



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

October 19, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, and Colby Curtis.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Jeff Weber, Fleet and Facilities Operations Director; Tyler Maffitt, Communications Manager; Eric McDowell, Chief Deputy Sheriff; Robert Ballif, Engineering Assistant; and Greg Stone, Emergency Management Intern.

CITY STAFF PRESENT ELECTRONICALLY: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; Embret Fossum, UFA Battalion Chief; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:08 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Wastewater

- Streets, Stormwater, Wastewater and Water crews are working on the creation of four new rapid infiltration basins on the eastern portion of the 80 acres the City recently purchased but rain is slowing efforts.
- The 12-inch pressurized water line is complete.

Water

- All City wells, except Well #1, have been turned off for the season due to decreased City water demands during fall and winter.
- Staff is collecting mobile water reads for the next bill cycle.

Parks

- Cory B. Wride Memorial Park Phase 2 – The lights are operational on the new ten-court pickleball complex. The remaining lights should be completed by the end of the week, weather permitting.
- Silverlake Woodhaven Park – Conduit is being run to allow Rocky Mountain Power to connect the power. The project was delayed due to miscommunication between different agencies and scheduling logistics.
- Pony Express Park Dog Park – Fencing has been ordered and staff will provide an update once the project is complete.

Events

- Halloween Town and Car Show will be held on October 23, 2021, at Cory Wride Memorial Park from 11:00 a.m. to 2:00 p.m.

Engineering

- Pony Express Parkway – Storm drain is being installed from Bobby Wren Boulevard to Eagle Mountain Boulevard. Rocky Mountain Power is moving electric lines prior to paving the trail. The project has experienced weather delays.
- Mid Valley Road preparation will occur this year; however, the project will not be able to be completed this season due to material shortages. The project will be finished in 2022.
- Airport Road - Phase 1 is scheduled to be paved October 28th and 29th. The City Engineer is obtaining appraisals for right-of-way land purchases for Phase 2 from the Church of Jesus Christ of Latter-day Saints, Perry Homes, and other impacted landowners.
- Water Impact Fees Facility Plan – Psomas will provide information to Lewis, Young, Robertson, and Burningham, Inc. The City has elected to obtain additional information before moving forward with the water rate study to determine appropriate incremental increases to City water rates.
- Bobby Wren Boulevard Traffic Signal – Will be installed following Kenny Seng completing construction work at the intersection with Pony Express Parkway. The traffic light is expected to be installed and operational prior to the end of 2021.
- Eagle Mountain Boulevard – The widening project is being designed and will soon be followed by a request for proposals to bid for the contract for the project.
- Well #7 – The well is being designed. Drilling will commence after water rights have been transferred for the well.

Community Development

- Residential Building Permits – The City issued 73 new residential building permits in September, an overall increase of 18% from last year; however, the totals for the past three months are 25% lower than July, August, and September of 2020, possibly in part due to material shortages.
- Affordable Housing Plan – A request for proposals will be posted for an update/rewrite of the City's Economic Development Master Plan and Affordable Housing Plan.
- Code Amendments – The Planning Department is working on 25 Municipal Code amendments.

- Citywide Rezoning – The City is in the process of rezoning properties in existing neighborhoods and properties with expired master development agreements.
- Wildlife Corridor Overlay Zone – an amendment for the rezone for the overlay is being prepared for approval at a future meeting.

Councilmember Curtis requested the City create a steering committee to provide Council input during the creation of the Affordable Housing Plan.

Director of Administrative Services/City Recorder Fionnuala Kofoed stated the City has pending franchise agreement applications for Direct Communications, Silver Lake Internet LLC, and Lumens. The City Attorney has been reviewing the agreements and the City has determined to allow the applications to move forward with a provision that any applicable State statutes and Municipal Code amendments would be implemented into the agreements.

1.B. UPDATE – Eagle Mountain Medical Office Building

Senior Planner Tayler Jensen presented the item. The Planning Commission held a public hearing on October 12, 2021, and voted 4 to 0, with one absentee, to recommend approval of the application. O'Reilly Auto Parts is to the west and Eagle Mountain Dental is to the east of the project. The building will be similar in design to their location in Saratoga Springs on Redwood Road, except that the color palette excludes the bright red color used on the Saratoga Springs building.

Applicant representative Bruce Fallon with WPA Architecture provided the Council will color renderings of the building. White is one of the colors planned and is used to draw attention to the entrance; fiber cement is one of the proposed materials.

Councilmember Curtis stated he would prefer the building not include white.

Mr. Jensen clarified that Municipal Code standards discourage neon colors and do not require only desert landscape colors. Standards require the design to be similar to significant nearby buildings. The Planning Commission evaluation concluded that the proposed design was sufficiently similar to other buildings in the area.

Councilmember Curtis requested the item include detailed examples of the color palette when presented to the Council at an upcoming policy session.

Councilmember Love requested future projects include detailed materials when presented to the Council during work sessions.

1.C. DISCUSSION – Eagle Mountain Emergency Operation Plan

Emergency Management Intern Greg Stone explained the definition, purpose, role, creation, and format of the emergency plan.

Councilmember Clark expressed her support for the Emergency Operation Plan draft. She suggested creating a mechanism to ensure the plan is reviewed every two years, and she requested another department be assigned signage responsibilities to allow the Streets Department to focus on road repairs during an emergency, and for the City to maintain hard copies of the documents in case an emergency impacts the ability to print the forms.

Mr. Stone explained that including the Federal Emergency Management Agency's five mission areas is not required for funding; however, he felt the information would be beneficial. A portion of the plan addresses levels of emergency based upon City definition assignments for the various levels to support first responders who will be responding in accordance with their agencies' categorization of levels of emergency and to assist the Mayor and Council with determining if a State of Emergency declaration is merited. The plan advises each department to establish a line of authority to provide for alternates to step into the role should the department heads be unable to fulfill their assigned duties.

Councilmember Clark advocated for City discussion to clarify the line of authority should some members be unable to fulfill their assigned responsibilities.

2. AGENDA REVIEW

CONSENT AGENDA

9. AGREEMENTS

9.A. AGREEMENT – Approving a Deed of Conservation Easement.

Discussion ensued regarding whether to remove the item from the consent agenda and acknowledging that prior to the meeting, the Council received feedback from the Eagle Mountain Nature and Wildlife Alliance in discussions between one or two Councilmembers and citizen group representatives. The Council determined to remove the item and place it as a scheduled item during policy session when the applicant would be in attendance.

Councilmember Curtis asked City Attorney Jeremy Cook if the verbiage from the Wildlife Corridor Overlay Zone could be included in the Deed of Conservation Easement as requested by the Eagle Mountain Nature and Wildlife Alliance.

Mr. Cook said he did not feel that any of the verbiage in the overlay was critical to include in the conservation easement documentation, although he did not feel that the applicant Scot Hazard would object to the inclusion of the items requested by the Eagle Mountain Nature and Wildlife Alliance. He clarified that including the overlay standards in the conservation easement would not necessarily provide additional protections as a future Council could repeal or amend either the overlay or a City-held conservation easement or both.

Councilmember Gray expressed concern with the wildlife permeable fencing requiring smooth wire, the maximum height of 42 inches from grade, the minimum 16-inch spacing from the ground to the bottom wire, and for the posts to be spaced at a minimum of 16-foot intervals, as those

standards would make the fencing inadequate for retaining livestock. He requested more flexibility with the fencing as he felt that wildlife movement would not be impeded by fencing with barbwire and more closely spaced posts.

Assistant City Administrator/Community Development Director Steve Mumford clarified that the wildlife permeable fencing requirements were recommendations of Shane Hill with the Division of Wildlife Resources.

Mr. Cook stated that the Wildlife Corridor Overlay Zone in Municipal Code includes the same wildlife permeable fencing standards.

Councilmember Gray advocated for amending the wildlife permeable fencing standards in both the Wildlife Corridor Overlay Zone and the conservation easement and inquired how the approval of this item would be impacted by amending the fencing standards in the overlay section of Municipal Code. He said that there should be a balance between protecting wildlife and livestock grazing rights and protected protecting one at the expense of the other.

Councilmember Curtis stated that the standards were likely included intentionally as it is necessary to protect wildlife.

Discussion ensued regarding whether an amendment to Wildlife Corridor Overlay Zone fencing standards should be considered.

12. OQUIRRH MOUNTAIN RANCH

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Second Amendment to the Oquirrh Mountain Master Development Plan.

12.B. MOTION – Oquirrh Mountain Ranch Preliminary Plat and Site Plan.

Items 12.A. and 12.B. were presented and discussed concurrently.

Mr. Jensen presented the item. The Oquirrh Mountain Ranch Master Development Plan and Master Development Agreement were approved in 2011 and cover a total of 120.4 acres. At approval, the development was vested with 417 units and 15.5 acres of open space. In 2016, the MDA was further amended reducing the maximum number of units to 346 units and requiring 5.5 acres of improved open space. To date, 54 single-family units and a Church have been developed on 18 acres, leaving approximately 102.4 acres to be developed.

Oquirrh Mountain Ranch has a current density approval of 346 total units, resulting in a density of 2.9 dwelling units per acre, and up to 151 multifamily dwelling units. The existing development is 27 units below the vested unit counts; 7 of 30 vested units were built in pod PA 10, 37 of 39 were built in pod 9a, and 10 of 12 were built in pod 2a. The allowable density in unbuilt pods is 265 units; those units combined with the 54 built units result in an actual maximum density of 319 units.

The applicant has worked with City staff, the Planning Commission, the Division of Wildlife Resources, and the Eagle Mountain Nature and Wildlife Alliance citizen group to dedicate 330 feet along the north and northeast side of the project as wildlife corridor. This area represents a key portion of the corridor where it crosses Pony Express Parkway. The applicants have also agreed to include all the open space east of the eastern cul-de-sac in the wildlife corridor. In addition to this land being deeded to the City, staff recommends that it be rezoned open space and the Eagle Mountain Nature and Wildlife Alliance has requested the entire area have the Wildlife Corridor Overlay.

The Planning Commission voted to recommend approval of Option B with 58 lots with 45-foot frontages, 80 lots with 50-foot frontages, and 68 lots with 55-foot frontages. If Option B were to be approved, the maximum full buildout would be 260 units, with 54 existing and 206 new lots resulting in a total reduction under the actual maximum approval of 86 units/29% and an actual reduction of 59 units/22%. The applicants would prefer the approval of Option A with 61 lots with 40-foot frontages, 109 lots with 45-foot frontages, and 50 lots with 50-foot frontages. If Option A were to be approved, the maximum full buildout would be 283 units, with 54 existing and 229 new lots resulting in a total reduction of 63 units/21% and an actual reduction of 36 units/13%.

City RC development standards require a minimum lot size of 4,500 square feet, an average lot size of 6,000 square feet, a minimum frontage of 58 feet, a front setback of 15 feet, a garage set back of 22 feet, a rear setback of 20 feet, side setbacks of eight feet and 10 feet on the garage side, and a corner set back of 15 feet. Option A proposes the modification of development standards to allow a minimum lot size of 4,000 square feet, a minimum frontage of 40 feet, rear setbacks of 15 feet, and side setbacks of five feet. Option B requests modified development standards for a minimum 45-foot frontage, a 15-foot rear setback, and five-foot side setbacks. The Planning Commission recommended requiring a ten-foot side setback on the garage side.

The Planning Commission recommended approval of Option B for the master development plan for Oquirrh Mountain Ranch B with the conditions:

1. All open space within the wildlife corridor, 330 feet on the northern edge of the project, and all property on both major hills shall be zoned OS-N with the Wildlife Corridor Overlay;
2. All other native open space shall be zoned OS-N;
3. All improved open space, OS-1 through OS-6, shall be zoned OS-I;
4. All residential pods shall be zoned RC;
5. If a lift station is necessary, it shall be owned and maintained by a homeowner's association, along with the property along the southern boundary;
6. The approval of the master development plan is conditional based upon the approval of an amended master development agreement; and
7. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side.

The Planning Commission recommended approval of Option B for the preliminary plat for Oquirrh Mountain Ranch B with the conditions:

1. The preliminary plat shall comply with the development standards approved in the master development plan;

2. The preliminary plat shall include any changes made during the master development plan approval;
3. The applicant shall provide evidence that they meet the RC zone minimum improved open space requirement of 6.5 acres;
4. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side; and
5. The approval is conditional upon the approval of an amended and restated master development agreement.

Mr. Jensen said the plans show the open space east of the potential sewer lift station for the 20-foot sewer line behind the homes as unimproved and native, and the plans indicate sod for the retention pond area. Should the lift station not be required, the acreage would be divided into additional lots or incorporated into the existing lots along the southern border, increasing the depth of the lots.

Discussion ensued regarding the location and size of the land necessary for a lift station, the potential appearance and design of the lift station should one be required, vehicular and manual access requirements for a homeowner's association-maintained lift station, possible requests or conditions for improvements to make the open space more desirable and useable should the lift station be required, the division of the land proposed for the lift station and the sewer line easement behind the homes among the lots should a lift station not be needed, and possible obstacles to the improvement of the area due to topography and rocky soil.

Mr. Mumford recommended amending the master development agreement to require adding the additional acreage of the land to the lots should the lift station not be required. The requirement could also be a condition of approval to the preliminary plat.

13. ORDINANCES/PUBLIC HEARINGS

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Repealing Eagle Mountain Municipal Code Chapter 17.70 Accessory Apartments and Replacing it with Chapter 17.70 Accessory Dwelling Units, and Amending Eagle Mountain Municipal Code Section 17.25.030 Land Use Table.

Mr. Mumford presented the item. The purpose of the amendment is to change the name of the chapter to Accessory Dwelling Units (ADUs) to be consistent with Utah State Code; to clarify and add standards related to detached ADUs, including allowing them on 8,000-square-foot lots in the residential zones as previously intended; make changes to be consistent with the Utah Code in relation to internal ADUs; prohibit short-term rentals in ADUs; and add standards for tiny homes to be used as ADUs including minimum sizes, foundation, connection, and utilities.

During this Legislative session, Utah Code 10-9a-403(2)(b) was updated to “In drafting the moderate-income housing element, the planning commission...(iii) shall include a recommendation to implement three or more of the following strategies.” The potential allowable strategies include, “(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.” Chapter Nine, Moderate Income Housing, in the Eagle Mountain

General Plan, Strategy 6 is to “Allow for accessory dwelling units, including detached units, to be integrated into residential neighborhoods.”

Utah Code 10-9a-530 Internal Accessory Dwelling Units requires that ADUs must be a permitted use in any area zoned primarily for residential use. A municipality may not establish any restrictions or requirements governing size in relation to the primary dwelling, total lot size, or street frontage.

Mr. Mumford presented the following proposed amendments to EMMC 17.70:

- Use “Accessory Dwelling Units (ADUs)” rather than “Accessory Apartments.”
- Require a separate entrance on the side or rear.
- Detached ADU requirements:
 - Height – In according to accessory building height in EMMC 17.25.040, generally 20 feet, or 35 feet when above a garage.
 - Size – A minimum of 300 square feet and no larger than 50% of the primary home’s footprint with a maximum of 1,000 square feet and no more than two bedrooms.
 - Setbacks – A minimum of five feet side, eight rear, and six feet from the primary dwelling.
 - Architectural style, building materials, and colors shall be compatible and consistent with the architectural style, materials, and color of the primary dwelling unit.
 - The ADU may have separate utility meters, but both must be in the property owner’s name.
- Off-street parking for one vehicle, in addition to the two vehicles for the primary residence. Tandem driveway parking in front of a garage does not qualify. All parking shall be on a hard surface such as concrete or asphalt. Occupants may not park on the street along the frontage of a neighboring property.
- Short-term rental shall be prohibited. ADUs may not be rented for less than 30 consecutive days.
- Tiny homes are permitted if they are at least 300 square feet, permanently connected to utilities, and attached to a site-built permanent foundation.
- Transfer of Ownership – ADU permits shall remain valid upon sale of the home or transfer of ownership.

Detached AUDs in compliance with EMMC 17.70 would be a permitted use in the RA1, RA2, RD1, RD2, FR, R1, R2 zones, permitted on lots greater than 8,000 square feet in the R3 and RC zones, and prohibited in the MF1 and MF2 zones. ADUs within the primary residence in compliance with EMMC 17.70 would be a permitted use in all zones except the MF1 and MF2.

Detached ADU size on a quarter-acre or larger lots is currently proposed at a maximum of 1,000 square feet. Recently proposed ADUs have been about 1,200 square feet but still only include two bedrooms and would still be limited by the footprint of the primary dwelling and limited to two bedrooms. Code requires the architecture to be similar to the primary dwelling. However, should the garage have a different design than the home, does the Council feel it appropriate to allow an ADU above a garage to be built with architectural design that matches the garage rather than the primary dwelling?

The Planning Commission recommended approval with a 4 to 1 vote, with the following changes:

1. EMMC 17.70.030(4) “an accessory dwelling unit in a basement must have a separate exterior entrance on either the side or rear of the building;”
2. References in EMMC 17.70 to “accessory apartments” shall be changed to “accessory dwelling units;”
3. EMMC 17.70.030(4)(C)(i), “Stand-alone units may not exceed two stories in height;” and
4. EMMC 17.70.030(4)(C)(ii), “Size. A detached accessory apartment must be a minimum of three hundred (300) square feet and may not be larger than 50% of the primary home’s footprint (including garage), up to a maximum of 1,000 square feet. Detached accessory dwelling units may not have more than two (2) bedrooms,” shall be removed from the standards or modified if staff determines the requirement is in conflict with Utah Code 10-9a-403.

Additional proposed verbiage amendments to EMMC Chapter 17 include:

- 17.10.030: “Definitions. Accessory dwelling unit (ADU)~~apartment~~” is an independent habitable living unit, with a kitchen, bath facilities, and its own entryway, which is: 1) within or attached to an owner-occupied single-family residential dwelling, or 2) within a separate detached accessory structure, or above a detached garage, on a single-family lot. Does not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels. means a self-contained second living unit which is built into or attached to an existing single family dwelling. The apartment is private and generally equal to or smaller than the primary unit and usually contains one or two bedrooms, bath, sitting room, kitchen, and a separate entrance. Accessory apartments may be located in any part of the house depending upon the availability of usable space.
- 17.95.110: “Expiration of permits. A change in tenancy, ownership or management of a conditional use shall not affect the status of a conditional use (with the exception of ~~accessory apartments~~ and home businesses), which remains otherwise unchanged, nor shall such a change be interpreted to permit a departure from the conditions of approval and the approved plans. [Ord. O-02-2006 § 3 (Exh. 1 § 19.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.11)].”
- “Accessory apartments” amended to “accessory dwelling units (ADUs) on Table 17.05.200(a) and footnote 1 to the residential development standards in 17.25.040.

Mr. Mumford presented examples of 446-square-foot studio, 793-square-foot one-bedroom, and 955-square-foot two-bedroom ADUs and potential placements for various sizes of ADUs on 8,000-square-foot lots.

Councilmember Curtis expressed concern that the proposed standards could be interpreted to allow shipping containers with facades that match the primary dwelling to be used as ADUs. He prefers a 400- to 450-square-foot tiny home minimum square footage rather than 300 square feet and prohibiting shipping containers. Should the Council elect to allow shipping container ADUs, he would want strict design standard requirements. He explained that he is in support of ADUs as the primary strategy to address the affordable housing requirements and clarified that his main concern is beauty and quality rather than size. He is undecided on whether to allow tiny homes.

Discussion ensued regarding shipping container and tiny home sizes, concerns with shipping container ADUs, whether building a foundation under a shipping container would make it permissible, and potentially prohibiting shipping containers.

Councilmember Clark recommended more strict standards to begin with then increasing allowances as necessary for desirable uses that may have been overlooked.

Mr. Mumford stated shipping containers and tiny homes or tiny homes under a certain size could be added to the prohibited dwelling unit types in EMMC 17.10.030 Definitions.

Councilmember Burnham noted parking issues generated by ADUs, especially should ADUs be the primary strategy for addressing affordable housing, and advocated for ADUs to be a part of the strategy rather than the only tactic.

Councilmember Curtis stated he feels that apartment complexes generate more parking issues than ADUs.

Mr. Mumford stated that the standards limit the number of occupants of an AUDs to no more than two unrelated individuals or a family which could result in one to three additional vehicles even though the State limits the City to requiring one additional parking space.

Discussion ensued regarding parking concerns and strategies to address those concerns.

13.B. [ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Utah County Parcel 59:045:0065 and a Portion of Parcel 59:045:0064 to the Public Facilities Zone.](#)

Mr. Jensen presented the item. Fire Station 251 is currently located near City Hall in an aging facility. This proposal would allow for the construction of a new facility and would shift operations to this new location. The Future Land Use Plan (FLUP) designates this property as Community Commercial.

14. [SPRING RUN](#)

14.A. [ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Fourth Amendment to the Spring Run Master Development Plan.](#)

14.B. [MOTION – Spring Run Preliminary Plat, Phase D.](#)

Items 14.A. and 14.B. were presented and discussed concurrently.

Mr. Jensen presented the item. Spring Run Phase D was approved for 178 single-family units. Plats 1, 2, 3, and 4 have been built with 114 units and 68 units are proposed for plats 5, 6, and 7. The total number increased by 4 to 182. Staff requested the road connection to be revised which is where this change started. Spring Run MDA was approved on May 5, 2021, for up to 1,016 units. The MDA was amended July 29, 2015, for up to 951 dwelling units and further amended on October 18, 2016, for up to 621 dwelling units. The proposal is for changes in parcels 1, 2, 5, 6,

and 9 of the MDA comprising 69.96 acres and allowing up to 268 units for an overall density of 3.83 dwelling units per acre. The proposed plat is for 68.55 acres with 182 dwelling units and a density of 2.72 dwelling units per acre. Cul-de-sacs are discouraged in the connectivity code and are generally prohibited in the R1, R2, R3, and RC zones per EMMC 16.30.090(C)(3) unless there is clear and convincing evidence that a cul-de-sac is necessary due to reasons such as topography. EMMC 16.30.090(C)(4) requires hard surface pedestrian connections between cul-de-sacs, the application is proposing to not put pedestrian connections between the two cul-de-sac in Plat 5 due to topographical concerns.

The Planning Commission unanimously recommended approval of the amendments to the master development plan and preliminary plat with no conditions.

Mr. Jensen explained that the applicant requested an exemption to connecting the two cul-de-sacs due to grade differences between the sites and the short block length.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:12 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, and Colby Curtis.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Planner; Chris Trusty, City Engineer; Kimberly Ruesch, Finance Director; and Embret Fossum, UFA Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Join us for Eagle Mountain's Halloween Town and Car Show. This event will take place at Cory Wride Memorial Park from 11:00 a.m. to 2:00 p.m. on October 23rd. Join us for trick-or-treating from local vendors. Food trucks will be on-site for food purchases as well.
- Be Ready Eagle Mountain will hold a School Safety and Mental Illness Event on Thursday, October 21, 2021, at 7:00 p.m. at City Hall with special guest speakers Sarah Bush and Laura Hall Columbine School shooting survivors.

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 7:15 p.m.

Bettina Cameron said she was speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance citizen group. She addressed the fencing discussion for the conservation easement during work session. She said the height of the wire from grade for wildlife permeable fencing is to allow fauns to crawl under the fencing, the smooth wire requirement is to protect fauns from barbed wire injury, and the height limitation is to allow wildlife to jump over the fence. She believes the fence post spacing requirement is to allow herds to pass over the fence in groups. She stated that both of the proposed wildlife corridors are primary. The west section will have increased density and no native vegetation. As the City builds out, they believe the wildlife will begin to utilize the eastern path through Deer Haven and Cedar Pass Ranch with more frequency. She advocated for the standards for the conservation easement approval to only apply to the Deer Haven development due to the unique features of the terrain and development. She explained the provisions the citizen group requested to be included in the conservation easement requirements that had been emailed to staff and the City Council including prohibiting future residents from removing the survey signs and markers from their property within the easement; for a 50% width of easement property to remain free of hard surfaces, structures, and storage; prohibiting all construction of any kind including trails and fencing during the mule deer migration season and nesting season; adding current Municipal Code standards for hillside development and sensitive areas and lighting pollution in the verbiage for the conservation easement to retain the standards in the easement should Municipal Code standards be amended; and to limit the number of allowed livestock to current standards as outlined in Table 6.10.090.

Mayor Westmoreland closed public comment at 7:25 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark welcomed the public and first responders in attendance. She thanked the public, Ms. Cameron, and the developer for their hard work and dedication to benefit the community and make the wildlife corridor a reality.

Councilmember Love

Councilmember Love echoed Councilmember Clark's sentiments.

Councilmember Burnham

Councilmember Burnham mentioned that residents informed her that the Tyson facility sustained damage during a previous storm and Tyson employees spent several days cleaning up the resulting debris. She encouraged Code Enforcement to enforce City requirements to ensure other developers and residents clean up after inclement weather events promptly.

Councilmember Curtis

Councilmember Curtis clarified his comment regarding the Eagle Mountain Nature and Wildlife Alliance during the previous meeting was due to not wanting to single out an individual in the group. He has since spoken with the individual and worked through the issue. He invited the Councilmembers to cook and serve at a veteran's breakfast on Saturday, November 13th at Ranches Academy.

Councilmember Gray

Councilmember Gray said that he is excited to see the outcome of the election. He congratulated and praised the candidates for their vigorous campaigning efforts.

Mayor Westmoreland

Mayor Westmoreland welcomed and thanked those in attendance.

CONSENT AGENDA

9. AGREEMENTS

9.A. AGREEMENT – Approving a Deed of Conservation Easement.

10. BOND RELEASES

10.A. Brandon Park Phase A, Plat 6 – Out of Warranty

11. MINUTES

11.A. October 5, 2021 Minutes – Regular City Council Meeting

MOTION: *Councilmember Curtis moved to approve the consent agenda removing item 9.A. and placing it as a scheduled item. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

9. AGREEMENTS

9.A. AGREEMENT – Approving a Deed of Conservation Easement.

Councilmember Love inquired if the Deer Haven Proposed Easement Controls for Wildlife Corridor and Nature Trail should be included in the conservation easement agreement.

Applicant Scot Hazard said he submitted the Deer Haven Proposed Easement Controls for Wildlife Corridor and Nature Trail with the preliminary plat documentation and he has every intention of fulfilling those commitments even though the easement controls were not included as a condition of approval for the preliminary plat. He believes it would be inappropriate to include the easement controls in the conservation easement agreement.

The Council discussed verbiage requested to be included in the conservation easement received via an email sent to the Council prior to the meeting by the Eagle Mountain Nature and Wildlife Alliance citizen group including an amendment to Section II(A)(ii): “Upon two (2) business days prior notice to Grantor, and without unreasonably interfering with Grantor's use and quiet enjoyment of the Easement Property as restricted by this Easement, to enter upon the Easement Property at reasonable times and in a reasonable manner in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement, provided that in the absence of evidence which gives Grantee a reasonable basis to believe there has been a violation of the provisions of this Easement (which evidence shall be made available to Grantor), such entry shall not occur more often than twice annually;”

Councilmember Love stated that prior to the meeting, the applicant agreed to change Section II(A)(ii) to allow access to the property four times rather than twice annually.

Councilmember Curtis asked if the changes include the Eagle Mountain Nature and Wildlife Alliance's request to add “The Grantee, however, can perform maintenance or improve the 15' public trail at any time.”

Mr. Hazard explained that he was not amenable to allow the Grantee to perform trail maintenance at any time because the trail will be located on private property and there should not be a need for anyone to enter another person's backyard at any time to conduct whatever they want to do. He feels the two-day notice period is reasonable and will prevent trail maintenance during times the residents have activities planned in their backyards and allowing unlimited access to the backyards seems extreme to him. Access might be merited on occasion to repair the trail or plant native vegetation. The 15-foot trail system would be publicly accessible year-round and the City would have constant access to the dedicated property around the wash.

Councilmember Gray asked if the agreement needed to include clarification that access to the public trail for recreation would be available year-round.

City Attorney Jeremy Cook explained the trail would require a separate easement and would be designated on the recorded plat.

The Eagle Mountain Nature and Wildlife Alliance citizen group recommended the following amendment to replace Section III (A) Construction of Structures, Section III (B) Recreational Amenities, and Section III (C) prepared by City Attorney Jeremy Cook, the applicant, and applicant counsel, “Section III(B): Limitation on Hard Surfaces, Structures and Storage. In order to maintain open space that is easily traversable by mule deer, not more than a 20% of the total surface area of the Easement Property on any subdivided parcel of property may be utilized for the combination of any of the following: parking pad(s); sheds or other enclosures; outbuildings;

above-ground structures; pavilions; parking or storage of vehicles, trucks, RVs, boats, trailers, campers or other recreational or commercial vehicles; storage of equipment; storage of construction or commercial materials (except for materials that are being utilized for active construction on the property); skateboard ramps, swimming pools, tennis courts, basketball courts, trampolines or other recreational amenities; or containers or any other human-made objects. At least half of the Easement Property will remain unobstructed; no hard surfaces, structures, and storage shall exceed 50% of the width of the Easement Property.”

Mr. Cook explained he had elected to retain swimming pools, despite the applicant expressing willingness to have swimming pools excluded from the easement, to provide for cases where the installation of a swimming pool could result in encroachment of a few feet into the easement as he felt swimming pools would not be any more impactful than the other structures or increase the risk to the wildlife more than a swimming pool located just outside of the easement.

Councilmember Love agreed that due to the likelihood of swimming pools and hot tubs being located in proximity to the home, she would not object to allowing swimming pools in the conservation easement because the majority of the pool would likely be located outside of the easement.

Mr. Hazard had no objections to retaining or excluding swimming pools and hot tubs from the easement; nevertheless, retaining the same standards for recreational amenities would be clearer, more practical, and easier to enforce. He agreed to allow the addition of “any other human-made objects” and “at least half of the Easement Property will remain unobstructed; no hard surfaces, structures, and storage shall exceed 50% of the width of the Easement Property.”

The citizen group requested the following underlined additions to and language removal from Section III (E) Mule Deer Migration Season and Nesting Season, “Mule deer migration season refers to the time of year the mule deer migrate between their winter and summer ranges and occurs between March 15th and ~~April 30th~~ May 15th and December 1st through January 15th annually. Nesting season refers to the period of the year in which birds are building nests and raising young and occurs between March 15th and July 31st annually (together the “**Restricted Seasons**”). The following uses shall not be permitted on the Easement Property during the Restricted Seasons:

- i. ~~Construction of any kind, including the construction of trails and/or fences, unless construction will not impede migration or nesting during the proposed construction period; or”~~

Councilmember Love asked if Mr. Hazard would accept the request to limit all construction activities between March 15th to July 31st and December 1st and January 15th annually to begin January 1, 2023, after the completion of the development.

Mr. Hazard suggested the standard go into effect after the completion of the development improvements as he intends to complete the development prior to 2023. He asked that construction activity be allowed outside of the corridor during that time and to allow the transportation of the construction materials through the corridor to access the lots on the opposite side of the wash. He noted that the restrictive seasons only allow a few months of the year for residents to make improvements in the corridor including landscaping which could be onerous. He inquired if it was

necessary to restrict construction activities during the nesting season in addition to the migration season and suggested reducing the restriction to March 15th through May 15th annually.

Discussion ensued clarifying that only landscaping installation, not maintenance, would be considered construction activity and methods to balance protecting the success of the corridor and preserving personal property rights regarding limitations on construction activities.

Councilmember Curtis explained the reason for changing the migration season from April 30th to May 15th was due to fluctuations in the timing of wildlife migrations to exclude the word “typically” and to encompass the annual variances.

The citizen group requested the following addition to the agreement:

“Livestock. To ensure the continued use of the migratory deer path and to avoid overgrazing of the Easement Property, the following limitations on livestock within the Easement Property apply:

<u>Animal</u>	<u>Max Number Allowed on Lots</u>			<u>Available Fenced Area per Animal</u>	<u>Setback from Residence or Other Periodically Inhabited Building¹</u>	<u>Minimum Property Area Located WITHIN THE EASEMENT PROPERTY</u>
	<u>1/2 to 1 Acre</u>	<u>1 to 3 Acres</u>	<u>More than 3 Acres</u>			
<u>Horse/Mule</u>	<u>0</u>	<u>4</u>	<u>12</u>	<u>22,000 s.f. per 1 – 4 animals</u>	<u>50</u>	<u>1 Acre</u>
<u>Buffalo</u>	<u>0</u>	<u>2</u>	<u>6</u>	<u>22,000 s.f. per 1 – 4 animals</u>	<u>150</u>	<u>1 Acre</u>
<u>Cattle</u>	<u>2</u>	<u>4</u>	<u>12</u>	<u>2,500 s.f.</u>	<u>50</u>	<u>1/2 Acre</u>
<u>Donkey</u>	<u>2</u>	<u>4</u>	<u>12</u>	<u>2,500 s.f.</u>	<u>50</u>	<u>1/2 Acre</u>
<u>Llama</u>	<u>2</u>	<u>4</u>	<u>12</u>	<u>2,500 s.f.</u>	<u>50</u>	<u>1/2 Acre</u>
<u>Emu/Ostrich</u>	<u>4</u>	<u>8</u>	<u>16</u>	<u>500 s.f.</u>	<u>50</u>	<u>1/2 Acre</u>
<u>Sheep/Goat</u>	<u>4</u>	<u>8</u>	<u>16</u>	<u>500 s.f.</u>	<u>50</u>	<u>1/2 Acre</u>
<u>Pig (all kinds)</u>	<u>2</u>	<u>4</u>	<u>8</u>	<u>500 s.f.</u>	<u>150</u>	<u>1/2 Acre</u>

The number of animals above shall be reduced geometrically if the resident desires to keep and maintain more than one species of permitted animals. Example: If two species are desired, then the number of each species shall be reduced to one-half (1/2). If three species are desired, then the number of each species shall be reduced to one-third (1/3), etc.”

Councilmember Love said she agreed with the Eagle Mountain Nature and Wildlife Alliance request for the livestock allowed within the conservation easement to be limited to the number of animals permitted in residential areas, including the two lots zoned Agricultural. She and the developer discussed reviewing the new standards once an amendment is passed for the number of animals allowed in residential areas which are currently under review to determine whether the new or current standards are more appropriate for Deer Haven.

Councilmember Gray countered that the lots would already be subject to the livestock standards for their applicable zoning and the lots zoned as Agricultural should be afforded the rights within that zone designation.

Discussion ensued regarding balancing the Agricultural land rights and protecting the wildlife corridor by prohibiting uses that would discourage wildlife traveling through the corridor.

Councilmembers Burnham, Clark, and Curtis expressed their support of applying residential livestock standards to the two Agricultural lots in the development.

Mr. Cook stated that the condition for the standards for this conservation easement agreement could apply to only the Deer Haven development and recommended including the number of livestock animals allowed per acre within the agreement rather than referencing Municipal Code.

Discussion ensued regarding the metrics to use to determine the maximum number of livestock to allow in the conservation easement even though other standards would still apply.

Discussion ensued clarifying the number of maximum animals allowed in the conservation easement should lots 109 and 110 be limited to the number of livestock permitted in residential developments.

Mr. Hazard stated that he has not decided whether to allow animal rights for the one-acre lots; however, buyers interested in the ten-acre lots desire animal rights, and excluding animal rights would make those lots unsellable. Easement restrictions for the pasture area on lot 109, due to approximately six acres on the east and north side of the lot falling within the easement, and the impact of prohibiting “other manmade objects” applying to the storm drain detention area cause him concern. He was agreeable to allowing the current residential animal standards for the conservation easement without the additions suggested by the wildlife citizen group and would be amenable to considering implementing the updated residential animal code standards once adopted.

Discussion ensued determining to allow the detention pond within the easement as the pond would not negatively impact wildlife and whether to reduce the total number of animals if multiple types of animals are desired and fencing area and wildlife permeable fencing requirements impact on the number of animals.

Councilmember Clark stated that the wildlife group would also like lighting and Off-Highway Vehicles (OHV) standards to be added to the conservation easement standards.

Councilmember Love clarified that the purpose of the request for lighting, hillside development, and OHV trail restrictions even though the standards are included in Municipal Code, is to retain those standards in the conservation easement agreement should Municipal Code be amended in the future. The wildlife group requested to add an additional restriction, “OHV Trails. No off-highway vehicle recreational trails will be constructed on the Easement Property. The Grantor may use off-highway vehicles for the maintenance of their property.”

Mr. Hazard stated his understanding was that the owners of the property would be allowed to use OHVs on their property, but other motorized vehicles would not be allowed to utilize the wildlife corridor. The Wildlife Corridor Overlay Zone permits landowner OHV use but prohibits the construction of new OHV trails.

Mr. Cook explained that motor tracks would be limited under the recreational amenities. The City could restrict the property owner's OHV use on their property if the Council felt that was appropriate. The overlay stipulates that "No recreational vehicles, such as Off-Highway Vehicles (OHVs), shall be allowed in the corridor during the mule deer migration season, except for corridor maintenance."

Councilmember Curtis suggested attaching the Wildlife Corridor Overlay Zone to this agreement and stated that the requirements of the overlay must also be followed.

Mr. Cook said due to the vagueness of the overlay restrictions being open to multiple interpretations, he believes that the easement is more restrictive.

Discussion ensued regarding the benefits and limitations of including either the entire overlay or portions of the requirements from the overlay documentation in this agreement or to including the wildlife groups lighting restriction suggestions.

Mr. Hazard stated that he had no objection to including the wildlife groups' lighting or hillside development and sensitive areas restriction suggestions from Municipal Code standards.

Councilmember Love said that based upon an email from Shane Hill with the Department of Wildlife Resources, she believes that the fence post spacing was intended to be a 16-foot maximum rather than minimum interval. She said the standards should be amended to a maximum rather than a minimum 16-foot spacing.

Mr. Cook stated that he would make the correction in the conservation easement agreement. The Wildlife Corridor Overlay Zone would need to return for an amendment to correct the overlay documentation.

Councilmember Gray said that the 42" high fence and the smooth top wire requirement are insufficient to use for horses or cattle and will lead to future issues. Allowing square tubing fencing would still be wildlife-friendly.

Councilmember Curtis said that due to the uniqueness of this area of the City and the impact on only two lots, he feels that it is appropriate to make considerations that are not typical.

Councilmember Clark noted that the owner can use other fencing on the portions of the property outside of the easement.

Councilmember Burnham recommended starting with more restrictive standards and the Council can consider changing the requirements in the future if merited.

Councilmember Gray expressed concern with waiting to address the fencing after issues arise due to potential damages and liability.

Councilmember Love suggested consulting with the wildlife experts regarding Councilmember Gray's concerns in the future if desired by the Council.

Mr. Hazard stated he preferred not to address the subdivision of lots in the easement as a request would require rezoning and other approvals. Should the animal and fencing concerns prove to be preventative for him to sell lot 109, he may be required to subdivide lots 109 and 110 in the future.

MOTION: Councilmember Love moved to approve an agreement approving a Deed of Conservation Easement with the following conditions:

1. *Section II(A)(ii) shall be amended to allow entry "not more than four times annually;"*
2. *Section III(B) "Other manmade objects," shall be added to the list of restricted amenities and "at least half of the width of the Easement Property will remain unobstructed; no hard surfaces, structures, and storage shall exceed 50% of the width of the easement property," shall be added. Storage drain retention ponds shall be excluded from these restrictions;*
3. *Section III(D) shall be amended to, "Mule Deer Migration. Mule deer migration season refers to the time of year the mule deer migrate between their winter and summer ranges and occurs between March 15th and May 15th and December 1st through January 15th annually (together the "Restricted Seasons"). The following uses shall not be permitted on the Easement Property during the Restricted Seasons:*
 - (i) Construction of any kind, including the construction of trails and/or fences; or;"*
4. *Section III(D) of the agreement shall not go into effect until January 1, 2023;*
5. *The following shall be added as Section III(I) of the agreement, "Hillside Development and Sensitive Areas.*
 - (i) No construction, development, or earthwork may occur on land within 50' of natural washes, storm drain retention/detention areas, or geologically sensitive areas that require special engineering considerations for safe habitation.*
 - (ii) Nor shall any person grade, level, or improve in any manner any parcel of land which crosses a natural wash before submitting a Stream Alteration permit with the City Engineer and the State of Utah.*
 - (iii) No development, excavating, grading, or leveling of Easement property is allowed on land exceeding 25 percent;"*
6. *The following shall be added as Section III(J) of the agreement, "Lighting Pollution. In addition to compliance with Eagle Mountain City Code Outdoor Lighting Standards,*
 - (i) Outdoor lighting should use lighting that does not affect wildlife or attract insects by limiting the color temperature and brightness:*
 - a. The color temperature should not exceed 3,000 Kelvin.*
 - b. The light output of individual fixtures should not exceed 850 lumens.*

(ii) Lighting for outdoor recreational facilities shouldn't be mounted any higher than 15 feet above the ground;" and

7. *The following shall be added as Section III (K) of the agreement and the current residential livestock standards will apply to the conservation easement acreage of Agriculture zones lots 109 and 110. "Livestock. To ensure the continued use of the migratory deer path and to avoid overgrazing of the Easement Property, the following limitations on livestock within the Easement Property apply:*

Animal	Max. Number Allowed on Lots			Available Fenced Area per Animal	Setback from Residence or Other Periodically Inhabited Building	Minimum Lot Size
	½ to 1 Acre	1 to 3 Acres	More than 3 Acres			
Horse/Mule	0	4	12	22,000 s.f. per 1-4 Animals	50	1 Acre
Buffalo	0	2	6	22,000 s.f. per 1-4 Animals	150	1 Acre
Cattle	2	4	12	2,500 s.f.	50	½ Acre
Donkey	2	4	12	2,500 s.f.	50	½ Acre
Llama	2	4	12	2,500 s.f.	50	½ Acre
Emu/Ostrich	4	8	16	500 s.f.	50	½ Acre
Sheep/Goat	4	8	16	500 s.f.	50	½ Acre
Pig (all kinds)	2	4	8	500 s.f.	150	½ Acre

Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, and Carolyn Love. Those voting nay: Jared Gray. The motion carried with a vote of 4:1.

SCHEDULED ITEMS

12. OQUIRRH MOUNTAIN RANCH

12.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Second Amendment to the Oquirrh Mountain Master Development Plan.

12.B. MOTION – Oquirrh Mountain Ranch Preliminary Plat and Site Plan.

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

Applicant representative Tamara Connolly presented the background for the project. The original master development agreement (MDA) approved an urban-style project with a density of 5.3 dwelling units per acre and single-family attached and multifamily. They develop single-family detached product and adapted a smaller single-family product that accommodates the higher density approval for the area. Working with staff, they have reduced the density and increased the frontage widths in the plan several times. They have been working with the City and resident wildlife activists to revise the original plan to dedicate land for a petroglyph park to preserve the petroglyphs in place with a trail connecting the two sites and the wildlife corridor. The open space

area will include an incline as one of the recreational features and the trail system will connect with the City trail system. The first plan neglected to consider the slope and topographical challenges of the property. The plan they devised accounts for the lots lost to accommodate the terrain and to dedicate 57 acres, over half of the property, to the City. Option A is their preferred plan and Option B is the absolute minimum lot count in order to make the plan fiscally feasible without reverting to the urban-style, high-density units. They worked with the Planning Commission to reach a compromise for the project. Staff suggested varying the lot frontage widths rather than grouping equally-size units together. LGI will be designing a new line of housing specifically for this project.

Ms. Connolly addressed questions the Council asked during the September 21, 2021, work session discussion. The road connection to Overland was based upon the preliminary design information they were provided and they are working with the Overland survey company to adjust their plans to align with the road. The western boundary will have an elevation difference that will likely require retaining walls for the connection to work and they are unaware of the plans to the west of the property. The western connection placement was based upon staff recommendation. They prefer to use a hammer and a pick rather than blasting. They would need to apply for a blasting permit if one is required for an area of the project located far from existing homes. The home designs will exclude windows on the five-foot setback side or possibly both side elevations. Preliminary designs indicate a sewer gravity system connection should be viable depending on the timing of the Overland development. A lift station is a secondary option should the timing of the applicable Overland infrastructure prove unfavorable. Should the lift station not be needed, landscaping would be installed next to the retention facility where the lift station is indicated. The MDA requires a 20-foot landscaped buffer along the southern boundary; the landscaped buffer also provides drainage due to the slope in that area and will meet the City landscape design standards.

Mr. Mumford clarified that the MDA contemplated that the School and Institutional Trust Lands Administration (SITLA) would provide a ten-foot, half-width of the 20-foot corridor. However, the Overland Village 2 plan excluded the corridor in lieu of trails on less steep terrain that fulfilled the requirement. His opinion is that the corridor is not necessary if the lift station is not built unless the Council desires another trail.

Ms. Connolly stated that if the City desires to remove the buffer along the southern border, she would incorporate the 20-foot width into the adjacent lots as a slope easement within those lots.

Discussion ensued regarding the slope of the lots and buffer area and the preference for adding the additional 20-foot width to the lots should a lift station not be required.

Mr. Cook expressed his preference for the 20-foot buffer area to be an easement rather than owned by the City and recommended adding the acreage to the adjacent lots even if the sewer lift station is necessary.

Mayor Westmoreland opened the public hearing at 9:19 p.m.

Bettina Cameron said the petroglyph park will assist with qualifying for grants. The developer has been a great partner and agreed to remove the frisbee golf course due to the location being adjacent to a critical portion of the wildlife corridor especially in consideration of the future wildlife bridge over Pony Express Parkway.

Mayor Westmoreland closed the public hearing at 9:22 p.m.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving a second amendment to the Oquirrh Mountain Master Development Plan for Option B with the following conditions:*

1. All open space within the wildlife corridor, 330 feet on the northern edge of the project, and all property on both major hills shall be zoned OS-N with the Wildlife Corridor Overlay;
2. All other native open space shall be zoned OS-N;
3. All improved open space, OS-1 through OS-6, shall be zoned OS-I;
4. All residential pods shall be zoned RC;
5. If a lift station is necessary, it shall be owned and maintained by a homeowner's association;
6. The approval of the master development plan is conditional based upon the approval of an amended master development agreement;
7. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side; and
8. The 20-feet of land along the southern border indicated as a buffer shall be divided and added into the adjacent lots and an easement shall be placed upon the land should a lift station be required.

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.

MOTION: *Councilmember Burnham moved to approve the Option B site plan and preliminary plat for Oquirrh Mountain Ranch with the following conditions:*

1. The preliminary plat shall comply with the development standards approved in the master development plan;
2. The preliminary plat shall include any changes made during the master development plan approval;
3. The applicant shall provide evidence that they meet the RC zone minimum improved open space requirement of 6.5 acres;
4. The side yard setbacks shall be a minimum of five feet and ten feet on the garage side; and
5. The approval is conditional upon the approval of an amended and restated master development agreement.

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.

Mayor Westmoreland recessed the meeting from 9:31 p.m. to 9:39 p.m.

13. ORDINANCES/PUBLIC HEARINGS

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Repealing Eagle Mountain Municipal Code Chapter 17.70 Accessory Apartments and Replacing it with Chapter 17.70 Accessory Dwelling Units, and Amending Eagle Mountain Municipal Code Section 17.25.030 Land Use Table.

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

Mr. Mumford said the reason for adding the allowance for ADUs in the RC Zone is because the zones have lot size minimums but not maximums and staff felt as long as the minimum lot size and the other requirements were met, an ADU could be allowed and residents with larger lots designated as RC should not be punished and prohibited from having detached ADUs. The main purpose of requiring all utilities to be in the property owner's name is to make the ADUs function less like a duplex and to have the landlord retain responsibility for the ADU.

Councilmember Love suggested having all the requirements as a portion of the application the landlord initials in acknowledgment rather than requiring a notarized letter which could be burdensome.

Mayor Westmoreland opened the public hearing at 9:55 p.m.

Resident Dave Norman said he turned in an application for an ADU permit. He is on a one-acre lot in Arrival and is concerned with the 1,000-square-foot size limitation. They built a large garage with plans to place an ADU above it in accordance with the Arrival requirement for the ADU not to be the primary usage. He would like the appearance of the ADU to match the barn appearance and of the garage rather than the home and to be the same size as the garage square footage.

Councilmember Curtis expressed concern that if the City permitted ADUs of any size, residents could build two single-family homes and essentially subdivide a lot.

Discussion ensued regarding the appropriate size limitations for attached and detached external ADUs in relation to the footprint of the ADUs relative to the primary structure, garage, or outbuilding; concerns with large ADUs not fulfilling the need for affordable housing; setback requirements limiting the potential ADU size, allowing ADUs for large lots in the RC Zone increasing parking issues, prohibiting internal ADUs in some neighborhoods due to parking limitations as allowed by State Code for up to 25% of residentially-zoned properties in the City, some cities prohibiting ADUs in upscale neighborhoods, and limiting external ADUs based upon frontage widths.

Mayor Westmoreland closed the public hearing at 10:12 p.m.

Mayor Westmoreland noted that other cities have expressed concern with the impact of ADUs on sewer capacity and said that infrastructure constraints should be a factor in consideration.

Mr. Mumford verified that the City can either prohibit or allow the installation of a separate utility meter.

Discussion ensued regarding the benefits and difficulties with requiring the installation of second utility meters, the requirement for the home to be owner-occupied in order to be allowed an ADU, density increase concerns with multigenerational home plans, drainage impacts and potential issues with detached ADU units on small properties, the ability for the City to require a frontage minimum for homes with external ADUs, the appropriate minimum frontage requirement for external ADUs, concerns with too lenient of standards resulting in unforeseen detriment, whether to permit ADUs above garages to match the garage due to concerns that the design of the detached garage is unappealing, potential architectural standards for detached structures and external ADUs, preventing shipping container structures, difficulties in applying limits to the RC Zone to areas in the City zoned under previous zoning designations, and possibly increasing the lot size requirements for external ADUs.

Mr. Mumford noted that State Code prohibits municipalities from restricting street frontage, total lot size, or size in relation to the primary dwelling for internal ADUs. Detached ADU impacts would be the same regardless of whether or not an 8,000-square-foot or larger lot is located in the RC zone. Allowing external ADUs in the RC zone on properties that meet the other standards could assist first-time homebuyers with affording their mortgage and is beneficial to both the homeowner and the renter. The City currently allows internal ADUs and external ADUs on one-acre or larger lots. Staff is concerned that the restriction of two stories is vague as the height of the stories has not been defined. He suggested adding a total height restriction in addition to the two-story limitation.

Discussion ensued regarding large properties within areas likely to be rezoned to the RC zone being potentially prohibited from having external ADUs, even though the property has a larger acreage well over the required 8,000-square-foot minimum, potential methodology for rezoning individual lots and neighborhoods with current zoning designations, the appropriate minimum lot size and frontages for external ADUs, setback and parking requirements limiting external ADUs on smaller lots, and mechanisms to request an exemption for properties that fail to meet the qualifications but would be appropriate for external ADUs.

Mr. Mumford clarified that prohibiting ADUs on 25% of residentially zoned areas in the City applies to internal ADUs. The City has more liberty regarding the prohibition of external ADUs.

MOTION: *Councilmember Gray moved to table an ordinance of Eagle Mountain City, Utah, repealing Eagle Mountain Municipal Code Chapter 17.70 Accessory Apartments and replacing it with Chapter 17.70 Accessory Dwelling Units, and amending Eagle Mountain Municipal Code Section 17.25.030 Land Use Table until the next City Council meeting. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Jared Gray, and Carolyn Love. Those voting nay: Colby Curtis. The motion carried with a vote of 4:1.*

13.B. **ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Utah County Parcel 59:045:0065 and a Portion of Parcel 59:045:0064 to the Public Facilities Zone.**

Mr. Jensen presented the item. This proposal is to rezone approximately 1.25 acres to the PF zone to allow Fire Station 251 to be rebuilt at this location.

Applicant representative Steve Simmons with AJC Architects said the approximately 11,000-square-foot firehouse is meant to house six firefighters. Parking is located to the rear with visitor parking along the side with sufficient egress for the fire engines. The location will house fire vehicles and an ambulance once staffing has been approved.

Councilmember Burnham recommended headlight screening between the station and the adjacent homes.

Mayor Westmoreland opened the public hearing at 10:51 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, rezoning Utah County Parcel 59:045:0065 and a portion of Parcel 59:045:0064 to the Public Facilities Zone. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

14. **SPRING RUN**

14.A. **ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Fourth Amendment to the Spring Run Master Development Plan.**

14.B. **MOTION – Spring Run Preliminary Plat, Phase D.**

Items 14.A. and 14.B. were presented and discussed concurrently.

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

Mayor Westmoreland opened the public hearing at 10:56 p.m. As there were no comments, he closed the hearing.

Applicant representative James Allred said they are happy to comply with the staff recommendation to realign the road to connect appropriately to the adjacent property. The total unit count is still under the original vesting for the project.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, approving a fourth amendment to the Spring Run Master Development Plan. Councilmember Love 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 Burnham moved to approve the preliminary plat for Phase D of Spring Run. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

15. CITY COUNCIL/MAYOR'S BUSINESS

16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray

None.

Councilmember Curtis

None.

Councilmember Burnham

Councilmember Burnham stated the Senior Citizen Advisory Council has a vacancy that needs to be filled by the end of the year.

Councilmember Love

Councilmember Love said the Eagle Mountain Chamber of Commerce has a combined bowling activity on November 2nd and a North Utah County Business Summit on November 9th and 10th.

Councilmember Clark

Councilmember Clark said that the Parks and Recreation Advisory Board desires Council direction regarding landscaping standards, undeveloped open space, and defining maintenance standards for open space and park areas in the City.

Discussion ensued clarifying the direction desired by the Park and Recreation Advisory Board, the roles and responsibilities of advisory boards, mechanisms for providing direction to advisory boards, especially regarding Municipal Code standards, clarifying methods for the Council to provide advisory boards direction, the roles of liaisons in providing and passing direction between the advisory boards and Council, discussing advisory board direction during the liaison reports and City Council items portion of meetings, and procedures for the Council to bring items forward for the agenda.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained that she has reached out to the Parks and Recreation Advisory Board several times regarding presenting to the City Council and they have indicated that they were not yet prepared to make a presentation. Staff will prepare an item for the next agenda to discuss direction with the Parks and Recreation Advisory Board.

17. COMMUNICATION ITEMS

17.A. Financial Report

17.B. Upcoming Agenda Item

18. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 11:31 p.m. Councilmember Love 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 11:31 p.m.

Amended Minutes Approved by the City Council on February 7, 2023.


Fionnuala B. Kofoed, MMC
City Recorder

