

**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, SEPTEMBER 8, 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 6:11pm.

Roll Call

Tom Maher, John Linton, Karleen Bechtel, Preston Dean

Staff Present

Steve Mumford, Planning Director

Lianne Pengra, Planning Coordinator

Others Present

Jerry Seamons, 1094 E Russell Road

Betty Carlson, 1095 E Russell Road

1. Pledge of Allegiance

2. Declaration of Conflicts of Interest

None

3. Status Report from City Council

- A. Scenic Mountain Master Development Agreement**
- B. Scenic Mountain 1 Final Plat**
- C. Scenic Mountain LDS Church Site Plan**

Mr. Mumford said that these items were on the past two City Council agendas. He said they were removed from the agenda at the first meeting in August due to the property around the home where the community center will be located not being controlled by the developer. He said that staff wanted it clear that the developer controlled that portion of the land, or that some other plan was approved by the City before any of the residential plats or site plans are approved. He said that these three items were approved by the City Council at the second meeting in August.

4. Approval of Minutes

- A. July 14, 2009 Planning Commission Meeting Minutes**

MOTION: *Commissioner Linton moved that the Planning Commission approve the July 14, 2009 Planning Commission Meeting Minutes.*

Commissioner Dean seconded. Ayes: 4, Nays: 0. Motion passed.

- B. July 28, 2009 Planning Commission Meeting Minutes**

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MOTION: *Commissioner Linton moved that the Planning Commission approve the July 28, 2009 Planning Commission Meeting Minutes.*

Commissioner Bechtel seconded. Ayes: 4, Nays: 0. Motion passed.

5. Development Items

A. Carlson Hobby Breeder License – Public Hearing, Action Item

Mr. Mumford said that the applicant is proposing to house eight dogs at 1095 E Russell Road. He explained that she races the dogs and the racing requires eight dogs; even though she will not breed them, she does require the Hobby Breeder License to have more than four dogs.

Mr. Mumford said that there is a 1,300 square foot barn and two fenced dog runs with 6-foot high fencing.

Mr. Mumford said that staff is recommending waiving the requirement to register the dogs. He explained that the registration condition is more specific to breeding. He said that there will be yearly inspections which will cover the housing, food, water, sanitation and health of the animals.

Mr. Mumford showed pictures of the home, barn and dog runs. He explained that the barn and dog runs are open to each other so the dogs can go between them at will. He said that staff did an inspection of the property and that there is plenty of room on the two-acre lot for the requested number of animals.

Commissioner Maher asked if the number would be capped at eight dogs. Mr. Mumford said that the Hobby Breeder license only allows up to eight, so it does not need to be an added condition.

Commissioner Maher opened the Public Hearing at 6:18pm.

Jerry Seamons, 1094 E Russell Road. Mr. Seamons said that he feels the animals are well taken care of and recommends approval.

Commissioner Maher closed the Public Hearing at 6:19pm.

Commissioner Linton asked if the dogs have access outside at night.

Betty Carlson, 1095 E Russell Road. Ms. Carlson said that it is left open, but the dogs have not barked at night in the three weeks that she has lived at this address. She said that she had a hobby permit in Sandy for years and that the dogs did not bark at night there.

MOTION: *Commissioner Linton moved that the Planning Commission approve the Carlson Hobby Breeder License.*

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Commissioner Dean seconded. Ayes: 4, Nays: 0. Motion passed.

B. Development Code Amendments and Policies – Discussion Item

Mr. Mumford said that these amendments have not gone through the City staff yet, but he would like to have the Planning Commission's feedback.

Mr. Mumford explained that the first amendment is regarding small wind and solar energy conversion systems. He said the purpose would be to promote the use of renewable energy and to include requirements for safety and aesthetics. He said that in the current code, a one-acre or greater residential lot can have a windmill up to 50 feet high and agricultural lots can have windmills as tall as City staff permits.

Mr. Mumford showed a map of the one-acre or greater lots which would allow windmills under the current code. Commissioner Maher asked where the existing windmills are located. Mr. Mumford said there are three in Meadow Ranch.

Mr. Mumford said that they are proposing to allow windmills on lots less than one acre as long as setbacks equal to the height of the windmill are met. He explained the proposed height restriction is 45 feet on lots 1-5 acres and 65 feet and on lots over five acres. He said according to his research, windmills less than 65 feet have decreased productivity but the 45 foot windmills are selling around the state. Commissioner Maher said that an engineer in North Ranch found that Eagle Mountain does not have enough wind for these to be cost effective.

Mr. Mumford said that the proposed code also includes regulations on access, clearance from blades, and sound. It also requires Building Department approval, which is regulated by the National Electrical Code and the International Building Code, Planning Department approval, and Energy Department approval.

Commissioner Dean asked if there is a special requirement for installers who set the windmills up to feed back into the City's energy grid. Mr. Mumford said the Building Department will need to have a policy in place that addresses that.

Commissioner Linton asked if residents will be notified to check with the HOA before purchasing windmills, and what has happened with the existing windmills that have gone up without Building Department approval. Mr. Mumford said that the Building Department has worked extensively with the property owners. He explained that one of the properties was under construction, so the Building Inspector was able to inform the property owners that the City needed to inspect and approve the windmills. He said that building permit applications have been submitted now for all three.

Mr. Mumford said that he looked at local codes as well as the Sustainable Community Development Code which is put out by Rocky Mountain Land Use Institute in creating the proposed code.

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Commissioner Linton said that even though the noise from the windmills may be acceptable under the noise ordinance, it would be bothersome to neighbors. Mr. Mumford said that when he drove through an area of three-acre lots with windmills and little to no traffic, he couldn't hear any noise from the windmills.

Commissioner Dean asked if the number of windmills was addressed. Mr. Mumford said that it isn't, but that the setbacks would restrict how many could fit on a lot. He said that they have measured existing lots to see where windmills would fit under the proposed code. He said that they would fit on the majority of half-acre lots, but he could not find smaller lots where a 45-foot windmill would fit.

Mr. Mumford said that there is a delicate balance between promoting renewable energy and protecting property rights and visual aspects of the City.

Mr. Mumford said that there are a few solar panels in the City. He said that the proposed code is mainly to add safety measures. He said they would be permitted in any zone, no higher than the roof ridge line and no higher than five feet above a flat commercial or industrial roof. He explained that they would also require measurements to minimize sun glare into neighboring properties and would require blending with the roof for aesthetics.

Mr. Mumford said that in regards to Group Homes in the code, more work is needed on the proposed draft. He said that staff was able to fully research the drug rehab group homes, but that more is needed for other kinds of group homes. Commissioner Linton said that the distance requirement for group homes should not be changed, regardless of the type of group home. Mr. Mumford said that he believes the distance is for all types, but he will check.

Mr. Mumford said that the City has been looking into the possibility of having community gardens. He said that the City would provide the site and water and would pursue donations for other items. He explained that they would recommend garden boxes rather than plots due to the soils in the area. He said that residents would lease the garden box to cover the costs of water and other expenses.

Mr. Mumford said that each garden would have a volunteer garden manager. He showed two possible locations: one in the Ranches and one in City Center. He explained the benefits of each location.

Commissioner Linton said that who manages the garden will be very important as well as adequate parking and financial benefit to the gardeners. He said that he would recommend a 4x20 size garden box.

Commissioner Maher said that staff should consult with the managers of existing, well functioning gardens on the layout and management of the garden.

6. Other Items

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A. Next meeting: September 29, 2009

Mr. Mumford said that a Concept Plan for Harmony will be on this agenda. He said that Pole Canyon Master Development Plan may be on this agenda, but he is unsure.

7. Adjournment

Commissioner Maher adjourned the meeting at 7:15pm.