EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

February 16, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

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

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Ault Farms Master Development Plan, Rezone, and General Plan Amendment

Planning Manager Pete Kane presented the item. The subject property of approximately 750 acres is located on the east side of Pony Express Parkway at about 3000 North. The property is currently zoned Agriculture and identified in the General Plan Future Land Use Map for Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industrial.

The applicant submitted concept plans in 2019 and 2020; the most recent application was submitted in the summer of 2020. The Planning Commission and City Council requested that the applicant focus on compliance with the General Plan and incorporate zone districts that exist within current Municipal Code.

A master development plan (MDP) has been submitted and includes a rezone and General Plan amendment; the latest revised plans call for a rezone to RD2 with the Equine Overlay, FR, R1, R2, R3, RC, MF1 including single-family detached and townhome units, MF2, Commercial Neighborhood (CN), Improved Open Space (OS-I), and Natural Open Space (OS-N). The General Plan amendment to Agricultural/Rural Density Two, Foothill Residential, Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, Business Park/Light Industrial, and Parks and Open Space.

The General Plan future transportation map amendment changes Pony Express Parkway from a minor arterial to a minor collector and adds a southern collector and a loop collector in the center of the development.

The Planning Commission held a public hearing on January 12, 2021, and continued the hearing to January 26, 2021, and February 9, 2021. The discussion and requested revisions at the January 12, 2021 meeting included concerns regarding density, hesitation to change the area currently identified as Foothill Residential in the General Plan, desire to reduce the amount or change the MF1 single-family product, add commercial zoning north of Tiffany Lane, and the submission of an exhibit dividing the project into multiple MDPs. Requested revisions at the January 26, 2021 meeting included a minimum of 50 lots within the FR zone, significantly reduce the multifamily units including the MF1 single-family product, increase the units in the R1, R2, and R3 zoning designations, and meet staff's transportation recommendations.

To comply with Municipal Code and at the request of the Planning Commission, the applicant has provided a document dividing the property into multiple master plan areas. Staff recommends potential action on the three planning areas, though the southern Business Park/Light Industrial area should not be acted upon at this time. The development of Area 1 should include the installation of the entirety of Tiffany Lane and the central park area.

The plan proposes to amend the City's Transportation Master Plan by reducing Pony Express Parkway from a 122-foot minor arterial to a 77-foot minor collector, adding a collector road along the south end of the project, and extending the loop collector road around the central park to the southern collector. Mr. Kane noted that the staff report recommends against reducing the width of Pony Express Parkway; however, the applicant has said the submitted exhibit was incorrect and should not include a change to Pony Express Parkway.

Several neighborhood and local parks are proposed throughout the project including a large regional park at the center of the development. The applicant also proposes gateway landscape entries at the five main entries to the development. An outline of the potential amenities and further description of the parks is included in the staff report.

The revised rezone request proposes RD2 zoning for 17.9 acres, FR zoning for 37.3 acres, R1 zoning for 28.6 acres, R2 zoning for 21.2 acres, R3 zoning for 92.8 acres, RC zoning for 74.4 acres, MF1 zoning for 145.9 acres, MF2 zoning for 26.3 acres, CN zoning for 12.6 acres, OS-N zoning for 28.2 acres, and OS-I zoning for 53.1 acres of the development.

The new plan proposes changes in the unit and lot counts within various zones including the addition of 28 units in the RD2 zone, an increase of 42 FR units from 13 to 55, a decrease of 46 R1 units from 116 to 70, a decrease of 28 R2 units from 94 to 66, an increase of 37 R3 units from 335 to 372, and a decrease of 121 MF1 single-family units from 702 to 581. The proposal retains 252 MF1 multifamily units and 380 MF2 units.

The applicant has incorporated an RD2 zone with an Equine Overlay along the western edge of the power corridor, replacing the previous proposal of MF1 single-family detached units. The RD2 zone is proposed for about 17.9 acres; however, about half of the land is within the utility corridor which is identified as Parks and Open Space on the Future Land Use Map. Staff recommends against using land designated as open space for development and advises shifting the RD2 units west.

The meeting recessed at 4:36 p.m. and reconvened at 4:38 p.m. due to technical issues.

Mr. Kane explained that the southern 208 acres would remain Business Park/Light Industrial, the eastern 38 acres would remain Foothill Residential, and the remaining approximately 26 acres of the Business Park/Light Industrial north of the south collector would be changed to a mix of Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial.

Most of the Parks and Open Space land use designation would be retained except for a narrow section of about nine acres that is requested to be changed to Agricultural/Rural Density Two. As noted earlier, staff recommends against this change. The remainder of the property is currently designated as Neighborhood Residential One with a request to include Agricultural/Rural Density Two, Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, and Parks and Open Space.

The Planning Commission requested that the applicant make revisions based on concerns and feedback raised by the Commission primarily dealing with General Plan compliance and overall density of the project. The Commission concluded its review of the application on February 9, 2021, and made the following recommendations to the City Council:

- The Planning Commission recommends denial of the General Plan amendment based on the concern that the request is increasing the density beyond the General Plan designations with a unanimous vote of 4 to 0 with one absentee.
- The Planning Commission recommends denial of the rezone request due to lack of General Plan compliance with a unanimous vote of 4 to 0 with one absentee.
- The Planning Commission recommends denial of the master development plans for Area 1, Area 2, and Area 3, for lack of General Plan compliance with a unanimous vote of 4 to 0 with one absentee.
- The Planning Commission recommends that the lower approximate 208 acres of land labeled as Business Park/Light Industrial be applied for in a separate application in the future with a unanimous vote of 4 to 0 with one absentee.

Councilmember Gray stated he believed that the density proposed exceeds the number of units allowed for the acreage of buildable land, which excludes roads and open space. He calculates the approximate number of appropriate units for the area to be 1,400. He said he is willing to allow multifamily and smaller lots for buffering and transitioning in the project but believes that larger lots should be included to offset the high-density products, keeping the average lot size in harmony with the land use designation.

Councilmember Burnham thanked the applicants for accommodating the Planning Commission's requests. She expressed concern with locating the RD2 lots within the utility corridor on land designated as open space. She said she thinks multifamily uses are appropriate due to buffering requirements and the proximity to business park and light industry uses.

Councilmember Love concurred with Councilmember Burnham. She noted the applicant has requested considerations for the project to include buffering and appropriate uses due to the proximity to the sewer treatment plant, the business park and industrial uses, and roadways. Although she agrees that some smaller units are appropriate, she expressed concern regarding the unit count and zoning percentages of higher density products. She recognizes the need for the housing types proposed but believes the number requested is excessive.

Councilmember Curtis said he concurred with the Planning Commission feedback provided to the applicant and directed the applicant to review the feedback he provided at the January 2020 City Council meeting, as his opinion has not changed. He stated the Business Park/Light Industry area originally covered 240 acres was allowed to be reduced to 208 acres. He expressed concerns regarding the proposal's deviation from the General Plan, approving zoning that could allow the applicant to later increase the density from what was presented at the time of the rezone request, and allowing single-family product in the MF1 zone.

Councilmember Clark stated she feels the overall density of the project exceeds the intent of the General Plan. She concurs with allowing some high-density product if the density is decreased in other areas to retain the overall density contemplated in the General Plan. She noted the effort and thought in creating the General Plan and advocated to only permit small deviations from the plan in order to retain the vision for the City.

Applicant representative Pete Evans encouraged the City Council to allow development within the utility easement in the land designated as open space. He feels it is inappropriate for the City to designate large portions of privately-owned property as open space. Their intent is to improve the land designated as unimproved open space to increase the useability of the land. He stated that if they are able to meet the open space requirements elsewhere in the project, they should be allowed to improve and utilize the open space in the utility easement. The open space would have a trail corridor open for public use and private, homeowners' association equestrian facility and uses.

City Engineer Chris Trusty noted that a City well is located within the power corridor and the easement restrictions allow some structures with height limitations, although structures would be prohibited above gas lines.

Mr. Evans expressed concern regarding the methodology employed by Councilmember Gray to calculate the appropriate unit count for the project. He recognized the thought and consideration implemented in creating the General Plan; however, he thinks that the General Plan should be reconsidered as circumstances change. They believe their proposal meets the character and nature of appropriate development for the area and adheres to the intent of the General Plan's designation of 2 to 4 units per acre. The plan proposes an average of 3.8 units per acre and offers a variety of product types to meets current market needs. As such, he feels the requested General Plan amendment to be appropriate.

Councilmember Gray stated his density calculations determined the density to be 3.93 units per acre and expressed concern with the unit count average being at the high end of the density considered for the area. A project with an average lot size that adheres to the required median lot size, offsetting the multifamily with larger lots, would result in approximately 1,100 lots.

Discussion ensued regarding calculation methodology previously and currently implemented to determine density, density comparisons, whether to include open space and roads in density calculations and the desired density for the project.

Councilmembers Gray and Curtis requested that staff include density calculations in the staff report when the item returns.

Applicant representative Bronson Tatton stated that the lot sizes in the application comply with the lot size requirements for the requested zoning, which excludes open space and roads.

City Assistant Administrator/Development Director Steve Mumford explained the zoning transition standards did not exist during the creation of the General Plan. The standards require commercial and multifamily uses to buffer between the Business Park/Light Industry and the Neighborhood Residential One land use designations, which requires an acreage reduction in one or both categories to accommodate transitioning.

Mr. Evans requested clarification regarding the transition zone requirements along major transportation corridors.

Councilmember Burnham stated that the recently approved transition standards require developments to increase density to meet buffering requirements, which is contrary to the intention and purpose of the standards. She suggested that the transition standards be reconsidered.

Councilmember Curtis stated that the transitioning requirements do not necessarily allow an increase in density and that increased density to buffer from one area should result in a reduction of density in another area of the project to retain the intended overall density. He concurred with concerns regarding misinterpreted applications of the standards.

Mr. Mumford summarized the Planning Commission and City Council concerns regarding the overall density of the project. He agreed that the General Plan should be reviewed regularly and amended as needed due to the vision and goals for the community and City.

Councilmember Curtis stated that if it is determined that increased density is appropriate for this area, density should be reduced elsewhere in the City to retain balance in the desired vision of the City.

2. AGENDA REVIEW

10. MINUTES

10.A. February 2, 2021 – Regular City Council Meeting

Councilmember Clark requested that the minutes be amended to include her inquiry regarding whom to contact to schedule Parks and Recreation Advisory Board meetings, and City Recorder Fionnuala Kofoed's response that Ms. Kofoed had been in contact with

Parks and Recreation Advisory Board Member Michael Johnson regarding setting an agenda for the meeting.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Clark moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation and the professional competency of an individual 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 5:33 p.m.

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

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

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

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:26 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Free emergency preparedness training is available throughout the year. Follow the Be Ready Eagle Mountain City Facebook page for an overview of what is planned for the 2021 event schedule.

- Free meal pickup for seniors ages 60 and over is offered each Monday and Wednesday at the Senior Center until further notice. For details, please visit the City website calendar.

- Utah County Health Department is managing COVID-19 vaccine distribution for Utah County residents. You may sign up for text or email alerts by texting UCHEALTH to 888777 to receive notification of when appointments are available and who is eligible. If you have a question or need help registering for your appointment, call the COVID-19 hotline at 1-800-456-7707. The hotline has language and translation services in more than 100 languages, including Spanish.

- The health department is also seeking medical and non-medical volunteers to assist with vaccine administration. Please visit their website for details.

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 7:29 p.m.

Devyn Smith submitted a letter resigning from the Parks and Recreation Advisory Board. He expressed frustration with his experience on the board due to difficulties in filling a quorum at meetings before the pandemic and lack of email responses and other communication from the Mayor, City Council, and City Council liaison. He noted that City staff did respond to his inquires. He recognized the difficulties and challenges with meeting due to the pandemic, but adaptations and other methods of communication were available yet went unutilized. He said it is inconsiderate to appoint board members when the board is not contacted or involved in the actions of the City.

Mayor Westmoreland clarified that Mr. Smith's resignation was due to him moving out of state and noted the difficultly in facilitating board meetings during the pandemic. He said he has attended the meetings when a quorum could not be achieved and that the City cannot force boards to meet. He tries to appoint individuals to boards who will take the initiative to meet. The newly appointed Parks and Recreation Advisory Board has already met. During the appointment process, he has thorough discussions with the applicants to help them understand board functions and their roles and responsibilities, challenges, and expectations. Another Parks and Recreation Advisory Board member will likely be appointed at the following City Council meeting.

Councilmember Gray explained that City boards meet regardless of Councilmember attendance. He apologized for the frustration experienced and for not being more involved as the Parks and Recreation liaison the previous year.

Councilmember Clark acknowledged staff efforts to assist with board meetings. She had mentioned during the work session that the City Recorder had been in the process of assisting with scheduling a Parks and Recreation Advisory Board meeting. She recommended the City Council increase efforts to prepare and train the board appointees to understand their responsibilities and the associated processes. She requested a discussion item at a future meeting to delineate and establish the division of responsibilities and methods to assist board volunteers. She said that volunteers deserve to have their emails responded to and that she had been in communication with

Mr. Smith regarding his concerns and recognized his frustrations. She encouraged improvement in the area.

Councilmember Curtis stated he and other Councilmembers had also been in communication with Mr. Smith.

Ms. Kofoed noted that the appointments are generally staggered to allow veteran members to assist new appointees. Staff attends and assists with the meetings as possible and appropriate to explain procedures and responsibilities. Staff will make efforts to ensure the boards have the necessary materials available.

Parks and Recreation Director Brad Hickman noted the difficulties of obtaining a quorum for the board over the past few years and the unfortunate impacts of the pandemic on meeting efforts. He stated that he spoke with Mr. Smith, staff, and administration regarding Mr. Smith's concerns, and a joint effort is needed to allow the board to function as intended.

Jeff Ruth expressed frustration regarding the approval of development projects and advocated for stricter adherence to and enforcement of the General Plan and Municipal Code standards, specifically regarding setback requirements and density. He does not consider half-acre lots to be large lots and desires the approval of more large-lot projects to retain the open space in the City. He advocated for lower density developments and beseeched the City Council to deny developer requests for increased density especially in light of approved high-density housing projects in the City that are not yet developed.

Discussion ensued regarding Mr. Ruth's concerns in relation to the desire of the Council to represent resident interests through the enforcement of Municipal Code standards without infringing upon developer rights.

Mayor Westmoreland closed public comment at 7:56 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Curtis

Councilmember Curtis presented Shon Reed with a challenge coin as a recognition for his involvement with the Eagle Mountain Kestrel Project, HawkWatch International, engagement with elected officials and other representatives, assisting with the kestrel nesting box camera project, advocating for policies to protect wildlife, working with developments within the City to protect kestrel and other wildlife habitats, and other efforts that benefit the City and community.

The Mayor and Councilmembers thanked Mr. Reed for his service, wildlife advice and advocacy, wildlife photography, conservation efforts, proving educational opportunities such as kestrel chick banding, and for his embodiment of the spirit of Eagle Mountain.

Mr. Reed stated that he is honored to participate with and represent the Eagle Mountain wildlife community. He recognized the other individuals involved with conservation efforts and projects and expressed appreciation for them, as the projects would not be possible without their joint effort and involvement.

Councilmember Gray
None.

Councilmember Love
None.

Councilmember Burnham
None.

Councilmember Clark
None.

CONSENT AGENDA

9. BOND RELEASES

9.A. Eagle Point Phase J, Plat 2 – Into Warranty

9.B. Pacific Springs Phase A, Plat 1 – Into Warranty

9.C. Solo Street – Into Warranty

10. MINUTES

10.A. February 2, 2021 – Regular City Council Meeting

MOTION: ***Councilmember Clark moved to approve the consent agenda with the February 2, 2021 minutes amended as discussed. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

11. ORDINANCE/PUBLIC HEARING

11.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Land Use Element of the General Plan and Rezoning Certain Lands known as Brylee North.

Planning Manager Pete Kane presented the item. The subject property is approximately 22 acres located on the west side of Eagle Mountain Boulevard and north of the Brylee Farms development . The rezone application requests a change from the current Commercial zoning to Commercial

Regional on 10.63 acres of the property, and to MF2 on the remaining 11.4 acres. The surrounding areas include Brylee Farms, and MF1 zoning. The properties to west and north have a future land use designation of Employment Center/Campus, the property northeast and east is zoned Commercial Storage, and land southeast has been approved as a single-family development would be zoned R3 in the current zoning standards.

The General Plan amendment requests a future land use designation of Regional Commercial on 10.63 acres and Neighborhood Residential Three on the remaining 11.4 acres. The property currently has a future land use designation of Employment Center Campus on 14.3 acres and Neighborhood Residential Two on the remaining 7.7 acres.

In 2018, the City Council approved Commercial zoning on the northern 22 acres; Tier III residential zoning on the middle 15 acres with the maximum of 12 units/acre, a maximum density of 180 units, and the approval of 162 townhomes; and Tier II Residential zoning on the southern 32 acres with 155 single-family homes.

Desert Willow Drive, identified as a collector road in the Transportation Master Plan, ends at Eagle Mountain Boulevard east of the subject property, separating the approved commercial storage development and Sage Park. Staff recommends this road be required to be carried in and through Brylee North to connect to the property to the west, which has an Employment Center/Campus land use designation.

The requested MF2 and CR zones are compatible with the development to the south. Requested CR zoning along Eagle Mountain Boulevard, opposite the CS zone is also compatible. The Commercial Neighborhood (CN) zone is the only commercial zoning district that is compatible as an adjacent zone to R3, which is to the southeast. The applicant requested a CR zoning designation for land directly along Eagle Mountain Boulevard with a minimum depth of about 270 feet and an average lot size of about 1.5 acres. The CR zone may be appropriate given the proximity of the property to the future freeway.

The requested future land use designations are appropriate land uses for the requested rezoning. The current land use designation indicates 65 percent Employment Center/Campus and 35 percent Neighborhood Residential Two. The requested General Plan amendment proposes 48 percent Regional Commercial and 52 percent Neighborhood Residential Three uses.

The applicant has been working with the City on a plan to dedicate one of the central commercial parcels along Eagle Mountain Boulevard to the City. This would allow the City to direct the potential development and use on that property. Initial discussions have begun with Unified Fire Authority for a potential firehouse located on the northwest portion of the project. Contract negotiations are currently underway with a local businessman on the southeast parcel.

The Planning Commission held a public hearing on January 12, 2021, and unanimously voted 4 to 0 with one absentee to recommend approval of the rezone and General Plan amendment requests with the condition that the General Plan amendment shall include continuing Desert Willow Drive through the subject property east to west as a minor collector.

Councilmember Curtis noted that the previous negotiations permitted multifamily in exchange for commercial acreage and expressed concern that the applicant is requesting additional multifamily units.

Councilmember Gray expressed frustration with the request for additional multifamily units. He said the applicant had stated that the commercial area would remain commercial when the plan was reviewed by the Planning Commission. Due to that understanding, he is unwilling to approve additional multifamily uses for the project.

Councilmember Burnham concurred with the concerns expressed by Councilmembers Gray and Curtis. Although the location is appropriate for multifamily uses due to the proximity to major roadways, she desires to retain the commercial acreage and feels a different commercial zone and use would be more appropriate as the parcel is too narrow to sufficiently accommodate Regional Commercial uses.

Councilmember Clark concurred with the other Councilmembers. Although she is not against multifamily uses near major roadways, due to the history of the project, the depth of the commercial property, and its location at the intersection of major roadways, commercial uses are more appropriate and of greater benefit to the City.

Applicant representative Randy Smith reviewed his discussions with former City Administrator Ifo Pili regarding potentially dedicating a commercial parcel to the City. The Planning Commission removed the agreement from the approval due to concerns that the dedication of the parcel could be misinterpreted as a bribe. He stated he felt the dedication would be a mutually beneficial agreement. The MF2 request increases the feasibility of developing the commercial uses. He said that most people live in apartments at some point in their lives and have less of an impact on City infrastructure while generating higher property taxes than single-family units. He understands the importance of commercial uses; however, their request only slightly reduces the overall commercial acreage designated throughout the City. He stated that the rear of the property is less viable for commercial uses and in light of market changes since the previous approval, this is the best course forward for the City.

Councilmember Love noted that the shape of the parcel of land was due to the lower rectangle portion being rezoned and developed as a residential project. She recommended including the 15 acres rezoned to the Tier III residential under the previous standards and placing commercial uses along Eagle Mountain Boulevard as the Council would likely be more amenable to allowing residential uses to the west of the property and commercial along the western side adjacent to Eagle Mountain Boulevard.

Mr. Smith expressed support of Councilmember's Love's recommendations; however, another party owns the 15-acre parcel to the south. He said the proposed depth would accommodate most fast-food restaurants with drive-through services.

Councilmember Clark said that she does not feel the project is in the best interests of the City. She clarified that the Council had not spoken against multifamily housing and several of the Councilmembers stated they are willing to approve multifamily uses in the appropriate areas. The concern of the Council is rezoning prime commercial locations to residential along a major roadway and in consideration of the uses along the opposite of side Eagle Mountain Boulevard. The Council needs to retain sufficient acreage for commercial uses to meet the future needs of the growing City and respectfully disagreed with the proposal.

Councilmember Curtis recognized that even though Mr. Smith had not been a part of the project previously, he felt the original agreement still needed to be honored regarding the promise of commercial uses in this area. As Eagle Mountain has more vested residential units than constructed units, offering additional multifamily units is of far less value to the City than retail.

Discussion ensued regarding the previous and current reviews of the project by existing and former Planning Commissioners and City Councilmembers and understandings based upon the previous agreement.

Mr. Smith stated they had previously tried to secure retailers for the property without success but have found interest in smaller parcels along Eagle Mountain Boulevard; however, they cannot move forward with negotiations for the proposed smaller parcels until determining a use for the western portion of the property. He did not intend to break promises previously made to the Council and desires to find a solution the City will be happy with; he noted that due to the increasing online markets most large retailers are not expanding, with the exception of grocery and discount stores.

Councilmember Gray noted the applicant requested the maximum possible density that could be accommodated in the area and expressed his frustration with the high unit counts proposed by developers.

Mayor Westmoreland opened the public hearing at 8:57 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Curtis moved to deny an ordinance of Eagle Mountain City, Utah, amending the land use element of the General Plan and rezoning certain land known as Brylee North. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12. SCARLET RIDGE ESTATES

12.A. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Transportation Master Plan of the General Plan and Rezoning Certain Lands Known as Scarlet Ridge Estates.

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

Mr. Kane presented the items. The subject property is approximately 160 acres east of Lake Mountain Road and south of the future Tiffany Lane extension. The property is currently zoned

Agriculture and is designated Agriculture/Rural Density Two in the General Plan. The Planning Commission's review of the 2019 concept plan received feedback regarding concerns about the placement and distances of roads and equestrian trails, connectivity, and a recommendation of zoning the smaller lots to RD2 and the larger lots to RD1.

The concept plan was revised and reviewed by the City Council in August 2020. Feedback included a request for a minimum of 30 one-acre lots and an increase in aesthetic appeal by adjusting lot widths and including curvature in the roads. Applications for a preliminary plat, rezone, and General Plan amendment have also been submitted. Based on the City Council work session discussions on January 19, 2021, and February 2, 2021, the applicant has submitted a revised preliminary plat and park concept plan.

The applicant is seeking to amend the future transportation plan as it relates to plans for future road expansions to Tiffany Lane between Airport Road and the north-south collector along the eastern edge of the subject property. The request is to change the classification to a collector road for the portion between Airport Road and the northwest corner of the subject property, and then to a residential road with a 53-foot width for the portion running along the northern edge of the property to the north-south collector on the eastern edge of the property. Staff agrees with changing this to a collector road but for the entire length between Airport Road and the future north-south collector to Eagle Mountain Boulevard. Although a revised General Plan amendment exhibit was not submitted, the applicant's revised preliminary plat matches the staff recommendation setting Tiffany Lane as a collector road along the northern edge.

The applicant is seeking to rezone the property from Agriculture to RD2. The RD2 zone is an appropriate zone for the Agriculture/Rural Density Two land use designation.

The revised preliminary plat proposes a mix of 211 residential lots with 37 one-acre lots and 174 lots that range from a half-acre to approximately 0.71 acres. The original plan included five retention areas. Staff recommended utilizing other low-impact development methods to reduce the number of retention areas, and the revised plan includes three retention areas. The application identifies the development to be constructed and platted in seven phases. One possible consideration may be that Phases 1, 2, and 3 be combined and re-divided into two phases to allow the park feature to be installed with Phase 2 rather than Phase 3.

The project proposes a large park of about 2.5 acres which would be dedicated to the City. The park includes asphalt/concrete pathways, eight pavilions, ten picnic tables spread among the pavilions, garbage receptacles, grills, a drinking fountain, two pickleball courts, one full basketball court, trees, landscaping, and open lawn space. The proposed location of the park results in 91 residential lots in the southern third of the subdivision and lot 101 in the far northeast corner being outside of the quarter-mile park distance requirement. Staff recommended several changes to improve the usability and care of the park, and the applicant has revised the plan based on those recommendations. One final recommendation is to relocate two trees currently depicted within the basketball court.

The proposed road network includes multiple connections: two road connections at the north to Tiffany Lane, three connections to the east to the future collector road that will run along that side of the development, two connections to the south to the future collector road that will run along that side of the development, and three connections to the west to the concepted Triumph residential development. As requested, the applicant has revised the plans to incorporate half-width dedications for a 53-foot right-of-way on the eastern and southern edges of the property. Collector roads are required to have street trees and residential lots with side or rear lot lines along collector roads are required to have privacy fencing.

The concept plan presented to the Planning Commission in December 2019 included 139 one-acre lots. The concept plan presented to the City Council in August 2020 included 36 one-acre lots and 178 half-acre lots totaling 214 lots.

The Planning Commission held a public hearing on the requests on January 12, 2021, and unanimously voted 4 to 0 with one absentee to recommend approval of the master development plan request with the following conditions:

- That Phases 1, 2, and 3 are adjusted into two phases, and the park feature constructed as part of Phase 2;
- Revisions to the park plan as outlined in the staff report;
- Consideration of utilizing park strip drainage, swales, or other low impact development method in place of multiple retention areas; and
- Incorporation of the half-width of the east and south collector roads.

Mayor Westmoreland opened the public hearing at 9:14 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

Councilmember Gray stated his preference for the design from the concept plan presented to the Planning Commission in December 2019. He said he is willing to rezone the property to allow a total of 139 lots, including some half-acre lots, but is in favor of denying the rezone request as presented.

Applicant representative Ryan Kent said the original engineer had understood that only the RD1 zone, and possibly a small portion of RD2 zoning, was allowed for the property. Their new engineer is more familiar with Eagle Mountain Municipal Code and based upon their meetings with City representatives and the General Plan designation of Agricultural Rural Density Two which allows for RD1 and RD2 zoning, they believe they are providing less density than is allowed in RD2, and the proposal exceeds the open space and amenity point requirements.

Councilmember Gray expressed frustration that the applicant desires the highest end of the allowed density. He noted the RD1 requires a minimum lot size of one-acre and reiterated his preference for the median lot size to be closer to an acre with only a few half-acre lots.

Mr. Kane clarified that the General Plan sets land use designations, not zoning. Based upon the land use designation of the Agricultural Rural Density Two, Municipal Code indicates the potential zoning as RD1 and/or RD2. The land is currently zoned Agricultural.

Mr. Kent inquired regarding the adjacent lot sizes they would be buffering against. He noted the project does not include only half-acre lots; therefore, he is not proposing the highest possible density. They have been acting on the understanding that their proposal was acceptable based upon previous feedback and requested the Council consider the cost of preparing the plan, infrastructure, viability, and feasibility of the lots in consideration of their property rights. They desire to develop a community that is a benefit to the residents and the City.

Mr. Kane stated the average lot size is 0.6 acre or approximately 26,000 square feet.

Councilmember Burnham stated she appreciates that the applicant added more one-acre lots and a greater variety of lots, as requested. She said she feels the project meets what the City desires and is appropriate.

Councilmember Curtis stated that he thinks there has been some confusion due to the land use designation and zone names. He suggested a future amendment to Municipal Code to improve clarity. He said that due to the RD1 and RD2 zones allowing for lot sizes from a half-acre to 2.5 acres, he concurs with Councilmember Gray that 0.6 acres is not an appropriate median lot size for the Agricultural Rural Density Two land use designation and should be closer to an acre. Where the land is currently zoned Agriculture, the landowner's property rights do not include vested rights for the density of the RD1 and/or RD2 zones.

Councilmember Love said that if the median acreage for the project were closer to an acre, there would likely be more of a consensus among the Council.

Councilmember Clark suggested tabling the item to allow time for further negotiations to find an agreeable density.

Mr. Kent said he would prefer to table the item rather than starting the process over again due to a denial. He said they are doing what they can to adhere to City standards. He expressed concern with the moving target recommendations from the City Council. He recognized the marketability of the lots is not the concern of the City Council but beseeched the Council to be cognizant regarding lot size viability and affordability within the current housing market when making their recommendations.

Councilmember Curtis recognized the validity of Mr. Kent's concerns with a lack of specificity regarding City Council feedback. He clarified his preference remains for 50 percent RD1 and 50 percent RD2 zoning.

Discussion ensued regarding the past and current recommendations of the City Council and the specificity of the feedback.

Councilmember Gray noted that the RD1 and RD2, unlike other zones, do not have an average lot size requirement; however, he said they could theoretically zone the entire property to RD1 and require a minimum of one acre.

Discussion ensued debating and verifying the conditions and requirements the City Council can impose regarding lot sizes, the number of lots of a specific size, and zone acreage.

Mr. Kane clarified that the City Council can request a median or average lot size. Based upon the buildable 130 acres in the development, a 50 percent split between the RD1 and RD2 zones would result in 65 acres each of the RD1 and RD2 zones with 130 half-acre lots and 65 one-acre lots for a total of 195 lots.

Mr. Kent requested clarification as to why the General Plan designation allows half-acre lots if the intent for the area was to require one-acre lots.

Discussion ensued debating the intent of the General Plan land use designation for the area.

MOTION: ***Councilmember Clark moved to table an ordinance of Eagle Mountain City, Utah, amending the Transportation Master Plan of the General Plan and rezoning certain lands known as Scarlet Ridge Estates. Councilmember Gray seconded the motion. Those voting aye: Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

12.B. PUBLIC HEARING/ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving a Master Development Plan for Scarlet Ridge Estates.

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

MOTION: ***Councilmember Clark moved to table an ordinance of Eagle Mountain City, Utah, approving a master development plan for Scarlet Ridge Estates. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

12.C. MOTION – Scarlet Ridge Estates Preliminary Plat.

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

MOTION: ***Councilmember Clark moved to table the Scarlet Ridge Estates preliminary plat. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

13. HIDDEN HOLLOW PHASE C

13.A. MOTION – Hidden Hollow Phase C Consideration of Density Vesting.

Mr. Mumford presented the item. The Planning Commission tabled the Hidden Hollow Phase C preliminary plat and site plan on January 12, 2021, with a unanimous vote of 4 to 0 with one absentee providing direction to the applicant to work with staff to bring the application into compliance with Municipal Code. The applicant is now requesting that the City Council consider their density vesting claim of 360 units and approve their proposed density of 134 total lots/units. Rather than building the preliminarily platted 360 units, the applicant is proposing to reduce the density by approximately 60 percent and is proposing 48 single-family lots and 86 townhomes, for a total of 134 lots/units.

Mr. Mumford presented following history of the project:

- 1998: Ranches Master Development Plan and Agreement approved the zoning and density
- 2006: Hidden Valley North Preliminary Plat approved, including 300 condominiums and 60 townhomes in the Phase C area
- 2006: Hidden Valley North Plat A approved
- 2007: School Board condemned a portion of the property for the Hidden Hollow Elementary School
- 2014: Hidden Hollow Phase A approved
- 2017: Hidden Hollow Phase B submitted
- 2018: Ranches MDA expired
- 2018: Hidden Hollow Phase B Preliminary Site Plan approved
- 2019: Blasting permit approved
- 2020: Hidden Hollow Phase B Amended Site Plan approved
- 2020: Hidden Hollow Phase C applications submitted for review

Because this review is of the density vesting claim only, items for consideration related to the design and layout of the preliminary plat and site plan will be included when those plans are being considered. The applicant will revise the plans to comply with Municipal Code and return for approval of the preliminary plat and site plan.

The Planning Commission recommended approval of the Hidden Hollow Phase C consideration of density vesting to the City Council on February 9, 2021, with a vote of 3 to 1 with one absentee with the following conditions:

1. A portion of the density is contingent upon the sale/purchase of the 1.5 acres of City property at fair market value. The City may use the revenue to benefit the area through additional park/trailhead improvements, safety improvements for school children, and/or trail improvements;
2. The Phase C site plan and preliminary plat must be redesigned to comply with all current Municipal Codes standards, including, but not limited to, garage sizes, architectural standards, and parking. These plans shall be reviewed by the Planning Commission and City Council through the standard approval process; and
3. No blasting shall be permitted within this Phase C development.

Mr. Mumford explained a road was relocated due to the slope of the land resulting in an orphaned segment of City-owned land. The sale of the land would be beneficial to the City and an appraisal last fall was conducted to determine the value of the parcel. The decision regarding the sale of the land would be made in conjunction with the site plan and preliminary plat approval.

Councilmember Curtis expressed concern that approval of the density vesting would bind the City to sell the land prior to discussions to determine the desired action regarding the property.

Mr. Mumford stated that the land purchase would have a future separate application with a closed session.

City Attorney Jeremy Cook explained that in an effort for efficiency, the sale of the property would be considered with the plat after the density vesting is resolved. The proposed plat is not under consideration for approval currently, only the vesting. The plat would need to be redesigned and amended should the City determine not to sell the property.

Applicant representative Ryan Bybee reiterated previous statements regarding their desire to reduce the density for the project and misunderstanding regarding the vested density, approvals, and the continuity of intentions for the project. He said that they are willing to pay for an additional redesign for Phase C of the project to adhere to current Municipal Code, after already redesigning Phase B to meet previous standards, in order to resolve Council concerns and allow the project to move forward.

MOTION: ***Councilmember Clark moved to table the Hidden Hollow Phase C consideration of density vesting. 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.***

14. CITY COUNCIL/MAYOR'S BUSINESS

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Love

Councilmember Love stated she would be attending a Chamber of Commerce meeting later that week and was unable to attend the previous meeting due to the City Budget Meeting.

Councilmember Clark

Councilmember Clark reported that the Parks and Recreation Advisory Board met and elected a Chair, Vice-Chair, and Secretary and scheduled their meetings for the remainder of the year. The board is eager to assist the City. She requested that the board be given clear instructions regarding their responsibilities.

Councilmember Curtis

Councilmember Curtis requested the Parks and Recreation Advisory Board assist with determining methods to either secure easements for portions of the trail system that extend onto privately-owned property or to relocate the trails onto City property. He stated he will be attending board meetings scheduled later in the week.

Councilmember Gray

Councilmember Gray expressed appreciation to Councilmember Clark for her efforts with the Parks and Recreation Board.

Councilmember Burnham
None.

Mayor Westmoreland
Mayor Westmoreland stated that the Bureau of Land Management has opened land to extend City trails and advocated for the City to secure the proffered land while the option is available. He expressed appreciation for City efforts to continue functions during difficult times.

16. COMMUNICATION ITEMS

16.A. Financial Report

16.B. Upcoming Agenda Items

17. ADJOURNMENT

MOTION: ***Councilmember Clark moved to adjourn into a closed executive session for the purpose of discussion reasonably imminent litigation and the purchase, lease, or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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 10:32 p.m.

The meeting was reconvened at 11:33 p.m.

MOTION: ***Councilmember Clark moved to adjourn the meeting at 11:34 p.m. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 11:34 p.m.

Approved by the City Council on March 2, 2021.

Fionnuala B. Kofoed, MMC
City Recorder

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