

**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, NOVEMBER 25, 2008 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 6:03p.m.

Roll Call

Tom Maher, John Linton, Preston Dean, Craig Larrabee

Others Present

Travis Dance, Representative of Raymond, Van Nosedol and Associates
Jeremy Boberg, Owner of Ark of Eagle Mountain
Darron Boberg, Owner of Ark of Eagle Mountain
Joel Clark, Neighbor of Ark of Eagle Mountain
David Dunn, 9022 N Alexis Lane
April Summers, 2501 Prairie View Drive
Patricia Sagastume, 9053 N Alexis Lane
Charlotte Ducos, North Ranch Resident
Carma Scott, Meadow Ranch Resident
Kristy Gordon, Meadow Ranch Resident

Staff Present

Mayor: Heather Jackson
City Attorney: Jerry Kinghorn
Planning Director: Steve Mumford
Senior Planner: Mike Hadley
Planning Coordinator: Lianne Pengra

1. Pledge of Allegiance

Commissioner Maher led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Status Report from City Council

Mr. Steve Mumford said that as October was Community Planning Month, he gave a presentation to the City Council. The focus of the presentation was sustainability and green communities and included recommendations on the direction the city should go regarding sustainability. He said that at least one developer said he is planning on putting sustainable practices into his building efforts.

Mr. Mumford said that Scenic Mountain Master Plan was approved. As there were two City Council meetings since the last Planning Commission meeting, Scenic Mountain was discussed twice. The first time it was at the City Council meeting, it was recommended that the traffic study be reviewed again, and that the densities adjacent to the highways be looked at. The Public Works Director and Planning Director met with the traffic engineer, and are

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now recommending a right-in, right-out, as well as a left-in turn. This reduces the traffic substantially on Mt. Airey Drive and through the neighborhoods. The applicant also reduced the density by 16 units and moved the higher density buildings away from the highway and put 8-unit condos in their place.

Mr. Mumford said the Hidden Valley General Plan Amendment and Master Plans were discussed last week and will return next week to the City Council meeting for consideration for a motion. He explained that there were issues with open space and with trails.

Mr. Mumford said the rezone, master site plan, site plan, and final plat for Coop's Market were approved last week. He said that the applicant stated they hope to start construction in the spring. Commissioner Maher asked if the applicant had the financing to begin construction. Mr. Mumford said that it was the applicant's aspiration to begin construction in the spring. He explained they are discussing the details of the RDA at the City Council meeting next week.

4. Approval of Minutes

A. October 14, 2008 Planning Commission Meeting Minutes

MOTION: *Commissioner Linton moved that the Planning Commission approve the October 14, 2008 Planning Commission Meeting minutes.*

Commissioner Dean seconded the motion. Ayes: 4, Nays: 0. Motion Passed.

5. Development Items

A. Eagle Pointe I LDS Chapel Site Plan and Conditional Use Permit – Public Hearing, Action Items

Mr. Mike Hadley explained that in September, a one-lot subdivision plat was approved for this church site. Five lots were vacated out of the existing plat to create this lot. He showed the location of the proposed chapel and the site plan. He explained it is on 3.62 acres and is a Heritage style chapel.

Mr. Hadley explained that the landscape plan meets the city requirements and, in some cases, far exceeds those requirements. He said that there are 10 trees required and 84 provided, and 10% of the landscape is required to be drought resistant, while 93% of the proposed landscape is drought resistant.

Mr. Hadley showed the differing layout with this church site being on a slope, as opposed to many of the other LDS churches in Eagle Mountain.

Mr. Hadley said that the five lots vacated had 3.6 acre feet of water dedicated to the city, but the applicant will need to supply 2 more acre feet. Commissioner Maher asked if the

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applicant can acquire the water and Commissioner Linton asked if the applicant is aware of this additional condition of approval. Mr. Hadley said that the applicant can get the water and is aware of the requirement.

Mr. Hadley explained that the applicant had chain link fencing on the plans and they are aware that chain link fencing is not allowed; they will change that.

Commissioner Maher asked about the sparse landscaping of other LDS churches and whether or not this landscape plan addresses those issues. Mr. Hadley said that there are many plants and shrubs. Commissioner Linton asked if it was 50% coverage.

Travis Dance, Representative of Raymond, Van Nosedol and Associates. Mr. Dance said that rock mulch is typically used with shrubs planted at three foot intervals. Commissioner Maher asked if the shrubs would fill out. Mr. Dance said they will. He will also check the other chapels to see what the Commissioners are describing, as far as landscaping.

Commissioner Maher opened the public hearing at 6:13p.m. and closed it for lack of comments.

MOTION: *Commissioner Linton moved that the Planning Commission approve the Conditional Use Permit for the Eagle Pointe I LDS Church and recommend approval of the Site Plan to the City Council, subject to the following conditions:*

ENGINEERING:

1. UTILITIES. All existing utilities must be capped at the main line.
2. T-PATCH. Road will need to be t patched with a slurry seal over road after patches.

FIRE:

1. SPRINKLERS. The sprinkler plan needs to be checked by a third party.

PLANNING:

1. FENCING. Solid fencing is required around the perimeter. (No chain link fencing is allowed).
2. WATER RIGHTS: Must supply to the City 2 acre feet of water.

Commissioner Larrabee seconded the motion. Ayes: 4, Nays: 0. Motion Passed.

B. Scenic Mountain General Plan Amendment – Public Hearing, Action Item

Mr. Mumford explained that this property has been discussed in Planning Commission Meetings before. He said that the Master Development Plan was approved by the City Council recently for a mix of residential densities and uses. He explained that is not in the Future Land Use Map since it was not part of Eagle Mountain City previously. As it is not on our Future Land Use Plan, they need to add it to the map and designate it Mixed Use Residential.

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Commissioner Maher opened the public hearing at 6:15p.m. and closed it for lack of comments.

MOTION: *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the Scenic Mountain General Plan Amendment.*

Commissioner Dean seconded the motion. Ayes: 4, Nays: 0. Motion Passed.

C. Ark of Eagle Mountain Group Home Conditional Use Permit & Business License – Public Hearing, Action Item

Mr. Mumford said that these are Conditional Use Permit and Business License applications. He said that the proposed site is in the Westview Heights subdivision. He showed where existing homes surrounding the proposed site are. He showed the site plan with existing parking, future parking, and the future landscaping. He showed elevations of the home and pictures of the actual home. He said that it is not currently landscaped. He showed the floor plan of the main floor and bonus upper room and explained the different areas of the home. He said that they did not put the basement floor plan in the presentation, as it is not a finished space.

Mr. Mumford explained that the permitted uses within the Residential zone are single family homes, utility structures, parks, and home businesses. He explained that the City Code defines *FAMILY* as persons related by blood, marriage, adoption, guardianship or under foster care arrangements, or up to three unrelated persons or up to two unrelated persons and their children living together as a single housekeeping unit. He explained that the City Code defines *GROUP HOME, SMALL* as a residential facility established as a single housekeeping unit shared by no more than eight unrelated persons. It should not include persons diagnosed with substance abuse problems, and shall not include those staying at the home as a result of criminal offenses or other dangerous antisocial behavior.

Mr. Mumford explained that the proposal is for a residential group home for eight adults being treated for mental health, behavior, and chemical addictions. He said that it would include male and female professionals over the age of thirty, and explained the treatment types and staff personnel. He said that it would be staffed twenty-four hours a day and that the applicant stated they would install security cameras, motion detectors, and alarms.

Mr. Mumford explained that those with disabilities or handicaps are given a protected status by the Federal Fair Housing Act and the Americans with Disabilities Act, as well as a state statute. It prohibits discrimination on the basis of handicap or disability. He explained that those included in the definition of handicap or disability are persons with blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury and mental illness. He explained that it does not protect persons who currently use illegal drugs, persons convicted of the manufacture or sale of illegal drugs, sex offenders, juvenile offenders, or persons with or without disabilities who present a direct threat to the persons or properties of others.

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Mr. Mumford explained that the criteria for approval in the code for a group home are the following: it shall not produce a nuisance or threat of danger of persons or property in the vicinity, a state recommendation is required, approval of the appropriate state agency is required, parking spaces, adequate pick up and delivery areas, and a 60-foot lot frontage.

Mr. Mumford explained that since the applicant is proposing more than three unrelated adults under reasonable accommodations, we are required by law to allow this use as long as the city's conditions ensure it fits in to what a residential home would be in that neighborhood. He said that staff has come up with a list of conditions that they feel would make it fit in with the neighborhood and allows for eight people under reasonable accommodations.

Commissioner Maher introduced Mr. Jerry Kinghorn, City Attorney.

Mr. Kinghorn said that disability and the Federal Fair Housing Act have much litigation surrounding them, but the state statute does not have litigation to define how it should be interpreted; however, they can determine what to do with the state statute based on past federal litigation. He explained that the state adopted a statute in 2005 requiring the city to treat residential facilities for persons with a disability as a permitted use with the stipulation that it is to the extent required by federal law.

Mr. Kinghorn explained that local governments are not allowed to discriminate in housing regulations based on the existence of a disability or in residential facilities for persons with a disability. He said that the city is required to make reasonable accommodations for those with disabilities. He explained that they came up with a method of regulating the facilities by having the residential zone allow three unrelated persons to occupy a home. He said that it may result as discrimination against those with disabilities when applied to federal law, though. They then came up with the definition of a small group home; one of the stipulations can no longer be enforced as persons with a substance abuse problem have been defined as persons with a disability. He suggested the city staff make changes to the code to remove that stipulation.

Mr. Kinghorn said that they need to treat this as a permitted use with legitimate conditions to ensure it is operated for those within the narrow category of persons with a disability. He explained that they researched and developed a list of conditions that are intended to protect the community to the extent that they can reasonably define any kind of regulations that will protect them, and that will require the home to only be operated for those with a disability. He said that the conditions require a series of licensed professionals find the occupants not to be a threat to those around them. He said that they have used materials from communities where this issue has been litigated, so they feel comfortable about the conditions. He explained that they are interested in hearing concerns from both sides regarding the conditions. He said that he understands those against the group home will feel the conditions are not strict enough, while those for the home will feel they are too burdensome and oppressive. He feels these are within defensible legal compliance and allows the use as the city is required to allow the use.

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Commissioner Maher asked Mr. Kinghorn to explain what courts have ruled in the past regarding group homes. Mr. Kinghorn said that the litigation throughout Utah that he has seen have ended up with the homes being allowed by the federal court. As the federal law preempts the state law and city ordinances, the federal court has primary jurisdiction. He explained that local communities try to prohibit these types of facilities, but under federal law, that cannot be done. He said that city staff can also impose conditions to ensure the administration isn't financially burdened when enforcing the conditions.

Mr. Kinghorn said that both the Conditional Use and the Business License Application are before the Planning Commission for them to recommend a motion to the City Council, who is the final authority.

Mr. Mumford explained that the procedure with public hearings is to allow each person to speak for three minutes. The timer will beep when thirty seconds remain, and again when three minutes has passed. He said that it would then be up to the Chair to let the person continue speaking. Commissioner Maher said that he also would like new issues only – no repetition.

Mr. Jeremy Boberg, Owner of the Ark of Eagle Mountain. He asked if they were going to be required to follow the recommended conditions. Commissioner Maher said that those are the recommended conditions from city staff and the city attorney. He explained that that is the point of the meeting tonight. Mr. Boberg explained that they just received them yesterday and as they have reviewed them, they have found recommendations that their attorney would like to review over the next few weeks and meet with Mr. Kinghorn to discuss.

Mr. Boberg said that they do want to be in compliance and do want to follow federal and state guidelines. He said that some of the conditions are not within their ethical boundaries to follow and would cause financial hardships.

Mr. Kinghorn recommended that the Planning Commissioners continue with the public hearing and make a determination at that point to either table the item, or send it on to City Council. He said that the public hearing would be a good idea if they are going to be sitting down with the applicant later to go over the conditions. He explained that they want the conditions to be workable. He said that if the item is tabled, the city would re-notice the public and bring the item back to a Planning Commission meeting in the future. He said that it is not an unreasonable request on the applicant's part to have time to review the conditions. He said that the applicant may be concerned about how the staff will handle information they receive from the applicant and that is a legitimate concern.

Commissioner Maher opened the public hearing at 6:36p.m.

Joel Clark, Bordering Neighbor. Mr. Clark asked if they can identify a person with a drug problem as being disabled. Commissioner Maher said that according to the definition they just saw, that is a disabled person. Mr. Clark said that he knows those who are habitual users and are never cured. He asked if they know if there is enough information on what the

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financial and personal impacts to the neighborhood will be. He asked that if there is not information on the impacts, is the city just letting them come in because federal law says they have to.

Commissioner Maher said that federal law trumps all other city and state laws. He asked Mr. Kinghorn and Mr. Mumford if they have any long-term impact information. Mr. Kinghorn said that they requested crime analysis data from various sheriffs' offices and police departments to see if there is any analysis that has a logical conclusion about these homes and there is not any. He said they have dispatch reports and other various documents, but they are ambiguous. He explained that if the home had a substantial negative impact on the neighborhood, they could have a private consultant study it to make a conclusion, but there are no studies done.

David Dunn, 9022 N Alexis Lane. Mr. Dunn said that in the code where the word *nuisance* is used, they can add the word annoyance. He said that he feels this is a residential neighborhood, and should not have a business in a residential neighborhood. He said that safety is an issue to him and he is concerned about people coming and going with the kids playing in the area. He said that he is concerned about the type of people living across the street from him. He wanted to know what time the people would be coming and going. He asked for clarification on the 90 minutes discussed in the conditions. He also asked why the city is considering eight people if they can restrict it to three people.

Mr. Mumford said that the city code allows for a small group home to have up to eight unrelated adults. He said he believes that was due to licensing in the state.

Mr. Kinghorn said that when the city council adopted the development code, they followed the licensing classification of a small group home, which allowed up to eight people. He explained that a reasonable accommodation is needed by the city and eight is a common number in the licensing scheme. He said that if they adopt something less than eight, they are probably not making a reasonable accommodation under the federal cases.

Commissioner Maher asked Mr. Kinghorn to clarify the two car trips in a 90-minute time period.

Mr. Kinghorn said that in the conditions, they proposed they stagger the visiting hours on the weekend so that a large amount of traffic is not in the neighborhood. He said that they required the applicant to submit a plan regarding this. He explained that if one looks at a standard traffic study, two cars in 90 minutes is a comparable number for what most normal homes generate on average for a normal day.

April Summers, 2501 Prairie View Drive. Ms. Summers said that she is not speaking on behalf of anyone, just herself. She asked that for number four on the conditions, can staff change the age to thirty, as that is what the applicant has stated as the minimum age. She asked in regards to number 4c, who is going to govern whether or not the resident has abstained from drugs for thirty days. Commissioner Maher said that it is in the conditions; a

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professional will have to certify the results and a urine analysis will document it. Ms. Summers said that being that there are four bedrooms in the home, can they limit the number of residents to four and when the basement is complete, up the number to eight.

Mr. Mumford said the Chief Building Official and the Fire Chief reviewed the plans according to the International Building Code, International Residential Code, and the fire code. They determined that this home would be treated similar to any other residential home in that sprinklers would not be required. Commissioner Maher asked if eight people in the home met code. Mr. Mumford said that it did.

Commissioner Maher asked about the applicant saying the residents would be thirty years and older.

Mr. Kinghorn said that the formal application does not limit the age, so the city staff used twenty-one. In some of the other materials, thirty is the age stated, but as it is not on the formal application, it is not binding to the applicant. He said that if the applicant is willing to amend the application to state thirty as the minimum age, city staff can add that to the conditions.

Mr. Darron Boberg, Owner of the Ark of Eagle Mountain. Mr. Boberg said that he is not ready to make any adjustments at this time. Commissioner Maher said that they would leave it at twenty-one. Mr. Boberg said that they have not agreed to twenty-one. Commissioner Maher said he understands that; twenty-one is the city staff's stipulation.

Patricia Sagastume, 9053 N Alexis Lane. Ms. Sagastume recommended that the city not allow visitors on Saturdays as that is when the children will be playing outside. Commissioner Maher said that would be tough for the residents. He said that city staff needs to be reasonable on the accommodations. Ms. Sagastume said that since they are asking for an exception, the exception should be granted as long as it does not affect the nature of the neighborhood. She said that in the third paragraph of section five, she would ask that a urine test always be required. She said that she also wants it clarified that all outside sources are independent of the Bobergs. Ms. Sagastume said that sexual offenders are allowed if the Utah Dept of Commerce deems them as no longer a threat. She is concerned that registered sex offenders will be in the home, but not on the sex offender website; therefore, they will not be able to know if a sex offender is living in their neighborhood. She said that Mr. Boberg said the conditions were financially restrictive, but she spoke with him and he is charging \$20,000 a month per resident and she feels that is more than enough to cover the staff's conditions. She said that her last concern is the type of mortgage they have. She said that they initially built the home as an investment and most often investments are owner-occupied homes. She said that if they have the wrong mortgage type, they could be committing mortgage fraud and she requested city staff look into it.

Commissioner Maher asked Mr. Boberg to respond to the mortgage concern.

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Mr. Darron Boberg said that he would not respond to any issue other than say that his attorney needs to look over the conditions. He said that he does believe they are in compliance.

Mr. Kinghorn said they can clarify that all professionals need to be independent from the home. He said that there could be a problem in getting the urine tests from other facilities with the way the system is set up. He said that they might not be available to the Ark of Eagle Mountain, either. He said they will check into it, though.

Commissioner Maher asked Mr. Kinghorn to clarify the sex offender issue. Mr. Kinghorn said that the test is very stringent. It requires the Department of Corrections to say that the individual is no current risk. He said it is extremely stringent and he can research it, but he is not sure whether or not the Dept of Corrections would issue a letter like that. They would require it, however, to ensure they meet the requirement that there is no direct threat. Commissioner Maher said that the requirement is that the individuals not be on any sex offender registry in order to be resident in the group home.

Ms. Charlotte Ducos, North Ranch Resident. Ms. Ducos said that she is confused with number four. She wanted to know if sections a, b, and c are excluded or are exceptions to the exclusions. Mr. Kinghorn said that they are exceptions to the exclusions.

Ms. Ducos asked if the goal in reasonable accommodation granting equality or greater accommodation. Mr. Kinghorn said that it is granting accommodations that are reasonable, necessary, and not financially burdensome to allow disabled persons to live in a residential environment. Ms. Ducos said that if they are looking for equality, three should be reasonable, but if they are looking to give greater accommodation, eight seems reasonable. Mr. Kinghorn said that accommodation means going beyond equality to make something possible that is not otherwise possible, such as ramps along sidewalks.

Ms. Ducos said that she understands that the applicant thinks the conditions are too restrictive and that the residents are not happy with the application. She said that she would like to see the conditions be as stringent as possible, but that she does not want the city to end up in federal court.

Ms. Carma Scott, Meadow Ranch Resident. Ms. Scott said she is concerned that there are impressionable children and teenagers near the home. She said that she has lived by a home for individuals trying to get over problems. She said it was an uncomfortable experience. She said in another instance, she was contracted to demolish a home that was occupied by recovering addicts. She said that they discovered used sharps around the yard and in the home. She asked how the applicant can guarantee that this won't be the same experience with this home in Eagle Mountain.

Commissioner Maher said that was the point of the twenty-two stipulations. They are trying to comply with federal and state laws while being fair to the residents.

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Ms. Kristy Gordon, Meadow Ranch Resident. Ms. Gordon said that she wanted the city to know that it is not just the people living in Westview Heights, but also those surrounding it who are affected.

Commissioner Maher closed the public hearing at 7:03p.m.

Commissioner Linton said he appreciates the input from the city and the enlightenment from Mr. Kinghorn. He said he understands that it is probably unfair to the applicant to give them the conditions a day or two before the meeting and wanting them to have legal counsel pass judgment on it in that short period of time. He would recommend the matter be tabled to allow for discussion between counsels.

Commissioner Dean agreed. He said it was fair to give the applicant time to consider the conditions.

Commissioner Larrabee agreed as well.

Commissioner Maher asked city staff if the public hearing needed to be continued.

Mr. Kinghorn recommended voting on tabling the item. He said that they would advise the staff when they are at the point when they are ready to return to a Planning Commission meeting. They would notify the Planning Commissioners at a meeting that they are ready to bring the item back, and at that meeting, they would determine a future date for a decision on the applications. The public would get notice of that date, as well.

Mr. Mumford said that there is only one more meeting this year on December 9th. The next meeting will be January 13, 2009.

MOTION: Commissioner Linton moved that the Planning Commission table the Ark of Eagle Mountain Group Home Conditional Use Permit and Business License applications.

Commissioner Larrabee seconded the motion. Ayes: 4, Nays: 0. Motion Passed.

D. Annexation Policy Plan Amendment – Public Meeting, Discussion Item

Mr. Mumford explained that this is an amendment to the Annexation Policy Plan. He showed the existing Annexation Policy Plan Boundary Map. He explained that areas within that boundary can be considered for annexation. Commissioner Maher asked if this is what was agreed to in the state meeting. Mr. Mumford said that the existing map was what was agreed upon in 2003 by the City Council. Commissioner Maher asked if anything was agreed on with the surrounding cities at the recent state meeting. Mr. Mumford said that they have met with Saratoga Springs on their shared boundaries and there is some consensus, but not complete consensus. Mr. Mumford said that every city has its own annexation boundary line and it is okay for city's annexation boundary lines to overlap. What they are not allowed to do is have their annexation boundary line cross over into other parts that are already

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included in other cities. This is why two areas are being removed from the annexation boundary map.

Mr. Mumford said that the Pole Canyon area is one of the main reasons for the annexation boundary map amendment. The Pole Canyon area is over 3,000 acres and contains the White Hills subdivision, White Hills County Estates, and about 3,000 acres of undeveloped property. He said that this specific area would give additional access to SR-73. It also would give potential for large business parks and light industrial parks which could offer high-paying jobs, increase in tax base and reduction of commuter traffic. Mr. Mumford said that this specific area would provide diversification of the municipal water system and acquisition of existing infrastructure. They have a water recharge zone and a water tank that offers 1.5 million gallons of storage.

Commissioner Maher asked who proposed the Pole Canyon Annexation. Mr. Mumford said that DAI is the applicant on the annexation petition for this area. The City is proposing to move the boundary lines.

Mr. Kinghorn explained that the city received a petition for annexation from the Pole Canyon group. He said that before the city can consider the petition, they have to amend the annexation boundary map. He said that the current item is not to consider the specific annexation; it is to change the map to include it in the boundary map.

Mr. Kinghorn said that tonight they are just looking for comments from affected entities, such as surrounding cities. They have the opportunity to come in or send comments on what they think of the boundary. He said that they did discover an overlap between Fairfield and the boundary and they also discovered a gap which would create an island, which they are not allowed to do. He said that Fairfield was informed of the overlap today and he doesn't know if they have had time to react or not. He explained that they do have time to protest the annexation and said that they should ask if there are any representatives present from the affected entities.

Commissioner Linton asked if this boundary amendment was driven by DAI. Mr. Kinghorn said that this is the second time the city has received inquiries about annexation and the first time they've received a formal petition. He said that the first time, city staff looked at the property and advised of some issues the city staff saw. The applicant decided to not go forward until they consolidated some of the properties.

Mr. Kinghorn said that the White Hills subdivisions had significant investments put into the water and sewage systems. When Utah County changed their policy from allowing the systems in the county to only allowing them in incorporated systems, it shut down the water and sewer systems.

Commissioner Maher asked how it made sense to have this area in Eagle Mountain, rather than Fairfield or Cedar Fort. Mr. Kinghorn said that some of the area was in Fairfield and Fairfield de-annexed it. He explained that the property owners asked Fairfield if they would

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provide them services and Fairfield said they would not, so the property owners asked to be de-annexed from the city. An area was de-annexed from Cedar Fort recently as well. He explained that Cedar Fort annexed a large area of wild land and then had a fire. The county then sent the city a bill for fire suppression and Cedar Fort decided to de-annex a lot of the wild land. Mr. Kinghorn explained that this information came from the property owners and that it is hard to verify to ensure everything is factual.

Commissioner Maher asked if it is approved, will the city have to get the county's approval. Mr. Kinghorn said that it is up to the county to protest it. He believes that the county would like to see the unincorporated areas be included in cities. Mayor Jackson said that she had been approached by county commissioners and they are highly encouraging the property owners in the large subdivision in the Pole Canyon area to incorporate into any city. She explained that the county commissioners do not like a large subdivision not being in a city as they have to take care of it. She said that she does not believe the city will see a protest from the county. She confirmed that property has been de-annexed from both Cedar Fort and Fairfield.

Commissioner Maher said that the 1.5 million water tank would obviously be a good thing and asked Mayor Jackson if the rest of the math made sense. Mayor Jackson said that the current item on the agenda tonight is just looking at changing the annexation boundary map, not the Pole Canyon annexation specifically. Commissioner Maher asked if they are already looking at the Pole Canyon annexation. Mayor Jackson said that they have been looking into it for at least the last six months. She said that the applicant is well aware of utility requirements and those types of things that the city will require.

Commissioner Maher asked if it was a public hearing. Mr. Mumford said that it was a public meeting for the affected entities. Mr. Kinghorn said that the city is required to give the affected entities an opportunity to present their comments at a public meeting. Mr. Mumford said that the intention is to notice this for the next meeting as a public hearing.

Commissioner Maher asked if it was necessary to put it on the record that there were no representatives from the affected entities at the meeting this evening. Mr. Kinghorn said that it should be. Commissioner Maher confirmed that no representatives were present. Mr. Mumford said that they do need to allow for ten days from the public meeting to consider their comments in case they call or send a letter.

6. Other Business

A. New Municipal Code

Mr. Mumford said that each Commissioner should have received a new code book with the relevant sections.

B. Future Planning Commissioner Training

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Mr. Mumford said that they hope to do the training at the next Planning Commission Meeting. They will go through some of the codes they recently received. He explained that what they received is basically the same code as before; it has just been codified differently.

7. Adjournment

Commissioner Maher adjourned the meeting at 7:25p.m.