



## EAGLE MOUNTAIN PLANNING COMMISSION MINUTES

**January 9, 2018 6:00 p.m.**

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

### **6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS PRESENT: Rich Wood, DeLin Anderson, Brett Wright, Jared Gray, and Matthew Everett.

OFFICIALS PRESENT: Donna Burnham and Melissa Clark.

CITY STAFF PRESENT: Tayler Jensen, Planner; Mike Hadley, Senior Planner; Steve Mumford, Community Development Director; Chris Trusty, City Engineer; and Johna Rose, Deputy Recorder.

#### **1. Pledge of Allegiance**

Commissioner Everett led the Pledge of Allegiance.

#### **2. Declaration of Conflicts of Interest**

None

#### **3. Approval of Meeting Minutes**

A. November 14, 2017

B. November 28, 2017

C. December 12, 2017

**MOTION:** *Rich Wood moved to approve the November 14, 2017, November 28, 2017, and the December 12, 2017 meeting minutes. DeLin Anderson seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

#### **4. Election of Planning Commission Chair and Vice-Chair**

**MOTION:** *Rich Wood moved to appoint Matthew Everett as Planning Commission Chair for the 2018 year. DeLin Anderson seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

**MOTION:** *Jared Gray moved to appoint Rich Wood as Planning Commission Vice Chair for the 2018 year. DeLin Anderson seconded the motion. Those voting aye:*



*DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray.  
The motion passed with a unanimous vote.*

5. Action and Advisory Items

A. Spring Run Phase D Preliminary Plat, Public Hearing, Action Item:

Mike Hadley explained that the preliminary plat is for 178 single family units located within the Spring Run Master Development Plan, located north of State Road 73.

Commissioner Anderson asked about the street challenges in this plat. Mr. Hadley said that the plan does not meet the City's connectivity code.

Commissioner Wright asked if the developer would be responsible for putting in the fence along Spring Mountain Drive. Mr. Hadley stated that the developer will be responsible for putting in the fence.

Jim Allred, applicant, stated that he has been working on the project for over 12 years. He said that they are striving to get the park done close to the entrance of the master project.

Commissioner Everett asked the developer to address the connectivity code pertaining to the project. Mr. Allred stated that the connectivity code was just adopted by the City. He explained that the development is in a cove and with the vertical changes, topography, and the hundred foot open space around the development it's a very unique community. Commissioner Wood asked if at least the walking paths could have connectivity into other developments. Mr. Allred felt that a connective trail would make more sense than a connective road.

Commissioner Everett opened the public hearing at 6:21 p.m.

Denise Barney, resident, questioned who maintains the parking strip along the fence on Spring Mountain Drive. Mr. Allred explained that the developer will be putting rock and trees in that park strip, but the City would maintain the park strip. He said that he has been working on getting a water meter into the park above the park strip. That water meter will allow them to water the trees in the park strip. The developer plans on getting the trees in the spring.

Janeal McEwan, resident, asked what was planned for the hundred foot open space along the development that is adjacent to her property. Mr. Allred stated that there will be an 8ft walking trail with native vegetation around the trail.

Commissioner Everett closed the public hearing at 6:27 p.m.

**MOTION:** *Rich Wood moved to recommend approval of the Spring Run Phase D preliminary plat to the City Council. Brett Wright seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

B. Lee Brown Barn, Conditional Use Permit, Public Hearing, Action Item:



Taylor Jensen stated that the proposal was for an equestrian center, commercial riding arena, stables, and inside storage within an existing barn on a 6.79 acre parcel located at 2909 North Highway 73.

Utah State Law 10-9a-507 & 17-27a-506

2)(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards

Items for consideration:

-Change of Use- Assembly uses required structures to meet more stringent fire and building codes.

-Off-site effects- Access to barn is down a private drive for which the applicant has an easement.

-Truck Traffic: If storage is permitted what considerations should be taken?

Commissioner Wood asked how the conditional use permit could impact the easement. Mr. Jensen explained that the Planning Commission could approve the conditional use permit as long as there is legal access to the property. If the legal access was challenged then that would be handled outside of the City's scope.

Lee Brown, applicant, stated that he is in negotiation with the Smith family to purchase a matching 30 ft. for a right-of-way. He has been in contact with the City to improve the City's portion of the right-of-way to the barn. He was hoping to start working on an access to the barn this month, depending on the weather. He stated that as soon as the other access road is complete then the problem of accessing the property from the Saunders easement should go away. He also stated that he was running his equestrian center before the City annexed the barn into the City. He explained that the property is not set up for big events. He said that maybe 25 people maximum would use the barn at the same time. He stated that he leases the barn out to horse trainers, social group events, and commercial storage. He stated that if he has to add a sprinkler system to the building then he does not want the commercial storage portion of the permit. He said that no other private arena facility in the State requires a sprinkler system.

Commissioner Anderson asked why the City was pushing for the commercial use if the barn is already being used this way. Mr. Jensen said that the fire department explained that for horse boarding and stables the current use is fine. The change is for assembly use which is commercial A3 use. Assembly uses for events require more stringent fire and building codes.

Commissioner Wright was concerned about allowing commercial storage. He was worried that if the property was approved with commercial storage it could open the property up to all types of commercial storage.

Commissioner Everett opened the public hearing at 6:52 p.m.

Kendal Saunders, resident, stated that an alternate access into the property would resolve the majority of his concerns. He explained that his current driveway is an insufficient commercial access road. He provided pictures of his driveway (exhibit A). He was concerned about the



current conditional use permit's wording. The wording states that if the conditional use permit is approved the applicant can continue horse boarding until he complies or improves the property for the commercial use. He stated that the applicant is already using the barn for horse boarding, horse training, and dog breeding. He said that he will not have any recourse but legal action if the applicant does not have to comply with the required conditions. Commissioner Gray asked Mr. Saunders if all his concerns would be resolved if the applicant builds the alternate access road and surrender the easement. Mr. Saunders said that his concerns would be resolved if the applicant builds the alternate access road and surrenders the easement by June 2018.

Amy Saunders, resident, requested that the Planning Commission adopt all the conditions stated in the staff report.

Commissioner Everett closed the public hearing at 7:02 p.m.

Mr. Brown explained that he was deeded the easement before the Saunders bought their property. He stated that if Mr. Saunders is willing to give him until June 2018, he would be willing to quit claim the easement deed over to the Saunders. He asked if there could be a condition that states how many people are allowed for an assembly use before he is required to install a sprinkler system in the barn. Mr. Jensen explained that condition would have to be approved by the Fire Marshal.

Commissioner Gray felt that with commercial traffic the private drive should meet some kind of standards. Chris Trusty explained that the Fire Marshal should make the call on what standards the private drive should have. Commissioner Gray also requested that all parking be onsite.

**MOTION:**

*Jared Gray moved to approve the Lee Brown Barn Conditional Use Permit under the Agriculture Zone, removing the use for commercial storage, with the following conditions:*

- 1. Comply with all building and fire codes*
- 2. Pass a building safety inspection carried out by City's Commercial Building Inspector*
- 3. Pass a fire inspection carried out by the Fire Marshal*
- 4. Any use of barn for events shall comply with all provisions of chapter 8.15*
- 5. The applicant will build a road to the Fire Marshal's standards outside of the easement.*

*Rich Wood seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

**AMENDED MOTION:** *Jared Gray moved to amend the motion by adding a condition to the previous motion:*

- 6. That the applicant would deed the easement over to the Saunders before June 30, 2018.*

*Rich Wood seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*



A. Skyline Ridge Phase 2 Plats 4,5, & 6 Preliminary Plat, Public Hearing, Action Item: A preliminary plat for 61 single family residential lots located on 64.7 acres, located South of Golden Eagle Road

Mike Hadley explained that Skyline Ridge development preliminary plat was approved by the Planning Commission on January 16, 2007. The City Council approved the two final plats on February 6, 2007. Phase 1 of the Skyline Ridge development was approved with 121 lots and is close to being built out. Phase 2 was approved with 98 lots and has begun construction; two final plats have been recorded (plats 1 & 3). The applicant has been working with the City to redesign portions of the project to reduce the amount of blasting near homes that have already been built.

Commissioner Wood was concerned about the slope study that was approved with the current approved plat. He stated that the majority of the mountain in the development has been demolished by blasting. He was also concerned that the builder was building on lots that had a slope greater than 25% as long as the builder could get the lot down under the 25% slope. Steve Mumford explained that the development was approved in 2006. The current code would not allow a developer to be approved for lots with a 25% slope or greater.

Commissioner Gray suggested twin homes along Golden Eagle Road to help reduce the amount of lots in the development.

Jake Tombs, applicant's home builder, stated that the project was approved in 2007 with the understanding that the developer could blast. Blasting makes the project viable. The developer is willing to find a solutions but it still needs to be economically viable for the developer. The developer has been working with City staff on plat changes.

Commissioner Everett opened the public hearing at 7:48 p.m.

Riley Jenkins, resident, said that the values of their homes are the number one concern for residents in the development. He explained that during blasting rocks are coming off rock retaining walls and making them unstable. He believed that the 25% slope limitation was approved with the current approved plat. He stated that under state law this property would be under mining operation. Commissioner Gray asked if the resident would be opposed to twin homes in the development. Mr. Jenkins stated that these homes are considered bench homes and felt that twin homes would bring down the value of the homes in the development. He suggested that the City look at other bench home development in the state and see how the developer was able to build those developments.

Matt Visser, resident, stated that it's not the City's job to make sure the developer makes money.

Jeff Ruth, resident, said that it's not up to the City to make sure the developer makes money. He stated that the Planning Commission should make the developer follow the Municipal Code.

Attached is an email from Adam Olsen (exhibit B).



Commissioner Everett closed the public hearing at 7:55 p.m.

Commissioner Wood asked if there was anything in place to stop the current vested development from being built with lot slopes greater than 25%. Mr. Mumford explained that a developer has the right to develop vested plats that were approved before the implementation of plat expiration dates in 2010. The blasting code would apply to all new building. The best the City can do is work with the developer to figure out a way to reduce the impact on the community.

Commissioner Wood suggested that the developer show an overall grading plan, that the City has a way to enforce the 25% slope, and show how many lots have usable building space for a house.

Commissioner Everett was concerned about approving any development with blasting. He would have liked to see the slope study. He was also concerned about the cul-de-sac length.

Commissioner Anderson did not like the fact that half the mountain was being removed to build homes. He hoped that the builder would bring back other development options.

Commissioner Wright was concerned that the developer would revert back to the previous plat. He was hoping to give the developer some kind of directions. He requested to see the difference between the current plat and proposed plat so he could see how the proposed plat would reduce the impact.

Commissioner Gray was concerned about snow removal for the development.

**MOTION:** *Matthew Everett moved to table the Skyline Ridge Phase 2 Plats 4, 5, and 6 preliminary plat.*

- 1. The average slope is calculated for all hillside lots and all lots that average greater than 25% shall be removed from the plan.*
- 2. A geotechnical report and map shall be submitted that indicates all areas requiring blasting. Any blasting must comply with the City code.*
- 3. The developer will take into account all suggestions given by the Planning Commission.*

*Jared Gray seconded the motion. Those voting aye: DeLin Anderson, Matthew Everett, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

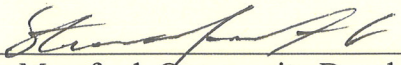
7. Next scheduled meeting: January 23, 2018

8. Adjournment

The meeting was adjourned at 8:13 p.m.

APPROVED BY THE PLANNING COMMISSION ON JANUARY 23, 2018





Steve Mumford, Community Development Director



# Exhibit A



Saunders' driveway 1/9/2018







3 photos | View All »

Contact: Lee

801-360-3990

801-360-3990

Email Seller

Member Since

May 2006

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### Description

Metal building is 150 X 200 has a 90 X 200 indoor arena with 17 attached cinder box stalls, automatic water, wash bay, 2 tack rooms, 2 rest rooms, Shop 36 X 60 with 2 - 14 X 14 rollup doors. There is room for an outdoor arena. Currently the access to the arena with a deeded Right of Way through the neighbors. I have purchased a new access and will be building a new road. Call Lee with Lee Brown Realty, Inc at 8013603990. Very Motivated! I will look at all reasonable offers. Owner/Agent



STAPLES

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# Exhibit B



**From:** Adam Olsen <[adamols@gmail.com](mailto:adamols@gmail.com)>  
**Date:** January 8, 2018 at 10:48:12 AM MST  
**To:** Steve Mumford <[SMumford@Emcity.org](mailto:SMumford@Emcity.org)>  
**Subject:** Skyline Ridge

Steve,

Could you pass along my comments to the Planning Commission for tomorrow night's meeting? I am not able to attend, but would like to provide comment.

Thanks,

Adam

Planning Commissioners,

I have some questions/concerns with the latest phases of Skyline Ridge: Plats 4, 5 and 6. In looking at the proposal, I fear the new plan goes further up and into the hillside than the original plan; thus requiring more blasting. The original plan is much more compact and would require minimal blasting. I am unsure how the argument can be made that the new plats require less blasting, when they clearly extend higher onto the hillsides.

The staff report discusses slope analysis. It states that average slope will still need to be calculated and added to the slope analysis for certain lots. Is this analysis on slope before or after blasting? It also states that staff does not recommend approval of Lots 505-509, as the slopes are 25% or greater. Which plat is this referring to? It is unclear. Additionally, there is nothing in the motion that reflects this recommendation by staff. If staff is recommending against approval of certain lots, that should be made part of any motion of approval; exclusion of Lots 505-509 Plat.

Under the Connectivity section of the report, it states that the Castle Gate cul de sac exceeds the maximum allowed length. If the cul de sac does not meet code, why is it moving forward to the Planning Commission; and secondly, why isn't this listed as a finding for the Planning Commission to make should they recommend denial; or, if the Planning Commission has authority to recommend that it be approved, it is not listed as a finding for approval. It is ignored in any motion suggestion.

The Streets section of the report looks to be pasted from a different report, as there are no streets connecting to the east. This can be stricken from the report.

I strongly suggest the Planning Commission hold firm to all City rules and codes as it relates to slope and the prohibition of building on slopes in excess of 25%. The proposed plats appear to violate this rule and will create the need for additional blasting. As stated above, the original plan is more compact and will require minimal blasting. I recommend the developer hold to the original approval. This is such a unique area and has already been incredibly scarred by blasting. Please do not exacerbate the issue and create an even bigger eyesore.

Thank you for your consideration.

Adam Olsen  
6951 N. South Pass Rd.  
Eagle Mtn.