



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 2, 2019, 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 Colby Curtis, Donna Burnham, Benjamin Reaves, Stephanie Gricius, and Melissa Clark.

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Chief Deputy Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Brad Hickman, Parks and Recreation Director; David Mortensen, Treasurer/Assistant Finance Director; Zac Hilton, Streets and Storm Drain Manager; and Eric McDowell, Chief Deputy.

Mayor Westmoreland called the meeting to order at 4:10 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION - Heatherwood Clubhouse

Brian Haskell, representative for the Heatherwood on the Green developer, introduced Nicole Dowland and Janelle Groneman, members of the Heatherwood on the Green Homeowners Association Board. Ms. Dowland stated she and additional residents contacted the builder to research options other than the required pool and pool house. She stated residents have been working on this plan for over a year, and the consensus is to build a community center instead of the pool and pool house, as the proposed plan will keep HOA dues to a minimum. The community center will hold up to 200 people and will have an outdoor pavilion area.

Mr. Haskell said the HOA board obtained feedback from the residents at the four previous quarterly HOA meetings and the last annual HOA meeting. The majority of the residents agreed upon this plan. The proposed facility will require lower monthly HOA dues than a pool and pool house. The facility will have two private rooms for gatherings, a large common area that can be partitioned for an exercise area, and areas for basketball and volleyball inside. He explained the developer will provide funds at least the amount a pool and pool house would have cost.

Councilmember Curtis asked how the proposed plan compares with a pool and pool house, as far as amenities are concerned. Mr. Haskell said the cost of the pool and pool house ranged from \$190,000 to \$215,000, so the developer will spend that amount on the community center. The HOA board will use that budget to identify what will be provided within the community center.

Councilmember Clark asked for the building size and maintenance costs. Mr. Haskell said the

building will be 5,000 square feet. They have analyzed maintenance and operations costs and found this facility will cost approximately \$20 per month less in HOA dues than a pool and pool house. The HOA board will create policies and procedures regarding rentals and building use.

Councilmember Reaves asked how much the HOA dues will increase at the completion of the project, and asked how the residents were notified of the plan. Mr. Haskell said the HOA monthly assessment will increase \$11 a month. The residents were notified in the quarterly HOA board meetings, as well as the annual HOA meeting; the majority of residents preferred this concept. An email explaining the board's intention to move forward with this plan, along with detailed information regarding the facility, was sent to all residents, with a request for feedback. Out of 85 potential respondents, 15 responses were received with 67% being in favor of the proposed plan, 13% being neutral, 13% preferred a pool and pool house, and 7% were against any improvements at all.

1.B. DISCUSSION - Ivory Homes Club Ivory

Bryon Prince with Ivory Development said Club Ivory is being designed and Ivory Homes is working with City staff regarding the plans and construction. He said the master development agreement for Village One requires a 5-acre park with a clubhouse in the northeast corner of Pony Express Parkway and the future Airport Road. They are ready to begin construction and are now presenting renderings to the Council to obtain feedback. They hope to begin construction this summer.

Mr. Prince said the clubhouse is a 5,000- to 6,000-square foot building and will have a barn-style design. The facility is much larger than originally anticipated when the master development agreement was drafted. The planned site is located in the corner of Village One, but is central to the entire Overland subdivision. Mr. Prince presented renderings of the building and designs for the overall project site. They will vacate lots in order to include a water feature and landscaping. The building will have an office, gathering areas, and a large hall. They envision utilizing the covered patio to host summer concerts. The pool will be maintained by the HOA and will be seasonal; the remainder of the facility will be open year-round. The facility does not include an exercise area as they do not have room for a large enough fitness center to accommodate the development; additionally, they believe a commercial company will eventually build a fitness center in the area. The clubhouse will be one story and will be likely be over 35 feet tall.

Councilmember Burnham asked what area will be open to the public. Mr. Prince explained the public park with playground equipment is located in an area that is easily accessible and will be usable year-round. The rest of the site will be a private HOA-maintained facility.

Councilmember Clark asked how many units the amenities will serve and what the clubhouse capacity will be. Mr. Prince said this amenity is for Village One and will serve 540 units. There are twelve other parks planned for the subdivision. The pool is 3,200 square feet (80 feet by 40 feet). The main room in the clubhouse will hold a couple hundred seats in a conference setting, and they believe they have sufficient parking. Ivory Development also provided a \$1.71 million contribution for Cory Wride Memorial Park.

Councilmember Curtis asked how much water will be used in the water feature. Mr. Prince said the design presented is only a rendering, but the plan is that it will only be one to three feet

deep. They are working with staff to possibly utilize storm water for its operation. The civil engineering is not yet completed.

Community Development Director Steve Mumford explained that staff will work with Ivory Development on Club Ivory, and with Mr. Haskell on the final plans for community center as an exception to the pool and pool house requirement for Heatherwood on the Green. The items will not return to a future meeting.

SKYLINE RIDGE BLASTING MITIGATION FUND

The following discussion regarding blasting in the Skyline Ridge subdivision took place after item 15.A. during the work session.

City Attorney Jeremy Cook said a form has been created for residents to apply for blasting damage mitigation funds. He proposes allowing residents to submit claim forms for 45 days, beginning April 3, 2019. He recommended reiterating to residents that the funds are very limited. The City will analyze claims received and will distribute the funds accordingly.

Councilmember Clark clarified this fund is specifically for Skyline Ridge blasting damage.

2. AGENDA REVIEW

10. BOND RELEASE

10.A. Evans Ranch Plat K-6 - Out of Warranty

Councilmember Clark expressed appreciation to City Recorder Fionnuala Kofoed for including maps in bond release agenda items.

12. PRELIMINARY PLAT

12.A. Lone Tree Plat F

This item was discussed after the Skyline Ridge Blasting Mitigation Fund item.

Councilmember Curtis requested this item be removed from the consent agenda and placed in the scheduled items.

Planning Manager Michael Hadley explained a preliminary plat was initially approved March 12, 2006. He presented the original preliminary plat and the proposed amended plat. Staff worked with the applicant to adjust a trail in the plan to connect with an existing City trail. The Planning Commission recommended approval with the following conditions:

1. If any retaining walls are required, the maximum height of the retaining wall shall be five feet with a maximum of four tiers. Retaining walls shall not be located any closer than ten feet from a home;
2. An updated landscape/park plan shall be provided, addressing the changes discussed in the meeting;

3. Bench drains shall be installed on the top of any retaining wall area and above steep lots;
4. The average slope for each lot shall be calculated and submitted, with each lot maintaining a significant building envelope;
5. All dead-end roads include sufficient turn-around areas, as required by Fire and Municipal Code;
6. The name of the plat remains Lone Tree F;
7. All blasting complies with Municipal Code; and
8. All lots show building envelopes.

Councilmember Curtis expressed concerns that smaller lots are located next to existing residences in the updated plan.

Developer representative Brian Haskell explained Walnut Drive connects to a stub road in the Circle 5 Ranch preliminary plan; this was required for connectivity. He said while the road is steep, it does meet City ordinances.

Councilmember Curtis noted it has been reported that material has been removed from the mountainside and taken offsite. Mr. Haskell said material was taken from a lot in Lone Tree and was contained onsite; material has not been moved outside of Lone Tree. Any aggregate created onsite will be used within the project. He said approximately five loads of rock have been hauled away because it was not stockpiled, and he can ensure the future aggregate remains onsite.

Councilmember Clark said residents have reported drilling and testing work being done on the hillside and asked what work has taken place over the last two weeks. Mr. Haskell said they have not been doing any work on the site. City Engineer Chris Trusty said the City is not doing work there, either.

13. EAGLE HEIGHTS VILLAGE

13.A. CONDITIONAL USE PERMIT APPEAL

Planner Tayler Jensen explained the Planning Commission approved the conditional use permit with the condition that the eastern row of homes be changed to single-family homes, according to current Municipal Code. The Planning Commission discussed the following findings during the meeting: the Tier III dwelling units in this location conflict with the intent of the Eagle Mountain City General Plan (EMMC 17.95.060(D)), and the Tier III dwelling units create a population density that is not compatible with planned uses for this property and adjacent properties.

Mr. Jensen said the City Council shall determine if the land use authority in this situation (the Planning Commission) applied a reasonable condition on the conditional use permit that reasonably relates to mitigating anticipated detrimental effects of the proposed use. This determination should include findings of what detrimental effects are being mitigated, how the condition mitigates the detrimental effects, and what applicable standards in Municipal Code support the condition.

Legal counsel for the applicant, Bruce Baird, said in the March 12, 2019 Planning Commission meeting minutes, he cannot find the Planning Commission's discussion of finding of fact number two regarding density. He stated density is not a per se detrimental effect and said the Planning Commission minutes do not note any reference to any detrimental effect. He explained the General Plan is advisory and zoning ordinances are mandatory. The proposed plan complies with the zoning ordinance, which means no detrimental effects exist. He stated if the plan did not comply with the General Plan, a detrimental effect such as noise, traffic or transportation needs to be in place. He said there is no legal basis for the condition the Planning Commission imposed. Dislike of density is not grounds for denial of a conditional use permit.

Mr. Mumford clarified finding of fact number two came from a Municipal Code reference, and he will provide that during the policy session. He said he believes it is EMMC 17.95.060(D)6.

Applicant Kirt Peterson said he believes the Municipal Code section Mr. Mumford is referring to references items that must be addressed in the conditional use permit. Mr. Baird said concerns regarding connectivity were dealt with in the plan design.

13.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan.

13.C. SITE PLAN

Mr. Jensen said the applicant has proposed that the master development plan also serve as the preliminary plat. The proposed development is for 308 duplex units located on approximately 51.38 acres, for a project density of 5.99 dwelling units per acre.

Mr. Jensen explained the applicant will need to dedicate 5.5 feet of right-of-way for Eagle Mountain Boulevard. He said the nearest trail to Mountain Trails Elementary, the school these residents will attend, is 1,800 feet away. If the Council requires the applicant to tie into this trail, the applicant should receive amenity points for the connection. The plan largely meets connectivity codes, with one block being 42 feet too long. This is due to the curve in the road.

Mr. Jensen said the applicant is proposing 3.17 acres of improved open space with 3.95 acres being bought down. Municipal Code allows a buy down by providing 150% amenity points for the buy down portion. The project requires 1,299.5 amenity points; the applicant is proposing 1,976 points. The proposed points include points for the clubhouses and lighting; points have not been given for those items in the past. The Planning Commission did not feel the clubhouse should be awarded amenity points, but did feel the lighting warranted points. The plan includes two clubhouses, raised gardens, a basketball court, and playground areas. The Planning Commission recommended approval of the project.

Councilmember Clark asked if an applicant has ever requested and been allowed to provide more than half of the required amenity points with a fee-in-lieu. Mr. Mumford said that

has happened with smaller developments, such as Hidden Hollow. Mr. Jensen explained Oak Hollow had almost half of the required points provided in this way.

Councilmember Curtis suggested the Council hold their questions for the applicant until the policy session.

Mr. Mumford informed the Council the updated plan has parking in the pool and splash pad area. The applicant will need to provide updated landscape plans in order to move on to the final plat process. The master development agreement is being negotiated with staff and will be presented to the Council for approval at a later meeting.

14. ORDINANCE

14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending Chapter 2.15.060(I) of the Municipal Code for Rules of Procedure.

This item was discussed after item 16.A.

Mayor Westmoreland asked if items 14.A. and 15.A. could be placed on the consent agenda. Mr. Cook confirmed that was allowed, if the Council desired as much.

Mr. Cook said item 14.A. amends procedures regarding City Council meetings. It allows an item to be brought back if three Councilmembers request it. This allows items to be brought back in a current meeting. It also allows the Council to reconsider items if additional information is received.

15. PRELIMINARY PLAT & SITE PLAN

15.A. MOTION - Scenic Mountain Phase B Preliminary Plat and Site Plan.

Councilmember Curtis asked that this item be placed on the consent agenda.

Mr. Cook said item 15.A. has been discussed at length. New information was presented that changed the analysis with respect to the number of units the applicant requested. Councilmember Curtis confirmed the applicant is maintaining 91 units.

16. AGREEMENT

16.A. MOTION - An Agreement between Eagle Mountain City, Utah, and ACE Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was discussed after item 10.A.

Councilmember Clark asked that this item be placed on the consent agenda.

Assistant City Administrator/Finance Director Paul Jerome explained Ace Disposal, Inc. submitted the lowest bid to the City for solid waste disposal. Ace has offered a 5% discount if the contract is extended from five years to eight years. B&D Development, a plant that

specializes in municipal waste recycling, recycles 100% of material received from municipalities. They use the material to produce a substance to be used in coal-fired power plants and road base. B&D Development has communicated to the City that once they have a local plant, they will take solid waste streams for no charge. Ace currently transfers solid waste to Intermountain Regional Landfill, and would transport waste to the B&D plant once that is in operation. The City has the option to cancel its agreement with Intermountain Regional Landfill.

Councilmember Clark commended Ace for their customer service and stated they treat residents well.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Gricius moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:26 p.m.

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

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

CITY STAFF PRESENT: Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Melanie Lahman, Deputy Recorder; Lianne Pengra, Recording Secretary; Aaron Sanborn, Economic Development Director; Steve Mumford, Community Development Director; Mike Hadley, Planning Manager; Tayler Jensen, Planner; Chris Trusty, City Engineer; Linda Peterson, Communications Director; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Easter Egg Hunt** – The City Easter Egg Hunt will be held Saturday, April 13 at 10:30 a.m. at Nolen Park. Come get a photo with the Easter Bunny between 10:00 and 11:30 a.m. Check all eggs collected for prizes! More details at emcity.org/easter.

- **Household Hazardous Waste Collection Day** – Utah County residents with household hazardous waste items such as old gasoline, paint, fluorescent light bulbs, batteries and unused medications will be offered safe disposal of these items at a Household Hazardous Waste Collection Day on Saturday, April 13, from 9:00 a.m. to 3:00 p.m. The collection will take place in the west parking lot of the Provo Towne Centre Mall in Provo. For details, including a list of what will or will not be collected, please visit the Utah County Health Department's website.
- **Red Cross Blood Drive** – There is an urgent need for blood donors. A blood drive for the Utah Red Cross will be held at City Hall on Monday, April 22 from 11:30 a.m. to 5:30 p.m. Register at redcrossblood.org and use sponsor code Eagle Mountain City.
- **Community Cleanup** – Volunteer registration is open now for the City's annual Community Cleanup event on Saturday, May 4. At this event, the City invites volunteers from the community to sign up to help with cleanup projects that improve public spaces in Eagle Mountain. Volunteers may register as an individual or group and receive snacks, hats and other giveaways, and a free lunch. Since the event falls on May 4th this year, any volunteers sporting Star Wars apparel or gear will receive a bonus giveaway. Following the cleanup event, the Utah County Sheriff's Office – Eagle Mountain Division will host a Meet and Greet event at the park from noon to 2 p.m., featuring various departments, vehicles and equipment, and information about community programs and services. This event is open to everyone, even if not participating in the cleanup.
- **Spring Cleanup Dumpsters** – Spring cleanup dumpsters for yard, e-waste, and light household waste will be provided by Eagle Mountain City from Thursday, May 2 at 4:00 p.m. through Sunday, May 5 at 8:00 p.m. Dumpsters will be located off of Mid Valley Road, west of Cory Wride Memorial Park. Dumpsters will be hosted by volunteers from Mortenson Construction/Facebook.
- **Pony Express Days** – Registrations are open for Pony Express Days food vendors, carnival boutique vendors, businesses and services info booths at Family Fun Night, parade entries, 5K participants, and Motorcycle Adventure Ride & Campout participants. Visit emcity.org/ped for details and registration links.
- **Pony Express Days Rodeo & Demolition Derby** – Tickets are on sale now for the Pony Express Days Rodeo, held Memorial Day weekend, and the Demolition Derby, held June 1. Visit ponyexpressevents.com for ticket information.
- **Summer Youth Theater Camp** – Registration is open for Eagle Mountain Community Theater's summer youth camp – Robin Hood: Legend of the Sherwood Bandit. The camp is for ages 8 to 18 and will be held in June. Early bird pricing of \$50 is available through May 1. For more information, please visit eaglemountainarts.com.
- **City Notifications** – We encourage residents to sign up for City notifications to be aware of public safety emergencies and stay informed about road construction projects, City news and events. Register at www.emcity.org/notifyme. Notifications can be received by email and/or text.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:10 p.m.

Mare Burningham spoke against development encroaching on City hillsides.

Mayor Westmoreland read the following email from a resident:

My name is TJ Moyes and my husband, Chad, and I live in Cedar Pass Ranch. I am writing to you regarding tonight's meeting agenda item 12. Please have my comments read during the public comments period at tonight's meeting. We did not build our home but we do know what problems we have as a result of the home being built upon the hillside at the end of Cedar Drive. When we bought our home, the garage had been built below our home, down the hillside about 30 yards and it was a steep uphill walk to our home from the garage. A rough and uneven terrain "road" was the only access to our home other than rock steps up the hill. We learned this was done because leveling, excavating, and removing the dense and solid rock proved to be too expensive for the young couple building the home. The driveway into the existing garage was very rough with large rocks protruding into the driveway surface. The water draining on this hillside channels across this area and washes away the gravel surface and makes it impossible to pave because the water would erode away the base under the pavement, causing the pavement to sink when driven over. We've spent a lot of time and money addressing these problems. We recently leveled a 35' x 70' area next to our home in order to build a garage closer to the house. We had three large pieces of equipment, including jackhammers and backhoes, working for 3 days to do this, and it was no small undertaking or expense. It doesn't make sense to allow new developers to build roads or develop new lots up the hillsides, especially if blasting or other extreme measures need to be taken in for homeowners to build upon or enjoy their property. The problems a homeowner may face likely won't even be discovered until building has started or they've lived through all the seasons on their property. We encourage development that makes sense for our environment, our natural and open spaces, and on the abundance of land more suitable to housing and roads. We should not be scarring our hillsides and leaving unintended consequences upon the homeowners and our city. Thank you, TJ Moyes

Mayor Westmoreland said it is challenging to find a balance between property rights and maintaining the health and safety of City residents. The City has a slope ordinance in place to clarify permitted building on slopes. The ridgeline ordinance identifies protected ridgelines in the City. He stated things can be complicated regarding developments that were approved prior to these ordinances taking effect.

Councilmember Curtis stated the Lone Tree plat on the meeting's agenda was originally approved along with the entire Lone Tree subdivision. The slope and ridgeline ordinances cannot apply to this application.

Amy Peterson said her family chose to build in Lone Tree due to the larger lot sizes. She expressed concerns regarding the sizes of the lots, the possibility of blasting, and disturbance

of ridgelines in the new preliminary plat. She said smaller lots bring low-income housing and high turnover to the neighborhood.

Kevin O'Donnal said the original preliminary plat for Lone Tree is better suited for the area. The lot adjacent to his is now much smaller than originally planned. He expressed gratitude that blasting is restricted within 1,360 feet of residences.

Mr. Cook explained that if blasting is within a certain distance of existing structures, a blasting permit is required to be approved by the City Council. If approved, many conditions are placed to mitigate issues associated with blasting.

Mayor Westmoreland closed public comment at 7:30 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gricius

Councilmember Gricius welcomed those in attendance.

Councilmember Clark

Councilmember Clark said every second Thursday of the month, a training is held at City Hall regarding emergency preparedness. On April 11, the Earthquake Lady will offer a training regarding earthquake preparedness. Following that training, a HAM radio informational training will take place. In June on Wednesday nights from 7:00 p.m. to 9:00 p.m., classes will be held for HAM radio operators and a test will be held at the completion of those classes. She thanked the residents for communicating with the Council and thanked the Planning Commissioners for their service.

Councilmember Reaves

Councilmember Reaves thanked those in attendance. He said much work goes into the Council's decisions. He said there are times where the Council's hands are tied in the decisions they can make, but the Lone Tree preliminary plat may not be one of those times.

Councilmember Burnham

Councilmember Burnham thanked those in attendance. She said she researches items and tries to visit the sites under discussion prior to meetings. She is excited for the events offered by Pony Express Events and the Eagle Mountain Arts Alliance.

Councilmember Curtis

Councilmember Curtis informed those in attendance that it is World Autism Awareness Day. He said the Youth Council meets the second and fourth Wednesday at 6:00 p.m. at City Hall. Elections will be held for the Youth Council on the second Tuesday in May.

Mayor Westmoreland

Mayor Westmoreland welcomed those in attendance. He said the City hopes to have information in an upcoming newsletter regarding what traffic will be like along Pony Express Parkway once the high school is open.

CONSENT AGENDA

9. BID AWARD

9.A. Well #6 Development - Widdison Turbine

10. BOND RELEASE

10.A. Evans Ranch Plat K-6 - Out of Warranty

11. MINUTES

11.A. March 19, 2019 Minutes - Regular City Council Meeting

12. PRELIMINARY PLAT

12.A. Lone Tree Plat F

14. ORDINANCE

14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending Chapter 2.15.060(I) of the Municipal Code for Rules of Procedure.

15. PRELIMINARY PLAT & SITE PLAN

15.A. MOTION - Scenic Mountain Phase B Preliminary Plat and Site Plan.

16. AGREEMENT

16.A. MOTION - An Agreement between Eagle Mountain City, Utah, and ACE Disposal, Inc. for Solid Waste Disposal and Recycling Services.

MOTION: *Councilmember Curtis moved to approve the consent agenda, removing item 12.A. for further discussion, and adding items 14.A., 15.A., and 16.A. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

12. PRELIMINARY PLAT

12.A. Lone Tree Plat F

Planning Manager Michael Hadley said a preliminary plat with 163 units was approved for Lone Tree Plat F on March 12, 2006; 106 units have been platted so far. The applicant is proposing a new layout for the remaining 57 lots. The updated plan now shows a road connection to the Circle 5 Ranch preliminary plat. He presented the proposed landscape

plan and showed the location of the trail system and exercise areas. The Planning Commission recommended approval of the project with the following conditions:

1. If any retaining walls are required, the maximum height of retaining wall is five feet with a maximum of four tiers; retaining walls shall not be located any closer than ten feet from a home;
2. An updated landscape/park plan shall be provided, addressing the changes discussed in the meeting;
3. A bench drain on the top of any retaining wall area and above steep lots shall be installed;
4. The average slope for each lot shall be calculated and submitted, with each lot maintaining a significant building envelope;
5. All dead-end roads include sufficient turn-around areas, as required by Fire and Municipal Code;
6. The name of the plat remains Lone Tree F;
7. All blasting complies with Municipal Code; and
8. All lots show building envelopes.

Applicant Brian Haskell explained the plan was modified due to a survey examining the rock depth throughout the property. They redesigned the road layout to avoid the rock areas, as the previous preliminary plat went through those areas. With the new layout, Walnut Road is the only road that goes through the rock bed. This will minimize the amount of rock mitigation the project requires. Mr. Haskell explained their desire to finish the park to provide a nice completed amenity for the community. They worked with staff to incorporate the detention/park area in one large park in order to create a more usable area with walking paths and exercise stations. The redesign adds additional costs to the construction. Utilities will be relocated as a result of the redesign. He stated the additional work is worth the expense because they desire to create a better community. City staff and the adjacent landowner requested the road connection to Circle 5 Ranch.

Councilmember Gricius asked if the original plat was feasible, as she prefers that design. She expressed concern regarding the higher density next to existing residences. Mr. Haskell said the old plan will have a more significant impact to residents and will require more rock mitigation.

Councilmember Curtis expressed concern regarding smaller lots adjacent to existing homes. He said this is a change to what existing homeowners were expecting.

Councilmember Clark asked if the applicant had any other creative solutions to the issues the original plat presents. She explained she wants to respect the fact that adjacent landowners purchased properties when the original preliminary plat was in place. Mr. Haskell explained the presented plat is not their first draft; they have been working on this plan for almost a year. They are trying to balance usability and minimize impact to the community. He said twelve of the 57 lots are below 6,000 square feet in this plan. He said the Lone Tree subdivision has lots that are smaller than 6,000 square feet; this plan is consistent with the subdivision. He stated he is open to options or alternatives.

Councilmember Gricius asked if a lot could be removed with the land included in the

surrounding lots, and expressed concerns regarding the reduced lot sizes adjacent to existing homes. Mr. Haskell said they could consider that option.

Mr. Haskell explained the existing preliminary plat did not take the slope or rock into consideration when it was designed, and stated it will have a much more significant impact to the hillsides. This is what drove the decision to change the layout. Councilmember Clark stated there are surprises that come up in the development process which require the developer to adjust plans.

Councilmember Burnham asked if the lots also were adjusted to avoid rock, or if they only made changes to the roads. She expressed concern that residents would encounter significant expenses due to rock to improve their properties. Mr. Haskell said they have mapped out the rock areas and designed the lots to ensure they are not significantly impacted with rock, as described by a resident during public comment. He said he can show the Council where he believes the rock exists.

Councilmember Reaves asked why the applicant is proposing this change now. Mr. Haskell said market conditions are such that the demand exists, so the natural course is to begin this phase of development. He said they would like to finish the park and the only way to complete that park area is to develop the surrounding homes and bring in utilities and infrastructure. He does not know when construction of the third phase will begin.

Mr. Mumford explained if the original plat is developed, current park standards would not apply to the project. If the plat is amended, the project would need to comply with current standards. Mr. Haskell explained the proposed park has significantly more trail than required by Municipal Code, but stated it is the right thing to do, as it ties the parks together.

Councilmember Reaves asked the applicant why he is willing to comply with the park requirements but not the ridgeline ordinances. Mr. Haskell stated they have not communicated to staff or the Council that they will not comply with the ridgeline ordinance. Councilmember Reaves stated the proposed plan does not comply. Mr. Mumford clarified that the ridgelines are protected in the updated plan and explained the slopes are calculated with an average for each lot. The plan complies with the slope ordinance.

Councilmember Burnham asked if the applicant would comply with the blasting ordinance. Mr. Haskell said they will comply with all City ordinances.

Councilmember Curtis confirmed with the applicant where the rock shelf exists in the project. Discussion ensued regarding blasting in other areas of the City.

Mr. Haskell said Walnut Road has been designed to follow land contours in order to minimize cuts and necessary rock mitigation.

Councilmember Curtis asked Mr. Haskell if he would be willing to table the item to find a solution to the smaller lots near existing homes. Mr. Haskell stated that is not his preference, but he is willing to work with the City to accomplish their goals.

Councilmembers Gricius and Burnham agreed that a lot should be removed to increase the lot sizes adjacent to existing homes. Councilmember Burnham expressed appreciation that the applicant moved the roads to minimize rock mitigation. She clarified that even though the City has a blasting ordinance, blasting permits are not always approved.

Councilmember Curtis asked if a condition of approval can be placed that allows the applicant to finalize the preliminary plat with City staff. Councilmember Reaves asked if staff is prepared to discuss concessions with the applicant if a lot is removed from the plan. Mr. Mumford stated the applicant has made several changes to the plans according to Development Review Committee feedback.

Councilmember Clark stated residents expressed concerns regarding the curve of Walnut Road and asked Fire Chief Ross Fowlks to address those concerns. Chief Fowlks stated the road design does not present a problem for emergency access. He said the secondary egress is a benefit to the Fire Department, as well.

Councilmember Gricius asked if the applicant has something in mind that the City could offer in order to remove a lot from the plan. Mr. Haskell said he would prefer to evaluate options regarding removing a lot in order to discuss potential City concessions. He stated if the plan is feasible without asking anything of the City, they are willing to adjust the plan as needed.

Resident Tyler Woodward expressed concerns regarding drainage. Mr. Cook recommended Mr. Woodward contact City Engineer Chris Trusty regarding his concerns.

MOTION: *Councilmember Gricius moved to table the Lone Tree Plat F Preliminary Plat to allow the applicant to lessen the impact the smaller lots have on existing houses. Councilmember Reaves seconded the motion.*

Councilmember Reaves asked that the motion include alternative measures other than blasting. Councilmember Clark asked that the motion also include direction to staff and the applicant to address and mitigate flooding concerns in the area.

AMENDED MOTION: *Councilmember Gricius moved to table the Lone Tree Plat F Preliminary Plat with the following conditions:*

- 1. The applicant shall review and adjust the plan to lessen the impact the smaller lots have on existing homes;*
- 2. The plan shall include alternative measures other than blasting for rock mitigation; and*
- 3. The applicant and staff shall address and mitigate flooding concerns.*

Councilmember Reaves seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. The motion passed with a unanimous vote.

Councilmember Burnham stated an adjacent property was draining to her property, causing flooding, and she explained properties must retain water and not drain to adjacent lots. She requested residents with drainage issues contact the City. Mr. Mumford clarified there is little the

City can do regarding flooding between existing homes, as that is a civil issue between property owners; however, staff can work with developers regarding drainage during construction. He said he will follow up with Mr. Trusty regarding this property's drainage.

13. EAGLE HEIGHTS VILLAGE

13.A. CONDITIONAL USE PERMIT APPEAL

13.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Eagle Heights Village Master Development Plan.

13.C. SITE PLAN

Mr. Jensen said the applicant-proposed plan for 308 duplex units is located on approximately 51.38 acres, for a project density of 5.99 dwelling units per acre. The applicant has proposed that the master development plan also serve as the preliminary plat. The applicant will be required to dedicate 5.5 feet along Eagle Mountain Boulevard for the road's required right-of-way width. Regarding safe routes to school, the nearest trail to Mountain Trails Elementary School on the south side of Eagle Mountain Boulevard is 1,800 feet away; there is also a trail on the north side of Eagle Mountain Boulevard. If the Council requires the applicant to install a trail on the south side of the road, the applicant should receive amenity points for the connection. The plan largely meets connectivity requirements with one block being 42 feet too long, which is due to the curvature of the road. The Council can allow an exception for that road length or require a mid-block connection.

Mr. Jensen explained the applicant is proposing an open space buy down of 3.95 acres, with 3.17 acres of open space provided in the project. The applicant is proposing 1,976 amenity points, which includes points for clubhouses and lighting. The Planning Commission did not feel the clubhouses warranted amenity points, but did feel the lighting was an appropriate use for points.

Mr. Jensen presented landscape plans for the project, and stated staff has not received updated plans showing the pool and splash pad parking area. The plan includes two clubhouses, tot lots, community gardens, a basketball court, and playground areas.

The Planning Commission recommended approval of the project with the following seven conditions:

1. Rock/stone shall make up at least 30% of the building and be used on all sides of the buildings;
2. Five and a half feet of right-of-way along Eagle Mountain Boulevard shall be dedicated to the City at the time of plat recording;
3. An additional road connection shall be provided between Oak Boulevard and Stallion Street (in the northern section of the project);
4. Collector road fencing shall be required adjacent to Eagle Mountain Boulevard, Lake Mountain Road, and future Airport Road;
5. Applicant shall comply with any traffic mitigation required by the City Engineer;

6. Additional open space shall be provided, combined with an existing open space area to create a larger, more usable park area with a grass play field; and
7. Parking stalls shall be added to the pool area according to current parks and open space master plan.

Kirt Peterson with Horizon Development explained his company owns and operates 1,200 similar units across the Wasatch Front, and has been in operation since 2003. He said they include a large number of amenities in their projects as it provides a high standard of living. He described the units, landscaping, and the planned amenities for this project. He explained some features of the project include decorative concrete block wall fencing, two community centers, a full-size basketball court, parks with gazebos and built-in barbeques, playgrounds, and concrete garden boxes available for resident use. He presented the planned amenities in the community centers and explained they intend to use high-end finishes. He explained rather than including two smaller swimming pools, they have planned one pool that is larger than the two required pools combined. He said they have designed a splash pad which will use recirculated water, and they have added sixteen parking stalls at the Planning Commission's request.

Councilmember Clark asked for dimensions on the splash pad. Mr. Peterson said he does not have dimensions at this time; they have not built splash pads in previous projects, but added it to Eagle Heights Village as they received a request for one, and they have budgeted \$130,000 for the splash pad project. Councilmember Clark stated she researched splash pads while on the Parks and Recreation Board and she understands the expense and components of splash pads. She would like to see more concrete plans for their splash pad design. The system at Cory Wride Memorial Park cost over \$150,000. She stated developers have committed to installing splash pads in the past which were not built due to the high cost of construction.

Mr. Peterson explained Horizon Development has an estimator who has estimated billions of dollars of projects. He said if they commit to providing a splash pad, they will construct it, and the City can hold them to their plans. They can bring the splash pad details with the master development agreement. He explained he has worked with Mr. Mumford during Mr. Mumford's time with Logan City and stated Horizon Development always fulfills their commitments. He invited the Councilmembers to visit his other projects.

Councilmember Reaves said the Municipal Code requires two pools based on the number of units within this project. Mr. Peterson said the square footage of the single pool exceeds the requirement of the two pools. Mr. Mumford said the pool requirement in Municipal Code is a minimum of 1,000 square feet for up to 250 units. He explained the SilverLake developer requested to build a single pool, instead of the two required pools. Staff researched recent City Council discussions regarding that subdivision's pool, and the Council recommended it be four square feet per unit. He said Mr. Peterson sized this development's pool to the four square feet per unit requirement applied to SilverLake. Mr. Peterson said the four square feet per unit size would be 1,200 square feet and the pool they are proposing is approximately 1,340 square feet. Councilmember Curtis said the Council was told the decision on the SilverLake pool would not set a precedent. Mr. Mumford clarified the four square feet per unit is not required in Municipal Code, and said the Council has discretion regarding this decision.

Mayor Westmoreland opened the public hearing at 8:43 p.m.

Jeff Ruth spoke against the proposed plan and expressed concerns that the applicant is only improving two thirds of the roadway width along Lake Mountain Road, and regarding the entrance on Eagle Mountain Boulevard.

Mayor Westmoreland closed the public hearing at 8:48 p.m.

Mr. Mumford clarified developers are required to complete half width plus ten feet of roadway; this provides enough asphalt for two lanes of traffic. This may add up to the two thirds width, as stated during the public hearing. Regarding the Eagle Mountain Boulevard entrance, an island is located at Eagle Point I which spread out the access points. The Planning Commission asked the applicant to install a similar entry point across from this island, but it is not required in Municipal Code. He said the City Engineer will look at the area to ensure a safe crossing exists.

Regarding item 13.A., the appeal of the condition applied to the conditional use permit, Mr. Jensen explained the applicant is appealing the Planning Commission's condition that states the eastern row of homes shall be changed to single-family homes, according to Municipal Code. He said the Planning Commission discussed the following findings during the meeting: the Tier III dwelling units in this location conflict with the intent of the Eagle Mountain City General Plan (EMMC 17.95.060(D)), and the Tier III dwelling units create a population density that is not compatible with planned uses for this property and adjacent properties.

Mr. Jensen explained the Council shall determine if the land use authority in this situation (the Planning Commission) applied a reasonable condition on the conditional use permit that reasonably relates to mitigating anticipated detrimental effects of the proposed use. This determination should include findings of what detrimental effects are being mitigated, how the condition mitigates the detrimental effects, and what applicable standards in Municipal Code support the condition.

Mr. Peterson said the optional condition noted in Section 17.95.80(D)6 of Municipal Code states population density of land use limitations or land capability and/or vicinity relationship make it appropriate to do so to protect health, safety, and welfare. He stated the proposed plan meets Municipal Code. He explained the General Plan designation of Foothill Residential does not govern the proposal, and said he does not understand how changing one row of homes provides health, safety, or welfare for the City.

MOTION: Councilmember Gricius moved that the City Council decision be as follows: In accordance with Eagle Mountain City Code 17.05.180, the appeal authority may remand the application with their findings back to the land use authority for further action. As the appeal authority, the City Council finds that the Planning Commission failed to issue written findings of fact and conclusions of law regarding the detrimental impacts of the conditional use or how the conditions imposed by the Planning Commission mitigate the reasonable anticipated detrimental effects. Therefore, it is the decision of the City Council to remand

the conditional use permit back to the Planning Commission to issue written findings of fact and conclusions of law in support of the approval and the conditions imposed by the Planning Commission. Councilmember Burnham seconded the motion.

Councilmember Reaves suggested adding "while the Planning Commission acting according to Code" before the statement that the Planning Commission failed to issue written findings of fact and conclusions of law. Mayor Westmoreland stated it is not necessary to add that point to the motion, but appreciated the clarification.

Mr. Peterson asked if the motion only sends the condition back to the Planning Commission, or if it will be a new discussion regarding the conditional use permit. Mr. Cook clarified the motion remands the item to the Planning Commission to issue findings of fact and conclusions of law, and the Commission may determine how to address those findings.

Those voting aye: Donna Burnham, Colby Curtis, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. The motion passed with a unanimous vote.

Mr. Cook suggested the Council table items 13.B and 13.C., contingent upon the Planning Commission's decision regarding item 13.A.

MOTION: Councilmember Burnham moved to table the ordinance of Eagle Mountain City, Utah, approving the Eagle Heights Village Master Development Plan and the Eagle Heights Village Site Plan contingent upon the Planning Commission's decision regarding the Eagle Heights Village Conditional Use Permit appeal. Councilmember Curtis seconded the motion.

Mr. Peterson asked that Council have a discussion regarding items 13.B. and 13.C., as he would like comments from the Council to ensure they address concerns moving forward. Councilmember Curtis said depending on the decision of the Planning Commission, the Council's direction may change.

Mr. Cook stated it is at the Council's discretion to have a discussion with the applicant. He stated it would be appropriate for the Council to provide direction to the applicant, so that if the conditional use permit is approved, the applicant may begin working towards meeting the Council's directives.

Councilmember Clark stated her preference to hold any discussion until after the Planning Commission has made a decision. She asked the applicant to provide an updated parks plan for review.

Mr. Peterson clarified he only wanted to discuss the amenities and how they are being treated, the buy down of amenity points, and the block that is over the length limit of connectivity standards. Councilmember Curtis said he will not grant a buy down and said he will not approve amenity points for amenities that do not currently have points assigned in Municipal Code. He stated the applicant needs to abide by Municipal Code.

Councilmember Reaves said sufficient feedback has been given to the applicant and directed Mr. Peterson to follow Municipal Code to the letter.

Those voting aye: Donna Burnham, Colby Curtis, Benjamin Reaves, Stephanie Gricius, and Melissa Clark. The motion passed with a unanimous vote.

Mayor Westmoreland asked the Council if they would like to continue discussion, as per the applicant's request. Councilmember Clark said two Councilmembers were clear regarding feedback and stated the Council is ready to move on to the next item.

17. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Curtis

See Board Report.

Councilmember Burnham

See Board Report.

Councilmember Reaves

None.

Councilmember Clark

See Board Report.

Councilmember Gricius

See Board Report.

Mayor Westmoreland

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis expressed appreciation for the Senior Council and said they have many activities planned.

Councilmember Burnham

Councilmember Burnham informed residents Soda Shack is now open in City Center.

Councilmember Clark

Councilmember Clark said she attended a previous Youth Council meeting and they expressed a desire to shadow the City Council during an upcoming Council meeting.

Councilmember Gricius

Councilmember Gricius said Unified Fire Authority is updating the fireworks restriction map and it should be presented soon.

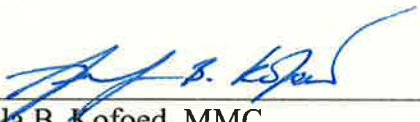
19. COMMUNICATION ITEM

19.A. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: *Councilmember Reaves moved to adjourn the meeting at 9:08 p.m. Councilmember Clark seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

Approved by the City Council on April 16, 2019.



Fionnuala B. Kofoed, MMC
City Recorder