



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 27, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brent Strong. Alternate Commissioner Robert Fox was excused.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; and Steven Lehmitz, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Everett called the meeting to order at 5:33 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – WASH SETBACKS

Wildlife Biologist/Environmental Planner Todd Black explained that staff would like to discuss what "significant setback," as stated in Eagle Mountain Municipal Code 17.25.050(G), means when referring to the washes found within the City. This may lead to future code amendments to define significant setbacks more clearly through scientific methodology. The Wildlife Overlay Zone references a 50-foot setback. He explained varying situations with the washes in the City and suggested potential methodologies to measure setback distances with consideration of slope, flow, and soil in the wash. He proposed a 75-foot setback from the center of the wash to ensure safety by accounting for changes to the path and width of the washes over time and high flow events. Soil compaction and stabilization, vegetative cover, and debris also contribute to the erosion of the wash. He has been in discussions with landowners that would be affected by the changes. The City is working to install fencing along the wash in Deer Haven.

Discussion clarified elements of the proposal and supported amending the standards, particularly considering the impacts on the washes of historic snow levels last winter.

Commissioner Everett adjourned the work session at 5:51 p.m.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Everett called the policy session to order at 6:31 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. June 13, 2023 Planning Commission Minutes

MOTION: *Commissioner Pengra moved to approve the June 13, 2023 minutes. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

5. Status Report

Staff reviewed the planning items discussed and voted upon during the June 20, 2023 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – PUBLIC HEARING: PRELIMINARY PLAT APPROVAL OF "PARKWAY FIELDS D"

Items 6.A. and 6.B. were presented and discussed concurrently.

Planning Manager Robert Hobbs presented the item. The applicant(s) is/are petitioning to subdivide a portion of the Ault Farms Master Development in the southeast region of the City approved by the City Council in December of 2021. The development continues the platting of that master development now using Parkway Fields as its name. Phase D proposes 240 single-family home sites and three common parcels on 71.31 acres of land. The building lots' dimensions and arrangement are designed to conform to the RC, R1, R2, and R3 zones, as well as the approved master plan for the project. The project has been reviewed by the Development Review Committee (DRC) and suggested redline corrections have been incorporated into plat drawings. The plat's present configuration is not in full conformance with platting and site plan standards belonging to the RC, R1, R2, and R3 zones associated with the preapproved Ault Farms Master Development Plan.

Should the Planning Commission determine to recommend approval of the preliminary plat for Parkway Fields D to the City Council, staff recommends that the approval be contingent upon compliance with the following conditions of approval:

1. The applicant(s) shall reconfigure proposed building lots within the R1 area of the plat such that their collective average size exceeds 14,520 square feet/1/3 acre;
2. The applicant(s) shall reconfigure the zoning pattern shown on page 9/sheet 501 of the Phasing Plan/Lot Plan of the Parkway Fields D plan set submitted to the City such that it matches the approved Ault Farms Master Plan and zoning pattern shown by the Exhibit therein;
3. The applicant(s) shall rearrange lots 113, 114, 128, 154, and 155 in Phase D, Plat 1 to conform to the subdivision's approved zoning pattern as noted in DRC redlined plans;
4. The applicant(s) shall add a notation to the proposed plans that 6-foot privacy fencing compliant with Municipal Code shall be emplaced along Parkway Fields Boulevard;
5. All parcels shall be labeled with a designator and have a description of the nature of the parcel;
6. The applicant(s) shall make all other corrections and clarifications to the proposed plans in accordance with City's DRC redline corrections noted on said plans;
7. Any conditions adopted by the Planning Commission; and
8. A revised plat, with all required DRC, Planning Commission, and staff corrections incorporated thereon, shall be submitted to the City prior to application for a final plat within Plat D.

Alternatively, the Commission could table the plat to provide the applicant(s) time to make corrections thereto, especially the R1 lot averaging shuffle effect, as identified during the DRC review process.

Applicant representative Bronson Tatton stated that they are amenable to complying with the staff-recommended conditions of approval. He verified that the entire project has 1,708 units and Plat E will complete approximately 70% of the master plan and the remaining 30% is divided over three phases.

Commissioner Everett opened the public hearing at 6:42 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Parkway Fields D with the following conditions:*

1. *The applicant(s) shall reconfigure proposed building lots within the R1 area of the plat such that their collective average size exceeds 14,520 square feet/1/3 acre;*
2. *The applicant(s) shall reconfigure the zoning pattern shown on page 9/sheet 501 of the Phasing Plan/Lot Plan of the Parkway Fields D plan set submitted to the City such that it matches the approved Ault Farms Master Plan and zoning pattern shown by the Exhibit therein;*

3. *The applicant(s) shall rearrange lots 113, 114, 128, 154, and 155 in Phase D, Plat 1 to conform to the subdivision's approved zoning pattern as noted in DRC redlined plans;*
4. *The applicant(s) shall add a notation to the proposed plans that 6-foot privacy fencing compliant with Municipal Code shall be emplaced along Parkway Fields Boulevard;*
5. *All parcels shall be labeled with a designator and have a description of the nature of the parcel;*
6. *The applicant(s) shall make all other corrections and clarifications to the proposed plans in accordance with City's DRC redline corrections noted on said plans; and*
7. *A revised plat, with all required DRC, Planning Commission, and staff corrections incorporated thereon, shall be submitted to the City prior to application for a final plat within Plat D.*

Commissioner Everett seconded the motion.

Those Voting Yes

☒ ***Jason Allen***
☒ ***Jeremy Bergener***
☒ ***Matthew Everett***
☒ ***Chris Pengra***
☒ ***Brent Strong***

Those Voting No

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***

Those Abstaining

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***

Those Absent

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***

The motion passed with a unanimous vote.

6.B. ACTION ITEM – PUBLIC HEARING: PRELIMINARY PLAT APPROVAL OF "PARKWAY FIELDS E"

Mr. Hobbs presented the item. The applicant is petitioning to subdivide a portion of the Ault Farms Master Development approved by the City Council in December of 2021 in the southeast quadrant/region of the City. The development continues the platting of that master development now using Parkway Fields as its name. Phase E proposes 275 single-family home sites, a well lot, and four common parcels on 82.60 acres of land. The building lots' dimensions and arrangement are designed in accordance with the RC, R1, R2, and R3 zones as well as the approved master plan for the project. The project has been reviewed by the DRC and suggested redline corrections have been incorporated into plat drawings. The plat's present configuration is not yet quite in full conformance with platting and site plan standards belonging to the RC, R1, R2, and R3 zones associated with the pre-approved Ault Farms Master Development Plan.

As pertaining to the preliminary plat for Parkway Fields E, staff recommends that the Planning Commission forward a positive recommendation to the City Council, contingent upon applicant(s)/project compliance with the following recommended conditions of approval:

1. The applicant(s) shall reconfigure the zoning pattern shown on page 9/sheet 501 Phasing Plan/Lot Plan of the Parkway Fields E plan set submitted to the City such that it matches the approved Ault Farms Master Plan and zoning pattern shown by the Exhibit therein;

2. The applicant(s) shall rearrange lots 21, 22, 32, 33, 205, and 206 in Phase E, Plats 1 and 2 to conform to the subdivision's approved zoning pattern as noted in DRC redlined plans;
3. The applicant(s) shall add a notation to the proposed plans that 6-foot privacy fencing compliant with Municipal Code shall be emplaced along Parkway Fields Boulevard;
4. All parcels shall be labeled with a designator and have a description of the nature of the parcel. The well lot 179 shall be designated as such on the plat and its ownership maintenance called out by note thereon; and
5. The applicant(s) shall make all other corrections and clarifications to the proposed plans in accordance with City's DRC redline corrections noted on said plans.

Commissioner Everett opened the public hearing at 6:42 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Parkway Fields E with the following conditions:*

1. *The applicant(s) shall reconfigure the zoning pattern shown on page 9/sheet 501 Phasing Plan/Lot Plan of the Parkway Fields E plan set submitted to the City such that it matches the approved Ault Farms Master Plan and zoning pattern shown by the Exhibit therein;*
2. *The applicant(s) shall rearrange lots 21, 22, 32, 33, 205, and 206 in Phase E, Plats 1 and 2 to conform to the subdivision's approved zoning pattern as noted in DRC redlined plans;*
3. *The applicant(s) shall add a notation to the proposed plans that 6-foot privacy fencing compliant with Municipal Code shall be emplaced along Parkway Fields Boulevard;*
4. *All parcels shall be labeled with a designator and have a description of the nature of the parcel. The well lot 179 shall be designated as such on the plat and its ownership maintenance called out by note thereon; and*
5. *The applicant(s) shall make all other corrections and clarifications to the proposed plans in accordance with City's DRC redline corrections noted on said plans.*

Commissioner Strong seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

6.C. ACTION ITEM – PUBLIC HEARING: AMENDING SECTION 17.60.120 GENERAL FENCING PROVISIONS

Senior Planner David Stroud presented the item. The City has been approached by commercial and residential property owners wishing to construct netting on their property adjacent to the golf course. This is to protect personal property as well as reduce conflict between golf balls and people. Some property owners have already installed netting to provide a measure of protection but the City does not have a current ordinance to regulate such use. The construction of homes adjacent to a golf course will always lead to a conflict between structures and errant golf balls. Several factors come into play to create such conflict. Among these are the proximity of the structure to the golf course, the layout of the course, and the skill of the golfer. Standard policy with golf courses is the golfer and not the course owner is the responsible party for any private property damage. Municipalities with golf course netting standards are very limited.

Mr. Stroud proposed the addition of the following standards to Eagle Mountain Municipal Code 17.60.120 General Fencing Provisions, noting that the Planning Commission had suggested the removal of 17.60.120(K)(8) during the work session review of the standards during a previous meeting:

K. Golf Course Netting. Netting along a golf course to reduce conflict of golf balls and personal property or residents may be constructed with the following standards:

1. Maximum height shall be 75 feet in commercial zones and 50 feet in residential zones.
2. Netting shall have the ability to be removed or lowered during the non-playable winter months.
3. Issuance of a building permit prior to construction.
4. Shall not be located in a Public Utility Easement.
5. Shall be maintained in a safe condition.
6. Permitted on property when next to a golf course and placed within 20 feet of the common property line of the golf course and the adjacent property.
7. May extend 50 feet along a side property line as measured from the rear property netting location.
8. Property owners shall carry sufficient insurance coverage in the case of the structure falling over due to, but not limited to, vandalism, act of nature, or deterioration. Proof of insurance shall be submitted at the time of the building permit application.

Commissioner Everett opened the public hearing at 6:51 p.m. As there were no comments, he closed the hearing.

Commissioner Strong stated that he is still in favor of removing subsection K(8).

Commissioner Everett suggested clarifying that the property owner is responsible for maintaining the net in a safe condition per subsection K(5).

Mr. Stroud explained that permitting the removal or lowering of the nets was to allow the homeowner to store, replace, or perform maintenance on the netting.

Commissioner Strong expressed concern about requiring property owners to be able to remove or lower the nets.

Commissioner Allen recommended requiring that the nets be maintained in good condition to take into account the appearance of the nets in addition to safety concerns.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.60.120 General Fencing Provisions with the following change:*

1. *17.60.120(K)(5), "Shall be maintained in a safe condition by the property owner."*

Commissioner Pengra seconded the motion.

AMENDED MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.60.120 General Fencing Provisions as presented in the packet materials, which excludes 17.60.120(K)(8), with the following change:*

1. *17.60.120(K)(5), "Shall be maintained in a safe condition by the property owner."*

Commissioner Pengra seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

6.D. ACTION ITEM – PUBLIC HEARING: AMENDING SECTION 17.70.030 ACCESSORY DWELLING UNIT STANDARDS

Planner Steven Lehmitz presented the item. It is currently the City's practice to not require an internal connection from the primary unit to an attached or basement accessory delivery unit (ADU), though it is not referenced in Municipal Code. The passing of Senate Bill 174, during the most recent Utah State Legislative Session, amended USC 10-9a-530 to make it so municipalities could not restrict internal connectivity for attached ADUs. The purpose of this amendment is to better align the City Code with Utah State Code to clearly reflect that we will not require internal connections of attached ADUs. A common concern with attached ADUs is that without an internal connection requirement, they can easily become duplexes. However, it is challenging to police whether an internal connection is initially constructed or maintained. Staff realized this and it has been the practice of the City to not require the internal connections during the internal ADU application review. Approval of this amendment clarifies our compliance with the changes brought forth in Senate Bill 174.

Commissioner Everett opened the public hearing at 7:00 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.70.030 Accessory Dwelling Unit Standards. Commissioner Strong seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

6.E. ACTION ITEM – PUBLIC HEARING: AMENDING SECTION 17.76.070
SOLAR ENERGY DEVICES (PANELS AND COLLECTORS)

Presented by Wildlife Biologist/Environmental Planner Todd Black. Staff began noticing an increase in the number of pigeons using and going under solar panel arrays to nest. When asked, a local pest control company indicated they have observed the same issue which leads to large deposits of fecal matter under the panels and in rain gutters. Staff has also fielded many calls from residents expressing their displeasure with the amount of pigeon feces on their properties, coming from pigeons nesting under solar panels on neighboring properties. Solar panels are becoming increasingly popular as a supplemental energy source for individual properties. As they continue to be constructed, it would be beneficial to have a control in place that discourages birds from nesting/roosting under the panels. Birds nesting under panels decreases the longevity of a roof and can cause damage to the solar panels. Staff will update any relevant material to reflect this new requirement and inspections will be conducted to ensure proper installation and maintenance.

Mr. Lehmitz clarified that the approval recommendation is based on the wording in the staff report in the packet materials as opposed to the wording in the staff presentation slides.

Commissioner Everett opened the public hearing at 7:04 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.76.070 Solar Energy Devices (Panels and Collectors). Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>

☒ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong**

The motion passed with a unanimous vote.

7. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for July 11, 2023.

Commissioner Everett plans to attend the meeting virtually. Commissioner Allen will be unable to attend.

Commissioner Everett thanked Commissioner Pengra for his service to the City.

Commissioner Pengra explained that schedule conflicts and time constraints have made him unable to continue fulfilling his responsibilities as a Planning Commissioner. He appreciates the opportunity to serve and the service others give to the community.

8. Adjournment

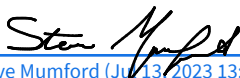
MOTION: *Commissioner Pengra moved to adjourn at 7:09 p.m. Commissioner Everett seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☒ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a unanimous vote.

The meeting was adjourned at 7:09 p.m.

Approved by the Planning Commission on July 11, 2023.


[Steve Mumford \(Jul 13, 2023 13:53 MDT\)](#)
Steve Mumford, AICP
Deputy City Administrator/Community Development Director

06.27.23 PC Approved Minutes not signed

Final Audit Report

2023-07-13

Created:	2023-07-13
By:	Shawna Ellis (sellis@emcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAw96GBsy-ad8HzakwrvOoHmR1BDPNyryn

"06.27.23 PC Approved Minutes not signed" History

-  Document created by Shawna Ellis (sellis@emcity.org)
2023-07-13 - 5:36:45 PM GMT- IP address: 104.37.251.18
-  Document emailed to Steve Mumford (smumford@emcity.org) for signature
2023-07-13 - 5:37:02 PM GMT
-  Email viewed by Steve Mumford (smumford@emcity.org)
2023-07-13 - 7:53:33 PM GMT- IP address: 174.230.196.193
-  Document e-signed by Steve Mumford (smumford@emcity.org)
Signature Date: 2023-07-13 - 7:53:43 PM GMT - Time Source: server- IP address: 174.230.196.193
-  Agreement completed.
2023-07-13 - 7:53:43 PM GMT