



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

November 22, 2022, 6:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Matthew Everett, Erin Wells, and Alternate Commissioner Brent Strong. Commissioners Christopher Pengra and Jeremy Bergener were excused.

ELECTED OFFICIALS PRESENT: Councilmember Colby Curtis, Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Evan Berrett, Economic Development Director, and Robert Hobbs, Planning Manager.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the meeting to order at 6:47 p.m.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

3.A. November 8, 2022 Planning Commission Minutes

MOTION: *Commissioner Wells moved to approve the November 8, 2022 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>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

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

The motion passed with a unanimous vote.

As Commissioners Bergener and Pengra were absent, Alternate Commissioner Brent Strong voted.

4. Status Report

Mr. Mumford provided an update regarding the items removed from the agenda and the items approved during the November 15, 2022 City Council meeting.

5. Action and Advisory Items

5.A. ACTION ITEM / PUBLIC HEARING - Amendment to Chapter 9 (Moderate Income Housing) of the City's General Plan

Assistant City Administrator/Community Development Director Steve Mumford presented the item. Utah Code §10-9a-403 requires municipalities to include a moderate income housing element in their General Plan. The element must (A) provide a realistic opportunity to meet the need for additional moderate income housing within the next five years; (B) select three or more moderate income housing strategies described in §10-9a-403(2)(b)(iii) for implementation; and (C) include an implementation plan. Our current Moderate Income Housing Plan is required to be updated through the General Plan Amendment process, with a public hearing at a Planning Commission and City Council meeting, and an updated report submitted to the State prior to January 1, 2023.

In drafting the moderate income housing element, the City shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing: (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life. The plan must also include an analysis of how the City will provide a realistic opportunity for the development of moderate income housing within the next five years.

Lastly, the plan must include a recommendation to implement three or more of the following moderate income housing strategies from §10-9a-403(2)(b)(iii):

- (A) rezone for densities necessary to facilitate the production of moderate income housing;
- (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
- (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
- (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

- (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
- (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- (I) amend land use regulations to allow for single room occupancy developments;
- (J) implement zoning incentives for moderate income units in new developments;
- (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
- (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- (S) create a program to transfer development rights for moderate income housing;
- ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
- (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
- (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
- (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1:

- (W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and
- (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Mr. Mumford stated the City is working with a consultant on an Affordable Housing Plan. Either the consultant or staff will draft an update to this chapter incorporating the elements of the plan and the strategies. He noted that the State requires the verbatim adoption of the language of the allowed strategies. He listed and explained the strategies agreed upon during the joint meeting held with the Planning Commission and City Council immediately prior to this meeting:

- (E): create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
- (N): implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (R): eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- (S): create a program to transfer development rights for moderate income housing; and
- (X): demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Furthermore, the State requires a plan with timelines identifying specific measures and benchmarks for the implementation of each moderate income housing strategy selected that provides flexibility for the municipality to make adjustments as needed.

Commissioner Everett opened the public hearing at 6:57 p.m. As there were no comments, he closed the hearing.

Commissioner Everett thanked the administration and staff for facilitating the joint meeting with the City Council. He felt it was beneficial and allowed the two bodies to examine and consider each of the available strategies.

The Planning Commission discussed the selected strategies and recommended the following benchmarks and implementation timelines:

- (E): Conduct an annual review of the applicable Municipal Code standards and a report detailing the number of accessory dwelling units (ADUs) in the City;
- (N): Develop approval criteria and awarding mechanisms by July 1, 2024, if sufficient redevelopment agency and/or other funding is available, and track the amount of money awarded and the number of people assisted as the benchmark for the program;

- (R): Implement the fee removal by July 1, 2023, for detached ADUs and consider reducing or eliminating building permits for finishing basements to provide an ADU;
- (S): Research programs implemented by other cities to mitigate unintended consequences and implement a plan by January 1, 2026; and
- (X): Require a percentage of the units in single-family residential zones to be deed restricted, adopt the Affordable Housing Plan by December 31, 2023, update Municipal Code accordingly by December 31, 2024, and use the number of moderate income units developed as the benchmark.

Commissioner Everett stated that he is strongly in favor of strategy N to assist new and existing City employees and essential workforce such as first responders and teachers through point buydown on a mortgage or a down payment assistance program.

Commissioner Everett stated he appreciates the ways that larger businesses have worked in partnership with the City and have supported charitable efforts. Nevertheless, because the City assumes infrastructure impacts from hosting those businesses, he advocated for working with them to provide benefits for existing and future residents such as described in strategy O. He recommended that the City create a housing authority to manage the employee mortgage assistance program and other moderate income housing strategies as preferable to partnering with an outside entity or a State organization where the City would only receive a portion of the funds and feels monitoring the housing programs would be an onerous increase in workload to existing staff.

Commissioner Wells said that in the case that staff discovers that one of the agreed upon strategies is unfeasible, she would suggest D as an alternate strategy. The City could waive the permit fees for finishing basements as suggested earlier or provide money for the construction of a secondary entrance for an ADU with a requirement to rent the ADU at a set price for an established timeframe.

Commissioner Everett concurred and stated that strategy D could work in conjunction with strategy P and the programs could be overseen by a housing authority.

Commissioner Allen suggested strategy H to reduce parking requirements near senior living facilities as an optional strategy should a replacement be needed. Commissioners Strong and Everett agreed.

Discussion decided to table the item to allow staff to attend upcoming moderate housing webinars provided by the State and to permit the Commission to review the draft of the standards, prepared by staff based upon their discussion, at the December 13, 2022 meeting before making their recommendations to the City Council.

MOTION: *Commissioner Everett moved to table an amendment to Chapter 9 Moderate Income Housing of the City's General Plan to allow staff to draft timelines and benchmarks for the recommended strategies based upon the discussions during the Joint City Council and Planning Commission and Planning Commission meetings and to present the draft standards at the December 13, 2022 meeting for Planning Commission review and recommendation. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

As Commissioners Bergener and Pengra were absent, Alternate Commissioner Brent Strong voted.

6. Discussion Items

7. Next scheduled meeting

The next Planning Commission meeting is scheduled for December 13, 2022.

Commissioner Everett requested for the Harmony project to be on the agenda of the next meeting, regardless of whether the project is ready for review, to close the public hearing left open and continued to the December 13th meeting. He noted that the 2023 meeting calendar needs to be approved at the next meeting.

8. Adjournment

MOTION: *Commissioner Wells moved to adjourn at 7:42 p.m. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

As Commissioners Bergener and Pengra were absent, Alternate Commissioner Brent Strong voted.

The meeting was adjourned at 7:42 p.m.

Approved by the Planning Commission on December 13, 2022.


Steve Mumford (12/13/2022 09:03 AM)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

November 22, 2022 PC Minutes Approved-not signed

Final Audit Report

2022-12-14

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