EAGLE MOUNTAIN
PLANNING COMMISSION MEETING MINUTES

December 13, 2022, 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, Erin Wells, and Alternate Commissioner Brent Strong.

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; and David Stroud, Senior Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

1. Discussion Items

No work session was held.

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

Commissioner Everett called the meeting 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. November 22, 2022 Planning Commission Minutes

Commissioner Bergener noted spelling errors and a date correction for the previous City Council meeting in the status report section of the minutes.

MOTION: ***Commissioner Allen moved to approve the November 22, 2022 minutes as amended. Commissioner Pengra 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***
☒	***Brent Strong***	☐	***Brent Strong***	☐	***Brent Strong***	☐	***Brent Strong***

The motion passed with a unanimous vote.

As Commissioner Wells was absent, Alternate Commissioner Strong voted.

5. Status Report

Assistant City Administrator/Community Development Director Steve Mumford reviewed the items discussed and voted upon during the December 6, 2022 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM: PUBLIC HEARING – Preliminary Plat of Ranches Crossing Plat A

Senior Planner David Stroud presented the item. This request involves two lots of record to be combined into a single platted lot of 3.47 acres. The plat also contains the continuation and completion of North Clear Rock Road to Pony Express Parkway. An Applebee's restaurant site plan is currently under review on the proposed lot. Completion of Clear Rock Road also requires a wall to be installed on the east side of the right-of-way along The Cove at Rock Creek Plat 3. The project has been reviewed by the development review committee. The plat configuration has been found to be in conformance with platting and CC Zone standards. The Planning Commission shall make a determination of the interpretation of EMMC 17.100.050, Access onto a Public Street: Access onto public rights-of-way shall not be closer than 100 feet from an intersection. The access point from Clear Rock Road to the lot is approximately 90 feet from where the right-of-way curbline of Clear Rock Road intersects with the curbline of Pony Express Parkway. There will be a median in Clear Rock Road only allowing right-in and right-out traffic flow.

Applicant Brian Haskell explained that if the measurement were taken from the centerline, the distance between the intersections would exceed the required 100 feet. Mitigation measures have been added to limit the traffic and maintain the integrity and intent of the Clear Rock Road access point. He requested the assistance of staff and the Planning Commission to support their efforts to attract Applebee's to the location as the negotiations are not finalized.

Commissioner Everett opened the public hearing at 6:43 p.m. As there were no comments, he closed the hearing.

Commissioner Allen requested for staff to add clarification of the measurement location requirements in EMMC 17.100.050 to the list of future Municipal Code amendments.

Commissioner Everett stated that he hopes the access issues impacting the site can be resolved in order to allow Applebee's or another business to be feasible at the location.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Ranches Crossing Plat A with the condition that outstanding redlines shall be corrected prior to scheduling with the City Council. Commissioner Pengra 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***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***

The motion passed with a unanimous vote.

As Commissioner Wells was absent, Alternate Commissioner Strong voted.

6.B. ACTION ITEM: PUBLIC HEARING – Harmony A-14 Site Plan

Commissioner Wells arrived at 6:45 p.m.

The item was removed from the agenda at the request of the applicant.

Commissioner Everett closed the public hearing at 6:47 p.m. that had been opened during the November 8, 2022 meeting and continued to this meeting.

MOTION: ***Commissioner Everett moved to table the site plan for Harmony A-14 to a future meeting. Commissioner Allen seconded the motion.***

Mr. Stroud confirmed that the applicant was aware that they would be responsible for paying to notice the item again.

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.

6.C. ACTION ITEM / PUBLIC HEARING – Amendment to Chapter 9 (Moderate Income Housing) of the City's General Plan

Mr. Mumford presented the proposed amendments to Chapter 9 of the City's General Plan.

The following overall goal, objectives, and action strategies represent Eagle Mountain's planned approach for addressing the issues and opportunities related to the City's Moderate Income Housing needs.

Overall Moderate Income Housing Goal: Maintain and facilitate opportunities for reasonable affordability and diverse housing sizes and products throughout the city.

OBJECTIVE 1: Ensure affordable housing opportunities grows proportionally with normal housing development.

OBJECTIVE 2: Support affordable housing options that address the needs of low to moderate income households and individuals by encouraging the offering of a wide range of product sizes, types, and styles.

OBJECTIVE 3: Provide increased opportunities for affordable home ownership by offering programs, fee reductions, and facilitating a range of housing types for purchase.

OBJECTIVE 4: Provide allowance for desirable affordable housing options that integrate well into new or existing neighborhoods, such as internal and detached accessory dwelling units.

OBJECTIVE 5: Guide density and affordable housing to locations near services, major roadways, and institutional uses through the General Plan, district area plans, zoning, and density transfer options.

The following five (5) moderate income housing strategies are action items for achieving the overall goal and the objectives, and were chosen from the strategies identified in UCA§10-9a-403(2)(b)(iii). Many action strategies will work to achieve more than one specified objective.

STRATEGY 1: Create, or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

TIMELINE: The City currently allows for internal and detached accessory dwelling units throughout many residential zones in the city. City Code amendments were completed in 2021 to update the accessory dwelling unit chapter to fully comply with Utah Code and to reduce and further define regulations in relation to ADUs. Once per year, beginning in 2023, City staff will review the City's Accessory Dwelling Unit code (EMMC Chapter 17.70) and provide a report to the Planning Commission and City Council of its status and effectiveness, and propose amendments, as needed.

ACTIONS/MEASURES:

- Track the number of approved internal ADUs
- Track the number of approved detached ADUs
- Track the number of new homes that include completed ADUs with the initial home construction
- Track the distribution of ADUs throughout the city

STRATEGY 2: 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.

TIMELINE: Public employees, including teachers, firefighters, police, city employees, and others often have a lower salary than many private sector employees and find it difficult to afford to live in the same city in which they work. Eagle Mountain desires to avoid that issue by helping these types of employees with a mortgage assistance program, and by July 1, 2024 will create this program.

ACTIONS/MEASURES:

- Create and approve a policy for a mortgage assistance program for public employees, outlining qualifications, requirements, and processes
- Contract with a partner, hire an employee, or designate an employee or department to oversee the program
- Track the number of people that receive a benefit from the program
- Track the number of employers or agencies with employees that benefit from the program

STRATEGY 3: Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.

IMPLEMENTATION TIMELINE: The City currently does not charge impact fees for accessory dwelling units. The City will continue to find ways to reduce impediments to accessory dwelling units, specifically keeping fees as minimal as possible. By July 1, 2023, the City Staff will provide a report to the City Council outlining all City-required fees charged for ADUs, and will recommend changes, if necessary, to reduce fees.

ACTIONS/MEASURES:

- Eliminate impact fees for detached ADUs
- Review the Consolidated Fee Schedule and amend to reduce fees for ADUs, if necessary

STRATEGY 4: Create a program to transfer development rights for moderate income housing.

IMPLEMENTATION TIMELINE: Creating a mechanism to transfer development rights (TDR) can be quite complicated and requires a good deal of research and consideration of the potential impacts, both positive and negative. A TDR code intends to provide additional tools for the City and for property owners to place density and moderate income housing in the locations that are best suited for those types of residential units. By January 1, 2026, the City Staff will propose a TDR code to the Planning Commission and City Council for their consideration.

ACTIONS/MEASURES:

- Prepare a draft TDR code
- Review a TDR code with the Planning Commission
- Review a TDR code with the City Council
- Adopt a TDR code
- Track the number of developments that utilize the TDR code

STRATEGY 5: Demonstrate implementation of any 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.

IMPLEMENTATION TIMELINE: By December 31, 2024, the City will adopt a land use ordinance that requires 10% or more of new residential development in certain residential zones be dedicated to moderate income housing. By December 31, 2023, the City will also create a policy or approve a plan that identifies the planned uses for the RDA housing allocation funds that come from economic development projects, in compliance with UCA§17C-1-412.

ACTIONS/MEASURES:

- Work with consultants to draft an "Affordable Housing Plan"
- Adopt an "Affordable Housing Plan" that identifies the planned uses for RDA housing allocation funds
- Present a draft land use ordinance to the Planning Commission and City Council
- Adopt a land use ordinance that requires 10% or more of new residential development in certain residential zones be dedicated to moderate income housing
- Track the number of projects that provide moderate income housing as more than 10% of their project

Commissioner Pengra expressed concern with the high cost of a mortgage assistance program compared with the low impact of similar programs in other cities.

Mr. Mumford explained the State's requirement for an employee to earn less than 80% of the area median income (AMI) to qualify for the mortgage assistance program. He stated that the funding amount and source have not yet been determined. The Affordable Housing Plan will focus on the allocation of tax increment financing funds from economic development projects, those funds will increase over time. Should the mortgage assistance program be deemed too expensive or of low impact, another strategy could be selected.

Commissioner Wells suggested requiring an annual status update to the City Council for Strategy 3 to facilitate meeting the State's reporting requirements.

Mr. Mumford stated that Planning Manager Robert Hobbs and he had met with a representative from the Department of Workforce Services (DWS) to discuss their questions. Staff referenced a General Plan update from Kaysville City and the guidance of the DWS in composing their recommended plan amendments. Implementation of Strategy 5 could include requiring a certain number of new homes to include accessory dwelling units (ADUs), deed-restricted units, or a percentage of multifamily units to be dedicated to moderate income housing with funding support from the City or State programs.

Commissioner Pengra stated that distributing the requirements in Strategy 5 through zoning seems problematic. He suggested a required number of units in the City rather than unit counts within certain zones although that method would have other challenges. Mr. Mumford will ask DWS for clarification regarding the criterion for 10% or more of new residential development in a residential zone.

Discussion ensued regarding the following:

- Clarification that the strategies would be applicable for new development and projects with existing agreements could not be asked but not required to comply;
- Concern with conflicts between moderate income housing units and Municipal Code transitioning standards;
- The likelihood of moderate income housing requirements being excluded from larger lot zones; and
- Apartments are the easiest way to provide inclusionary zoning for individuals new to the housing market.

Commissioner Everett opened the public hearing at 7:24 p.m. As there were no comments, he closed the hearing.

Commissioner Pengra cautioned against the negative economic ramifications of a community providing insufficient affordable housing for the workforce to live within the city and the impacts of housing policies resulting in prices that require residents to work multiple jobs to afford their homes. The issue warrants careful attention to earnestly impact the situation for the better. He feels Strategy 3 will have minimal impact and that the distant timeline for Strategy 4 will impede the implementation of the program.

Mr. Mumford said he was impressed with the number of strategies considered at the joint meeting with the Planning Commission and City Council. Additional strategies could be considered and added after the Affordable Housing Plan is finished. He noted that three strategies are required and the inclusion of Strategy 3 assists with providing five strategies to qualify for priority review.

Alternate Commissioner Strong stated he would rather focus on the quality execution of five achievable strategies and add additional strategies as the City is able to extend resources rather than overcommitment resulting in poor implementation.

Commissioner Everett stated that although the City Council and Planning Commission had identified additional potential strategies during their joint meeting, he agrees with Commissioner Strong about focusing on implementing five. The length of the implementation timeline for Strategy 4 is due to the complexity of the program that will necessitate planning and diligence to ensure progression and execution.

Commissioner Bergener noted that the City could consider ways to address affordable housing needs independent of State requirements due to the impacts on the City and resident needs as he agrees Eagle Mountain will suffer economically should workforce housing not be available.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the amendment to Chapter 9 (Moderate Income Housing) of the City's General Plan with the addition to Strategy 3 to add an annual report to the City Council regarding recommended changes to fees related to accessory dwelling units. Commissioner Allen seconded the motion.***

Commissioner Pengra suggested removing all fees for accessory dwelling units to increase the impact and merit of Strategy 3.

Mr. Mumford explained that external ADUs are not charged impact fees. Current external ADU fees include building permit fees, plan review fees, utility connection fees, and an ADU application fee. A funding mechanism would be needed to offset the expense of waiving the fees.

Commissioner Wells declined to amend her motion to remove all fees due to the staffing expense funded with the fees. Nevertheless, she suggested possibly amending the strategy to waive the fees for residents agreeing to rent the home at a reduced rate for a set time period.

Commissioner Allen stated while he agrees with Commissioner Pengra's desire to eliminate as many fees as possible, he would prefer to wait until more information is available during the planned review of the Consolidated Fee Schedule outlined in the strategy prior to committing to waiving fees.

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.

6.D. 2023 Planning Commission Meeting Schedule

Mr. Stroud presented the 2023 Planning Commission Meeting Schedule.

Commissioner Allen noted that a meeting falls on Valentine's Day.

Discussion ensued regarding the start time of the meetings.

Commissioner Everett confirmed with staff that holding meetings the day following Pioneer Day and Columbus Day would not be onerous. He will address work conflicts with the meeting schedule that will necessitate his absence or remote attendance as they arise. He would prefer to retain the second meeting in November and remove the meeting if it is unneeded rather than call a special meeting.

MOTION: ***Commissioner Pengra moved to approve the 2023 Planning Commission meeting schedule as proposed. 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

Commissioner Everett announced that Commissioner Allen was reappointed and Alternate Commissioner Strong has been appointed as a Planning Commissioner.

He recognized Commissioner Wells for her service and presented her with a plaque of appreciation from the City. The Commission and staff thanked her for her contributions.

The next Planning Commission meeting is scheduled for January 10, 2023.

8. Adjournment

MOTION: ***Commissioner Wells moved to adjourn at 7:59 p.m. Commissioner Pengra 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 7:59 p.m.

Approved by the Planning Commission on January 24, 2023.

Steve Mumford (Jan 25, 2023 11:20 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

12.13.22 PC Approved Minutes

Final Audit Report 2023-01-25

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