local business owners.

Commissioner Bergener expressed concern about an unintended consequence of the approval increasing the number of vehicles causing additional congestion and creating safety issues in residential areas.

Commissioner Pengra noted that code enforcement can address safety issues. However, he thinks negative impacts will be limited and doubts the number of vehicles will increase.

Ms. Winterton explained that the City has the option to limit parking to one side of a street to help limit traffic congestion.

Commissioner Strong said he would feel more comfortable with the amendment if the allowance were limited to personal vehicles.

Discussion ensued regarding adding a stipulation in a future amendment to EMMC 10 allowing only commercial vehicles used as personal vehicles to be parked at a home business.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to EMMC 17.65.060 Generally Applicable Standards for All Home Businesses. Commissioner Pengra seconded the motion.*

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

- 7. Discussion Items
- 8. Next scheduled meeting

The next Planning Commission meeting is scheduled for March 14, 2023.

- 9. Adjournment

MOTION: *Commissioner Pengra moved to adjourn the meeting at 7:38 p.m. Commissioner Allen seconded the motion.*

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The motion passed with a unanimous vote.

The meeting was adjourned at 7:38 p.m.

Approved by the Planning Commission on March 14, 2023.


[Steve Mumford \(Mar 16, 2023 12:58 MDT\)](#)
 Steve Mumford, AICP
 Assistant City Administrator/Community Development Director

02.28.23 PC Approved Minutes

Final Audit Report

2023-03-16

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By:	Shawna Ellis (sellis@emcity.org)
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