



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 6, 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, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; Tyler Maffitt, Communications Manager; and Robert Ballif, Engineering Assistant.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director.

Mayor Westmoreland called the meeting to order at 4:24 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

Mayor Westmoreland said work is progressing on the Airport Road project and the southern portion connecting an existing development with Pony Express Parkway will be completed in 2021. He stated he was impressed with the responsibility and understanding of the residents regarding the firework restrictions and applauded the City Council for taking a stand in the interest of public safety.

1.A. UPDATE – City Administrator Items

City Administrator Paul Jerome updated the City Council on the following items:

General

- Resident complaints shared through social media versus through City channels have reduced response efficacy and impact work-life balance for staff. The resident portal on the City website is being improved to facilitate communication and track responses.
- The annual utility rate study was delayed to resolve the Central Utah Water Conservatory District annual maintenance fee issue and potential bonding for wastewater projects. The rate study will be completed prior to the issues being resolved, as staff feels enough information is available accurately complete the study.
- Funding is in place for the City to purchase property for the sewer treatment plan expansion.

- Right-of-way is being secured for the second phase of Airport Road to Wride Memorial Highway. The design will begin soon with construction scheduled April through September of 2022. Lewis, Young, Robertson, and Burningham, Inc is working on securing bonding.
- The City is working with Unified Fire Authority to build a fire station near Mid Valley Road.

Parks

- Cory B. Wride Memorial Park – Substantial completion of Phase 2 is expected by August 1.
- SilverLake Woodhaven Park – Power sourcing from Rocky Mountain Power is needed. Safety surfacing should be installed this week. Low water usage sod is being placed.
- Smith Ranch Community Park – The revised concept plan will be presented to the City Council for feedback on July 20, 2021.

Events

- July 10, 2021 – Concert in the park at the SilverLake Amphitheater
- July 31, 2021 – Beat the Heat Bonanza – The City is expanding the event due to the firework restrictions.

Engineering

- Pony Express Parkway – the northbound lanes have been paved. The contractor is working on storm drain in the southbound lanes between Bobby Wren Boulevard and Eagle Mountain Boulevard.
- Lone Tree Parkway Signal – The City has submitted inspections and a request for an electrical meter to be placed by Rocky Mountain Power. All other work is substantially completed.
- Airport Road Phase 1 – Material shortages delayed the project until mid-July.
- White Hills Well Upgrade – The design contract will be on the July 20, 2021 Council agenda.
- Tickville Wash – The stream alteration permit submittal to the State began a 20-day public review period ending on July 12, 2021, with an expected approval on the same date. Staff discussed the dirt placed in the wash prematurely with the State and asked if they intended to take any action or to ask the City to take action. The State was also informed that the City has notified the contractor that they are in violation of the State stream alteration process and to cease operations immediately; the contractor complied. The State suggested that the best course of action was to leave the dirt in place in anticipation of an approved stream alteration permit due to concern that removing the dirt would cause additional disturbance to the area. The City has directed Flagship to obtain a consultant to perform an environmental and wildlife evaluation of the site; however, Flagship has had difficulties in finding a consultant due to the uniqueness of the field.

Streets

- The spray-applied micro-surface project is projected to be completed July 15, 2021.
- The micro-surface project for Pony Express Parkway, Aviator Avenue, and Hidden Hollow Parkway will begin on Thursday, July 15, 2021. Due to high speeds and volume of traffic on Pony Express Parkway and construction near Aviator Avenue, the work will be performed at night from 7:00 p.m. to 7:00 a.m. daily.

1.B. PLANNING UPDATE – Upcoming Items

Senior Planner Tayler Jensen updated the City Council on the following items:

- The Planning Commission recommended approval with a unanimous vote on June 22, 2021 for a site plan and rezone for a 7-Eleven at the corner of Campus Drive and Ranches Parkway. The proposed rezone to Community Commercial complies with the General Plan Future Land Use Map.
- The Planning Commission recommended approval with a unanimous vote on June 22, 2021 for a rezone and recorded plat amendment to split a 5.51-acre lot in the White Hills Country Estates. The lot is in the Pole Canyon area but is not part of or subject to the Pole Canyon Master Development Agreement. The Future Land Use Map designation for the area is Neighborhood Residential Two. The applicant is proposing to rezone the eastern lot to RD1 which is an appropriate zone designation. The applicant has worked with the adjacent homeowner to the west to split the northwestern sliver of land to allow for water to be stubbed to the new eastern lot. The other utilities include septic and propane located on the western lot with the established home.

2. AGENDA REVIEW

11. CHANGE ORDERS

11.A. SilverLake Woodhaven Community Park Change Order #1 – Stratton & Bratt

Parks and Recreation Director Brad Hickman explained that the original bid schedule excluded items and other changes in the scope resulted in both charges and credits with a net increase in cost. Alterations included changing seed to sod, artificial turf to a pour-in-place rubber, as well as changes to the dirt work, canal easement accommodations, and the detention pond grading and drainage. At the time of the bid, the plan included the best information available; however, inevitable adjustments are required once the actual work begins to ensure the best final product. He explained that the access behind the homes near the park was required by the canal company and will be resolved and cleaned up once the project is complete. Supply delays have impacted the development schedule. The sod requires additional watering during the heat of the day when it is placed and watering needs reduce once the sod is established. The plan was in motion prior to watering restrictions and staff is moving forward with water conservation considerations. He receives conflicting public input regarding City watering practices and tries to balance resident concerns with an appropriate watering schedule.

Councilmember Clark requested a public service announcement to explain why new sod requires watering during the day. Councilmember Curtis clarified that he supports staff and understands that residents may not understand City watering practices. He concurred with Councilmember Clark's request to communicate with residents regarding the watering schedule.

Mayor Westmoreland noted that when addressing City water issues, sometimes the best solutions can appear contradictory to what residents are asked to do; providing information to residents will better communicate the reasons to residents.

13. PRELIMINARY PLATS & SITE PLANS

13.A. SITE PLAN – A to Z Building Blocks

Councilmember Curtis expressed concern about the distance between the parking stalls and the business. Mr. Jensen said he does not believe Municipal Code has a standard for parking proximity.

Discussion ensued regarding potentially creating standard amendments to require parking proximity to businesses and multifamily units while allowing flexibility to avoid unintended consequences.

Councilmember Curtis stated his larger concern is addressing traffic flow issues.

Councilmember Gray inquired regarding the grade of the property and landscaping near the play area. Discussion ensued regarding the concerns.

Assistant City Administrator/Community Development Director Steve Mumford said the applicant had indicated they will install fencing between the play area and the native landscaping drainage area.

Mr. Jensen said the existing trail will be relocated and the crosswalk will remain at the same location.

13.B. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 1 Pad G

13.C. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 4 Pad E

Items 13.B. and 13.C. were discussed concurrently.

Councilmember Gray expressed concerns with headlight screening for traffic on Eagle Mountain Boulevard and the location of the existing crosswalk. Mr. Jensen stated the Planning Commission recommended headlight screening be required for both locations. The applicants agreed to add berms if headlight screening was not included in the master landscape plan.

Mayor Westmoreland said that the design and placement of the crosswalk were in relation to the roundabout and would need to be relocated should a traffic light replace the roundabout in the future.

Discussion ensued regarding the trail location, width, and material.

Mr. Mumford explained the current trail connecting the two crosswalks needs to be relocated to a public right-of-way and both asphalt and concrete are acceptable materials for the Safe Routes to

School Grant program. Either the City or the master developer will install an eight-foot trail along both Pony Express Parkway and Eagle Mountain Boulevard. An asphalt trail is the minimum standard requirement; however, concrete has improved longevity and lower maintenance.

13.D. SITE PLAN – Maverik at Marketplace

Councilmember Gray inquired if the approval includes additional future gas pumps and for clarification regarding access to the pad site from the north. Mr. Jensen verified that the plan meets all the development standards for a gas station and the City has an approval process for adding additional pumps.

Discussion ensued regarding direct and indirect access routes to the pad sites.

Mr. Mumford said the entrance was relocated to increase the stacking distance for the drive-through.

The City Council determined they were comfortable approving the item with an eight-foot trail regardless of the material used due to City standards permitting either asphalt or concrete.

City Attorney Jeremy Cook later clarified that the Marketplace development agreement specifies an eight-foot asphalt trail.

13.E. SITE PLAN – Pony Express Dental at Porters Crossing

Councilmember Burnham inquired if the company was relocating or expanding. Mr. Jensen said this is the business' fifth location and the lot is adjacent to Eagle Vision.

Councilmember Love expressed regarding the parking and drive aisle to the south and requested clarification regarding the location and the alignment of the drive aisle to adjacent properties. As the elevation of the parking lot is lower than the existing six-foot fence, she does not have concerns regarding headlight screening.

Mr. Jensen said the location will share an access off Pony Express Parkway with the undeveloped lot and cross-connection requirements will be addressed with the approval of the lot between Pony Express Dental and the O'Reilly Auto Parts.

Councilmember Curtis expressed concern with the transition from the front and rear retention basins between businesses. Mr. Jensen explained that the retention area was proposed at the front, but staff requested the applicant move the retention area to the rear of the property.

13.F. Jeppson Auto

Councilmember Curtis said that he had a discussion with applicant Bryan Jeppson and Mr. Jeppson said he was willing to limit vehicle drop off and pick up during the elementary school's drop off and pick up times. Councilmember Curtis asked if the recommendation could be added as a non-binding condition of approval.

Mr. Mumford clarified for the City Councilmembers that commercial locations are not required to have fire suppressant sprinklers and he was unsure if Jeppson Auto had elected to install them. Mr. Jensen verified that Unified Fire Authority (UFA) approved the plan.

Discussion ensued verifying that page C4 of the plan includes an additional fire hydrant within the required spacing.

Mr. Jensen stated the trash enclosure is located along the border with the existing lot and the intent is that it will be shared between the two locations.

Councilmember Gray expressed concern regarding splitting the lot as the remaining portion will be landlocked and will limit the type of business that could locate there.

Mr. Mumford said additional access to the south had been discussed with Holiday Oil; however, he was unsure if the access had been preserved. The responsibility of maintenance and ownership of the trash receptacles would be resolved in conjunction with approval of a future business on the adjacent lot.

Mr. Jensen verified that a six-foot masonry wall will run along the length of the western border.

Councilmember Love noted the applicant had requested a waiver for a refund of some of the City fees for the application due to resubmitting the same application at multiple locations. She expressed concern regarding granting the request due to staff time to reevaluate the plan in relation to conditions at each new location.

Mr. Mumford said he had not conducted an analysis of the amount of staff time spent on the project; however, each application required limited review of the building, as it has not changed, but each application did require site plan review, UFA review, development review committee evaluation, and Planning Commission and City Council time.

Discussion ensued regarding the ambiguity in the conditions of approval and whether to approve the fee waiver.

Councilmember Curtis expressed empathy for the applicant as the second application had been denied by the Planning Commission at a location he felt was appropriate. However, the applicant chose to withdraw the application rather than appeal to the Council. He clarified he was not criticizing the Planning Commission but interpreted the Municipal Code standards differently. Due to the circumstances surrounding this project, he would be in favor of granting a full or partial waiver, as he feels additional City efforts could have assisted with moving the project forward sooner.

Councilmember Gray stated that he would be comfortable refunding half of the fees for all three applications as the only change in the application has been the location. Councilmembers Burnham and Clark concurred. Councilmember Love expressed concern with setting a precedence for waiving City fees.

Director of Administrative Services/City Recorder Fionnuala Kofoed verified that the item could remain on the consent agenda with the amount of the fee refund noted as a condition of approval.

Councilmember Gray requested the item be removed from the consent agenda and placed as a scheduled item.

SCHEDULED ITEMS

15. HIDDEN HOLLOW

15.A. MOTION/PUBLIC HEARING – Disposal of Significant Real Property Identified as a Portion of Utah County Parcel Number 58:040:0013.

15.B. MOTION – Hidden Hollow Phase C Preliminary Plat and Site Plan

Councilmember Love requested clarification lot frontages for the homes on the curved portion of the street and the grade of driveways.

Mr. Mumford said that the lot frontages comply with the curve or cul-de-sac lot frontage standards. The steepest lots have an average of approximately 17% slope and could be of concern but will be required to comply with existing driveway grade standards.

16. AULT FARMS

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Ault Farms.

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Master Development Plan for Ault Farms.

Items 16.A. and 16.B. were presented and discussed concurrently.

Mr. Mumford presented the item. The proposal is to amend the General Plan and to rezone approximately 752 acres of property located east of Pony Express Parkway and south of Eagle Point and Eagle Valley and includes a master development plan application. The proposal contains a mix of FR, R1, R2, R3, RC, MF1, and CN zones as well as open space and a future business park area. He reviewed the changes to the plan since previously presented to the Council. The multifamily area has been reduced dramatically from the previous plan. Community Commercial uses were shifted to locations to the north and south of Tiffany Lane at the western edge of the development, and the improved park space was reduced in proportion to the reduced unit count.

Staff recommends revising the northwest corner of the development to connect with the east-west road on the Eagle Village property line. A City-owned parcel of open space exists between this project and the development to the north and potential uses or improvement of the land should be considered due to the potential of vehicular use or other issues with the area.

The master development application was received during the public hearing process of the code amendment to EMMC 16.10. Based upon the filing date, the application should be subject to the new code. The applicant has submitted a waiver request of the requirements of EMMC 16.10 as allowed by EMMC 16.10.050. The request is to waive the code requirement of permitting a maximum land area of 200 acres for a master development plan (MDP). The request states the applicant would like to move forward with the over 550-acre residential component of the development. The applicant notes that comprehensive planning, cohesive design, timing, and amenity offerings should be considered. The Planning Commission requested an exhibit demonstrating possible MDP divisions. The applicant proposed four divisions of the property starting with the northern portion segmenting the plan into Area A of approximately 131 acres, Area B of approximately 243 acres, Area C of approximately 162 acres, and Area D of approximately 214 acres. Area D includes the business park and light industrial component. The phasing map proposes completion of the first areas in 2022 with full buildout in 2028, which would be within the time frame allowed for an MDP.

Councilmember Curtis stated that he would prefer to remand the application to the Planning Commission due to the Planning Commission having not reviewed the changes and in consideration of the Commission recommending denial of the previous application with a vote of 4 to 0. He approves of the changes to the project but feels having an in-depth review by both bodies is preferable due to the scale of the project. He expressed concern with granting the waiver in part due to consideration of the HOA being controlled by an outside entity rather than by residents.

Councilmember Clark concurred with Councilmember Curtis.

Councilmember Love suggested providing the applicant with feedback from the Council before remanding the plan to the Planning Commission. Councilmember Gray advocated for discussing the item during the policy session due to the public hearing noticing.

17. DEER HAVEN

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as Deer Haven.

17.B. MOTION – Deer Haven Preliminary Plat

Councilmember Curtis requested clarification regarding the conservation easement should the land not be dedicated to the City.

Mayor Westmoreland confirmed the intent is for the conservation easement to be held by the City, regardless of the land ownership.

18. ORDINANCES/PUBLIC HEARINGS

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Rush Creek.

Mr. Jensen explained the entire parcel is currently designated Employment Center Campus in the General Plan. The proposal requests an amendment to Business Park/Light Industry and Community Commercial for a portion of the property and includes a concept plan for the Council to provide feedback; however, no action will be taken on the concept plan.

18.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as The District at Eagle Mountain Town Center.

Mr. Jensen explained the proposal is to rezone the majority of the subject property to CC, and to rezone the area east of Heritage Drive and west of The Landing subdivision to CN in order to comply with transition requirements.

19. ORDINANCE

19.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving a Temporary Land Use Regulation Delaying a Requirement for Front and Side Yard Landscaping due to Drought Conditions.

Councilmember Curtis inquired who would be responsible for completing landscaping, should the work not be completed by the end of the delay period.

Mr. Mumford explained that should the Council vote to deny the ordinance, front and side landscaping will be required prior to the City issuing certificates of occupancy. Keeping the requirement could result in resident frustration should sod shortages or other impediments to installing the landscaping result in delayed home occupancy. Approving the ordinance would result in additional staff time needed to verify sod installation.

Councilmember Curtis expressed concern that larger builders may pay the money but not finish the landscaping, passing the burden onto the City. He is in favor of allowing the delay but has concerns with the logistics of ensuring the yards are eventually completed.

Mayor Westmoreland directed Mr. Cook to explore recourse options to be discussed during policy session.

Councilmember Love suggested possibly charging a higher escrow amount as a better incentive completion.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Clark moved to adjourn to a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah*

Code, Annotated. 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.

The meeting was adjourned at 6:13 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Embret Fossum, UFA Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Aaron Sanborn, Economic Development Director; Brad Hickman, Parks and Recreation Director; and Zac Hilton, Streets and Storm Drain Manager.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Gray led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Shopfest will be held on August 7, 2021. Businesses are welcome to promote themselves, their products, and their mission at this event, which is open and available to the public. Additional details about vendors, dates, times, and locations will be forthcoming.
- Construction work on Pony Express Parkway continues. If there are questions or problems, don't hesitate to reach out through the City's social media and we'll be happy to get information for you.
- Thank you to everyone who refrained from igniting fireworks in Eagle Mountain this Independence Day holiday weekend. Eagle Mountain reported zero wildfires and we have our residents to thank for maintaining safety.

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.

Tiffany Ulmer expressed her support of Jeppson Auto due to the courteous, conscientious, and safe operation of the business by Bryan Jeppson at its current location. She spoke against the request to prohibit drop off and pickups during the same time as school drop off and pickup as it is discriminatory to his business as it is not required of Holiday Oil or other businesses in the area.

Meghan Hess submitted the following comment: Please allow small businesses in Eagle Mountain flourish. Specially La Petite Grooming.

Angela Washborn submitted the following comment: I send my dog to LA Petite grooming, I have loved all that Emma does for the city. I am really getting tired of the crap the city is putting them through!!! It makes it difficult to want to start a business in Eagle Mountain and to have any kind of pride for my city!!! You are putting the Izatts family through so much turmoil!! They are trying really hard to keep their fault afloat!!! They have done all that you ask and yet you continue to harrass and threaten their lively hood!! You know their plans to move, you know they are doing their best. I know, you know they have a neighbor working his hardest to put them through hell. Since when do we let cranky people control us?? Leave them alone!!! Allow us to continue bringing our animals to LA Petite here in Eagle Mountain!!! Let small businesses build and flourish!!! Allow us to enjoy the horses costume and all roam the city!!!!

Brie Saunders submitted the following comment: Hello Eagle Mountain City, I'm emailing regarding concerns I have about the Spring Run park here in Eagle Mountain. The park is in my neighborhood and as such is of importance to me and my family. Our concerns are as follows: 1. The park overall is poorly maintained - there is regularly broken glass over the walkways, dead grass (even before the drought), and obnoxious noises coming from the utility boxes close to the roundabout. 2. The playground structure has markings that say something to the effect of: "ground must be above this line" however the ground cover never is above that line. On one occasion it appeared that someone mounded the bark to cover the line but as Eagle Mountain winds are, it did not stay. (Nor is mounding bark an effective safety compliance measure. I am informing the city of this for a third time and ask that it be properly and safely resolved). 3. My main goal in emailing: The playground structure is unshaded and baking in the 90+ degree summer sun all day making it essentially useless during summer months (when we'd like to use it most) unless early in the morning or late at night. I would like to petition the city to add shade structures similar to those at Cory Wride Park over the Splash Pad section to our Spring Run Park. Adding shade will provide not only longevity to the equipment but also utilization of the equipment because its metal material will no longer be "too hot" to [slide down, climb on, hang on, etc]. We want to use our park safely and enjoyably. Our taxes are meant to provide this safety and joy to our city parks. Please provide us with that right. Best, Brie Saunders.

Ms. Kofoed noted that Parks and Recreation Director Brad Hickman has responded to Ms. Saunders regarding drought restriction watering practices, shade structures, and other concerns regarding parks and park equipment.

Brett Pack submitted a request to comment regarding accessory apartments Municipal Code standards but was unable to attend the meeting.

Mayor Westmoreland closed public comment at 7:18 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Mayor Westmoreland

Mayor Westmoreland welcomed the public and thanked them for sharing their thoughts and concerns. He applauded the City Council for taking a stand and banning fireworks and thanked the residents for adhering to restrictions in light of water supply concerns, and especially in consideration of the rural nature and wildlands adjacent to the community. He reviewed the status of City projects presented during the work session.

Councilmember Burnham

Councilmember Burnham thanked the public in attendance. She thanked Tiffany Ulmer for her comments and Bryan Jeppson for working to be a good neighbor in his business practices. She noted that many of the residents were in attendance due to concerns the City Council would approve a road connecting the Cedar Pass Ranch and Lone Tree neighborhoods. She assured the residents the Council had no intention of requiring the connection.

Councilmember Curtis

Councilmember Curtis welcomed the public in attendance and concurred with not wanting to connect the road to Cedar Pass Ranch.

Councilmember Love

Councilmember Love confirmed she also was against requiring the road connection to Cedar Pass Ranch. She joined the Mayor in thanking the residents that respected the fireworks ban and for their personal sacrifice in breaking from tradition. She informed residents that Utah has \$180 million in rent assistance due to impacts from COVID-19 available for tenants and landlords on behalf of their renters. Details are available at rentrelief.utah.gov.

Councilmember Clark

Councilmember Clark said she is also excited to see so many people in attendance and confirmed she also supports not requiring the road connection. Residents have contacted her regarding desired improvements such as landscaping for sound buffers, converting park strips to xeriscape, restoring the natural landscape, or improving play amenities. In response, she advocated for the restoration of the Match Grant program as a mechanism to assist residents with resources to complete the requested projects. She invited the public to attend the Be Ready Eagle Mountain wildland fire protection class presented by a Unified Fire Authority member on Thursday, July 8, 2021, at 7:00 p.m. at City Hall to learn how to prevent wildfires and to get to know other preparedness-minded people.

Councilmember Curtis expressed his support for the reinstatement of the Match Grant program.

Councilmember Gray

Councilmember Gray said it is fun to see so many people in attendance. He said as a Cedar Pass Ranch resident, he is opposed to the road connection. He agrees that Jeppson Auto should not be restricted in their business operation hours. He said that Pony Express Days was awesome and thanked staff and other participants.

9. APPOINTMENTS

9.A. Youth Council Appointments

MOTION: *Councilmember Gray moved to appoint Madi Haslam as Youth Mayor. Councilmember Clark 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 Gray moved to appoint Macy Campos as a Youth Councilmember. 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 Gray moved to appoint Adrian Fulkerson as a Youth Councilmember. Councilmember Clark 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 Gray moved to appoint Gabriella Pengra as a Youth Councilmember. Councilmember Clark 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 Gray moved to approve Salem Shimakonis as a Youth Councilmember. 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 Gray moved to approve Kayson Welch as a Youth Councilmember. Councilmember Clark 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. BOND RELEASES

10.A. SilverLake Plat 28 – Into Warranty

10.B. SilverLake Plat 17 – Out of Warranty

11. CHANGE ORDERS

11.A. SilverLake Woodhaven Community Park Change Order #1 – Stratton & Bratt

12. MINUTES

12.A. June 15, 2021 Minutes – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.A. SITE PLAN – A to Z Building Blocks

13.B. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 1 Pad G

13.C. SITE PLAN – Marketplace at Eagle Mountain Town Center Lot 4 Pad E

13.D. SITE PLAN – Maverik at Marketplace

13.E. SITE PLAN – Pony Express Dental at Porters Crossing

13.F. SITE PLAN - Jeppson Auto Site Plan and Fee Waiver Request

14. RESOLUTIONS

14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule for New Asphalt Seal Coats.

MOTION: *Councilmember Clark moved to approve the consent agenda removing item 13.F. 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.*

13.F. Jeppson Auto

Councilmember Curtis explained that his suggestion to limit the vehicle drop off and pickup times was based upon his conversation with Jeppson Auto in response to resident concerns. He feels the request is reasonable as it is not legally binding and noted the adjacent Holiday Oil had additional requirements due to proximity to Black Ridge Elementary School. He explained the area was zoned and intended for commercial uses and Alpine School District determined, despite City opposition, to locate a school in a commercial area which has resulted in conflicts.

Councilmember Love said that it can be difficult to arrange car drop offs and does not want to complicate the issue; including Councilmember Curtis' suggestion would be onerous to the business without much of a benefit to the residents.

Councilmember Curtis conceded to Councilmember Love's view; however, he wants to be able to address resident concerns in some way to mitigate future conflicts.

Councilmember Clark said although she does not desire to put a restriction on the business, it might be to the benefit of the business to warn his customers of the traffic flow issues during school drop off and pick times. She advocated for the City to work with the Utah Department of Transportation and Alpine School District to determine measures to mitigate the traffic issues in the area.

Councilmember Gray concurred with Councilmember Love's desire to not restrict the business hours as it is outside the purview of the Council. Although he respects the concerns of the residents in the area, the problem was due to the school location and should be addressed with and resolved by the school district. He noted that other business uses would have a much higher traffic increase and the undeveloped lot will likely increase traffic issues once developed.

Councilmember Clark said the residents have a valid safety concern that has not been addressed by the school district and requested for a future discussion regarding the issue as the concern is separate from the approval of this item.

MOTION: *Councilmember Burnham moved to approve the site plan for Jeppson Auto and to reimburse one-half of the fees paid to the City by the applicant in the amount of \$4,405. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Jared Gray. Those voting nay: Carolyn Love. The motion carried with a vote of 4:1.*

Councilmember Love clarified she is not opposed to the site plan; nevertheless, she dissented due to her belief the City should not waive fees for any reason.

SCHEDULED ITEMS

15. HIDDEN HOLLOW

15.A. MOTION/PUBLIC HEARING – Disposal of Significant Real Property Identified as a Portion of Utah County Parcel Number 58:040:0013.

Mr. Mumford presented the item. The 1.5 acres of City-owned land is adjacent to the Hidden Hollow development and has been requested to be added to the development due to the rerouting of the road. The City Council must hold a public hearing to consider the disposition of City-owned property considered "significant" per EMMC 3.30. The City Council shall determine the best method to dispose of the property to maximize the value to the City. Two recent appraisals have been included in the meeting packet. Staff recommends approval of the disposal for \$300,000.

Councilmember Gray stated that he believes the land is more valuable than presented and feels the Council should ask more for the land. The City would gain more money by selling the lots individually.

Discussion ensued regarding Councilmember Gray's appraisal of the land value, the difficulty in the City selling lots individually, the cost of staff efforts and time to sell the lots individually, and the good faith negotiations to sell the land as proposed.

Councilmember Curtis verified that blasting would not be allowed.

Mayor Westmoreland opened the public hearing at 8:05 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Clark moved to approve the disposal of significant real property identified as a portion of Utah County Parcel Number 58:020:0013 for the amount of \$300,000. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Those voting nay: Jared Gray. The motion carried with a vote of 4:1.*

15.B. MOTION – Hidden Hollow Phase C Preliminary Plat and Site Plan

Mr. Mumford presented a change to the roads in the project since the previous review by the Council. The previously proposed 40-foot-wide private roads have been redesigned as 43-foot-wide public roads without park strips. The sidewalks have also been increased by a foot to the standards five-foot width. Staff recommends approval of Planning Commission conditions 1 through 10, removing condition 11 that the private roads shall be converted to a 53-foot public right-of-way, as the issue has been resolved.

MOTION: *Councilmember Love moved to approve the preliminary plat and site plan for Hidden Hollow Phase C with the following conditions:*

- 1. This project is contingent upon the sale/purchase of the 1.5 acres of City property at fair-market value, based upon a new appraisal. The applicant shall be reimbursed the cost of the large gravel parking lot, once complete;*
- 2. The garage sizes shall comply with EMMC 17.25.050(C);*
- 3. No blasting shall be permitted within Phase C;*
- 4. The cluster mailboxes shall be located adjacent to the park, near the parking stalls;*
- 5. The over 35 acres of open space near the project shall be dedicated to the City with the first final plat for this project;*
- 6. Retaining walls shall be stepped to not exceed five feet high and include at least five horizontal feet between the walls;*
- 7. The developer shall grade and prepare the entire Hidden Valley Parkway right-of-way for future expansion, including providing a method to direct the storm water to the existing retention basin;*
- 8. Additional architectural detailing shall be provided on the townhomes in order to comply with EMMC 17.72.040(E)(2);*
- 9. The applicant shall obtain approval from Kern River Gas and Rocky Mountain Power (and provide it to the City) and coordinate with them*

during construction of the gravel parking lot within the utility corridor; and

10. The developer shall install a six-foot, Simtek privacy fence at the rear lot line of lots 129 through 134, as required by EMMC 17.60.170(b).

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. AULT FARMS

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Ault Farms.

Items 16.A. and 16.B. were discussed concurrently.

Councilmember Curtis stated the item had been presented to the Planning Commission and recommended denial with a vote of 4 to 0. The applicant has since made changes to the application. The updated plan is not legally required to return to the Planning Commission; nevertheless, he thinks it would be beneficial for the Planning Commission to review the changes to the plan prior to review by the Council considering the size and scope of the project.

Discussion ensued regarding the proposal to remand the plan back to the Planning Commission and whether to give Council feedback to the applicant during this meeting. Mayor Westmoreland recommended the Council provide individual feedback to the applicant outside of the meeting in consideration of time and the intent to remand the item back to the Planning Commission.

Mayor Westmoreland opened the public hearing at 8:16 p.m.

Tiffany Ulmer suggested installing a trail on the City-owned land to the north of the project that would be plowed by the City as a safe option for children traveling to and from school. She noted if the 700 acres resulted in one elementary child per acre, the City would add an additional 700 elementary school students. She requested to have the developer work with Alpine School District to accommodate the students.

Mayor Westmoreland closed the public hearing at 8:19 p.m.

Councilmembers Curtis expressed concern with granting unit counts based upon a table and with having an HOA for the entire area that will be in place for 15 years. Councilmember Gray concurred with Councilmember Curtis' concerns with granting density based upon tabulations.

MOTION: ***Councilmember Gray moved to remand the proposed amendment of the Future Land Use Map of the General Plan, for Ault Farm, back to 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.***

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Master Development Plan for Ault Farms.

Mayor Westmoreland opened the public hearing at 8:19 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Gray moved to remand the proposed master development plan for Ault Farms, back to the Planning Commission. 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.*

17. DEER HAVEN

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan and Rezoning Certain Lands Known as Deer Haven.

Senior Planner Taylor Jensen presented the item. Deer Haven is a 40-acre parcel located west of Cedar Pass Ranch and north of Lone Tree. The project was previously known as Stratton Estates when it was proposed in 2019 and included 74 single-family lots. The Deer Haven preliminary plat proposes 14 lots of at least one acre.

The applicant has requested to change the future land use designation of approximately 19.5 acres from Agricultural/Rural Density One to Agricultural/Rural Density Two which allows for the possibility of rezoning to the RD1 and RD2 zones. Pending the approval of the General Plan amendment, the applicant is proposing to rezone the entire Agricultural/Rural Density Two portion of the development to the RD1 zone. The remainder would remain Agricultural. If the remainder is to be rezoned, staff recommends that it be rezoned to RA2. RA1 has a minimum lot size of five acres, RA2 has a minimum lot size of 2.5 acres, and RD1 has a minimum lot size of one acre.

The applicant is proposing approximately 17.9 acres to have the Wildlife Corridor Overlay added and is proposing a majority of that land to remain in private lots under an easement. EMMC 17.49.090(A)(1) states the preferred method of protection is the dedication of the land to the City or another public agency. EMMC 17.49.090(A)(2) allows for a conservation easement of land to be held by the City or another public agency. EMMC 17.49.030 requires all areas within 50 feet of a wash to be included within the Wildlife Corridor Overlay zone. Rather than deed the property in the Wildlife Corridor Overlay zone with slopes in excess of 25% to the City as recommended by the Planning Commission, the applicant is proposing to place deed restrictions on the real estate contracts for the properties or a conservation easement in favor of the City.

The Planning Commission unanimously recommended approval of the General Plan amendment with no conditions. The Planning Commission voted 3 to 2 to recommend approval of the rezone of the western portion of the lot to the RD1 zone with the condition that the area remaining under the Agricultural/Rural Density One Future Land Use designation be rezoned to RA2. Commissioner Pengra voted against the rezone due to connectivity concerns. Commissioner

Wright dissented due to his belief that the area remaining under Agricultural/Rural Density One should remain Agriculture in zoning.

Applicant representative Scot Hazard clarified that he never requested a rezone for the lots on the east of the project as the uses of interest for those areas would not be available with the Planning Commission-recommended RA2 zoning. He feels Agricultural zoning is appropriate for the area and surrounding uses. He made a commitment to the Izatts to relocate their dog grooming and boarding business which would only be available in the Agricultural zone and desires to be honorable in his commitment. The conditional use permit for the business has yet to be reviewed or approved by the City. He expressed willingness to adjust lot 106 to meet the 50-foot easement recommendation for the wildlife corridor. The slope stability study recommended a 50-foot setback from the top of the embankment for the construction of any structures, so he would disallow construction within 50-feet of the wash.

Mr. Jensen explained that should the Council elect to adopt the Planning Commission recommendation to dedicate the areas with slopes in excess of 25% to the City, lots 109 and 110 would be under the minimum five-acre minimum lot size requirement for the Agricultural zone and was one of the reasons for the recommended RA2 zone with a 2.5 minimum acre requirement.

Mr. Mumford explained that developers frequently dedicate unbuildable land to the City as most developers are not interested in keeping small acreages of unbuildable land. He verified that the applicant had not volunteered to dedicate the proposed unbuildable land to the City in the case of this application.

Councilmember Love clarified that Agricultural is a compatible buffer to the RD1 zone.

Mayor Westmoreland opened the public hearing at 8:42 p.m. Email communications received regarding this item prior to the meeting are attached to the minutes.

Eagle Mountain representative for the Utah Valley Trails Alliance Adam Clark said he coaches a local mountain bike team. This piece of property is important to the mountain bike trail system and the proposed road connection to Cedar Pass Ranch would disconnect the trail system. The application of a conservation easement would provide the best long-term trail planning and protection.

Tiffany Ulmer said that some animal businesses are not allowed in areas other than in the Agricultural zone and this area is an important area for wildlife. She expressed concern with the City requesting a developer to donate a significant amount of land and being overly prescriptive with applying non-appropriate City standards such as making the nature trail ADA accessible. She supports an easement rather than a donation.

Michael Izatt noted that the Council took the same oath as the recently sworn in Youth Councilmember. The project has involved a lot of compromise. He requested for the area over a 25% slope to remain privately-owned in order to adhere to the minimum lot size requirements for their desired zoning to meet the requirements for their business needs. He beseeched for the item to move forward as proposed by the applicant.

Aimee Peterson said she supports the development and believes it has been thoughtfully and carefully designed to meet the needs of both neighborhoods. She is grateful the Council recognizes that an access through Cedar Pass Ranch would not be good for either neighborhood and that excluding the road provides a zoning buffer that protects the wildlife. She is excited about the traffic light at Lone Tree Parkway and Pony Express Parkway and for the plans for a future connection of Airport Road to Wride Memorial Highway to divide school and work traffic. She thanked the developer for the thoughtful design and the legacy created by the plan.

Habitat Biologist with the Division of Wildlife Resources (DWR) Shane Hill spoke representing the DWR investment in this area collaring deer, restoring habitat, and installing wildlife fencing for deer migration. All the parts of the corridor are important for wildlife investment. He asked the Council to maximize the conservation benefit in their decision to set a precedent for the future in the approval of the first plat located within the corridor.

Christopher Loch explained the many ways the natural area is a benefit and provides recreation for his family and their personal efforts and attachment to the land and their desire and efforts to improve and protect it. It is important to them that the land stays intact not only for the wildlife but also for the people.

AshLee Lindsay desired to speak on behalf of the wildlife and the people that use and find camaraderie on the trails and the peace found in nature. She shared a story of her experience in the area and read a poem inspired by a hike on Lake Mountain.

Mayor Westmoreland reassured the residents that the City and the developer were in harmony with the desire to protect the wildlife. The difficulties come in balancing the responsibilities and feasibilities of implementing the vision.

Marian Burningham noted the trials and travails in bringing about the Wildlife Corridor Overlay to try to develop a plan that would work for the corridor and the City and to add value to every resident and the developer. She reminded the City that we are pioneers regarding the corridor and have tremendous challenges that the City should not be afraid to face and overcome. She advocated for working and sacrificing to bring about their vision for the benefit of future generations.

Bettina Cameron referenced a letter and video the Eagle Mountain Nature and Wildlife Alliance citizen group sent to the Council. She said that although dedicating the land is optimal, EMMC 17.49.090(3) allows for private ownership within a homeowners' association (HOA) of land within the corridor. She said she had been told that the Deer Haven HOA covenants, conditions, and restrictions (CC&Rs) will include provisions regarding the corridor, include a reinvestment fee, and all the residents residing within the corridor will be notified of the requirements and restrictions, and the developer will place visual indicators of the boundaries of the wildlife corridor. She cited State code information include in the citizen group letter and requested to have their recommendations in the letter be included as conditions of approval for the item. She advocated against requiring dedication of the land to the City.

Mayor Westmoreland closed the public hearing at 9:16 p.m.

Councilmember Curtis asked if his fellow Councilmembers had any concerns with the recommendations in the letter that was sent.

Councilmember Gray stated that as he was unable to open the attachment including the letter, he has been unable to review its contents. He expressed concern with including conditions of approval in a motion that were not included in the packet materials nor made available to the public to review before the meeting.

Discussion ensued regarding the content of the letter sent to the Council by Ms. Cameron on behalf of the Eagle Mountain Nature and Wildlife Alliance.

City Attorney Jeremy Cook verified that it would be beyond the purview of the Council to stipulate the content of the Deer Haven CC&Rs as recommended in the letter as the City has no authority to enforce CC&Rs terms. The Deer Haven HOA will also have the authority to change the terms of the CC&Rs. He recommended that the Council review the conservation easement prior to the recordation of the final plat to address concerns such as pedestrian access. The Council could regulate uses of the land through the conservation easement rather than HOA CC&Rs.

Councilmember Gray expressed concern with the citizen group's recommendations to limit the uses in the zone in reference to the recommendation to limit the number of animals permitted on the land.

Councilmember Curtis acknowledged that several of the requested conditions in the letter are outside the purview of the Council.

Discussion ensued regarding and clarifying potential regulations to include with the conservation easement, the applicant proposed reinvestment fee, and the rights granted with approving the General Plan amendment and rezone.

Ms. Cameron explained that the citizen group only desires to restrict the number of animals allowed on personal property within the wildlife corridor, not on the remainder of the landowner's property. Discussion determined that animal restrictions would not be addressed with this item and would be appropriate to discuss during the conservation easement or overlay zone.

The Council determined to pause discussion on this item until after the approval of item 17.B. The following motion was made after the 17.B. discussion.

MOTION: *Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending the Future Land Use Map of the General Plan and rezoning certain lands known as Deer Haven to the future land use designation Agricultural/Rural Density Two leaving the eastern portion of the property with Agricultural zoning. The approval shall be contingent upon bringing back the conservation and trail easement for Council review and approval prior to recordation of the final plat. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

17.B. MOTION – Deer Haven Preliminary Plat

The discussion and vote on item 17.B. occurred after the discussion and prior to the motion for item 17.A.

Mr. Jensen presented the item. The preliminary plat proposes 14 units. The smallest lot is 1.02 acres. The minimum lot size for the RD1 zone is one acre, the minimum lot size in the RA1 zone is five acres, the minimum lot size in the RA2 zone is 2.5 acres, and the minimum lot size in the Agricultural zone is five acres. If the eastern half of the project were to be rezoned to the RA2 zone and the land in the Wildlife Corridor Overlay were to be deeded to the City, both lots 109 and 110 would remain over three acres in size and would be in compliance with minimum RA2 lot size requirements without losing any proposed lots.

The applicant is proposing to use the rural 50-foot right-of-way; however, Lone Tree uses the standard 53-foot right-of-way. It is the opinion of staff that if there is no connection into Cedar Pass Ranch, the standard right-of-way shall be used, but if a connection to Cedar Drive is made it would be appropriate to use the narrower 50-foot right-of-way. The applicant currently shows a trail on private property, staff recommends the trail be deeded to the City.

EMMC 16.30.090(A) requires a circulation plan for all developments over one acre in size or with more than ten units that addresses street connectivity, pedestrian circulation, emergency access, parking movements, and traffic calming measures if cut-through traffic is expected. Connectivity index including block length, cul-de-sac lengths, access, and connectivity to adjacent parcels must be accounted for in the plan. Per EMMC 16.30.090(B), the RA1 zone requires a minimum connectivity index score of 1.25 and the RD1 zone requires a minimum connectivity score of 1.5. The project shows one node and two links, which results in a connectivity score of 2. EMMC 16.30.090(C) requires all new subdivisions with ten or more units (or larger than one acre) to meet the following standards: connectivity index, block length, and cul-de-sac length for public roads. The connectivity index score of 2 meets connectivity index requirements. The maximum block length is 1,000 feet; the longest block in the project is approximately 550 feet which complies with this standard. The maximum length of a cul-de-sac is 400 feet, Bristle Cone Circle is over 500 feet long and does not comply with this standard.

Discussion ensued regarding the recommended dedication of the trail to the City and the difficulty in relocating the trail on lot 110 to another location on the property due to the topography of the land.

Councilmember Gray expressed concern with the potential of a landowner installing fencing across the trail making it impassable to pedestrians due to the uses granted within the Agricultural zone. He requested for the inclusion of a condition that the trail access could not be impeded and fencing must be seven and a half feet from the center of the trail.

Discussion ensued regarding concerns with trail accessibility and location and determined the applicant-proposed location is preferable.

Mr. Hazard said he is willing to stipulate that a 15-foot fencing gap requirement for trail access.

Mr. Mumford said that having the trail dedicated to the City can make fewer liability issues for property owners and is preferable in more instances. However, in this situation, an easement with public access is suitable. He encouraged flexibility for the owner to work with staff to determine a location for the trail to allow hiking and biking.

Councilmember Love suggested making a stub road instead of a cul-de-sac between lots 105 and 106 for a potential future connection. Discussion determined due to the rural nature of the development, the connectivity was sufficient.

Mr. Mumford noted that the approval would only allow accesses from the south and the west and it is the Council's purview to determine if the connectivity is adequate.

Discussion ensued regarding connectivity concerns and obstacles and potential connections.

Mr. Jensen clarified that the surrounding area is designated in the General Plan for Agricultural uses and the Planning Commission recommended a full 53-foot, public right-of-way due to connecting to a standard City road.

Councilmember Curtis said the landowner in the area is more likely to develop higher density and reduced connectivity may promote lower density in the area.

Councilmember Gray advocated for the 53-foot, public right-of-way.

Mr. Hazard said that a 50-foot, right-of-way is allowable in the requested zone and widening the road will reduce the lot sizes. The originally proposed road, pursuant to staff recommendations, was modified to allow better ADA and ramp access on the side of the roads. An eight-foot-wide asphalt trail will run along one side of the road with a park strip to better accommodate the cross slope of driveways for ADA compliance.

MOTION: *Councilmember Gray moved to approve the preliminary plat for Deer Haven with the following conditions:*

- 1. The roads shall be built to a 50-foot, public right-of-way standard;*
- 2. Language shall be added specifying an unimpeded, 15-foot trail right-of-way access; and*
- 3. The approval shall be contingent upon bringing back the conservation and trail easement for Council review and approval prior to recordation of the final plat.*

Councilmember Clark 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 10:08 p.m. to 10:22 p.m.

18. ORDINANCES/PUBLIC HEARINGS

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Future Land Use Map of the General Plan for Certain Lands Known as Rush Creek.

Mr. Jensen presented the item. The Rush Creek properties area is located north of Sage Park and west of Overland. Eagle Mountain Boulevard runs through the middle of the parcels. The parcels encompass approximately 234.14 acres, all of which have a future land use designation of Employment Center/Campus. A portion of parcel 59:034:0011 is currently located outside of Eagle Mountain City and would need to be annexed into the City prior to the Western Industrial concept being able to develop. The applicant has applied to amend the Future Land Use Plan calling for approximately 18.6 acres to move from Employment Center/Campus to Community Commercial and approximately 79.14 acres from Employment Center/Campus to Business Park/Industrial. The applicant is not proposing any rezoning with this General Plan amendment.

The proposed eastern industrial subdivision is located adjacent to residential property. Per EMMC 17.60.160, the LMD zone is not appropriate adjacent to residential. Staff anticipates another north to south collector road in this area and the road stub in Pod B should be expanded to a collector road. Pod A will need to provide road stubs to the north and south. It is anticipated that the Utah Department of Transportation (UDOT) highway/freeway will move slightly to the west thus slightly changing the applicant's exhibit. The Planning Commission recommended approval of the General Plan amendment.

Applicant representative Dan Ford said this application revised a residential application that had been previously submitted to the Planning Commission and City Council. He noted a storage unit facility is planned to the south of the property. He said they will follow the Municipal Code transitioning requirements and will address buffering and transitioning with the site plan application. They intend to find commercial uses for the areas near the off-ramps for the UDOT highway/freeway.

Councilmember Gray thanked the applicant for his willingness to comply with the code. He expressed concern with the possibility of the UDOT highway/freeway being relocated and suggested making the approval of the plan contingent on the road. He expressed his support of the industrial uses but was unsure if commercial uses in the area were desirable.

Mr. Ford said that they have not determined the southeast access. They have not been able to confirm the location of the future highway/freeway because UDOT does not anticipate building the road for at least ten years. If the proposed highway/freeway alignment changes, they would adjust their plan accordingly. He requested the approval not be contingent upon the road. He clarified the "To Be Determined" area is remaining with the Employment Center/Campus General Plan designation and business park/commercial uses would be allowed in the area even without the requested rezoning.

Discussion ensued clarifying that appropriate uses for land outside of the City boundaries are contemplated in the General Plan; however, the county land included in the proposal would still require annexation prior to development.

Councilmember Curtis stated his support for the proposed Employment Center/Campus designation in an area where those uses are projected to be successful and he is pleased to see a proposal with nonresidential uses. He is more willing to entertain changes in business uses and types rather than commercial to residential.

Councilmember Love said that the area along Eagle Mountain Boulevard would still be appropriate for commercial zoning regardless of the location of the future UDOT highway/freeway.

Discussion ensued regarding the desired and appropriate uses in the area and transitioning and buffering consideration.

Councilmember Burnham advocated for commercial uses as appropriate regardless of the future freeway location as preserving land for a future freeway would increase the likelihood of the installation of the freeway in the future.

Discussion ensued regarding the potential location of the future freeway and that adjustments to the proposed location would likely occur to the north due to the need to intersect Eagle Mountain Boulevard and other development in the area.

Councilmember Curtis explained he is less concerned with commercial uses should the highway/freeway be relocated than with density vesting for transit-oriented multifamily housing development.

Mayor Westmoreland opened the public hearing at 10:39 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

Tyler Shimakonis said that there is a charter school in the area with the potential for over 1,000 students and the impact of industrial and commercial uses on the school should be a consideration.

Mayor Westmoreland closed the public hearing at 10:41 p.m.

Mr. Jensen explained the updated transportation plan includes a north-to-south collector that would bisect the east and west portions of this project in both proposed industrial areas.

Mr. Ford said he did not think incorporating two north-to-south collector roads would be problematic. The central, east to west roads in the industrial areas are planned at a greater than required width to accommodate larger vehicular traffic needed in an industrial area.

City Engineer Chris Trusty said he believes that as the purpose of upsizing the east to west industrial roads is to provide a wider road for truck traffic, the cost would not be reimbursed unless a traffic study indicated the width was necessary for increased capacity.

Mr. Mumford explained that if the traffic study determines the increase of the road is warranted only due to development traffic, the developer would be responsible for funding the full width of the road; however, if the study concluded other City traffic impacted the required road width, the City would assist with funding.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Future Land Use Map of the General Plan for certain lands known as Rush Creek. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

18.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known as The District at Eagle Mountain Town Center.

Mr. Jensen presented the item. The applicant is proposing to rezone approximately 19.27 acres. The property in question was previously included in the Eagle Mountain Properties Master Development Plan and Agreement which has since expired. The future land use for all the parcels included in the rezone is CC. The CC zone is an appropriate use within the Community Commercial land use designation. The project is bordered by The Landing on the east, which would be zoned R3 under the current City zoning ordinance. CC is not appropriate adjacent to the R3 residential zone. Staff recommended to the applicant to rezone property to the east of Heritage Drive to CN which provides compatible buffering with The Landing.

On June 8, 2021, the Planning Commission held a public meeting and unanimously recommended approval with the condition that the CN zone be used to buffer The Landing on the east side of Heritage Drive and for the zone to continue generally in a straight line south of the fire station rather than following the road farther to the west.

Mr. Mumford explained that the new United Fire Authority fire station will be constructed farther south along Pony Express Parkway on the east side closer to Shadow Drive. This area is intended as a pedestrian, commercial district with potential two to three-story, mixed-use with either office space or residential above commercial uses.

Applicant representative Bill Gaskill said that their vision is to create a main-street style shopping district with nose-in parking and 15-to-18-foot sidewalks with street-front shops and restaurants allowing for outside dining. The buildings would be two to three stories with smaller 50-foot frontages and office or residential uses on the upper floors. An interested tenant has proposed a second level of outdoor restaurant seating. They are hoping to apply the community node overlay, which is still in discussion, which would allow their desired mixed and retail uses. The Bown Crossing development outside of Boise, Idaho is similar to what they desire in this area. Some tenants desire smaller spaces than the pad sites and proximity to be mixed in with other retail and residential uses for increased synergy and in a pedestrian area. Traditional retail is intended for along Pony Express Parkway with an east-to-west cross street with the mixed-use area. The pads site on the west side of Pony Express Parkway are mostly full.

Councilmember Curtis said that he has high standards for allowing mixed-use.

Mayor Westmoreland said that this is crossing a milestone for the City. The feasibility of the project is driven by demand and salability of the development and City economic growth and economic development.

Mr. Gaskill stated that the City population has now reached the necessary level to attract an anchor grocery store and high interest from retail tenants. It is helpful to have a landowner that wants to help and participate in the projects. A lot of the agreements are based upon the recording of the plat with the grocery store and then they can release names of the pad businesses. Material shortages and cost increases have delayed the grocery store which was scheduled to begin in May. Construction is scheduled for next week pending the delivery of the delayed steel shipment. The approved pad sites will return in a few weeks for building permits.

Ms. Kofoed said the Recorder's Office is working on recording the plat with the County.

Councilmember Burnham stated it was an interesting idea and expressed her support of walkable neighborhoods.

Councilmember Gray inquired if the City-owned open space near the Senior Center and the road would be sufficient buffering between the CC and residential areas.

Mr. Gaskill said they are amenable to the proposal of zoning the area to the east as CN as it will not impact their plans as they hope to be granted the community node overlay.

Councilmember Curtis noted that as the Council has not yet been presented with the node overlay amendment and he would require significant changes to the proposal prior to the approval of the adoption of the standards, he has no objection to the application as proposed.

Councilmember Gray said that either zone will require a six-foot masonry wall for buffering.

Mayor Westmoreland opened the public hearing at 11:08 p.m. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, rezoning certain lands known as The District at Eagle Mountain Town Center in accordance with the exhibit in the staff report indicating the division in the CC and CN zoning. 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.*

19. ORDINANCE

19.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving a Temporary Land Use Regulation Delaying a Requirement for Front and Side Yard Landscaping due to Drought Conditions.

Mr. Mumford said that the items are at the request of the public utilities manager and builders due to the difficulties in obtaining sod. Staff recommends that the City Council approve a temporary land use regulation that due to drought conditions, the requirement for front and side yard landscaping prior to the issuing of the certificate of occupancy per EMMC 17.25.050(A) be

delayed until September 15, 2021, with a required cash escrow payment of \$2,000. The request is due to the amount of water necessary to establish new sod during the heat of the summer. Inclement weather considerations in Municipal Code standards allow for a six-month delay and the Council may extend the recommended delay period if desired.

Mr. Mumford said he believes the \$2,000 escrow amount was set with residential Municipal Code changes in 2018 but the implementation was delayed due to the high growth, the number of plats under construction, and push back from the home building community. Other builders expressed support of the landscaping requirements as it is also mandatory in other cities. Earlier this year, the City sent a letter that any building permit issued after January 1, 2021, would be required to adhere to the landscaping ordinance. He noted the significant expense to larger lots.

Councilmember Clark expressed concern with the escrow amount, due to \$2,000 being insufficient should the City be required to finish the yards because the developers decide to not put in the landscaping as it would cost over \$2,000 for most lots. She clarified that she is in support of the recommendations to address drought conditions.

Mr. Cook clarified that the City could change the amount of the escrow and that the responsibility of installing the landscaping would remain the responsibility of the landowner and would not be completed by the City regardless of the escrow amount charged. The escrow would either be returned to the homebuilder or the homeowner depending upon who had paid the escrow and the agreement between the homebuilder and homeowner.

Councilmember Clark expressed concern regarding the expectations of homeowners and the situation assumed by the City due to the City installing parks that were not completed by developers.

Mr. Mumford estimated that 200 to 300 hundred homes are expected to be completed and apply for a certificate of occupancy during the impacted time period. Some builders have had difficulties in finding sod while others have a reliable supply. The City informed the builders that water-wise landscaping is encouraged; however, it is more expensive.

Mr. Cook explained that withholding the certificate of occupancy is the best way to ensure compliance; however, issuing fines or retaining deposits is an alternative; albeit less effective method. The risk of the yard not being installed in a timely manner is likely higher with smaller developers. The Council should determine if the water conservation merits the risk and additional enforcement efforts to ensure completion of the landscaping. He suggested requiring the sprinkler system and items other than sod be installed.

Mr. Jerome said that staff is working on water-wise landscaping requirements.

Discussion ensued regarding the probable impacts to larger lots and homeowner builders, sod supply and cost increases, potentially requiring sprinkler systems and/or other landscaping other than sod, watering of partial landscaping, the size increase of curvilinear design on front yard square footage, clarification regarding the date the landscaping would be required to be installed

by for the application, the amount of escrow to charge, and ambiguity regarding the party responsible for installing the landscaping and additional penalties.

Mr. Mumford clarified that the six-month codified landscaping installation timeframe is intended for homes completing during winter months.

Councilmember Love suggested requiring an application to clarify the responsible party.

Mr. Mumford clarified that the money will be returned to the party that paid the escrow. Collecting escrow is easy to track but is an additional burden to staff; however, staff is willing to assume the work if the Council determines the benefit is merited due to the drought situation. The builder may require the homeowner to post the escrow and the money would then be returned to the homeowner.

Councilmember Gray recommended added a deadline for sod installation, increasing the escrow amount to \$4,000, and/or adding additional penalties.

Mr. Mumford clarified that the escrow amount was meant to be an incentive and the money would not be returned if the landscaping were not installed and the intent could be clarified in the motion.

Discussion ensued regarding the prevalence of the issue with incomplete yards currently in the City, the desired timeframe for yard installation, and the appropriate terms to include in the motion.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, approving a temporary land use regulation delaying a requirement from front and side yard landscaping for sod, trees, and shrubs due to drought conditions and allowing certificates of occupancy to be applied for with the exemption for new residential units through September 15, 2021, with the payment of a \$2,000 escrow, refundable upon the completion of the landscaping by October 30, 2021, after which time the escrow will no longer be refundable. Councilmember Curtis seconded the motion.*

Discussion ensued regarding City requirements for irrigation and whether to include sprinkler systems be installed.

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

20. CITY COUNCIL/MAYOR'S BUSINESS

Mayor Westmoreland

Mayor Westmoreland informed the Council that staff is working to provide a supplemental activity during the Beat the Heat event due to the firework restrictions that will appear on the upcoming agenda for a budget amendment.

21. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray

Councilmember Gray said the Eagle Mountain Arts Alliance emailed the events staff with a request to use the SilverLake amphitheater and stage for a theatrical performance.

Councilmember Curtis

Councilmember Curtis said that Jeff Ruth attended a meeting regarding the Military and Veterans Advisory Board.

Councilmember Burnham

Councilmember Burnham said the Senior Council Advisory Council has a board vacancy and they requested for the City to clear a walking path to the Senior Center.

Councilmember Love

Councilmember Love announced that the Eagle Mountain Chamber of Commerce recognized the Zion's Bank as the business of the quarter and have a luncheon scheduled on Thursday at the Garden on the Green with Ryan Beck from Envision Utah.

Councilmember Clark

Councilmember Clark said the installation of the Be Ready Eagle Mountain repeater is almost complete. The Ham radio training had an excellent turnout. The Parks and Recreation Advisory Board is meeting on Thursday and is awaiting guidance and/or an invitation to discuss open space considerations with the City Council.

22. COMMUNICATION ITEMS

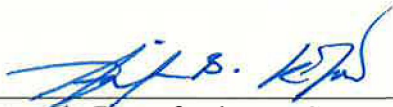
22.A. Upcoming Agenda Items

23. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the at 12:00 a.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 12:00 a.m.

Approved by the City Council on July 20, 2021.


Fionnuala B. Kofoed, MMC
City Recorder



The following comments were submitted electronically regarding items 17.A. and 17.B. Deer Haven General Plan amendment, rezone, and preliminary plat:

Mark and Erin Orr: We have lived here in Cedar Pass Ranch for 16 years and have owned our parcel for 22 years. We have watched our little city grow and develop into a wonderful place to enjoy the peaceful country life. Not only do we have an abundance of wildlife to enjoy we also need to be good stewards of the land and protect it when we can. Our little cedar pass community was never intended for high volumes of traffic. Our roads are not designed with sidewalks and curb and gutter. We jog, walk, walk our dogs, bicycle, skateboard, horseback ride, etc all through our neighborhood. Additional traffic would not only expose everyone to a higher risk of auto pedestrian accidents, it would also interfere with the wildlife preservation. Please consider EVERYONE this will affect when making your decision tonight.

Heather Beck: I would like to voice my support as it is presented for the Deer Haven Development. I do not want to see this project connected to Cedar Pass Ranch for the many reasons that will be voiced in person by the many residents of Cesar Pass Ranch that have been working to create the Wildlife Corridor and hand in hand with the developer to design a project that works for everyone. Thank you for your consideration, Heather Beck and family.

Bettina Cameron: I will be speaking on behalf of the EM Nature and Wildlife Alliance in support of the Deer Haven Preliminary Plat map as proposed. I hope to address any concerns City Staff or City Council Members may have. I will be available to answer any questions they may have after the public comment. Thank you.

Christopher Loch: My wife and I spend many many hours every week in the wildlife corridor. On Wednesday evenings and Saturday mornings we run the dirt trails up and down the mountains, across the valleys and even into the washes -- and as we do we observe wildlife and wildflowers. On Sunday nights we carry a total of 160 lb of water up the mountain (in four trips) to water the 400 new sage plants that were planted in the spring -- in hopes of bringing back the rabbits, which will bring back the eagles to Eagle Mountain. On other days we take our kids up there to hike, observe wildlife and wildflowers, fly kites, look at the petroglyphs, watch sunrises and sunsets and stargaze. The wild spaces of Eagle Mountain are vital part of the physical, mental, and spiritual health of our family of eight.

AshLee Lindsay: The wildlife corridors of Eagle Mountain are very special to me. They are my refuge. I've spent countless hours running and hiking, praying and meditating, doing conservation work, taking photographs, and writing poetry inspired by the area. At the city council meeting I'd like to recite a poem about my hike to the top of Lake Mountain, and also some excerpts of a children's book I'm writing about the wildlife found in Eagle Mountain.

Louise Innocenti: I am in support of the wildlife area and not connecting to Cedar Pass Ranch. Please waive my comment time to Bettina Cameron or Mare Birmingham since I am unable to attend. Thank you.

Eric Gardner: Please approve the preliminary Deer Haven map, as it preserves the safety and nature of the Cedar Pass Ranch (CPR) area. CPR provides unique opportunities to its residents that are exceedingly difficult to find elsewhere in the County - or even far outside the County. It is residential horse property with long term protections for a way of life that is also close to many work areas. There is a wildlife corridor. Traffic is minimal, which protects our families and animals especially where there is no curb, gutter, or sidewalk. We have horse trails throughout the community. Many of us moved here with the expectation that the HOA, along with EM City, would protect these opportunities. There are so few options anywhere nearby that are similar, making it nearly impossible for us to simply move away to another similar situation. We believe this area provides something that is positive for the residents of CPR, and also for the nearby citizens and for the City as a whole. I ask that you vote in support of the Deer Haven proposal that would preserve this area.

Heather Swanger: I have been a resident of Cedar Drive for over 15 years. In that time, I have seen this neighborhood become of value to the city of Eagle Mountain and its citizens. It brings value by offering quiet mountainsides to hike, quiet roads to bring children safely to view the variety of animals in this neighborhood. Hills for bicycles to ride safely on our roads because of minimal traffic. This neighborhood is a GEM. And I invite the City Council and the City Planners to please take a walk around the neighborhood to see what I'm talking about. While you're walking around, please pay attention to the infrastructure of this neighborhood (particularly Cedar Drive, where the proposed connector road will be placed). Please notice, there are no sidewalks, no curb and gutter, no street lights (it is VERY dark when the sun goes down), and NOWHERE FOR OUR CHILDREN TO WALK SAFELY while 100's more cars speed down our quiet neighborhood. What happens when the snow comes. Now, where do they walk? Right now, they walk on the side of the street because the snow is on the side. When there isn't snow and a car comes, they move to the side of the road with weeds and where the horses walk (this is a neighborhood designed for horse riding). It is crucial to consider a different connector road other than Cedar Drive or anywhere in this neighborhood. Crucial to keep our citizens, children, and animals safe.

Charles Webster: The proposal presented by the developer that is before you tonight should, by ALL rights, take little consideration - both the concerned residents and the developer are satisfied with this well thought out proposal. Given the named concerns (the preservation of the native habitat and the Wildlife Corridor, the existing well used trails and the rural community that is Cedar Pass Ranch) it makes sense AND it is the right thing to do. Your relatively brief consideration tonight can either preserve the Cedar Pass Ranch area and all the benefits it has to offer, or change it FOREVER. Please PASS this proposal and do the right thing.

Shane Swanger: It is very difficult for me to understand why this issue keeps coming up about the connector road through Cedar Pass Ranch. THIS IS A HUGE SAFETY RISK TO OUR CHILDREN. Not to mention wildlife and farm animals. Due to having absolutely no street lighting nor sidewalks, nor curb and gutter, our children have no way to get out of the street from on coming cars. Winter is worse as the streets are plowed there is now a natural barrier of snow on each side

of the road that prohibits our children from moving off of the street. Compounding the issue is the fact that cars traveling through a neighborhood they do not belong to tend to speed through, raising the risk of severe injury to our children or worse. This high probability risk to our children far exceeds any other benefit other neighboring subdivisions would gain. Traffic ultimately needs to get out to the highway not around through more subdivisions. Thanks, Shane Swanger, PE.

Elise Riggle: I am a resident of the Sunset Ridge neighborhood (located in the Lonetree subdivision) and I wholeheartedly support the wildlife corridor and ask you to do the same. This corridor would preserve a safe space for the wildlife and a recreation area for residents of Eagle Mountain. The wildlife is a part of what makes this a great place to live, and I would love to see the city do all we can to preserve the habitat for them as we grow. As a relatively young and growing city, Eagle Mountain has an opportunity to set ourselves apart from other cities in Utah. By preserving open space for wildlife and recreation we set ourselves apart from other cities that have utilized every square inch of land for homes and commercial business. While these things are necessary, I believe it is imperative that we work WITH nature, not against it. I love being able to teach my children about the natural world and our ecosystem in our own backyard, which was a huge selling point for us to settle in Eagle Mountain. I believe as stewards of this land we need to do the best we can to preserve as much as we can for wildlife. Please vote in support of the Wildlife Corridor.

Michael Karr: I am in support of Deer Haven development as proposed and would like to give my 3 minutes to Bettina Cameron to speak in my behalf.

Arlon and Lisa Miller: Please approve the Deer Haven Development so that it DOES NOT connect to Cedar Pass Ranch. Our neighborhood is not suited for the type of traffic that this would bring to our equestrian community. Scott Hazard has come up with an excellent plan for his Deer Haven Development so that it doesn't impact CPR with additional traffic & safety issues.

Deborah Painter: On Jan 17, 2016 my two kids, who were 8 and 12, were crossing the street in front of our house (3044 Cedar Pass Rd) and were hit by a car. Because the roads are bumpy, curvy and hilly the driver did not see them and hit them without braking. My kids were life flighted to Primary Children's Hospital- and were diagnosed with Traumatic Brain Injuries. It has been 5 years and my two children still struggle with the effects of this accident. In September 2016, Jordan Peak, a 12 year old, was riding her horse in Cedar Pass Ranch and a car zoomed passed and honked excessively spooking the horse and making her and the horse fall onto the concrete. Jordan was taken to the hospital and suffered from a rib and elbow fracture. <https://www.ksl.com/article/41433078/group-of-people-honk-horn-at-horse-causing-girl-to-be-thrown-off>. The staff report reviewed at the Planning Commission on Tuesday, June 8th 2021 mentioned that the Lone Tree/Deer Haven egress road will also be a path that "children can use to get to their friends house". There are 206 children residing in our Cedar Pass Ranch and using our streets that are without sidewalks or street lights, and then if as the staff report stated that the Lone Tree/Deer Haven egress road will also be a path for children-that is putting a lot of kids on a road

that has already sent three kids to the hospital in the last 5 years. This one way egress road from Lone Tree /Deer Haven into Cedar Pass Ranch will be used as a route to get to SR 73 in the mornings when kids are waiting for the bus on hilly, curvy bumpy roads without sidewalks and street lights and many blind corners and hills. In the Winter it is still dark when kids are waiting for the bus and in the Fall and Spring, the morning sun is shining in the driver's eyes during the time kids are waiting for the bus. Which adds another layer of risk to our kids on the streets. I ask as you contemplate an egress road from the Lone Tree/Deer Haven neighborhood into Cedar Pass Ranch neighborhood, please take in consideration, the unsafe conditions and incidents the residents of Cedar Pass Ranch have already had because of traffic and speeding (Not just the possibility). Thank you for considering Cedar Pass Ranch Residents stake in this matter. Sincerely, Deborah Painter.

Jacinda Montano: I wanted to write a quick summary of why I am in support of the Deer Haven project as is and that NO connector road should be made. Regarding the connector stub road, the way I see it, you have two opposing safety concerns for the citizens. One safety concern that will come up occasionally and the other that will be a threat daily. Fire Safety – How often, is that connection going to be needed for a house fire? Once every 5 -10 years? Hard to say. Most of the fires in Eagle Mountain are wild fires and it is about containment. We don't get a lot of house fires. DAILY danger to Equestrians and pedestrians. How often will the additional traffic on that road pose a threat to the residence and their riders? With the increase in traffic that connection is going to bring, it will affect them 30,000 times a day. Horses get spooked easily and someone coming down the road too fast can endanger the rider. Also cars need to slow WAY down and move to the other side of the road when horses are present. The residents of this community know the dangers and are VERY respectful of the conditions surrounding the equestrian paths. Not to mention the joggers, walkers, and other pedestrians that come to Cedar Pass Ranch to recreate. Protection to Property Rights – The residents that purchased their homes in an equestrian community with the equestrian trails expect to have those rights protected. Making that connection would permanently sever those rights and privileges as it would no longer be able to be used that way.

Michael Robinson: I live in Cedar Pass Ranch. I fully support the Deer Haven Development plan because it promotes the wildlife corridor, safety for our equestrian neighborhood, and the rural nature of our neighborhood. It is bad enough that visitors speed through our neighborhood endangering horseback riders, our children on bicycles and those of us enjoying or trying to enjoy a walk through our neighborhood. We certainly do not need additional traffic that would result from connector roads to our neighborhood.