

**EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, FEBRUARY 10, 2009 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Commissioner Tom Maher called the meeting to order at 6:00p.m.

**Roll Call**

Tom Maher, John Linton, Karleen Bechtel, Preston Dean, Bonnie ElHalta

**Staff Present**

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Lianne Pengra, Planning Coordinator

**1. Pledge of Allegiance**

Commissioner Maher led the Pledge of Allegiance.

**2. Declaration of Conflicts of Interest**

None

**3. Status Report from City Council**

- o Annexation Policy Plan Amendment

Mr. Mumford said that an area was added onto the Annexation Boundary Map above the northwest part of the city, as well as the Pole Canyon area. Two areas in Fairfield and Saratoga Springs were removed from the map.

Mr. Mumford said they are still working on the Pole Canyon annexation petition. Commissioner Maher asked if the Commissioners will have information ahead of time in regards to the citizens in the Pole Canyon area. Mr. Mumford said that the White Hills residents filed a protest with the City Recorder's office. There are about 115 homes in the area and seven residents were undecided and eight were in support of the annexation. Commissioner Maher asked if that was due to misinformation. Mr. Mumford said that some of it may be. He said a petition that went around could have been biased and may have had misinformation.

Commissioner Maher asked about the due diligence in regards to the residents' concerns. Mr. Mumford said that they have asked the applicant to provide any notes from Cottage Meetings and to provide how resident concerns have or have not been addressed. Commissioner Maher said that the residents should have their 2007 tax notices and should be able to get concrete information on what they would pay in Eagle Mountain City.

Mr. Mumford said that the residents do not want to lose the type of lifestyle they currently have with few neighbors and away from political issues.

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Mr. Mumford said they will still be meeting with the developer; and the city attorney will be meeting with Utah County Commissioners to discuss issues and Eagle Mountain will meet with Fairfield to discuss boundary lines. He said that they don't expect the annexation to come to any meetings until late March, but it may take longer. He said that the applicant has submitted a Master Development Plan. The Development Code requires a Concept Plan to be turned in before a Master Development Plan, so when that is submitted, it will come before the Planning Commissioners.

Mr. Mumford said that they have also been meeting with the Ark of Eagle Mountain. He said that he and Mr. Hadley visited the site in Sandy this week. Commissioner ElHalta asked if it was the same situation as the Ark of Eagle Mountain as far as the neighborhood goes. Mr. Mumford said it was also in a residential area, but was on a five-acre lot. He explained that he and Mr. Kinghorn met with the Department of Human Services and with the applicants today. He said that it may come to the February 24<sup>th</sup> Planning Commission Meeting at the earliest. Commissioner Maher said that Mr. Kinghorn would need to be at the meeting when it does come back.

#### 4. Approval of Minutes

*The following four sets of minutes were previously approved by the then-sitting Planning Commissions. The minutes were lost through a computer issue and were recompleted with only the actions taken, at the recommendation of the city attorney.*

A. May 11, 2004 Planning Commission Meeting Minutes

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the May 11, 2004 Planning Commission Meeting Minutes.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion Passed.*

B. November 30, 2004 Planning Commission Meeting Minutes

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the November 30, 2004 Planning Commission Meeting Minutes.*

*Commissioner Bechtel seconded. Ayes: 5, Nays: 0. Motion Passed.*

C. January 25, 2005 Planning Commission Meeting Minutes

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the January 25, 2005 Planning Commission Meeting Minutes.*

*Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion Passed.*

D. May 10, 2005 Planning Commission Meeting Minutes

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**MOTION:** *Commissioner Linton moved that the Planning Commission approve the May 10, 2005 Planning Commission Meeting Minutes.*

*Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion Passed.*

E. January 13, 2009 Planning Commission Meeting Minutes

**MOTION:** *Commissioner Linton moved that the Planning Commission approve the January 13, 2009 Planning Commission Meeting Minutes.*

*Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion Passed.*

## 5. Development Items

A. Public Land Disposal Ordinance – Action Item

Mr. Mumford said that this was discussed with the City Council last week and the City Council recommended that the Planning Commission give their recommendation on the ordinance. Commissioner Linton asked who proposed the change. Mr. Mumford said it was a combined effort with the Recorder's Office, the Planning Department, and Mr. Kinghorn.

Commissioner Linton asked why city parks were on the disposal maps. Mr. Mumford said that Mr. Kinghorn wanted all city-owned property to be put on the map. Mr. Mumford said that parks are classified as "Significant" so they cannot be disposed of.

Mr. Mumford said that the existing maps show "Potentially disposable" and "Non-disposable" and the ordinance states land is "Insignificant" and "Significant" which makes for a confusing process. He said that anyone wanting to dispose of land had to go before the Planning Commission and City Council, even if the land is obviously insignificant such as the small triangle pieces at the corners of lots in City Center.

Commissioner Dean asked how the city obtains land they don't want. Mr. Mumford said that some of it is poor planning. Commissioner Maher said that it is no longer allowed. Mr. Mumford said that when some of the plats were approved in City Center back in 1998 to 2000, it is hard to tell if the land was required open space or if the applicant was supposed to improve the land. He said with the current development reviews, land pieces like these would not show up.

Mr. Mumford said the proposed process is to designate land as "Significant" or "Insignificant" on the maps according to the criteria listed in the ordinance. He said then the adjacent property owners would submit the application for land disposal and if the land is Insignificant, it would go through the Recorder's Office. Commissioner Maher asked if the Planning Department would be involved. Mr. Mumford said they would when the Recorder's Office checked with the department heads when an application is received.

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Mr. Mumford said that if Significant land is applied for, the application would be taken to the department heads, Planning Commission, and City Council.

Commissioner Maher asked how to keep the price of the property under control. Mr. Mumford said the ordinance states the land will be based on fair market value. He explained that was how the price was figured out with the last few. He believes they get the latest appraisal for vacant land in the area and use that price. Commissioner Linton said that it should be the administrative costs only; the applicant is doing the city a favor by taking over the land and cleaning it up.

Discussion ensued regarding cost of land.

Mr. Mumford showed the locations of Insignificant land on the maps and also showed photos of the areas.

***MOTION: Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the Public Land Disposal Ordinance Amendment with the following changes:***

1. Valuation of the land be readdressed.
2. That a way for people to appeal denied applications be provided and that this appeal process be handled in a timely manner.

***Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion Passed.***

B. Development Code Amendments – Discussion Item

*Expiration Dates on Approvals*

Mr. Mumford said that almost every city has an expiration date on approvals. Commissioner Maher said that as long as there is the year renewal, it is a good idea. Commissioner Linton said that there are areas such as Hidden Canyon where the Planning Commission spent many hours on and they would like to see that project built out. He said he feels the expiration can be a bad thing for places like Hidden Canyon and a good thing for other projects which were approved in the past.

Mr. Mumford explained that with the Master Development Plans, as soon as a Development Agreement is signed, the Master Development Plan will not expire. He said that the Sage projects have development agreements in the works now, but Equestrian Estates, Cedar Ridge and others have no development agreements but do have approved Master Development Plans. Commissioner Linton said that some of those developers have disappeared.

Commissioner Linton said that in moderate times, it can take more than two years to begin building on Master Development Plans and he feels those well thought out designs should not be put in the same category as Final Plats which were approved years ago and the developer has left town.

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Mr. Mumford said that the proposed expiration periods are generally a one-year period with a one-year extension to be approved administratively. He said that with Master Development Plans could be longer. Commissioner Linton said that he would like the developer or applicant actually present himself in the city offices when applying for an extension.

Mr. Mumford said that this cannot be applied to projects which have already been approved.

*Accessory Apartment/Second Kitchen Permits*

Mr. Hadley said that there has been an increase in Accessory Apartment applications. He said that many times the applicant only wants to have a second kitchen for an entertainment room, or they want an in-law suite for family. He said that they have come up with a proposed Second Kitchen Agreement. He said that the Second Kitchen Agreement would allow the owner to have the second kitchen; they would sign a document which would be recorded with Utah County Recorder's Office which states the space cannot be rented out.

Mr. Hadley said the Second Kitchen Agreement would remove some requirements that currently go along with Accessory Apartments: second mailbox, second address, additional off-street parking, and secondary entrance.

Commissioner Dean asked where in the Development Code it states a second kitchen requires an Accessory Apartment. Mr. Hadley said that the only way the code can address second kitchens is through an Accessory Apartment Permit. Commissioner Dean asked why second kitchens need to be addressed. Mr. Mumford said that the city can't know when someone is going to rent out his or her basement and the only way to catch it is when a second kitchen is built. He said that the practice has been that if a full kitchen is in the basement along with a second entrance, an Accessory Apartment Permit is required. He said that the problem is that with every second kitchen going in, an Accessory Apartment Permit has been required.

Commissioner Dean said that Provo and Draper have these types of agreements but they don't enforce them. He asked why a Second Kitchen Agreement was even necessary.

Mr. Mumford said that parking is the biggest issue. He said that people put in accessory apartments without applying for the permit, so they aren't meeting the city's requirements. Mr. Hadley said that they are looking to the future, too. He said that people will put in second kitchens with the intent to not rent it out, but they may sell the home later and the next owner does rent out the area.

Mr. Hadley said that they have someone now who is building a mother-in-law suite in the basement with a second entrance, water heater, separate laundry, etc., but they are not going to rent it out. They will be using it for their mother-in-law. This is an instance where the Second Kitchen Agreement would be useful.

Commissioner Dean said that he doesn't feel a Second Kitchen Agreement is necessary.

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Mr. Hadley said that if someone comes in with an application such as the one just discussed, the city is bound to make them put in all requirements for an Accessory Apartment.

Commissioner Linton said there will be more homes coming in with second kitchens but they may not intend to rent out the space. Commissioner Dean said if someone wants to hide the Accessory Apartment, they will hide it regardless.

Mr. Mumford said this is exactly what they are trying to address. He said those homes with the second kitchen for entertainment purposes wouldn't intend to rent out that space anyway. He said if someone is putting in an Accessory Apartment and trying to hide it, this is where the city could catch them. When they come in with their plans, the city can have them sign the agreement that they will not be renting out that space.

Commissioner Maher said that they want a tight code for Accessory Apartments, but they don't want any Second Kitchen Agreements.

**6. Other Items**

**7. Adjournment**

Commissioner Maher adjourned the meeting at 7:05p.m.