EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 14, 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, Matthew Everett, and Christopher Pengra. Commissioner Erin Wells was excused.

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jed Shum, Planner; and Lianne Pengra, Chief Deputy Recorder.

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

Commissioner Everett called the meeting to order at 5:32 p.m.

1. Discussion Items

1.A. List of Code Changes

Senior Planner David Stroud presented upcoming Municipal Code changes regarding accessory structures, architectural standards to meet State Code standards for two-unit dwellings, and streetlight spacing.

Discussion ensued regarding directives from the State legislature impacting municipalities, square footage parameters for accessory structures, and remedying contradictory Municipal Code language for streetlight spacing.

Commissioner Everett requested for staff to speak with the Fire Marshall to clarify his recommendations for standards requiring a man door on rear-loading garages.

Community Development Director Steve Mumford updated the Planning Commission on other code amendments in process as well as other staff projects including road standards, the status of the zoning map, and a comprehensive list of vested units. Garage size standards were updated to meet State Code. The City has issued a request for proposals for assistance with Municipal Code design standards for multifamily residential and commercial and to provide architectural review of projects.

1.B. Flex Homes

Bronson Tatton with Flagship Homes introduced Greg Magleby and Curt Magleby with Flex Homes, who presented information regarding flex homes products to meet a market need and the housing crisis. Mr. Tatton stated that the flex home products will be included in an upcoming site plan application for the Harmony development.

Greg Magleby presented a flex home single-family unit and explained that the initial home has two bedrooms and one bathroom with a full-sized kitchen, dining, and living space. The classic plan finishes with five bedrooms, three bathrooms, and a detached, two-car garage. The plan addresses concrete, excavation, structural, roof, and landscaping challenges which are the most common causes for renovations to fail. An owner's suite expansion can be built over the patio and a detached, two-car garage can be added over an existing concrete slab and footings.

Curt Magleby explained that the homes are intended to promote economic growth and economic stability for native Utahns by providing flex townhomes or single-family homes between $300,000 and $400,000. The homes have optional accessory dwelling unit (ADU) basements that can be rented to assist with home affordability and options to meet various phases of life without the owner relocating to another home resulting in an integrated, stable community. The front of the homes remains the same during expansion and the landscaping is overseen by a homeowner's association. Flex Homes provide preferred contractors and financing for the expansions. Each unit has four, off-street parking spaces – two for the main home and two for the ADU. The two-bedroom, one-and-a-half-bathroom townhome option finishes with four bedrooms and three and a half bathrooms. They requested that the City allow for the building of the garages to be delayed, ADU entrances on the front of a home for the townhome units, impact fee segmentation in phases, standard lot size exceptions, shared driveways with zero lot lines, and parking stall rentals through the HOA. All units would have internal parking on alleyways and park space between the units.

Discussion ensued explaining the following:

- The flex homes are a new concept and they do not have any current communities with the homes;
- They desire to provide fiscally responsible home phasing;
- The intent is for the main home to be owner-occupied rather than rented units and owner-occupancy could be required with HOA or City restrictions;
- They would assist with but not require expansion of the units,
- The design of the garages would be limited to plans that match the exterior of the home and are in harmony with other garages in the community;
- They will also provide materials and directions for owners to complete the expansions;
- A second-story expansion would not be feasible with the single-family home design;
- The concrete garage slab would be built to a standard to accommodate the weight of the garage and would be elevated above natural grade; and
- The RC Zone lot size requirements provide sufficient land to accommodate the full build-out square footage of the home and garage.

Commissioner Pengra voiced appreciation for the creativity in addressing housing needs; however, he expressed concern with the additional initial expense of the excavation and foundation work that does not translate into direct value to the buyer.

Commissioner Allen agreed with the need and value of a concept that allows residents to expand their homes and remain in their neighborhoods.

Commissioner Bergener said he likes that the proposal promotes uniformity in expansion especially with current State design standard constraints. He requested a rendering of the neighborhood with fully built units.

Curt Magleby stated they hope to have the homeowners finish the build-out within five years. However, they will provide them with the information needed to complete the homes after that period.

Commissioner Everett stated that he is intrigued by the plans. He is willing to entertain a zero-lot-line for the garages and will contemplate a front entrance for the townhome ADUs and the open space proposal.

Greg Magleby clarified that they are seeking an exemption in a master development agreement for this specific unit type rather than amendments to Municipal Code standards for all product types.

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

Commissioner Everett called the policy session to order at 6:55 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. May 10, 2022 Planning Commission Minutes

MOTION: ***Commissioner Allen moved to approve the May 10, 2022 minutes. Commissioner Bergener seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***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***
☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☒ ***Erin Wells***

The motion passed with a unanimous vote.

5. Status Report

This item was discussed after item 6.B.

Mr. Mumford informed the Planning Commission of the discussions and action items the City Council reviewed at the June 7, 2022 meeting.

6. Action and Advisory Items

6.A. ACTION ITEM - Proposed Amendments to Title 17.15.030 creating an Alternate Member of the Planning Commission

Mr. Mumford presented the draft code. Councilmember Wright consulted with Mayor Westmoreland and worked with the City Attorney to draft the proposed amendment. Only three out of the last nine meetings had all five Commission members in attendance.

Utah Code 10-9a-301 requires each municipality to enact an ordinance establishing a planning commission. It must define:

- Number and terms of members and, if the municipality chooses, alternate members
- Mode of appointment
- Procedures for filling vacancies and removal from office
- Authority of the Planning Commission
- Rules of Order and Procedure for use of the Planning Commission in a public meeting
- Other details relating to the organization and procedures of the Planning Commission

Mr. Mumford reviewed the proposed language changes to EMMC 17.15.30.

Commissioner Bergener verified with staff that the recommendation in EMMC 17.15.30(G) was to lowercase "members" rather than remove the word from the sentence.

Commissioner Everett suggested allowing alternate Planning Commission members to vote if a regular member has recused themselves from an agenda item.

Commissioner Allen stated that the intended purpose appears to be to have additional review of the items and to train future Commissioners. He researched standards and practices of other cities and some have a seven-member Planning Commission and term lengths for the alternate members.

Commissioner Pengra said although he understands the concept of what the amendment is attempting to prevent, he feels the changes do not solve a current problem due to the ability for amendments to move forward without a majority consensus when necessary. He expressed concern with the amendment over complicating the dynamic with the City Council due to the political realities of appointing Planning Commissioners.

Discussion ensued regarding the training requirements to serve as a voting alternate, the additional expenses incurred by the City for hours served on the Commission and other resources, and concerns with the investment level of alternates.

Commissioner Bergener said he has no objections to the wording or the premise of the amendment; however, he has apprehension about unanticipated issues and complications.

Commissioner Everett explained the history of challenges in the past, such as untrained Commissioner and Commissioners missing meetings, that resulted in the suggestion for alternates. Alternates place the Commission in a stronger position and create a pool of new members to be appointed to fill vacancies at the end of a term or to replace a Commissioner resigning for personal reasons. During his time serving, meetings needed to be canceled due to the lack of a quorum. Even though virtual attendance is now available, it is not ideal. He feels that a five-member Commission with one alternate is what would be appropriate for the City at this time. He concurs with setting a term limit for alternates.

Commissioner Pengra stated that although he agrees with the premise of not embarrassing a potential Planning Commissioner with a negative vote by the Council on the appointment, he does not feel it needs to be legislated as it adds more steps in perpetuity to an already complicated process. Submitting names for advice and consent of the Council is one of the primary roles and responsibilities of the Mayor in a position without much actual power or authority.

Discussion ensued regarding concerns that appointing alternated Planning Commissioners could increase result in existing members not seeking reappointment, stepping down during their terms, or attending fewer meetings.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Section 17.15.030, Planning Commission Organization with the following changes:***

1. ***Section B – "The alternate member is encouraged to attend all meetings and can fully participate in all meeting discussions, but the alternate member shall only vote if a regular member is not in attendance or has recused themself from an agenda item;"***
2. ***Section C – "The alternate member shall serve for a term of three years or until appointed as a regular member of the planning commission or removed in accordance with subsection G;" and***
3. ***Section G – "Planning Commission members may also be removed for cause by the city council after a hearing before the city council, if such a hearing is requested by the member, at which the city council shall vote on removal of the planning commission member."***

Commissioner Allen seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ *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*
☐ *Erin Wells*	☐ *Erin Wells*	☐ *Erin Wells*	☒ *Erin Wells*

The motion carried with a vote of 3:1.

6.B. ACTION ITEM – Triumph Subdivision Master Development Agreement

Mr. Mumford presented the item. The Triumph Master Development Plan and Preliminary Plat were approved on January 18, 2022 and zoned as Foothill Residential (FR). He reviewed the layout, parks and open space plan, road and traffic, expiration, benchmarks, and infrastructure upsizing terms in the master development agreement (MDA).

Applicant Scot Hazard confirmed that the lot sizes were adjusted to meet the half-acre average lot size requirement. He purchased the existing home in the project and incorporated the house and the lot into the new development.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the Triumph Subdivision Master Development Agreement. Commissioner Allen seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***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***
☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☒ ***Erin Wells***

The motion passed with a unanimous vote.

7. Discussion Items

None.

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for July 12, 2022.

9. Adjournment

MOTION: ***Commissioner Allen moved to adjourn the meeting at 7:55 p.m. Commissioner Bergener seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***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***

☐ ***Erin Wells*** ☐ ***Erin Wells*** ☐ ***Erin Wells*** ☒ ***Erin Wells***

The motion passed with a unanimous vote.

The meeting was adjourned at 7:55 p.m.

Approved by the Planning Commission on July 12, 2022.

Steve Mumford (Jul 13, 2022 12:33 MDT)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

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Final Audit Report | 2022-07-13

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