



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

August 9, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Jeremy Bergener, and Matthew Everett. Commissioner Erin Wells arrived at 5:59 p.m. Commissioner Chris Pengra was excused.

ELECTED OFFICIALS PRESENT: Councilmember Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; and Fionnuala Kofoed, Director of Administrative Services/City Recorder.

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

Commissioner Everett called the meeting to order at 5:39 p.m.

1. Discussion Items

1.A. DISCUSSION – Community District Node Overlay Zones

Planning Manager Robert Hobbs presented the item. The contemplated purpose of the Community District Node Overlay Zones is to create designated areas within the City's neighborhoods to act as focal points of activity and development. The development of the nodes can act as a way to relieve development pressure on other portions of the City that are intended to be protected or more rural, while also improving the capacity for better transportation systems and providing services and amenities on a local level.

There are three node types of Community District Node Overlay Zones currently proposed:

- A. City Center Node. A downtown Main Street style of commercial and office uses with a mixture of uses in a horizontal or vertical format (e.g. residential or office above retail and residential above office).
- B. Community Node. A community business district style of commercial and office uses serving multiple surrounding neighborhoods with a mixture of uses in a horizontal or vertical format (e.g. residential or office above retail and residential above office).
- C. Neighborhood Node. A small collection of retail and service uses focused on a corner or single block, serving the immediate surrounding neighborhood with a mixture of uses in a horizontal format (e.g. different uses adjacent to each other).

The Community District Node Overlay Zones shall be applied to areas as noted by the Future Land Use Map of the General Plan. Not all neighborhoods in the City will have a node in close proximity, a neighborhood may include multiples of a node type, and not all node types may be within a neighborhood. A node should be centered on an existing or future major intersection or mass transit stop. A future intersection or mass transit stop is defined as one identified in the current Transportation Master Plan at the time of a request for the overlay zone mapping.

Discussion clarified the minimum setback requirement footages increase if the property is adjacent to residential uses.

Assistant City Administrator/Community Development Director Steve Mumford explained the intent of the nodes is to focus higher density and commercial activity in areas that provide mass transit and walkable communities for node residents and to mitigate traffic impacts on single-family residential neighborhoods benefiting the City as a whole. The City's goal is to work with the Utah Transit Authority (UTA) to bring transit options to Eagle Mountain to provide economical transportation options for residents.

Commissioner Bergener noted that projects would require approval prior to the application of the overlay. Due to the requisite oversight, he thinks the node system could be advantageous to the City in appropriate locations. He views these types of communities as beneficial as they provide residents with additional transportation and employment opportunities within the City. The standards, as drafted, have areas he feels should be addressed and amended before approval and codification.

Commissioner Allen concurred with the intent to focus these types of development near major transportation corridors. He expressed concerns with developers desiring the maximum allowed acreage for a neighborhood node even though the intent is for a small area, permitting courtyards on any side of a building, and allowing 50-unit buildings.

Commissioner Wells agreed that it would be wise to preserve areas for future transit. Nevertheless, she is not in favor of the proposed densities and desires to better understand how the nodes would function in relation to current commercial zoning.

Commissioner Everett stated although he is not opposed to the general concept, he is apprehensive about passing the standards due to the ambiguity regarding plans for the locations for future major roadways and transit stations, the proposed building heights and acreages allowed, and the permitted and special uses. It might be better to wait and implement a node system after major roadway and transit locations have been finalized. Until that time, the commercial standards could be amended to address immediate needs and development.

Discussion ensued regarding the following:

- Benefits and limitations of implementing a node system prior to or after further development and transportation planning;
- Balancing economic growth, density, and the character of the City;
- Parking issues and impacts;

- UTA and Utah Department of Transportation (UDOT) long-term plans, strategies, and funding limitations;
- The potential for State legislative mandate to require higher density projects;
- High density and commercial projects supplementing property taxes for larger lots and rural development; and
- Options for amending the node standards.

The Commission determined to delay recommending amendments to the standards until after the draft is reviewed by the City Council to determine if the overlay has enough support to merit dedicating additional time and resources.

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

Commissioner Everett called the policy session to order at 6:34 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. July 26, 2022 Planning Commission Minutes

MOTION: *Commissioner Allen moved to approve the July 26, 2022 minutes. Commissioner Bergener 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>
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☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

5. Status Report

Mr. Mumford stated that 43 residential building permits were issued in July. No City Council meeting was held on August 2, 2022.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code
Regarding Small Cell Wireless (5G) Facilities

This item was presented and discussed after item 6.C.

Assistant to the City Administrator Evan Berrett presented the item. The Federal Government is supporting the roll-out of 5G technology to increase internet options in rural areas as a major step towards future technologies including smart cities and autonomous vehicles and to facilitate the necessary communication companies to handle the increased load on networks. Utah Code 54-21 was established in 2018 to provide general limitations on the deployment of small wireless facilities and to provide certain rights to cities. State law permits cities to establish design standards; enforce permitting and zoning/land use controls; require written consent before new poles are installed; establish fees for applications, colocations, and right-of-way use; require repair/replacement for damaged poles or right-of-way; and request relocation of a small wireless facility at no cost to the City. State law prevents cities from prohibiting the deployment of small cell wireless facilities, prohibiting certain communications companies/providers, establishing fees beyond what is permitted, and/or requiring communications providers construct or provide anything beyond the scope of small cell wireless facilities.

Components of the proposed amendment to Eagle Mountain Municipal Code:

- Master license required;
- Permits required for installing new small cell facilities;
- Small cell facilities to be installed in the right-of-way;
- Can collocate devices on poles with other providers;
- Can erect new poles only after demonstrating necessity;
- Can replace City decorative poles, if made to look similar to other poles;
- Poles maximum of 40 feet;
- Equipment must be enclosed or hidden in some way with cables running through the inside of the pole and any equipment that cannot be put on the pole can be put in a cabinet at the base of the pole;
- Cannot be in front of stores, in walkways, etc.;
- Must be placed at corners of property lines where possible;
- If equipment is placed on top of buildings, it must be shielded;
- Fees established for the application process and right-of-way occupancy; and
- Establishes requirements if facilities are damaged, abandoned, etc.

The intent of the proposed standards is to ensure small cell wireless facilities are located in the safest locations possible, to minimize the aesthetic impact on the City as much as possible, and to protect Eagle Mountain against the future impacts of evolving technologies.

Mr. Berrett explained that equipment could be placed upon the exterior of buildings, rather than a pole on top of a building, and would require decorative shielding. Staff determined to recommend including a master license agreement and the practice could be adapted for other services providers within the City. The 60-calendar day timeframe for final decisions on applications is a Federal requirement.

Commissioner Allen suggested amending EMMC 13.12.045(A)(3) to clarify the intent is to locate small wireless facilities as far away from the residents as possible rather than specifically at intersecting property lines and adding a timeframe for the removal of abandoned facilities.

Commissioner Everett opened the public hearing at 7:38 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Everett moved to recommend approval of the amendment to Eagle Mountain Municipal Code Chapter 13.12 Small Cell Communications Facilities to the City Council with the following changes:*

- 1. Section 13.12.010: “‘Collocate’ means to install or mount on an existing Support Structure, an existing Tower, or on an existing Pole;”*
- 2. Section 13.12.045(A)(3): “Shall be located on a property line at the farthest distance away from a residence as much as possible;”*
- 3. Section 13.12.045(B)(7): “Be located adjacent to a commercial establishment, such as a shop or restaurant, where it could negatively impact the business;”*
- 4. The lettering shall be correct in Section 13.12.085. Procedure for Administrative Review of Applications from L, M, and N to A, B, and C; and*
- 5. Section 13.12.100(B), “Unless such permission is granted or unless otherwise provided in this Chapter, a wireless provider shall remove within one hundred eighty (180) days the abandoned small wireless facility and shall restore, using prudent construction standards, any affected rights of way to their former state at the time such system was installed and in accordance with adopted engineering standards, so as not to impair their usefulness.”*

Commissioner Wells 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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The motion passed with a unanimous vote.

6.B. ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code
Regarding Water Efficiency Standards

Assistant to the City Administrator Evan Berrett presented the item. Landscape water use accounts for over two-thirds of Eagle Mountain’s annual consumption. Staff examined methods to extend Eagle Mountain’s water supply, maintain eligibility for rebate programs, set up properties for

success from the beginning, and consistency in conservation across property types. Review of the draft standards recommended by Central Utah Water Conservancy District (CUWCD) and Jordan Valley Water Conservancy District (JVWCD) found that although the standards maximized efficiency, some aspects would be too burdensome to enforce, are unnecessarily specific or prohibitive, or lacked needed direction in areas of concern. Consequently, Eagle Mountain City staff made several modifications to the draft standards. Mr. Berrett reviewed the proposed standards.

Commissioner Everett opened the public hearing at 8:16 p.m. As there were no comments, he closed the hearing.

Commissioner Wells suggested amending EMMC 16.35.105(7), “Other non-functional improved open space areas may be improved with drought-resistant grasses or other waterwise landscaping approved by the City,” because drought-resistant grasses are unable to handle foot traffic and changing *may* to either *shall* or *should*. She would be in favor of requiring the new standards for landscaping renovations but not structural renovations for existing buildings. She requested information regarding the current standards for commercial, industrial, institutional, and multifamily properties to evaluate if the proposed standards would be excessive.

Mr. Berrett explained that drought-resistant grasses were included due to the Parks and Recreation Director using such grasses in appropriate locations in City landscaping. It is at the purview of the Commission and Council to determine if buildings undergoing expansions or alterations should be required to adhere to the current landscaping standards. Other cities have elected to focus enforcement on new development.

Discussion ensued regarding EMMC 17.60.090(E)(2), “Lawn areas in the front and side yards shall not exceed the greater of 250 square feet, or 35% of the total landscaped area,” to clarify the 35% is of the front and side yard and excludes the backyard square footage.

Commissioner Allen expressed appreciation for the amendment permitting allowances for front yards to be reasonably free from obstructions rather than outright prohibiting trees. However, he would like additional data to determine the benefits of shading by trees.

Mr. Berrett clarified that Localscape practices encourage trees and trees would be allowed in the 65% of the yard without grass.

Commissioner Everett recommended retaining the transitioning requirements in EMMC 17.60.030.

Mr. Mumford explained the language was removed because it was redundant; nevertheless, it can be retained if desired. He will further contemplate the impacts of retaining or removing the language before the review by the City Council.

Discussion ensued regarding lots where the front, side, and backyard placement and usage vary from standard practices in relation to the proposed definitions.

MOTION: *Commissioner Wells moved to recommend approval of the amendment to Eagle Mountain Municipal Code regarding water efficiency standards to the City Council with the following changes:*

- 1. EMMC 16.35.105(7), "Other non-functional improved open space areas shall be improved with drought-resistant grasses or other waterwise landscaping approved by the City;"*
- 2. Any necessary numbering and lettering corrections; and*
- 3. EMMC 17.60.090(E)(2), "Lawn areas in the front and side yards shall not exceed the greater of 250 square feet or 35% of the total landscaped area in the front and side yards."*

Commissioner Bergener 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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The motion passed with a unanimous vote.

6.C. ACTION ITEM – Harmony A-14 Site Plan

This item was presented and discussed before item 6.A.

Senior Planner David Stroud presented the site plan for Harmony A-14. The 38 single-family lot site plan encompasses 4.27 acres at the northeast corner of the intersection of Annabell Street and Rachel Way. The preliminary plat was approved on March 25, 2014, and a development agreement was approved by the City Council on January 6, 2015. The agreement requires a minimum of 10,374 square feet of open space and the applicant proposes 22,770 square feet. Staff review of the site plan is consistent with the development agreement provided the applicant corrects any existing redlines of the proposal. The development agreement requires two materials/textures on the front façade and wrap around to at least the first window and the applicant has agreed to add a second material. The applicant proposes carriage-style garage doors with a row of windows at the top of the door. Staff feels the existing redlines are minor in nature and can be finalized, with a condition of the Planning Commission, prior to scheduling the item with the City Council.

Applicant representative Michael Porter said picket-style fencing is planned around the open space and the park and front yards will be homeowner's association (HOA) maintained.

Commissioner Wells expressed concern about the lack of visitor parking for some of the homes. Mr. Mumford stated that staff agreed and had conveyed the same concern to the applicant.

Commissioner Everett opened the public hearing at 6:50 p.m. As there were no comments, he closed the hearing.

Commissioner Allen stated he agrees with parking concerns but sees no other issues with the site plan proposal.

Commissioner Everett concurred with parking concerns, especially for the interior lots without public street access. He suggested privacy fencing for the backyards and side yards for corner homes.

Mr. Stroud clarified that fencing cannot be required because the homes are not adjacent to a collector or arterial road.

Mr. Porter stated that the garages have two parking spaces and the driveway has two additional spots providing four parking spaces per unit.

Commissioner Wells noted that parking on the alley-side of the home is problematic due to the lack of a man door and the front door can only be reached by traversing the property. Fencing would further impede access to the front of the units.

Discussion ensued regarding City fencing requirements, the tendency for residents to utilize garages for uses other than vehicle parking, and signage or other measures to prohibit parking along the alleys.

Commissioner Bergener recommended including a condition of approval for the applicant to identify fencing location, style, and materials for the benefit of the City Council review.

MOTION: *Commissioner Bergener moved to recommend approval of the site plan for Harmony A-14 to the City Council with the following conditions:*

- 1. Existing redlines shall be corrected prior to scheduling City Council review and action; and*
- 2. All fencing materials and locations shall be identified prior to review by the City Council; and*
- 3. Plans for prohibiting parking along the private alleys shall be identified before the application goes before the City Council.*

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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The motion passed with a unanimous vote.

7. Discussion Items

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for August 23, 2022.

Commissioners Bergener and Everett might have conflicts impeding their attendance at the next meeting and will communicate with staff and the Commission once their plans are finalized.

9. Adjournment

MOTION: *Commissioner Wells moved to adjourn at 8:53 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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The motion passed with a unanimous vote.

The meeting was adjourned at 8:53 p.m.

Approved by the Planning Commission on August 23, 2022.


Steve Mumford, AICP
Assistant City Administrator/Community Development Director