EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

December 1, 2020, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – VIA LIFESIZE ELECTRONIC MEETING

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; and Ross Fowlks, Fire Chief.

Mayor Westmoreland called the meeting to order at 4:02 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. PRESENTATION – Barr Engineering Water and Re-Use Optimization study

Brian LeMon with Barr Engineering presented the item. He stated that although some of the information he will present may cause concerns, Eagle Mountain City is in the process of taking the necessary steps to adequately plan for the City's future water needs. Their objective is to assist the City in creating a plan for sustainable growth that ensures the stability of groundwater in Cedar Valley and helps with management of wastewater while working within the limits of the City's water rights.

The City's hydrologic system includes 10,867 acre-feet per year of existing legal water rights, 14,300 acre-feet of imports from the Central Utah Water Conservatory District (CUWCD), potential water rights to 2,132 acre-feet per year owned by the City, and potential water rights to 2,899 acre-feet per year owned by other entities, totaling 30,198 acre-feet per year. The City water rights include the obligation for depletion and reuse of 15,016 acre-feet per year, which potentially contains 8,976 acre-feet per year of reusable water and 6,040 acre-feet per year of assumed depletion, and a required return flow of 15,182 acre-feet per year.

City water rates are lower than the surrounding areas. Eagle Mountain charges \$0.80 to \$0.95 per kilogallon. Provo is the next lowest city with rates of \$0.96 to \$1.59 per kilogallon and American Fork is the highest with rates of \$3.52 to \$5.06 per kilogallon.

The City's future water demand is projected to increase from under 10,000 acre-feet a year in 2020 to over 35,000 acre-feet a year by 2060. The projections include culinary, non-culinary, and industrial demand. The largest water use is utilized for non-culinary or secondary water for landscaping and agriculture uses.

The estimated average annual total volume of groundwater that could potentially be sustainably pumped from the Cedar Valley aquifer is 10,700 acre-feet per year. The estimated annual average volume of groundwater that would be available to be pumped sustainably by the Eagle Mountain City's water supply wells is 5,885 acre-feet per year. The most recent groundwater study was conducted in 2007 and was conducted for the entire Cedar Valley. A newer study specific to Eagle Mountain is recommended, especially to incorporate drier current conditions and the impact of more rapid growth.

The City water supply includes water through CUWCD; the current fully executed contracts are for 14,300 acre-feet per year. Water deliveries can be accelerated up to the contract amount prior to 2044. Additional water supply from CUWCD can be contracted; however, other water sources may be more cost-effective.

Based on anticipated growth and current industrial water supply commitments, the City's total water demand will exceed its paper water rights in 2049. The model assumes potential water rights are realized. Allowable reuse of secondary water of 8,976 acre-feet per year could extend the City's water supply beyond 2060. However, actual water might not be available in correlation with the paper rights included in the calculations.

By 2029, the City's water demand will exceed the estimated sustainable supply and CUWCD import water rate combined. The water supply could extend to 2031 if CUWCD's full delivery is accelerated. The water supply could extend to 2046 utilizing reuse offset up to 8,976 acre-feet per year, contingent upon potential water rights being realized.

Based upon the study findings, Barr Engineering recommends the City finalize local limits for specific industries to achieve specific treatment and reuse objectives, comprehensively evaluate water rights to resolve uncertainties, raise industrial and residential water rates based on the outcome of a rate study, work with CUWCD to secure additional supply, collect more data on groundwater levels across the region, refine the estimated sustainable groundwater pumping rate through groundwater modeling, study Cedar Valley geology to site future rapid infiltration basins and/or aquifer storage and recovery, prepare a secondary water master plan, consider advanced water treatment to reduce the total dissolved solids in the City's water supply and wastewater, and improve conservation efforts to efficiently use existing water.

Potential next steps and timing options for the City include seeking external funding, industrial wastewater discharge negotiations, water rights evaluation, water rates evaluation, CUWCD negotiations, State-level negotiations, groundwater sustainability evaluation, water reuse planning, and water conservation planning.

City Administrator Paul Jerome stated financial advisors conducted a rate study that included industrial water considerations; the study is currently undergoing internal review. He has discussed available water shares with CUWCD. Additional CUWCD shares are now required to be paid in full within three years. City Engineer Chris Trusty is compiling a secondary water master plan. The City is also considering water conservation requirements for future developments or potentially requiring future land development to secure water supply acquisition.

Councilmember Curtis inquired if high water users have lower water rates.

Mr. Jerome explained that Facebook's contract stipulates a rate of $0.90 per kilogallon or the current industrial water use rate. The industrial rate could be raised based upon the utility rate study. Residential water rates have a tiered system with a reduced rate for large-lot owners which does not encourage water conservation. The findings of the utility rate study recommended repealing the tiered water rate system.

Councilmember Clark inquired how quickly the issues need to be resolved to get the necessary elements in place to secure water for the City.

Mr. LeMon stated that the study indicated a proposed timeframe. He clarified that water shortages will only occur if the City does nothing to secure water for the City's future. He noted that several of the elements are already underway and the City can take other steps such as limiting development or water use within developments. He recommended taking immediate action towards secondary water use installation and groundwater supply evaluation, as accurate information will help direct the best solutions.

Councilmember Clark inquired if the City is verifying paper water rights represent actual, available water.

Mr. Jerome stated that during development review, paper water rights are verified through the Recorder's Office. Impact fees and source allocation funding ensure that the secured water can be adequately accessed and recharged. Oquirrh Mountain water runoff to the White Hills area of the City was unavailable prior to the White Hills annexation. The CUWCD delivers excess water from other areas to be utilized by the City; although it is more expensive than local sources, continuing growth would not be possible without external water sources. CUWCD has plans to increase the infrastructure to provide additional water to the City, which will be funded by developers and other entities.

Councilmember Curtis inquired if the study included growth limitations as a water source preservation strategy, and if growth limitation was not taken into consideration, how could the City best evaluate growth limitation options as a possibility.

Mr. LeMon stated that lot size and landscaping type can assist with water use limitation or reduction. Those considerations were not a part of this study but could be implemented by the City for water conservation.

Councilmember Curtis clarified he was not suggesting immediate actions to limit growth but was requesting data regarding growth limitation impact to water conservation to be obtained and included in potential water conservation strategy options.

Mr. Jerome stated the City needs to monitor water recharge rates, ensure City growth does not exceed CUWCD infrastructure, and verify paper water rights result in available water. In the study, irrigation needs exceed residential uses. During the winter, Well 1 provides sufficient water to meet current City needs. A fully landscaped and irrigated large lot will use more water than smaller lot, industrial, commercial, or multifamily areas with less landscaped total acreage. Agricultural outdoor irrigation is one of the largest water uses in Utah. He recommended the City conduct frequent studies to collect the requisite data to ensure the correct steps are taken at the appropriate times. Studies are currently funded through the water fund. The type of study determines the type of funding, and impact fees can be utilized for some studies.

Councilmember Curtis stated although he realizes it will not be popular with residents, he is in favor of raising the water rates and removing the tiered water rate system. He said that even though he is in favor of larger lots, it is unfair to other residents to charge those with larger lots a lower water rate.

Mr. Jerome stated that the City does not take raising rates lightly and will obtain sufficient data to determine the appropriate increase. The City has not raised water rates for a long time and although the City does not desire to raise rates, it is likely necessary. A lot of cities have a consumer price index system that increases the water rate annually in relation to the cost of living and related water supply costs. More stringent conservation efforts should also be considered for future developments.

Councilmember Clark requested that the data separate agriculture needs from residential landscaping usage due to the importance of agricultural uses.

Mayor Westmoreland concurred with Councilmember Clark's concerns. He stated that desired and appropriate water allocation should be taken into consideration with water use.

Councilmember Gray concurred with Councilmember Clark's statement. He expressed concerns regarding Mr. Jerome's statements on large lot water usage. He said that large lots frequently use less water than smaller lots, as large lots frequently include unimproved acreage or landscaping that uses less water than grass.

Mr. Jerome clarified that his statements were specific to mostly or fully landscaped large lots when compared to lots with significantly less total square footage of grass.

Councilmember Gray expressed concern regarding implementing standards that discourage large lots.

Councilmember Clark suggested that the cost of the water rate could be tiered in accordance with the type of landscaping dependent upon the study findings.

Councilmember Love stated that if large lots and small lots have the same amount of grass square footage, it did not make sense to have different water rates for each residence type.

1.B. DISCUSSION – Land Use Regulations Amendment Process

Assistant City Administrator/Community Development Director Steve Mumford presented the item and stated the discussion had been requested by the City Council to clarify the process for placing an item under review.

Utah Code 10-9a-509, effective on May 12, 2020, "Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule" includes the following:

(1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

Mr. Mumford explained a possible Municipal Code amendment to EMMC 17.05.120 in accordance with State regulations. This section establishes the process to request an amendment to the text of any land use regulation, except for an amendment to the zoning map or any other type of rezone of property.

The proposed changes include the addition of the definition of "land use regulation" as defined in State Code as "a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; includes the adoption or amendment of a zoning map or the text of the zoning code; and does not include a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially: increase a land use applicant's cost of development compared to the existing specification; or impact a land use applicant's use of land."

Mr. Mumford informed the Council of other possible amendments to EMMC 17.05.120, as listed below.

B. Resident or Property Owner Application. A resident of the City or a property owner affected by a proposed amendment to a land use regulation may submit an application to amend the text of a land use regulation to the community development director along with any applicable fee established by the City's schedule of fees.
C. City Council Request. The City Council as a body may, by approval of a vote of a majority of the body, request an amendment to a land use regulation. Alternatively, two or more members of the City Council may, without a vote, request an amendment to a land use regulation. A request for an amendment to a land use regulation by the City Council may include a request that the community development director prepare a draft of the proposed amendment.
D. Planning Commission Request. The Planning Commission as a body may, by approval of a vote of the majority of the body, request a code amendment. A request for an amendment to a land use regulation by the Planning Commission may include a request that the community development director prepare a draft of the proposed amendment.
E. Community Development Director. The community development director, with the consent and approval of the mayor, may propose an amendment to a land use regulation.
F. Initiation of Proceedings. For purposes of Utah Code Ann. 10-9a-509(1)(a)(ii), proceedings to amend a land use regulation shall be formally initiated at the following times:
   1. For a proposed amendment requested by a vote of the City Council, at the time of the vote of the City Council; and
   2. For a proposed amendment requested by two members of the City Council or the Community Development Director, at the time of the first public notice of the proposed amendment.

City Attorney Jeremy Cook stated the intent is to allow a resident to request a land use regulation amendment; however, application approval under the current standards continues until the City Council approves placing the standards under review or votes to implement changes.

Mr. Mumford clarified that the ability for the City Council, Planning Commission, staff, and residents to request Municipal Code standards changes has been reworded but was not a new addition to the standards.

Councilmember Curtis expressed concern regarding permitting developers to request Municipal Code changes.

Councilmember Gray noted that most developers are not City residents.

Mr. Cook stated the ability to request amendments for residents and landowners could be removed, as residents and landowners could request amendments via the Council or the Community Development Director to mitigate the ability for developers to present undesired changes. However, the ability for residents and landowners to propose changes has not been problematic previously and the ability can be retained if desired by the City Council. He stated that the item was brought to the City Council as a discussion item to determine their preference.

Councilmember Curtis expressed his favor of requiring residents and landowners to obtain support from Councilmembers or the Community Development Director rather than allowing residents and landowners to directly recommend Municipal Code amendments.

Mr. Mumford clarified that Community Development Director proposals require the approval of the Mayor. The City has had developers and residents request amendments in the past; however, the requests are rare.

Councilmember Curtis stated that if the ability for developers to make amendment requests in the past has not been problematic, he is less concerned about retaining the allowance in the Municipal Code.

Mr. Mumford stated he is unaware of anything in State Code requiring the City to allow requests by residents or developers.

Mr. Cook noted developers generally will not present a proposal that is unlikely to find support, and beneficial amendments have been or could be proposed by developers.

Councilmember Gray inquired if the proposed amendments would allow for verbal confirmation from two Councilmembers during a meeting for an item not on the agenda to serve as a request to officially place a standard under review.

Mr. Cook stated that it would depend upon the situation and how the standards relate to the agenda item under discussion due to noticing requirements. Also, the initiation of a review delays the approval process for current applicable items. If three Councilmembers request a review, the standards are officially under review. The Council could also request for the item to be placed on a future agenda and begin the review process at that time.

Discussion ensued regarding the desired official process to place an item under review.

Mayor Westmoreland inquired if he could poll the Councilmembers to determine the interest in placing an item under review and direct staff accordingly.

Councilmember Gray clarified that he had no objection for the review to become official when it is placed upon a future agenda rather than at the time it is requested during a meeting.

Councilmember Clark stated that she thinks two Councilmembers should be able to request that an item be placed under review, as a vote of three Councilmembers is required for a passing vote. She expressed concern that the Planning Director could block items from appearing on the agenda due to personal differences with the requesting Councilmember. She advocated allowing residents and developers to request changes so the requesting individual's name is associated with the request for increased transparency.

Councilmember Love requested clarification regarding State notification requirements in addition to being announced in a public meeting.

Mr. Cook stated that the requirements are determined by the processes adopted and codified by the City.

Mr. Mumford stated that the review trigger needs to be clear and the date needs to be recorded as it is the beginning of the 180-day review time limit for current applications. The Council could also request for the review to begin at a future date. Either way, the process needs to be formalized and clarified.

Councilmember Burnham expressed concern that two Councilmember could place an item under review as it triggers State laws and delays applications. She would not object to two Councilmembers being able to request an item be placed on the Planning Commission agenda to prevent the timeframe delays from becoming onerous.

Councilmember Love verified that Councilmember Burnham was amenable to allowing an item to be placed under review during a meeting with the support of three Councilmembers.

Councilmember Clark noted that Councilmembers requesting an item review did not indicate they would approve proposed changes to the standards. She suggested the inclusion of an acknowledgment process to be codified to verify the standard review has been officially triggered and the date noted.

Discussion ensued regarding the impact to building permits and overall development timeframes when standards for an applicable aspect are being placed under review for common features such as fence height, driveway lengths, or garage widths.

Councilmember Love concurred with staff concerns. She recommended for the three Councilmembers to concur on the impact to current applications when placing the standards under review to allow for flexibility.

2. AGENDA REVIEW

9. APPOINTMENTS

9.A. Planning Commission

Councilmember Clark inquired how soon after appointment the Planning Commissioners begin training.

Mr. Mumford stated the Commissioners will begin Land Use Academy training a soon as possible in addition to training with staff. He meets with the new Commissioners to discuss the types of reviews and to grant them document access. He said the Commissioners could be required to complete specific training before their first Planning Commission meeting.

Councilmember Clark advocated for training requirements and timeframes for new Commissioners due to the importance of their role for the City.

Councilmember Gray inquired regarding the number of people that submitted Planning Commission applications.

Mayor Westmoreland stated that the City received five to six Planning Commission applications and that one of the current appointees did not submit an application. He held several interviews with the applicants throughout the application process. During interviews, he attempted to involve the Councilmembers with the progress of the application process.

10. AGREEMENTS

10.A. Fieldstone Brylee Farms, LLC, Water Impact Fee Reimbursement Agreement

Councilmember Gray inquired regarding the City assisting with funding the upsizing of the waterline.

Mr. Cook explained that the City requested the developer upsize the line to service additional developments. The City is funding the difference between the cost of the line size needed for the Brylee Farms development to a line with a larger circumference that enables service for future developments. This will prevent the City from needing to install a second water line in the future.

13. CHANGE ORDER

13.A. Airport Road Alignment and Design Change Order #1 – Civil Science

Councilmember Clark inquired if the City received information regarding the full length of Airport Road or only the portion discussed in this item.

Mr. Trusty explained that these documents are specific to the construction of a section of Airport Road. The City has also contracted with Civil Science for the preliminary design of Airport Road from Pony Express Parkway to Wride Memorial Highway.

14. 2021 MEETING SCHEDULE

14.A. City Council Meeting Schedule

Councilmember Burnham recommended holding a meeting on November 2, 2021, to prevent a longer agenda on the November 16, 2021 meeting.

Councilmember Clark concurred with Councilmember Burnham's suggestion to hold a meeting on November 2, 2021.

Mr. Jerome clarified that election day is on November 2, 2021, and the date of the election as November 9, 2021, on the proposed calendar was incorrect.

Ms. Kofoed stated as November 2, 2021, is election day, the City Council is unable to hold a meeting.

Councilmember Clark recommended holding a meeting on November 30, 2021, in order to have two meetings in November with shorter agendas.

Councilmember Gray suggested that the City Council could meet on November 2, 2021, if the election had mail-in ballots.

Ms. Kofoed explained that holding a meeting on November 30, 2021, would require staff to work over the Thanksgiving holiday. As November 2, 2021, will be a Municipal election, the City Council would be unable to meet.

Councilmember Clark requested staff and the Mayor limit the number of agenda items to regulate meeting length with consideration for statuary requirements.

Mayor Westmoreland suggested reducing discussion items.

Ms. Kofoed recommended restricting discussions during work session or the number of discussion items to reduce meeting length.

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Titles 7, 16, and 17.

Long-Range Planning Manager Pete Kane presented the item. The City Council approved Municipal Code amendments in 2019 which included the repeal of EMMC 17.30. Other sections of Municipal Code standards include references to "tier" and "base/bonus density," which related to the repealed Residential Bonus Density Chapter. This amendment identifies all references to these terms and proposes amendments to remove or revise the language to better relate to current standards.

The Planning Commission held a public hearing on the code amendment on November 10, 2020, and unanimously voted 4 to 0, with one absentee, to recommend approval of the Municipal Code amendment with one condition: to amend EMMC 17.65.060 (N)(1) to change the minimum lot size for long-term storage related to home businesses from two acres to two and a half acres, in order to relate to the current residential zone sizing.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Development Agreement for the Marketplace at Eagle Mountain Town Center.

Mr. Mumford presented the item. The 39-acre Marketplace at Eagle Mountain Town Center project received a zoning approval for Commercial Community on August 4, 2020, and a master site plan was approved on August 18, 2020. The master site plan also serves as the preliminary plat for the commercial areas of the project.

The road improvement timing divides installation into four sections. The remaining sections of roads will be improved in conjunction with the subsequent development of those areas. The initial phase of development includes the infrastructure for the southwest portion of the project. The proposed development agreement details the improvement and timing of the right-of-way improvements such asphalt, curb and gutter, trail, landscaping, turn lanes, and streetlights; the project trails; landscaping; masonry walls; and the improvement of the detention basin. Deeds shall be prepared by the applicant for the detention basin relocation and the triangle property in the southwest corner of the project. Also, a masonry wall shall be required to be constructed on the north side of the City-owned property, abutting the adjacent homes south of Osprey Way, from Raven Way to the Eagle Park entry road, and on the west side of the project along the City-owned property from the southwest corner of the development to Raven Way. This section may be relocated depending upon future development and shall be installed no later than the installation of the interior roads.

Councilmember Gray suggested requiring the installation of all of the remaining roads in conjunction with the development of any of the future phases of the project and asked if the road alignment is finalized. He expressed concern regarding the location of the tire center access.

Mr. Mumford stated that as the uses have not been determined, the road alignment has not been finalized. He explained the available traffic routes for neighboring resident traffic. As Eagle Mountain Boulevard is more accessible and requires right turns to access the commercial development, traffic is unlikely to divert through the surrounding neighborhoods to access the tire center.

Mr. Cook stated that the development of the tire center would provide additional residential access and the installation of the western road designated as road section A.

Mr. Mumford stated that Mountainland Association of Governments is funding the widening of Pony Express Parkway which will also help mitigate traffic concerns. The external roads will be maintained by the City and the internal roads will be maintained by the businesses.

Mr. Cook stated that the City is considering trading City-owned land which will allow the reorientation of the tire center building closer to the road and allow the parking and access to be relocated to the rear of the building.

Mr. Mumford stated the site plan application will be evaluated for compliance with accessibility standards.

Councilmember Love expressed concern regarding increasing traffic in the Eagle Park neighborhood if only one access is installed and advocated for the simultaneous installation of both accesses. She inquired regarding the timing and location of the wall installation. She advocated for installing the wall along the business side of the property with the trail along the residential side.

Mr. Cook cited the agreement condition that the wall along the north side of the development shall be completed prior to the final recording of any subdivision plat for areas B or C and the wall along the west side of the project shall be completed prior to the final recording of any subdivision plat for areas A or B. He expressed his preference to install the wall along the property line and potentially use the money from the sale of the City-owned land in the southwest corner for trail improvements and landscaping as a buffer.

17. PRELIMINARY PLATS & SITE PLANS

17.A. MOTION – Silver Fox Cascade Master Site Plan.

Planner Jessa Porter presented the item. The proposed master site plan, serving as a preliminary plat for a 6.3-acre commercial project located on the southwest corner of Pony Express Parkway and Porter's Crossing Parkway, is for a Cascade Collision Auto Repair on lot 1.

Although the main entrance is not located along a street-facing facade, the two street-facing facades include design elements and landscaping to improve the pedestrian experience. Based on the photometric plan, the light levels diminish approaching the wash, which was a recommendation in order to minimize negative impacts on wildlife in the wash. The 3-D renderings show lighting at the pedestrian entrances pointing up and down, which would not comply with Municipal Code. A landscaping plan was submitted for lot 1; staff recommends the landscape plan be updated for the entirety of the property to comply with EMMC 17.100.070(A)(6). The applicant is proposing to install an eight-foot wall around the enclosed parking area to limit the view of the vehicles awaiting service. The proposed grading plan shows that the southern portion of the enclosed parking area is setback between 10 and 15 feet from the top of the slope.

The Planning Commission reviewed the master site plan on November 10, 2020, and discussed concerns regarding traffic, lighting, impacts to the wash, and screening material of the enclosed parking area. The Planning Commission unanimously recommended approval of the Silver Fox Cascade Master Site Plan to the City Council with conditions.

17.B. MOTION – Brylee Farms Open Space & Amenities (Preliminary Plat Amendment).

Mr. Kane presented the item. Brylee Farms includes Phase A single-family and Phase B townhome residential developments. The preliminary plats for these phases were approved in 2018 and 2019, respectively. Phase A is being developed by Fieldstone Homes and Phase B is being developed by Concord Homes. The developers desire to merge the homeowners' associations (HOAs) that will oversee the open space and amenities in the developments into one master HOA. The proposed amendment changes the park space in Phase A from a playground to a swimming pool, clubhouse, active lawn space, and parking areas. The proposed amendment in Phase B moves the separate tot lot to the large park area, leaving the former tot lot area as improved open space; removes the sport court above the underground retention to leave the land as improved park space for informal sport activities; and expands amenities at the primary amenity area with pickleball courts, a large playground, pavilion, and parking areas. Based on the proposed open space and amenities amendment, the new plan would achieve 1,003 points in total between the two phases, where 737 points are required.

The applicants are seeking to amend the preliminary plat for the two phases with regards to the open space and amenities. There are no proposed changes to the number of lots, density, or right-of-way configurations. Multifamily projects are required to include a clubhouse and swimming pool (EMMC 17.25.050). These elements cannot count toward the amenity points as they are required for this development type. The proposed pool is sized at 2,000 square feet, exceeding Municipal Code size requirements. The proposed pool and clubhouse meet the size requirement of the Phase B development, but will be located within Phase A. The amenity area within Phase A is within a quarter-mile distance of all residences in both phases except for twelve townhome units in the northwest corner. The amenity area within Phase B is within a quarter-mile distance of all residences in both phases except for six single-family properties in the southwest corner. Per the approved preliminary plat for Phase B, a pedestrian crossing was to be included between the main amenity area and the trail to the west.

The Planning Commission held a public hearing on November 10, 2020 to review the preliminary plat amendment application. The Commission unanimously voted 4 to 0, with one absentee, to recommend approval of the preliminary plat amendment with the condition that the applicant shall remove two spaces in the center of the row of the parking area on the west side of the primary amenity area in Phase B in order to incorporate a landscape island and pedestrian crossing.

Councilmember Love expressed concern regarding the ramifications should the project be approved and the HOAs not be able to combine. She inquired if the combining of the HOAs could be a condition of approval. She recommended requiring a larger clubhouse.

Mr. Kane said the combination of the HOAs could be a condition of approval. He clarified that the clubhouse meets the Municipal Code standards for the multifamily units and that the single-family units are not factored into the size requirements for the clubhouse.

Councilmember Gray requested clarification regarding the removal of the two parking spaces and the resulting impact to the number of required parking stalls.

Mr. Kane clarified that the number of stalls exceeds the parking requirement even with the reduction of two stalls.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:32 p.m.

7:00 P.M. POLICY SESSION – VIA LIFESIZE ELECTRONIC METING

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; and Robert Ballif, Engineering Assistant.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:04 p.m.

5. PLEDGE OF ALLEGIANCE

Cedar Valley High School (CVHS) Student Council representatives, Laura Jones, Sydney Rhoton, Abby Harvey, and Paige Smith led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

The City is recognizing residents who are making positive contributions to the community as part of our We love Eagle Mountain campaign. To date, Jessica Gordon, who created the Eagle Mountain Helpers Facebook group, and Tiffany Ulmer, who generates smiles with her costumes on horseback, have received the recognition. We appreciate their efforts to give of their time and talents for the benefit of the community.

- Santa will be traveling through Eagle Mountain on a fire truck on Saturday, December 5, 2020, beginning at 1:00 p.m. Please visit the City website calendar for details and a map of the route.
- A Children's Day commemoration event will be held on Sunday, December 6, 2020, at Pony Express Memorial Cemetery in the angel garden section of the cemetery. In lieu of

a program, it will be a drive-through event from 6:00 to 9:00 p.m. Those who have lost a child are invited to place an angel ornament on a tree that will be adjacent to the statue in remembrance of their loved one. Ornaments will be provided.

- Letters to Santa may be deposited at either of the City's utility payment drop boxes from December 5 through 12, 2020. Please remember to include a complete address and legible child's name and you will receive a letter back from Santa. Boxes can be found on the north side of City Hall or in The Ranches at 3688 E Campus Drive.
- The City offices and library will be closed December 24th through 25th and January 1st and 2nd for the Christmas and New Year holidays. The library will also be closed December 26, 2020, and January 2, 2020.
- To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:12 p.m.

Ms. Jones, Ms. Rhoton, Ms. Harvey, and Ms. Smith announced the annual CVHS Christmas in the Valley fundraising event on Friday, December 4, 2020, beginning at 12:00 p.m. Due to COVID-19 restrictions and in an effort to keep everyone healthy and safe, the fundraiser will be a virtual 12-hour telethon live-streamed on the CVHS Skybound YouTube channel. The telethon includes performances by CVHS performing arts groups, local dance groups, a talent show, a Masked Teacher competition, a silent auction, and other games and activities. The proceeds will support community families in need.

Mayor Westmoreland closed public comment at 7:14 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Clark</u>
Councilmember Clark encouraged residents to support each other especially during the holidays and asked those who are struggling to reach out for help. She wished her fellow Councilmembers Merry Christmas. She thanked the Planning Commissioners for their work and the new appointees for their willingness to serve.

<u>Councilmember Love</u>
Councilmember Love thanked staff for their efforts in the Santa fire truck City activity. She wished the staff and residents a Merry Christmas. She appreciates the assistance and direction she had received from staff and the other Councilmembers that she has received during her time in office.

<u>Councilmember Gray</u>
Councilmember Gray welcomed the resident participants and wished everyone a Merry Christmas. He thanked everyone that has or is serving the City.

Councilmember Burnham

Councilmember Burnham said she feels privileged to live in a wonderful city and to work with amazing staff, residents, and Councilmembers and wished them all a Merry Christmas. She encouraged everyone to be careful driving in inclement weather and implored residents to not drink and drive.

Councilmember Curtis

Councilmember Curtis wished everyone a Merry Christmas and Happy Holidays for all resident celebrations. He announced that the Eagle Mountain Arts Alliance had received an art grant from the State and congratulated them. He thanked the newly and previously appointed City volunteers for their service.

Mayor Westmoreland

Mayor Westmoreland expressed his appreciation and congratulation to the Eagle Mountain Arts Alliance and wished everyone a Merry Christmas. He expressed appreciation for the time and efforts of resident volunteers and appointees.

9. APPOINTMENTS

9.A. Planning Commission

1. Jeremy Bergener – Three-year Term
2. Matt Everett – Three-year Term
3. Chris Pengra – Three-year Term

Councilmember Gray requested clarification regarding the appointment selection process and the reason Commissioner Wood was not reappointed. He said Commissioner Wood has done a great job as a Planning Commissioner.

Mayor Westmoreland stated the appointment process includes an application and multiple interviews over the course of several weeks. He discussed the appointment status and the applicants with the Councilmember throughout the process. He said the appointment of Planning Commissioners is a difficult responsibility that he takes seriously.

Councilmember Gray asked Commissioner Christopher Pengra if his new work responsibilities will conflict with his ability to attend Planning Commission meetings.

Commissioner Pengra stated that his professional responsibilities will likely cause him to miss an occasional meeting; however, he did not expect his work to conflict with his Commission responsibilities. He said he would be willing to step down if attendance becomes an issue if desired by the Mayor and City Council.

Councilmember Gray expressed appreciation for Commissioner Pengra's service and perspective on City matters and thanked him for his willingness to continue serving as a Planning Commissioner.

MOTION: ***Councilmember Love moved to appoint Jeremy Bergener to a three-year term on the Planning Commission. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Love moved to appoint Matt Everett to a three-year term on the Planning Commission. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

MOTION: ***Councilmember Love moved to appoint Chris Pengra to a three-year term on the Planning Commission. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

CONSENT AGENDA

10. AGREEMENTS

10.A. Fieldstone Brylee Farms, LLC, Water Impact Fee Reimbursement Agreement

11. BID AWARDS

11.A. Master Transportation Plan Bid Award – Horrocks Engineers

12. BOND RELEASES

12.A. Eagle Heights Village, Plat 1 – Into Warranty

12.B. Scenic Mountain Phase A, Plat 4 – Into Warranty

12.C. Cedar Corners Phase A, Plat 3 – Out of Warranty

12.D. Cedar Corners Phase A, Plat 4 – Out of Warranty

12.E. Evans Ranch Plat E-1 – Out of Warranty

12.F. Evans Ranch Plat I-1 – Out of Warranty

12.G. Evans Ranch Plat J-1 – Out of Warranty

12.H. Glenmar Ranches Phase B, Plat 1 – Out of Warranty

13. CHANGE ORDER

13.A. Airport Road Alignment and Design Change Order #1 – Civil Science

14. 2021 MEETING SCHEDULE

14.A. City Council Meeting Schedule

MOTION: ***Councilmember Curtis moved to approve the consent agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

15. ORDINANCES/PUBLIC HEARINGS

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Titles 7, 16, and 17.

Long-Range Planning Manager Pete Kane reviewed the item as presented during work session.

Mayor Westmoreland opened the public hearing at 7:32 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Titles 7, 16, and 17 with the condition to amend EMMC 17.65.060(N)(1) to change the minimum lot size for long-term storage related to home businesses from two acres to two and a half acres to relate to the current residential zone sizing. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving a Development Agreement for the Marketplace at Eagle Mountain Town Center.

Assistant City Administrator/Community Development Director Steve Mumford reviewed the item as discussed during work session. He noted the applicant requested some minor grammatical edits. The location of the required north and west perimeter wall is not identified in the agreement and will be determined during the site plan as appropriate and depending upon the sale of the City-owned property adjacent to the southwest corner of the development.

MOTION: ***Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving a development agreement for the Marketplace at Eagle Mountain Town Center. Councilmember Curtis***

seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

17. PRELIMINARY PLATS & SITE PLANS

17.A. MOTION – Silver Fox Cascade Master Site Plan.

Planner Jessa Porter reviewed the presentation as presented during work session. She noted that the lighting sconces that shine up and down are shielded by an awning located above the lights. The applicant provided a master landscape plan and deeded the recommended segment of land along the Tickville Wash to the City.

Applicant representative Trevor Sharp presented an aerial view of the property that indicated the location of the top edge of Tickville Wash and the setback of the fence from the wash; the closet setback point is 21.9 feet from the top of the wash.

Councilmember Gray expressed concern regarding potential light pollution from the upward and downward shining lights.

Applicant representative Garret Macklin explained that the lighting is a decorative wall sconce to denote the entrance of the building and should not cause any light pollution. The lights emit low lumens and will be located below an approximately 8-foot by 20-foot awning.

Councilmember Curtis inquired if the lighting meets the required standard.

Councilmember Gray stated that the awning should provide more shielding than the shielding above the other lights in the project.

Ms. Porter said she believes the standards require for all lighting to shine down.

Mr. Sharp stated that the plan included photometrics for the lighting and explained the luminescence calculation and dissipation.

Mr. Kane clarified that the standards require for all lights to be shielded, but permit the Planning Director or a designee to approve an alternative if the intent of the Municipal Code standard is met. The canopy could be deemed by the City Council as meeting the intent of the standards.

Mr. Macklin stated the wall scones illuminance is equivalent to a standard lamp and expressed his willingness to install a different light feature if desired by the Council.

Councilmember Gray inquired regarding the eight-foot fence and the possible obstruction of pedestrians or traffic visibility.

Councilmember Curtis stated that he had requested a higher fence in order to screen tall vehicles.

Mr. Kane stated that the recently adopted fencing standards allowed an increase in fencing height to eight feet.

Councilmember Gray expressed his approval of permitting a higher fence and explained his inquiry was to determine if other Councilmembers had concerns regarding the proposed fencing.

Mr. Sharp stated the entire parking area is fenced and shielded. He said the fence is behind landscaping and the traffic study did not indicate concerns regarding the fencing impacting visibility for motorists.

City Engineer Chris Trusty verified the proposed access aligns with the adjacent property across Porters Crossing Parkway where a portion of the median will be removed.

MOTION: ***Councilmember Curtis moved to approve the Silver Fox Cascade master site plan with the following conditions:***

1. ***Approval of preliminary plat as part of master site plan approval;***
2. ***Preliminary plat to be revised to deed the finger of land north of the wash to the City;***
3. ***Preliminary Plat be revised to remove the typical setback exhibit;***
4. ***All lighting shall comply with EMMC 17.65 and 17.72.040(1);***
5. ***Landscaping plan for the entirety of property shall be submitted;***
6. ***Incorporate missing pedestrian access elements into the landscaping plan;***
7. ***Approve site plan for lot 1;***
8. ***The applicant shall submit a traffic study for review to ensure safe traffic flow; and***
9. ***The fence surrounding the enclosed parking area shall be constructed at eight feet tall and the gate to the enclosed area be a solid privacy gate.***

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

17.B. MOTION – Brylee Farms Open Space & Amenities (Preliminary Plat Amendment).

Mr. Kane reviewed the item as presented during work session.

Councilmember Gray stated that the amended plan removed a pavilion and a basketball court. He expressed concerns regarding amendments to approved plans with a reduction in amenities, with approving the amendment without knowing if the homeowners' associations (HOAs) will be allowed to combine, and that the clubhouse was not large enough to accommodate the single-family units.

Councilmember Clark stated that clubhouses are required for multifamily homes due to the size of the units in order to provide a place of gathering for large events, especially during inclement weather. She expressed concern regarding the placement of the amenities in locations not in harmony with the requirement to be centrally located, and with the City Council setting precedence for approving developments that do not meet standards.

Councilmember Curtis concurred with Councilmember Grey's concern that the clubhouse amenity was not sized to serve the entire community.

Councilmember Love verified that the pool is 732 square feet larger than required to serve as an amenity for both the townhomes and single-family homes and only the size of the clubhouse is of concern.

Applicant representative Matthew Loveland with Fieldstone Homes explained that the combination of the amenities was for simplification and the mutual benefit to the residents of both developments. He stated that if the townhomes and single-family units were being presented by one developer, the plan would meet all the requirements. He stated he believed that if the project had been presented as a single development, it would comply with the quarter-mile amenity proximity requirement as all units are located within a quarter-mile from an amenity.

Councilmember Clark stated that as the clubhouse and the pool are amenity requirements for a multifamily project, she did not feel the plan met the proximity requirements based upon amenity types required for the multifamily portion of the project. She recommended changing the location of the amenities or relocating the pool and clubhouse within a quarter-mile of the multifamily units.

Mr. Loveland stated that due to the higher utilization of pools than clubhouses, they believe providing a larger than required pool is a better benefit to the overall community than decreasing the size of the pool in order to build a larger clubhouse that is less frequently utilized. He stated they added bike racks to the pool area at the request of staff.

Applicant representative Sam Drown with Concord Homes stated that the quality of life is not reduced for the multifamily units as they are only a few hundred feet outside of a quarter-mile radius from the pool and clubhouse, which would still be within reasonable walking distance for those units. He stated that they believe the clubhouse is adequately sized to serve the entire community, especially considering the low usage of clubhouses compared to high pool usage. He said, as the developer for the townhomes, he would not have agreed to a plan that was a detriment to his development or negatively impacted his ability to sell the townhomes. The combination of the developments resulted in a larger playground and pavilion and an improved pickleball area for an overall improvement of amenities with a lower HOA fee. The residents will have improved amenities at a slightly increased distance from their homes.

Councilmember Curtis concurred that the amended plan better serves the community as a whole; however, he expressed concern that the placement of the pool and clubhouse farther from the townhomes decreases the quality of life of the multifamily residents. He stated that the pool and clubhouse should be closer to the townhomes, as it is a requirement for that development.

Mayor Westmoreland suggested that a larger pool might be a better benefit for the community than a larger clubhouse and requested clarification if the concerns regarding the amenities were based upon the size or location of the amenities.

Councilmembers Clark and Burnham stated their primary concern was the location of the amenities.

Mayor Westmoreland allowed the introduction of public comment to the record, even though the item did not include a public hearing.

Jenean Ford summitted the following comment via email: "Are preferences going to be given for the clubhouse to the single-family homes? The issue is, when you combine, does that create a free for all? There are already people who have bought homes with the understanding of how many houses would be using amenities and this hurts those what in the process of joining and those who will later."

Mr. Loveland stated that over 20 homes have been sold in the development. He explained that reserving the clubhouse is on a first-come, first-served basis regardless of the number of or type of home in an HOA. The meeting capacity of a clubhouse has a greater impact on utilization than square footage, as it is reserved by individual resident groups. The proposed clubhouse includes two meeting areas allowing for two groups to reserve and utilize the clubhouse at a time. Municipal Code standards permit the construction of a clubhouse with a single meeting area. Providing two meeting areas doubles the utilization of the clubhouse, increasing functionality. The two meeting areas have individual, exterior accesses. The proposed plan equals an amenity point score of 275 points above the requirements. He stated that relocating the pool and clubhouse is more complex due to the joint project with two developers and may result in a decrease in the overall amenities. He noted that other developments have pools outside of a quarter-mile from multifamily units.

Councilmember Gray stated his primary concern is the size of the clubhouse.

Councilmember Curtis stated that his concern is the proximity of the amenities, not specifically the quarter-mile radius.

Mr. Drown stated that no townhomes have been sold. He said that other combined projects with a pool that serves both multifamily and single-family units have pools located outside of the multifamily area.

Councilmember Curtis stated that the pool is usually located near the multifamily homes and some of those developments have vested rights under previous standards.

Councilmember Clark expressed concern that homes had been sold with the understanding of the inclusion of a pool before the approval of the amendment.

Councilmember Love stated that the availability of two meeting areas is a benefit to the community. She does not have a concern regarding the location of the pool, as it is still in close proximity. The larger pool and the other amenities are a benefit to the overall community.

Councilmember Clark expressed concern regarding approving exceptions to Municipal Code standards and expressed frustration with applicants' lack of knowledge regarding City standards.

Mr. Loveland stated that in order to increase the size of the clubhouse, they would need to reduce the size of the pool or remove some of the other amenities. He reiterated that City standards do not require a clubhouse for single-family units and the clubhouse is sized according to Municipal Code standards.

Councilmember Gray stated that as the single-family residents will be able to use the clubhouse, he believes those units should be included in the square footage requirement calculation. He stated that the pool is only utilized for a portion of the year.

Mr. Loveland reiterated that other year-round amenities would be reduced to increase the size of the clubhouse.

Mr. Drown stated they believe the clubhouse is sized sufficiently to serve the entire community.

Councilmember Gray expressed concern regarding the size of the rooms in the clubhouse and the location of the meeting room. He concurs with the desire for the clubhouse to be located closer to the multifamily area.

Councilmember Clark expressed concern that homes had been sold with the promise of a pool in the single-family development and felt the Council was bound by honoring that promise to residents.

Councilmember Gray stated that the Council is not responsible for fulfilling promises made by the applicant.

Mayor Westmoreland inquired if the City Council desired to table the item.

MOTION: ***Councilmember Gray moved to table the Brylee Farms Open Space and Amenities preliminary plat amendment to determine the appropriate location for the amenities. Councilmember Clark seconded the motion.***

Mr. Drown clarified that he represents the townhome development and the HOAs would need to combine if the project was approved.

Mr. Loveland stated he has been in discussions with attorneys and the project would legally be required to have master HOA for both developments. The master HOA would own and maintain the joint amenities.

Discussion ensued reiterating concerns regarding Municipal Code adherence, the amenity location and size, and potential resolutions.

Mr. Loveland said that he has not represented that there will be a pool, only the possibility of combining the amenities. Should the plan not be approved, the current residents will be refunded the portion of the HOA fees for the additional amenities.

Councilmember Clark stated that the Fieldstone Homes website lists a resort-style pool, upscale clubhouse, pickleball courts, walking trails, and a playground with picnic areas as community amenities for the Brylee Farms development. She asked if the pool could be moved to a more central location.

Discussion ensued regarding potentially moving the pool and clubhouse to Verdant Drive and concerns regarding trail accessibility and increasing vehicular traffic through the neighborhood.

Mr. Loveland stated that the plat has been recorded with construction scheduled to begin in January. Relocating the pool would delay the project and cause other issues. He stated that the proposed location has better access.

Councilmember Love noted that Municipal Code standards require the pool to be centrally located. Moving the pool to Verdant Drive would make the pool more centrally located; however, it would increase traffic in the neighborhood and decrease livability for the homes along Verdant Drive. She felt that relocating the pool in order to adhere better to the standards was not in the best interest of the project and the residents.

Mr. Loveland requested clear direction from the City Council regarding concerns.

Mr. Kane stated that the townhome development would be required to build a pool and clubhouse should the application be denied.

Mr. Drown verified that the final phase of the townhome development is ready to submit a final plat.

Councilmember Burnham recommended relocating the pool and clubhouse to Verdant Drive and to include a walking path from the townhomes to the pool and clubhouse.

Councilmember Clark directed the applicant to relocate the pool and clubhouse to a more centrally located placement.

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

Councilmember Curtis concurred with Councilmember Burnham and Clark's recommendation to relocate the pool and clubhouse.

Councilmember Clark inquired if the applicants felt they had clear direction regarding the project.

Mr. Drown stated he was clear on the direction. He said they will discuss if the request is feasible or whether they will need to withdraw the application.

Mr. Loveland stated that he will discuss possibilities for the application with staff and the City Council privately after the meeting in hopes that an agreement can be reached that will not result in the reduction of amenities for the development.

Councilmember Burnham requested to visit the site to visualize the distance from the townhomes to the proposed location for the pool and clubhouse.

Councilmember Clark concurred with Councilmember Burnham's suggestion. If the distance is reasonable, a Municipal Code amendment permitting a greater distance might be appropriate.

Mr. Kane clarified that Municipal Code requires developments to be within a quarter mile of any park. The staff report indicated the townhomes were not within a quarter mile of the specific amenities required for the development, if considered as two separate projects. If the project had been considered as a single development with a single developer, the project would be in compliance with Municipal Code distance standards.

Councilmember Clark stated she had misunderstood and believed the pool and clubhouse were required by Municipal Code to be within a quarter mile of the townhome units.

Councilmember Curtis said his objection was due to the distance of the amenity from the townhomes due to the pool being a requirement for those units, regardless of the quarter-mile distance standards.

Councilmember Love stated that the location of the pool and clubhouse does not adhere to the Municipal Code requirement to be centrally located within the development.

Councilmember Curtis requested an examination and clarification of the distancing standards for multifamily amenities at a future meeting.

Mayor Westmoreland directed staff to review the multifamily amenities distancing requirements with the intent of clarifying the standards. He inquired if the applicant is willing to tour the site with the Councilmembers.

Councilmember Clark requested for the distances to be marked to allow visitation of the site by individual Councilmembers rather than a group visit.

Mr. Loveland expressed his willingness to tour the site with the Councilmembers and requested that the City Council take into consideration the intent and to allow for flexibility and open-mindedness with design practices to examine and allow adaptability for individual developments.

Mr. Drown requested for flexibility within Municipal Code standards to allow for adaptation.

Ms. Kofoed requested the City Council inform her if three or more of the Councilmembers visit the site at one time so she can notice the gathering.

18. CITY COUNCIL/MAYOR'S BUSINESS

19. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray
None.

Councilmember Curtis
None.

Councilmember Love
Councilmember Love thanked the current and new Planning Commissioners for their willingness to serve and for their work and efforts. She thanked Commissioner Wood for his service as Chairman.

Councilmember Clark
Councilmember Clark expressed appreciation to staff for the adaptation for the angel tree celebration. She thanked the Planning Commission and Commissioner Wood for their efforts.

Councilmember Burnham
Councilmember Burnham echoed Councilmember Love's comments. She thanked the Veteran's Board for providing Christmas gifts for deployed military members.

20. COMMUNICATION ITEMS

20.A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: ***Councilmember Gray moved to adjourn the meeting at 9:45 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:45 p.m.

Approved by the City Council on January 5, 2021.

By: Lianne Pengra

For: Fionnuala B. Kofoed, MMC
City Recorder

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH