

**THE EAGLE MOUNTAIN PLANNING COMMISSION MEETING AGENDA**  
**Eagle Mountain City Offices 1680 E. Heritage Drive, Eagle Mountain, UT 84043**  
**Tuesday, January 11, 2005**

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

**Roll Call:**

Commissioners Present: Tom Maher, Chris Kemp, John Malone

**Others Present:**

**City Staff:**

Planning Director: Shawn Warnke  
City Planner: Adam Lenhard  
City Council Liaison: David Blackburn  
City Engineer: Chris Trusty  
Planning Coordinator: Jenalee Cheever

**1. Pledge of Allegiance**

Tom Maher led the Commissioner and Audience in the pledge of Allegiance.

**2. Swearing in of Planning Commissioner**

None

**3. Declaration of Conflicts of Interest**

None

**4. Status Report from City Council**

Shawn Warnke explained to the Commission that the sign lease agreement had not yet been finalized by the City Council. Mr. Warnke explained that there was some discussion on the Valley View setbacks. Mr. Warnke stated that the City Attorney said that since some setbacks have been adopted in the development code that the city needs to use those. Mr. Warnke explained that in the existing code the setbacks are 25 feet per side. Mr. Warnke explained that Point Lookout will be on the next Planning Commission meeting agenda.

**5. Development Items**

**A. General Amendments to the Animal Regulations and Titles 1 and 2 of the Development Code, Public Hearing and Action Item**

Mr. Lenhard explained that the following items would be changes made to the Development Code:

1. Various non-substantive spelling and grammatical changes throughout both Titles.
2. Accessory apartments allowed in detached structures in the *Ag and Airpark zones*, in addition to Residential Base Density and Tier 1; amended Accessory Apartment definition.
3. Title 1 – 5.10.5 delete words "country residential" (a term no longer used in this Code).
4. Title 2 – 7.7.2 clarified that the minimum temporary turnaround radius is 60 feet.
5. Title 1 – 11.9 100% landscaping improvements required in any multifamily project.

6. Abandonment definition changed from six months to one year.
7. Added specific minimum dimensions for garages (10x20 single, 18x20 double- minimum of 400 square feet) and garage door openings (8 wide by 7 tall single-car, 16 wide by 7 tall double-car).
8. Pet stores allowed as conditional uses in commercial and airpark zones; only legally kept animals may be sold.
9. Changed the definition for Multi-family dwellings to include "Twinhomes" and all other attached housing products; deleted text references to twinhomes.
10. Unbuildable Land and Buildable Land definitions adjusted.
11. Residential Tier 1 Improved Open Space percentage changed to *4% of project Buildable Land* rather than 8% as currently condified.
12. Tier 3 and Tier 4 driveway lengths are 20 feet to the property line (currently unspecified).
13. Residential Tier 2 Improved Open Space percentage calculated as a percentage of project *Buildable Land* (percentage remains unchanged at 8%).
14. Where commercial development is proposed adjacent to a residential or agricultural use, the rear setback shall be 50 feet (instead of 100").
15. Added section for zoning of residential group homes.
16. \$1500 per acre of Buildable Land Tier 1 fee paid at recordation of plat (currently unspecified as to when that fee is paid).

Discussion took place regarding the setbacks.

Mr. Lenhard explained that the current code states that if the lot is from one half acre up to three quarters of an acre the lot frontage or the portion of the lot which extends along the street, public or private, is 100 feet. Mr. Lenhard explained that this creates a problem in the subdivision Valley View where the minimum is 100 feet and the plans came back with the all of the half acre lots having a lot frontage at 100 feet which with the current setbacks it limits the type of home that can be placed on those lots. Mr. Lenhard explained that it was suggested that it be increased to 150 feet and that the lots that are over three quarters of an acre be increased from 150 to 200 feet. Mr. Lenhard explained that it would be an increase of 50 feet on all lot frontages and that the setbacks would remain the same.

Mr. Lenhard explained that the City Council felt like when Valley View came through they had approved it under the idea that it was going to have a rural feel and therefore the houses would be spaced farther apart. Mr. Lenhard explained that that is why the City Council did not want to reduce the setbacks and that is where the idea of increasing the lot frontage came from. Mr. Lenhard explained that the idea was that the Council did not want the houses to be close together and they wanted the houses to stay at least fifty feet apart.

Mr. Kemp stated that he liked the idea of increasing the lot frontage but that increasing it by 50 feet seemed like a little to much.

Mr. Lenhard asked Mr. Kemp and the Commission if they would feel more comfortable only increasing the frontage by 20 or 25 feet.

Mr. Kemp stated that that would be fine, and that should give the builder some leeway as to what he can build on these lots.

Mr. Lenhard explained that there is now a provision and a definition for hobby breeder kennel in the Code.

Mr. Maher asked if Mr. Lenhard could elaborate on the hobby breeder kennel.

Mr. Lenhard explained that it is a provision for hobby breeders to have with the right facilities a greater number of dogs than normally allowed under the hobby breeder permit. Mr. Lenhard explained that this has come about because of a particular issue that the City Council has been dealing with over in Meadow Ranch with a hobby breeder that has ended up with a lot more dogs than the City had intended them to have. Mr. Lenhard explained that the majority are smaller dogs that are inside and that a nice facility has been provided for them to mitigate sound and odor.

Mr. Maher asked that if in this particular case has there been an agreement that the dogs will stay inside.

Mr. Lenhard explained that it was never specified but that is how it had been represented.

Mr. Warnke explained that the issue usually comes down to the larger and smaller dogs and that the impact is different with the different types and sizes of dogs.

Mr. Maher asked how many dogs a hobby breeder was allowed to have.

Mr. Lenhard stated that the hobby breeder permit as currently written allows for eight dogs.

Mr. Warnke explained that the City Council has put a moratorium on Kennels until this issue of changing the code is resolved.

Mr. Lenhard explained a table has been created that shows the number of animals allowed, where and etc. Mr. Lenhard stated that this was to prevent any future confusion of animal rights and those types of issues.

Mr. Malone asked if the animals were only allowed in rear yards.

Mr. Lenhard explained that the Commission could recommend that side yards be allowed as well.

*Tom Maher opened the public hearing.*

Diane Jacob explained that she was concerned with the hobby breeder kennel, she explained that she would like to know how complaint situations would be handled and who would be taking those complaints.

Mr. Warnke explained that the City Council is discussing how to handle the complaint situations, possibly giving these duties to a code enforcement officer.

Rob Bateman explained that he lived in Cedar Pass Ranch and that he is concerned with the hobby breeders. Mr. Bateman explained that he has received a number of complaints from neighbors about the dogs barking at night. Mr. Bateman asked what would happen if there were complaints.

Mr. Warnke explained that if the neighbors come in and complain then the conditional use permit can be withdrawn.

Mr. Bateman explained that the problem with the dogs is always the barking and that it does not matter if they are big or small. Mr. Bateman explained that the bigger dogs barked louder but there were more of the little dogs that were doing the barking. Mr. Bateman explained that another concern he had was regarding the frontages. Mr. Bateman explained that if you go to wide on the frontage you lose the depth of the lot. Mr. Bateman stated that he was also concerned with the animal ordinance, Mr. Bateman explained that if the fences are farther away from the property lines it will create weed patches and dead spaces.

Kent Price explained that he was concerned with the setbacks from the property lines with animal fences and buildings.

Keith Callon explained that he would like to see that the requirements are the same for cattle and horses.

*Tom Maher closed the public hearing at 7:00 p.m.*

**MOTION:** *John Malone moved that the Planning Commission recommend approval to the City Council of the Animal Regulations chapter and the following proposed changes to the Development Code Titles 1 and 2:*

1. **Various non-substantive spelling and grammatical changes throughout both Titles**
2. **Accessory apartments allowed in detached structures in the AG and Airpark zones, in addition to Residential Base Density and Tier 1; amended Accessory Apartment definition**
3. **Title 1 – 5.10.5 delete words “country residential” (a term no longer used in this Code)**
4. **Title 2 – 7.7.2 clarified that the minimum cul-de-sac right of way radius is 60 feet, and that minimum temporary turnaround radius is 60 feet**
5. **Title 1 – 11.9 100% landscaping improvements required in any multifamily project**
6. **Abandonment definition changed from six months to one year**
7. **Added specific minimum dimensions for garages (10x20 single, 18x20 double – minimum of 400 square feet) and garage door openings (8 wide by 7 tall single-car, 16 wide by 7 tall double-car)**
8. **Pet stores allowed as conditional uses in commercial and airpark zones; only legally kept animals may be sold**
9. **Changed the definition for Multi-family Dwellings to include “Twinhomes” and all other attached housing products; deleted text references to twinhomes**
10. **Unbuildable Land and Buildable Land definitions adjusted**
11. **Residential Tier 2 improved Open Space percentage calculated as a percentages of project Buildable Land (percentage remains unchanged at 8%)**
12. **Tier 3 and Tier 4 driveway lengths are 20 feet to the property line (currently unspecified)**
13. **Residential Tier 2 Improved Open Space percentage calculated as a percentage of project Buildable Land (percentage remains unchanged at 8%)**
14. **Where commercial development is proposed adjacent to a residential or agricultural use, the rear setback shall be 50 feet (instead of 100;)**
15. **Added section for zoning of residential group homes**
16. **\$1500 per acre of Buildable Land Tier 1 fee paid at recordation of plat (currently unspecified as to when that fee is paid)**

**Chris Kemp seconded the motion. Ayes: 3, Nays: 0. Motion Passed.**

**B. Sage Valley Master Development Plan Amendment- Public Hearing and Action Item**

Adam Lenhard explained that Sage Valley is located along S.R. 73 immediately west of Cedar Pass Ranch.

Mr. Lenhard explained that Plat A is currently recorded as twenty one lots and that Plat B has been preliminary approved for forty six lots. Mr. Lenhard explained that the amendment being presented is an increase of thirty three lots throughout Plats A and B.

Mr. Lenhard explained that the developer is wanting to bring this project under the standards of the new code.

Mr. Lenhard explained that one of the things that has been requested of the developer is that the street cross section includes a trail. Mr. Lenhard explained that the developer has asked that all streets have a trail at their cross section.

Mr. Lenhard explained that all conditions that have not been taken care of will need to be finished before this project can continue on any further. Mr. Lenhard stated that this should be included as one of the conditions for approval. Mr. Lenhard explained that the developer has agreed to this condition.

Adam Lenhard explained that an entry way monument would be required due to the new code and that all Tier 1 requirements would have to be met.

Mr. Lenhard stated that this project would need adequate telephone capacity and that it is required that each home have three lines and that currently it is not available and that this would need to be made available.

*Tom Maher opened the public hearing.*

Rob Bateman explained that the HOA is opposed to changing the existing zoning in this area. Mr. Bateman explained that from a homeowner standpoint he does not want the smaller lots because there will be conflicting issues with those who have animal rights and those who would not.

Greg Keele explained that the proposed Sage Valley subdivision brings up several issues that reflect poor planning on the developers end such as the dramatic lot size transition from Cedar Pass's 5.2 acre lots to Sage Valley's 1 acre perifial lots with an immediate high density transition in the subdivision core that transitions back to larger lots in Sage Valley phase 1. Mr. Keele explained that there is a flight path over this project and that this would become an issue in the future with the residents. Mr. Keele explained that there are also drainage issues, Mr. Keele stated that if the detention pond does not hold all of the water then it would spill over and head right towards his home. Mr. Keele stated that he moved to this area assuming that it would be an open, rural area and that this subdivision would prevent the current residents from having that rural feel.

Todd Panter explained that he agreed with Mr. Bateman and Mr. Keele's comments. Mr. Panter stated that Mr. Patterson told him that this area would be a rural area with larger lot sizes. Mr. Panter explained that the original phase he was presented is what he wants to see and not this revised phase with much smaller lot sizes.

Diane Jacob stated that this project was different than others because it has been previously platted and that the residents were promised that these lots would all be one acre and that it is unfair to them to come back later and change to smaller lots going against what was originally proposed. Mrs. Jacob asked who would be maintaining the asphalt trails if the City could not even maintain the roads and trails that they have.

Lue Wheinburg explained that he as well as other residents purchased their lots with the understanding that there would not be a high density and that the lots would be at least one acre or larger in size. Mr. Wheinburg asked why the detention pond was located in the area that it was.

Mr. Trusty explained that it is required that the detention pond be put at the end of the subdivision that had the lowest elevation.

Jeff Topham explained that he is highly concerned with the increase of density and he does not want to see this.

Amy Shawgo explained that she agrees with all of the previous comments from the residents that have been made. Mrs. Shawgo read an article to the commission about a similar situation that is going on in Saratoga Springs. Mrs. Shawgo explained that she and her husband bought their lot with the knowledge that they would be surrounded by at least one acre lots. Mrs. Shawgo explained that when they were first interested in buying the lot the developer told her as well as others that the park would be developed. Mrs. Shawgo stated that after some time passed and the park had not been completed she called and asked the developer about it and that he had said that it was up to the residents to have it completed.

Mr. Warnke asked Mr. Maher to explain the Planning Commission's job.

Mr. Maher explained that the job of the Planning Commission is to work within the existing development code. Mr. Maher stated that the developer has the right to come to the Commission to ask for a change in the density of this previously recorded subdivision.

Mr. Keele explained that he was most concerned with the water drainage issue, traffic, and the flight path.

Mr. Panter stated that he lives right across from Mr. Keele and that he never received notices for the previous meeting about this issue. Mr. Panter stated that a better job needs to be done in

sending notices to the public. Mr. Panter asked Mr. Maher if he was telling the audience that it doesn't do any good to come and give their opinions at the Planning Commission meetings.

Mr. Maher explained that the Planning Commission and the City Council play very different rolls and that they each deal with separate issues. Mr. Maher stated that a lot of people think that there is subjective leeway and that just because someone doesn't like something that does not mean the Commission can just agree or disagree. Mr. Maher explained that the Commission's position is to make their decisions based upon what the development code says. Mr. Maher stated that it does not do a lot of good for residents to come and say they don't like particular projects because of their density, Mr. Maher explained that the Commission can turn down anything that involves the public safety concerns such as with this particular project the detention pond, the flight path and traffic issues.

Mr. Warnke explained that there would be a public hearing for this project at the next City Council meeting and that the City Council has more leeway with the public's concerns. Mr. Warnke stated that he would encourage residents to come and state their opinions at that meeting.

Mr. Panter asked the Commission that if he went to City Council and told them his concerns with density, could they take that into consideration.

Mr. Kemp explained that the Council could take that issue into consideration before making their decision.

Mr. Lenhard explained that there could possibly be an issue with the well, Mr. Lenhard stated that he thought that septic tanks must at least be 1000 feet or so away from the water wells.

Mr. Panter asked if the Commission knew what the City Council would do if he went to them with the density issues and if the Council could take any of those issues into consideration.

Mr. Maher explained that under the code the developer has the right to come to the Commission and ask for a change in the development, Mr. Maher explained that it will say that there are certain requirements for him to be allowed the proposed density.

*Tom Maher closed the public hearing.*

Mr. Lenhard explained that the developer will be held responsible for all previous agreements which would include the park in plat a.

Mr. Maher asked if it would be an improved park.

Mr. Lenhard stated yes. Mr. Lenhard explained that the Planning Commission could recommend that all previous conditions are completed before the amendment can take place.

Mr. Kemp explained that he did not like having residents who have animal rights being surrounded by residents who would not have animal rights. Mr. Kemp explained that he also did not like the fact that there would be an increase of traffic with no sidewalks in the subdivision.

Mr. Maher explained that traffic is an issue because it impacts the residents safety, and that the City Well issue would need to be resolved, and that the septic tank and quality of water issues would need to be resolved as well.

Discussion took place concerning drainage.

Mr. Malone explained that he would like the City to make sure that the Developer completes all previously promised items. Mr. Malone stated that lots 1, 37, 24 & 25 be looked at because of the drainage issues.

Mr. Warnke explained that the drainage issues would be looked at before moving on any further.

**MOTION:** *Tom Maher moved that the Planning Commission table the Sage Valley Master Development Plan and requested that the Planning and Engineering Departments research and report to the Planning Commission on the following issues:*

- 1. That the traffic study be looked at in relation to public safety in phase 1.*
- 2. That the location of the City's Protection Zone for the new city well is identified in light of Sage Valley's proposed septic tank.*
- 3. That the Staff confirms that the detention pond does meet the City standards.*
- 4. That the water quality impacts on the private wells in Cedar Pass Ranch be evaluated in light of Sage Valley's proposed septic tanks.*

*John Malone seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

**C. Hidden Canyon (R2 N4), Preliminary and Final Plat- Public Hearing and Action Item**

Adam Lenhard explained that Hidden Canyon is located along Pony Express Parkway south of Rockwell Village and Ruby Valley. Mr. Lenhard explained that Hidden Canyon has been preliminarily approved for 134 units with a density of 8 dwelling units per acre. Mr. Lenhard explained that the homes in this development would be constructed out of 100% masonry materials. Mr. Lenhard explained that the developer has agreed to landscape 100% of the lots to mitigate the drainage concerns.

Mr. Warnke explained that there would also be some internal lot line storm drain collection systems.

Mr. Lenhard explained that Salisbury Homes would be building the Homes and that everything would be built out of 100% Masonry materials.

Mr. Lenhard explained that the landscaping plan that has been received by the developer ties in with the surrounding areas such as Lone Tree.

Mr. Lenhard explained that privacy fences are required for backyards whenever the front a street. Mr. Lenhard stated that based on the home plans, the Planning Department has not anticipated that any backyards will front a street.

Mr. Lenhard explained that the developer would complete the Budd Evans trail so that there would be trail connectivity with this development.

Mr. Lenhard explained that the entryway monument would be in the Pony Express right of way which is owned by the city so it would not be shown on the plat. Mr. Lenhard explained that one condition of approval would be that the monument is constructed by the developer. Mr. Lenhard explained that the Public Works director has requested that the monument sign be stubbed with electricity so that it could be lit for safety reasons. Mr. Lenhard explained that the house plans can be repeated but there is a limit on how they can be repeated.

Mr. Lenhard explained that there were some Engineering issues with Sandpiper road and that it would need to be signed at 25 mph to meet the safety requirements and that all other streets would be signed at 20 mph because they are very narrow.

*Tom Maher opened the public hearing.*

*Tom Maher closed the public hearing.*

Dicussion took place concerning landscaping maintenance.

Mr. Lenhard explained that in future phases a large park area is being proposed.

Mr. Warnke explained that a future subdivision that would be next to Hidden Canyon would also have a park requirement and that it was originally discussed that the park improvements would be moved to the site where the detention pond is but because of the constrained configuration of the open space area staff was unsure if it would be suitable for a playground area

Mr. Blackburn asked who would maintain the open space behind Hideout Circle.

Mr. Warnke explained that it is a hillside so it would not be improved, and that the native vegetation would be protected.

**MOTION:** *Chirs Kemp moved that the Planning Commission approve the Preliminary Plat for Hidden Canyon and recommend approval of the Final Plat to the City Council subject to the following conditions:*

- 1. That county book and page of all adjacent parcels is labeled on the plat and that e-files of the plat are provided for addressing.*
- 2. That the entryway monument is constructed by the developer and has electricity run to the site.*
- 3. That alternate street cross section proposed for this subdivision is approved.*
- 4. That the Fire Chief approves the cul-de-sacs for this development.*
- 5. That the Ranches DRC reviews and approves the elevations and landscape plan, etc. That the house plans are not repeated according to the Ranches Design Guidelines.*
- 6. That Sandpiper is signed at 25 mph and the other streets at 20 mph.*
- 7. That all construction plan comments are resolved.*

*John Malone seconded the motion. Ayes: 3, Nays: 0. Motion Passed.*

**D. Spring Valley B, Final Plat- Action Item**

Mr. Warnke explained that Spring Valley Plat B is located at the intersection of SR 73 and Mt. Airey Drive and that the project is located near the City's eastern boundary.

Mr. Warnke explained that Plat A of Spring Valley has been approved and that Plat C is waiting for the City Council to rule and act on the master development plan which would add density. Mr. Warnke stated that there were a few plat corrections that needed to be made and that Mr. Lenhard had talked with the designer of the dry utilities and that all three phases would now be shown on the same plans because there are so close to being constructed. Mr. Warnke stated that about 97 units would be constructed which is almost an entire neighborhood park, so the staff will need to evaluate to make sure that they have all the neighborhood park requirements or they have paid the fee in lieu for the balance.

Mr. Warnke stated that in the Development Code there are now some new requirements for landscaping plans, and that more detail is now required.

**MOTION:** *Chris Kemp moved that the Planning Commission recommend approval to the City Council of the Final Plat for Spring Valley Plat B subject to the following conditions:*

- 1. PLAT CORRECTIONS. That the owners dedication removes references to street names (because the streets are not being dedicated to the public they are private streets). That the building envelopes be shown on the plat as required by 5.4.1.1.20 of the Development Code (need to see the setbacks and driveway lengths). That areas on the plat which are private, common limited, and common areas be shown.*
- 2. UTILITY CONNECTIONS. That the utility connections onto Mt. Airey Drive be shown along with cut areas.*
- 3. NEIGHBORHOOD PARK. That this project contributes to the neighborhood park requirements.*
- 4. LANDSCAPE PLAN. That the landscape plan is stamped by a landscape architect. That there is a tabulation table with the total percentage of landscape areas, domestic turf grasses, drought tolerant plant, and cost estimates.*
- 5. LANDSCAPING SCALE. The buildings are not to scale on the landscape plan. This needs to be correct so that the plans can accurately demonstrate that the landscape improvements in relationship to the buildings.*

6. **CC&R's.** *That the same CC&R's approved with Plat A are applied to Plat B (including storage of items in rear yards, fencing, improved building elevations, building materials, etc.)*
7. **SIDEYARD SLOPES.** *That there are concerns with the slopes on the sideyard for lot 69 & 70.*
8. **STORM DRAIN.** *The cleanout for the relocated storm drain line should be located in the street and not in the driveway of lots 53 and 54. Verify tht the storm drain does not cross over any lot lines. Storm drain calculations be submitted. That storm drain profiles are shown.*
9. **BENCHMARK.** *Construction drawing should label a benchmark.*

*John Malone seconded the motion. Ayes: 3, Nays; 0.*

## 6. Discussion Items

### A. Eagle Point Townhomes Concept Plan

Mr. Warnke explained that the Eagle Point Townhomes site is located along Eagle Mountain Blvd. to the south of The Landing and to the west of Eagle Point. Mr. Warnke explained that this project does have a preliminary and final plat approval. Mr. Warnke explained that there is a concern with having parking areas on the radiuses of streets and that it creates difficulty for people who are driving to be able to see each other and that there are also issues of having shared driveways.

Mr. Warnke explained that the storm drainage pond will have a park built on it but there are issues concerning access to it.

The developer explained that the slope on the storm drainage pond wasn't steep enough that people could get injured on it or having a hard time getting in and out of it to the playground.

Mr. Warnke explained that the Staff would like to see how better access could be provided to the park.

The developer explained that the only access currently provided is a cul-de-sac and that it was meant for people to park and drop off their kids.

Mr. Warnke stated that he was concerned with having this be the only parking area for all of the residents because that would be a lot of traffic for a small cul-de-sac.

Mr. Blackburn stated that he was concerned with the two homes in the cul-de-sac having to pull out onto the road with all of the residents parking by and in front of their driveways blocking them.

Mr. Lenhard stated at this density parks become a considerably large issue, and that this development would be subject to a neighborhood park requirement which is 3.74 acres of improved neighborhood park with 3.74 units of each required items such as benches, tables, pavilion etc. Mr. Lenhard stated that once the development gets over 100 units then the Development Code requires that about 2 to 3 more acres of park be added.

Mr. Warnke explained that it has been proposed to put the open space requirements into the detention pond but that the code requires that it needs to be put elsewhere.

Mr. Lenhard explained that this project requires 10% improved open space and that the neighborhood parks need to service the site which is 30 acres and that the 10% improved would only be about 3 ½ acres. Mr. Lenhard explained that the neighborhood parks alone would cover the improved open space.

Mr. Lenhard explained that any new changes would now need to follow the new Development Code.

## 7. Adjournment

The meeting adjourned at 8:45 p.m.