



# MEMORANDUM

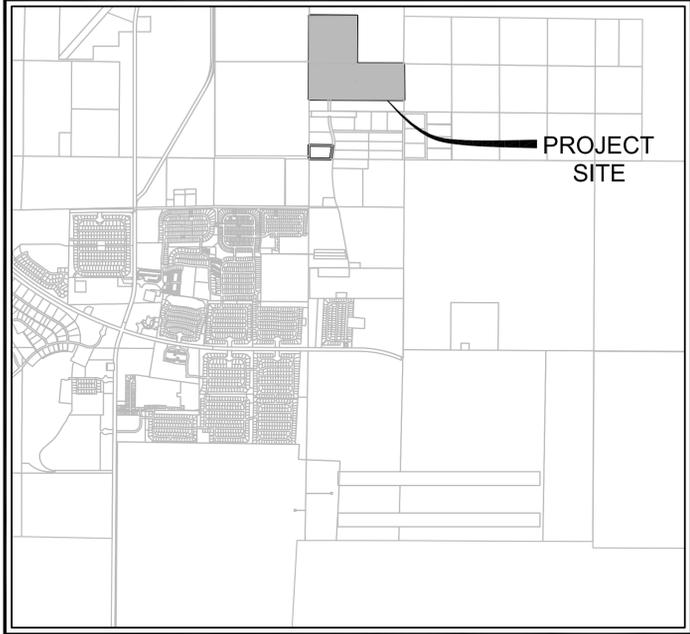
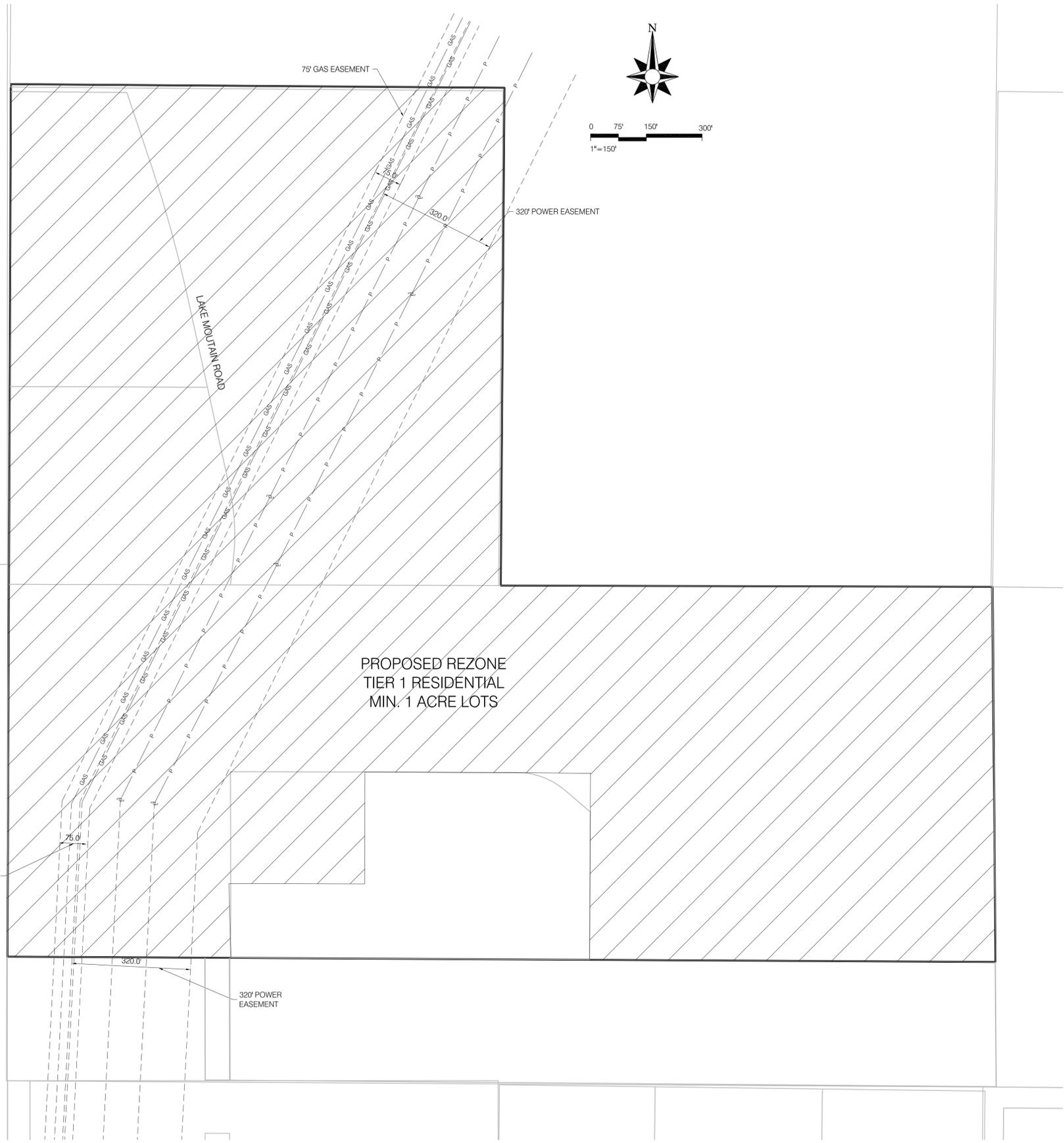
DATE: November 12, 2015  
TO: Honorable Mayor and City Council  
FROM: Fionnuala Kofoed, Recorder's Office  
RE: 2015 General Election Canvass

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In accordance with Utah Code 20A-3-309(3)(c), the election official may not release any results from any absentee ballots that are counted after the date of the election through the date of the canvass. This code, by extension, applies to the provisional ballots that are verified and counted along with any qualifying absentee ballots.

Copies of the election certificate and canvass information will be provided prior to the canvass.

Please feel free to call me with any questions.



**VICINITY MAP**  
SCALE: NTS

Rezoning Summary	
Proposed Area to be Rezoned:	
Total Area	4,050,750 sq.ft. +- 92.99 acres +-
Proposed Zoning:	Tier I Residential
Minimum Lot Size	43,560 sq.ft. 1.0 acre
Min. Lot Width/Frontage	150 ft.
Min. Front Yard Setback	50 ft.
Min. Rear Yard Setback	50 ft.
Min. Side Yard Setback	50 ft.
Min. Cor. Side Yard	50 ft.
Max. Building Height	35 ft.

NO.	DATE	DESCRIPTION
1	04-27-15	Revised Concept Layout
2	06-05-15	Revised Concept Layout
3	06-26-15	Revised Concept Layout
4	07-09-15	Revised Concept Layout

42 NORTH 200 EAST SUITE 1  
AMERICAN FORK, UTAH 84003  
TEL: (801) 756-2488  
FAX: (801) 756-3499

**H&H**  
ENGINEERING &  
SURVEYING, INC.

PROJECT NAME:  
**EAGLE MOUNTAIN BENCHES**  
5500 N LAKE MOUNTAIN ROAD  
EAGLE MOUNTAIN, UTAH

PROJECT NO:	15-457-01
DATE:	Apr 23, 2015
HOR SCALE:	As Noted
VER SCALE:	As Noted
ENGINEER:	VH
DRAFTED:	BS
CHECKED:	VH

TITLE  
**REZONE  
SITE PLAN**



**EAGLE MOUNTAIN CITY**  
City Council Staff Report

**NOVEMBER 17, 2015**

*Project:* **Eagle Mountain Benches/Eagle Mountain Ranches - Rezone**  
*Applicant:* Jeff & Karen Scott  
*Request:* Rezone land from Agriculture to Residential  
*Type of Action:* Public Hearing; Action Item

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**Planning Commission-** The planning Commission recommended approval 5-0 with the condition that all lots are a minimum of 1 acre.

**Preface**

The Eagle Mountain Benches/Ranches rezone was before the Planning Commission on August 25<sup>th</sup>, 2015. There was a public hearing at the meeting. The rezone was tabled indefinitely until the City Council had time to review the future of Lake Mountain Road. The Council's conclusions were that the road would need to be paved by developers and that a gate would be installed on the south end of the road at some point in time. This topic has been very sensitive to the residents in the area and the developer. There were notices sent out for a public hearing for this meeting. A similar rezone request along Lake Mountain Road called Glenmar Estates was approved by the City Council on September 15<sup>th</sup> 2015.

**Background**

This rezone originally came before the Planning Commission on June 9<sup>th</sup> 2015. It included residential and commercial storage components. At that time the Planning Commission recommended approval for the residential portion of the rezone and recommended to deny the commercial storage portion. The rezone went before the City Council and was denied. There was concern with Lake Mountain Road becoming a collector road and the amount of traffic that will use the road. There was also discussion on the size of lots that are in the area and concern with septic tanks. This is a new submittal requesting that the area be rezoned to residential. The proposal is requesting to rezone the property from agricultural to residential with a minimum of 1 acre lots.

**Lake Mountain Road**

The two main reasons the rezone was denied were Lake Mountain Road and concern that 1 acre lots were too small for the area. Currently the only developed lots along Lake Mountain Rd are lots of 5 acres or more. The major concerns for Lake Mountain Rd are the increased usage by residents and the speeds that will be travelled along the road once it is paved. There is also an issue with the road not being completely paved with portions of it remaining gravel until future development.

The City hired Interplan, a transportation planning consultant, to create an updated transportation plan for the City. That process is complete, but has not yet been presented or adopted by the City Council. In that study Lake Mountain Road was shown as a residential road. Since the City Council denied the original rezone, staff has worked with Interplan to study Lake Mountain Rd. Interplan provided an overview of the concerns and impacts of paving Lake Mountain Rd on existing traffic conditions.

The two major issues were increased volume and travel speeds. There were two types of volume impacts: local access traffic and cut-through traffic. The local access traffic included 280 single family lots that are currently platted or up for rezone, potentially increasing daily trips along the road to 2800 daily trips. This is below local road capability which would be 8,000 trips per day. The cut-through impacts include the east area of Pioneer Addition development and any new development to the south. Interplan

concluded that Lake Mountain Rd does not offer decreased travel time or travel incentive for most traffic because of Pony Express Pkwy. The proposed new master transportation plan recommends in Phase 1 (2015-2024) that future arterial roads to be constructed would alleviate any reliance on Lake Mountain Road because those roads would offer wider surface and higher operating speeds. The impacts of travel speed on Lake Mountain Rd include: Paved surface makes drivers more comfortable driving at higher speeds, lack of current roadway network makes Lake Mountain Rd act as a regional route, drivers expect higher speeds with little interruption, artificial speed reduction results in frustration and increased speeds elsewhere to compensate slowing down, the future Phase 1 major arterial will serve regional trips when built.

Interplan conclusions from its overview of Lake Mountain Rd are:

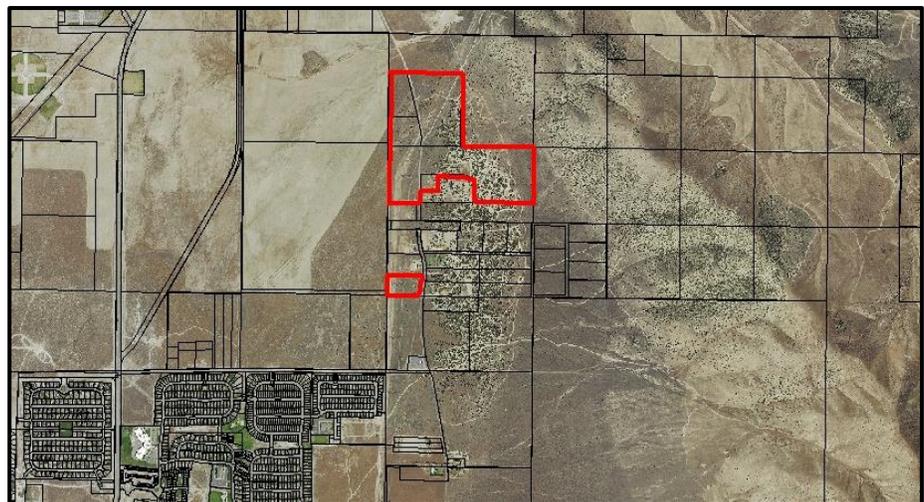
- **Paving is necessary if development continues.**
- **Increase in volumes primarily from local access traffic.**
- **Cut-through traffic expected to be minimal.**
- **Incomplete roadway network results in Lake Mountain Road being used for regional trips.**
- **Traffic calming would produce undesirable adverse effects.**
- **Future roadway network will address volume and speed concerns.**

**Location**

There are two separate pieces of property proposed to be rezoned; the properties are both located along Lake Mountain Road – one about the middle of Lake Mountain and the other ¼ mile farther south.

**Proposal**

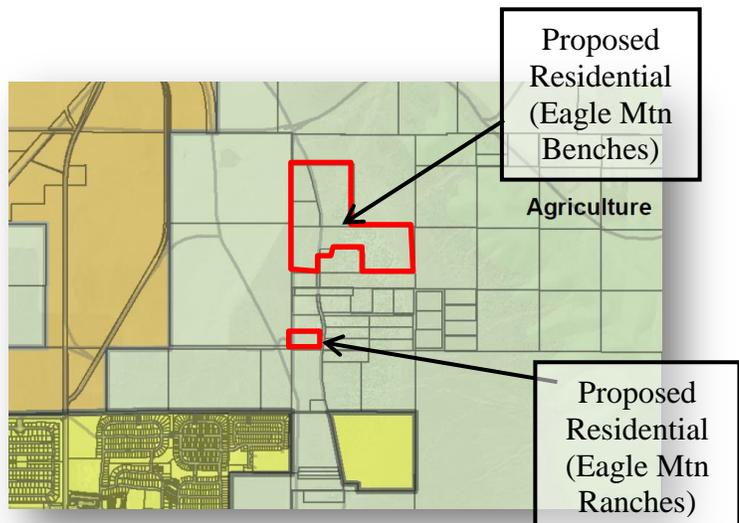
The applicant is proposing rezoning approximately 98.39 acres of land currently zoned agricultural to residential. The proposal is for residential zoning with a minimum of 1 acre lots. The residential zoning complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential.



**Surrounding Zoning**

North: Agriculture  
 East: Agriculture  
 South: Agriculture  
 West: Agriculture

\*It is important to note that all of the land within Eagle Mountain City that has not been previously rezoned for development is zoned Agriculture. This does not mean that all agriculturally zoned properties are in active agricultural use.



**Rezone Criteria for Approval**

The rezoning of property does not require the Planning Commission or the

City Council to take action based upon findings of facts. The decision made by the Planning Commission and the City Council is considered valid by the courts if it is reasonably debatable that the action could promote the general welfare. Rezone proposals are evaluated using the following criteria:

- A. Compliance with Future Land Use Plan (General Plan). The rezone complies with the City's Future Land Use Plan which designates the area as Rural Residential.
- B. Compatibility Determination. At this time the surrounding property is all zoned agriculture. The proposed residential zone would be compatible with the future proposed uses of the surrounding land and could be considered to be fairly compatible with the existing uses. The 5.5-acre Eagle Mountain Ranches property is located immediately adjacent to existing homes on 5-acre lots. The property is also located fairly close to a future major arterial road (to be located to the southwest). These conditions should all be considered in the decision.
- C. Buffering of Incompatible Uses. Surrounding uses include the Friends in Need Animal Sanctuary, existing homes on 5 acre lots, and vacant agriculturally zoned property.

### **Noteworthy Items / Items to Consider**

- 1. Regional Trail. A regional trail is planned within the power line corridor, which crosses portions of this property. Discussion of construction of the trail and dedication of the property would take place during the future platting process.
- 2. Power Line and Gas Line Corridor. This property is considered unbuildable, and will restrict the uses and layout of lots in this project. Certain restrictions are also placed on the property by PacifiCorp, Kern River Gas, and the City.

### **Unbuildable Land**

Due to this project's location, there are portions of the project that are considered "unbuildable land." City Code addresses this:

#### **17.25.100 Unbuildable lands**

*In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to environmentally sensitive lands or lands that are unsuitable for development. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, canyons and washes, streams, high volume floodplains, alluvial discharge areas, storm drain retention/detention areas, floodplains and floodways, geologically sensitive areas that require special engineering considerations for safe habitation, and wetlands.*

### **Development Codes**

It is important to note that a rezone does not guarantee approval for development. The applicant or developer still must comply with all of the development standards and requirements found in the City Code, and all requirements of the Fire Code, including improvement and paving of Lake Mountain Road from the nearest paved road and construction of public roads that meet City standards.

### **Possible Motions**

The following motions are provided for the benefit of the City Council. They may be read as the motions or referenced when making motions.

If you, the City Council, feel that the proposed rezones comply with the rezone criteria found in the City Code (and in this report), and that it is reasonably debatable that this rezone could promote the general welfare, then the following motion is appropriate:

*I move that the City Council approve the proposed Eagle Mountain Benches and Eagle Mountain Ranches Rezone application with the following conditions:*

- 1. The lot size minimum for the proposed rezone is 1 acre or larger.*

If you, the City Council, feel that the proposed rezone does not comply with the rezone criteria found in the City Code (and in this report), and that it is reasonably debatable that this rezone would not promote the general welfare, then the following motion is appropriate:

*I move that the City Council deny the proposed Eagle Mountain Benches and Eagle Mountain Ranches Rezone application for the following reasons...*

**Attachments:** Rezone request; Recently submitted Citizen comments.

## Michael Hadley

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**From:** Jennifer Bolander <jen\_bol@msn.com>  
**Sent:** Wednesday, August 19, 2015 7:36 PM  
**To:** Steve Mumford; Michael Hadley; Mayor  
**Cc:** Karen O'Donnell  
**Subject:** Lake Mountain Rd Zoning

Dear Gentlemen,

My kids and I have spent the last five years building an invaluable relationship with Friends In Need Animal Rescue (FIN) on Lake Mountain Road. They have been so beneficial to my kids and I in so many ways. This Rescue rehabilitates, rescues, releases and provides sanctuary for abused, abandoned, neglected and unwanted animals. They also provide a service to the community by allowing school classes to come and learn about proper animal care. They assist people that need to log "community service hours" by having them help at the FIN property. They also host youth group-homes to have the youth come and learn hard work and the value of life.

I fear that if Eagle Mountain decides to re-zone Lake Mountain Road that it will lead to the demise of Friends In Need. Lake Mountain Road rezoning not only affects FIN. This road is frequently used by locals to run/jog, ride bikes, hike, walk their dogs, etc. and that doesn't mention the wildlife that lives in the area. Rezoning would end that.

I strongly urge you to consider all these other aspects and not just consider financial gains.

My kids, and I as well, would be heart broken if we could not longer spend family bonding time together serving others while at Friends In Need.

If you have any questions or would like any details PLEASE contact me.

Regards,  
Jennifer Bolander  
801-995-5969

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Jennifer Bolander

1 John 1:9

## Michael Hadley

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**From:** Steve Mumford  
**Sent:** Wednesday, June 03, 2015 8:06 AM  
**To:** Michael Hadley  
**Subject:** FW: NO to Rezoning Lake Mountain Road

FYI



Steve Mumford, AICP

*Planning Director*

[SMumford@Emcity.org](mailto:SMumford@Emcity.org)

801-789-6616

[www.eaglemountaincity.com](http://www.eaglemountaincity.com)



**From:** sue martin [<mailto:fisherq@netzero.com>]

**Sent:** Wednesday, June 03, 2015 12:50 AM

**To:** Steve Mumford

**Subject:** NO to Rezoning Lake Mountain Road

There is no reason for this area to be rezoned. The individual making this request should not receive special treatment due to the fact he is a city employee. Last month the Utah County Health Department expressed serious concerns about contamination to our groundwater Commissioner Everett wants to know how the City is going to identify the pollution. .... The City should NOT ALLOW REZONING. This person does not satisfy the requirements to change the current zoning law; Utah State Code 17-27a-702. ZONING LAWS were implemented to serve a purpose; protect watersheds, provide habitat for important wildlife, maintain clean water and air. The specific purposes and intent of the County Commission in establishing the A-40 Agricultural Zone - implement the plans provided for in Section 17-27-301 of the said Code; preserve the county's agriculture land, preserve and protect agricultural activities from the conflicts and problems in residential areas by limiting residential areas by limiting residential developments. According to a 2008 Governor's Office of Planning and Budget report, in 1960, about 250,000 acres of land had been developed in Utah. By 2008, 750,000 acres in Utah had been developed for non-agricultural uses. It is predicted that by 2030, more than a million acres of land in Utah will be developed for urban uses. Unjustifiable discrimination would result against those who are not allowed to escape the requirements of the ordinance, i.e. to those without political influence. Many years ago, Bassett, a leading authority, pointed out that such discrimination would have gravely weakened the cause of zoning politically. If there was no mistake in the original zoning ordinance or no change of conditions in the area, and the change is not "in accordance with a comprehensive plan.... Zoning amendments, it is usually said, must be made for the general welfare; they must not be just a "special privilege" for the property owner.

## Michael Hadley

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**From:** Jeff Ruth <fishmuskie61@gmail.com>  
**Sent:** Wednesday, August 19, 2015 10:47 AM  
**To:** Michael Hadley  
**Subject:** Lake Mountain road development

just wanted to give a opinion from a citizen that does use Lake Mountain BLVD for access to Hidden Hallow Canyon to ride ATV's. Why because a few use the lands of others or the roads by the land should land owners and Developers be denied to get a return on their investments. Now I think the developments should be on city water and septic as we see future issues as water tables drop and the state will eventually catch up to many other states on much stricter septic rules. Many have invested money in land along the benches area and Hidden Hallow Canyon including SITLA and will soon look to cash in on those investments. People that currently camp, walk, bike, mountain bike, and other activities are going to want those lands off limits to development without purchasing the land. We should send the message now if you want to stop land owners and developers from getting a return on investment because you use their land or roads near the land you need to buy the land. This whole area is going to end up in court as people try to protect the area for their activities and selfish reasons. I liked riding back in Hidden Hallow until it became to dangerous because of illegal shooters, but I dont believe the land should be off the table for development. SITLA and landowners have made a huge mistake by allowing mountain bike race trails to be built and ATV trails and other uses because those that use the area are going to feel entitled and want the city to buy the land or just make it off limits to development. I know much of the opposition is from friends in need animal rescue and other land owners that are saying we have ours and we want to deny others theirs. Friend in need animal rescue in the future could probably sell in the future and make huge profits and expand their rescue from the profits. Common sense development should be allowed as long as current and future land owners are considered. Please dont let a small group stop people from getting a return on their investments and please dont let the people believe they can stop a whole area from development, because if they are allowed to stop this they wont be stopped and the next step for them will be to ask the city to purchase Hidden Hallow lands at huge tax payer expense. I have read a little and it looks like the master plan the city has is that land has always been planned to be residential, please allow those plans to go forward and again the few from stopping it and the I have mine you cant have yours people. Do I want to see the benches developed NO but I dont have the right to stop it. Those using the land and roads shouldnt be able to stop land owners either just because they like how they are using the area. Again city water and sewer should be required now and saddle the future homeowners with huge expenses as water tables drop and septic rules get stricter like has happened in other states. I have seen where people come back to cities and say you should have seen this was going to happen the city should pay to hook us up to city water and sewer. Many home owners I have seen dont get caught until they go to sell and the state says you cant sell unless you upgrade your septic and they are caught with a huge expense. As we see the clean air people try to force stricter and stricter rules we will see clean water and land people come forward and want stricter and stricter rules for septic systems and water tables will continue to drop.

## Michael Hadley

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**From:** Scott Karen <karenlscott77@gmail.com>  
**Sent:** Tuesday, August 18, 2015 1:04 PM  
**To:** Ryan Ireland; Richard Steinkopf; Adam Bradley; Donna Burnham; Tom Westmoreland; Scott Karen; Mayor; Ifo Pili; Steve Mumford; Michael Hadley  
**Subject:** Lake Mountain Road

;  
Tuesday Aug 18th 2015

To The Honorable Mayor and City Council Members and City Manager;

First of all I would like to thank the city for meeting up with Inner Plan from Draper to see about the designing of Lake Mountain Road.

This will be fantastic to finally get this road developed for future use and for the present use of all of the south end and north end residents. There are many others that drive up Bobby Wren to use this road to get out of the city. They don't have to weave around the roads in their subdivisions to get to Pony Express Road.

Anyway, thank you for looking at the possibilities and taking action. We know and appreciate the city manager who tries to use the city budget wisely and spending money is always a concern. We hope that you will see the benefits of making Lake Mountain Road either a Minor collector road or a residential road a benefit to all of the citizens in Eagle Mountain. It does provide another way ingress and egress for the citizens.

We the future(developers) have been trying our best to conform and follow all of the codes and requests that have been asked by us from the city and hope to present and give back to the city nice subdivisions that will enhance and invite growth to Eagle Mountain. thank you for all of your considerations and working with us.

As you are well aware of there are 4 neighbors (who are very opinionated) who are trying to stop the growth out here. One of the neighbors,I have 69 paes from Mike Kieffer,trying to "keep things stirred up" and he is always looking for a debate and always trying to "bait us" and has even gone as far as to lie to try and get my husband in trouble with the city. We have even heard they have threaten to sue the city!( I would be curious as to what merits they would have to even form a lawsuit)  
Each one of these neighbors own 5 acres in the city, but they think they OWN this ROAD and what ALL GOES ON out here! My suggestion is if they don't want progress and change then they should have NOT moved into the city!

We are sadden by all of the "riff -raff" the 4 neighbors have been creating., Having a difference of opinion is one thing but slandering and lying and creating groups to go against us in a childish manner is another!

We hope the city will step up to the plate and realize what we have all been enduring out here as we have been legally following the city's requests and codes.

We look forward to working with you for the benefit of Eagle Mountain and hope to offer some beautiful parcels in the cedars for future homes.

Thank You;  
Karen Scott

## Michael Hadley

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**From:** Scott Karen <karenlscott77@gmail.com>  
**Sent:** Tuesday, August 18, 2015 1:18 PM  
**To:** Ryan Ireland; Richard Steinkopf; Adam Bradley; Donna Burnham; Tom Westmoreland; Scott Karen; Mayor; Ifo Pili; Steve Mumford; Michael Hadley  
**Subject:** Re: Lake Mountain Road

City Councilmen; Be prepared to be getting letters from our neighbors this week!!  
This is Mike Kieffer's Last shoutout August 17, 2015:Mike Kieffer



Hillbillies vs Scott's -- round 2. Looks like there is even less information with this rezone request. Asking for blanket rezone from planning commission. On the 25th, start writing the planning commission now.

Chat Conversation End

Seen by Aimee, Bryan

On Tue, Aug 18, 2015 at 1:03 PM, Scott Karen <karenlscott77@gmail.com> wrote:

Tuesday Aug 18th 2015

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We look forward to working with you for the benefit of Eagle Mountain and hope to offer some beautiful parcels in the cedars for future homes.

Thank You;  
Karen Scott

**From:** Mike Kieffer [<mailto:mkieff@gmail.com>]  
**Sent:** Monday, October 19, 2015 6:01 PM  
**To:** Steve Mumford  
**Subject:** Planning Commission

(Steve, there is the email. Yes, I would like to have it included in the packet.)

I would like you to consider adding the following suggested motion to the planning commission packet, if that is possible.

"I move that the City Council approve the proposed Eagle Mountain Benches and Eagle Mountain Ranches rezone application with the following conditions:

- 1- The lot size minimum for the proposed rezone is 1 acre or larger.
- 2- That transition lot sizes be used to protect the current usage of the surrounding property. If the border lot is 5 or more acres, then the lots sizes should be 2.5 acres or larger in size. If the border lot is 10+ acres then the lots size should be 5 acres or larger in size."

Because we are not talking about only 16 acres as with the Glenmar rezone, there is more room for requiring larger lots along the borders of the rezone area, and still make the rezone profitable for the developer.

Here is why I am asking to have a larger lot size buffer before the 1 acre lots that are proposed. I plan on farming and using my land as it is currently zoned. My lot is adjacent to one of the lots being rezoned. And I am afraid that because I have livestock, and plan on increasing my farming operations over the next few years that my land usage will be incompatible with the land usage of a 1 acre lot. I am afraid that the city will eventually see an increase in complaints against the current lot owners that are zoned agricultural. (Including the animal sanctuary.)

Farming, and having live stock is a noisy and smelly business. Animals and farms produce noise and smells during normal operation. And I am afraid that if smaller lots are approved along the existing lots, then the new neighbors will not like the by products of farming and livestock. It will be an unnecessary burden on the city and the current residents to have to field and deal with

the complaints associated with the smaller lots. There are going to be times when manure and green waste will be turned, and processed on the properties. During those times, the odor level will increase. There will also be times when the noise levels increase as farming is conducted.

I am not trying to stop people from having what we currently have, I am just trying to eliminate future problems for the city and myself as a land owner. The Eagle Mountain Benches, and Eagle Mountain Ranches rezone is different in nature than the Glenmar Rezone was. The only property currently in use adjacent to the Glenmar rezone was the developers property. That is not the case in the Eagle Mountain Benches and Eagle Mountain Ranches rezone. It currently shares borders with properties that have existing homes, as well as properties that are already being used to support live stock. (It is interesting to note, that the developer does not wish to rezone the area around his house, but to keep it agricultural.)

The current code reads as follows (in the agricultural zone section).

**17.20.070 Right to farm.**

Property owners of parcels that are zoned agriculture in Eagle Mountain City shall be deemed to have the right to conduct agricultural activities as allowed in this zone. Unless agricultural activities are creating a health or safety concern for the general public, such activities may continue without interruption in this zone. While residents residing adjacent to or near agricultural activities may experience noxious smells, noise or late and early hours of operation, such intrusions are understood to be a common element of routine and permissible agricultural activities. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.7)].

The larger the lot, the greater the noise and odor buffer the lot provides. I am not saying that I do not plan on working with my neighbors, or I plan on being a bad neighbor. But I also know that I will have rosters, goats, ducks, rabbits, and bees on my property. As well as several acres of row crops. And that many people would not like the noises and smells associated with livestock and farming operations. Residents on larger lots usually purchase those lots for the same reasons, making larger lots more compatible with current land usage.

Thanks,

The Kieffers

5121 Lake Mountain Road

Eagle Mountain, Utah 84005

## Michael Hadley

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**From:** Neil W <wheeler.neil.a@gmail.com>  
**Sent:** Tuesday, August 18, 2015 8:48 PM  
**To:** Steve Mumford; Michael Hadley  
**Subject:** Re: proposed Lake Mountain Road rezoning

Hello Gentlemen,

I am writing you in support of Friends in Need Animal Rescue which currently operates on Lake Mountain Road. They are providing a service that the community can get behind and is truly needed as most of these animals they care for would literally be 'thrown away' otherwise. I get that as Eagle Mountain expands developers are looking for where they can expand to increase their earnings but as much open space as there is around Eagle Mountain surely they can find somewhere else to push for these changes. Thank you for your time.

--Neil Wheeler

## Michael Hadley

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**From:** Mandy Bradshaw <mandybottoms@gmail.com>  
**Sent:** Thursday, August 20, 2015 9:54 AM  
**To:** Michael Hadley  
**Subject:** Rezone

Hello,

I am writing to you again in regards to the proposed rezoning in the Lake Mountain Road area. Please listen to the majority of the residents who live on Lake Mountain Road. Development with 60 or more septic tanks and propane tanks is not safe. Not safe for the ground water, not safe for nearby residents (potential for 60 propane tanks exploding...), and ultimately not safe for the city as a whole.

If these things were addressed (sewer systems, electricity) then it would be safe for all. There is no need to rezone until these issues are addressed.

Thank you.  
Mandy Bradshaw

## Michael Hadley

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**From:** Lexie Oates <lexoates@gmail.com>  
**Sent:** Wednesday, August 19, 2015 10:03 AM  
**To:** Steve Mumford; Michael Hadley  
**Subject:** Rezoning Lake Mountain Road

To whom it may concern,

I am writing in regards to the rezoning of lake mountain road. This area is currently used by locals for exercise, walking dogs, running and walking. There is an animal rescue, Friends in Need, in this area as well. If the rezoning takes place and becomes residential, none of this can happen anymore and it may mean the end for the animal rescue where many animals live and come to when no one else will help them. This is something that none of us wants to see happen.

I ask that you vote no to rezoning and development along Lake Mountain Road.

Thank you for your time,

Alexis Oates

## Michael Hadley

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**From:** cathleen manley <cathleen\_man@yahoo.com>  
**Sent:** Tuesday, August 18, 2015 9:27 AM  
**To:** Steve Mumford; Michael Hadley  
**Subject:** Rezoning of Lake Mountain Road

Misters Munford and Hadley,

It seems that once again Lake Mountain Road residents are under attack from "developers" looking to make fast money.

From what I have read "The City Council already voted to not re-zone these sub developments. This is the second time that these developments have been proposed. And this time the details are even fewer, and more vague as to what the Developer has planned."

The same issues that were raised in the previous development proposal remain for this time around. The same solutions are also consistent. There is plenty of land both north and south of the pass and away from Mountain Road that can be developed without disrupting the lives of the people and wildlife that inhabit Mountain Road today.

Along with this, the erosion to the land that can, and most likely will occur, will cause irreputable damage. Several years ago this was seen in The Ranches area when flooding damaged homes due to improper use of the land. Please don't let that happen on Mountain Road.

Those who live on Mountain Road, purchased there for a specific reason - to preserve the land and the wildlife that depend on the land for survival. I would hope that you would uphold the previous vote to protect this area from outside development that would cause a negative impact on so many lives.

Respectfully,

Cathie Manley-Frix

## Michael Hadley

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**From:** britann1992@gmail.com  
**Sent:** Tuesday, August 18, 2015 10:25 PM  
**To:** Michael Hadley  
**Subject:** Rezoning

Hello,

I have recently been informed that you are thinking of rezoning Lake Mountain road. Do not rezone this. There is a property that helps animals in need and rezoning this would ruin them. My cousin volunteers at this establishment and she has been through so much trauma in her young life and this is such a wonderful outlet for her. She was sexually assaulted as a child and this animal shelter has shown her that she can also recover just like the animal do as well; and that life has meaning again. My whole family is very attached to this shelter and seeing this rezoning and making it residential would be awful.

Thank you for your time, and reading this.

Britann Ritter

## Michael Hadley

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**From:** Choosing Joy LLC <choosingjoy@gmail.com>  
**Sent:** Wednesday, August 19, 2015 3:38 PM  
**To:** Steve Mumford; Michael Hadley  
**Subject:** Re-zoning

Please do not change zoning along Lake Mtn Road if it will negatively affect Friends in Need Animal Sanctuary.

Friends in Need is a great place and works to help so many people!

Thank you,  
Connie & David Williams

**ORDINANCE NO. O- -2015**

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH  
REZONING CERTAIN LANDS REFERRED TO AS  
EAGLE MOUNTAIN BENCHES/EAGLE MOUNTAIN RANCHES**

*PREAMBLE*

The City Council of Eagle Mountain City, Utah, finds that it is in the public interest to amend the zoning of certain areas within the City to rezone the area commonly referred to as Eagle Mountain Benches/Eagle Mountain Ranches, set forth more specifically on Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices and hearings have been completed as required by law to consider and approve the rezoning of the Eagle Mountain Benches/Eagle Mountain Ranches area as set forth on Exhibit A.
2. The lands depicted and described on Exhibit A are hereby rezoned to the density and uses as set forth more specifically on Exhibit A.
3. This Ordinance shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 17<sup>th</sup> day of November, 2015.

EAGLE MOUNTAIN CITY, UTAH

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Chris Pengra, Mayor

ATTEST:

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Fionnuala B. Kofoed, MMC  
City Recorder

## CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on this 17<sup>th</sup> day of November, 2015.

Those voting aye:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

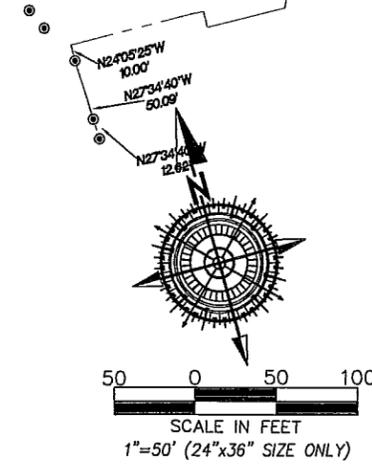
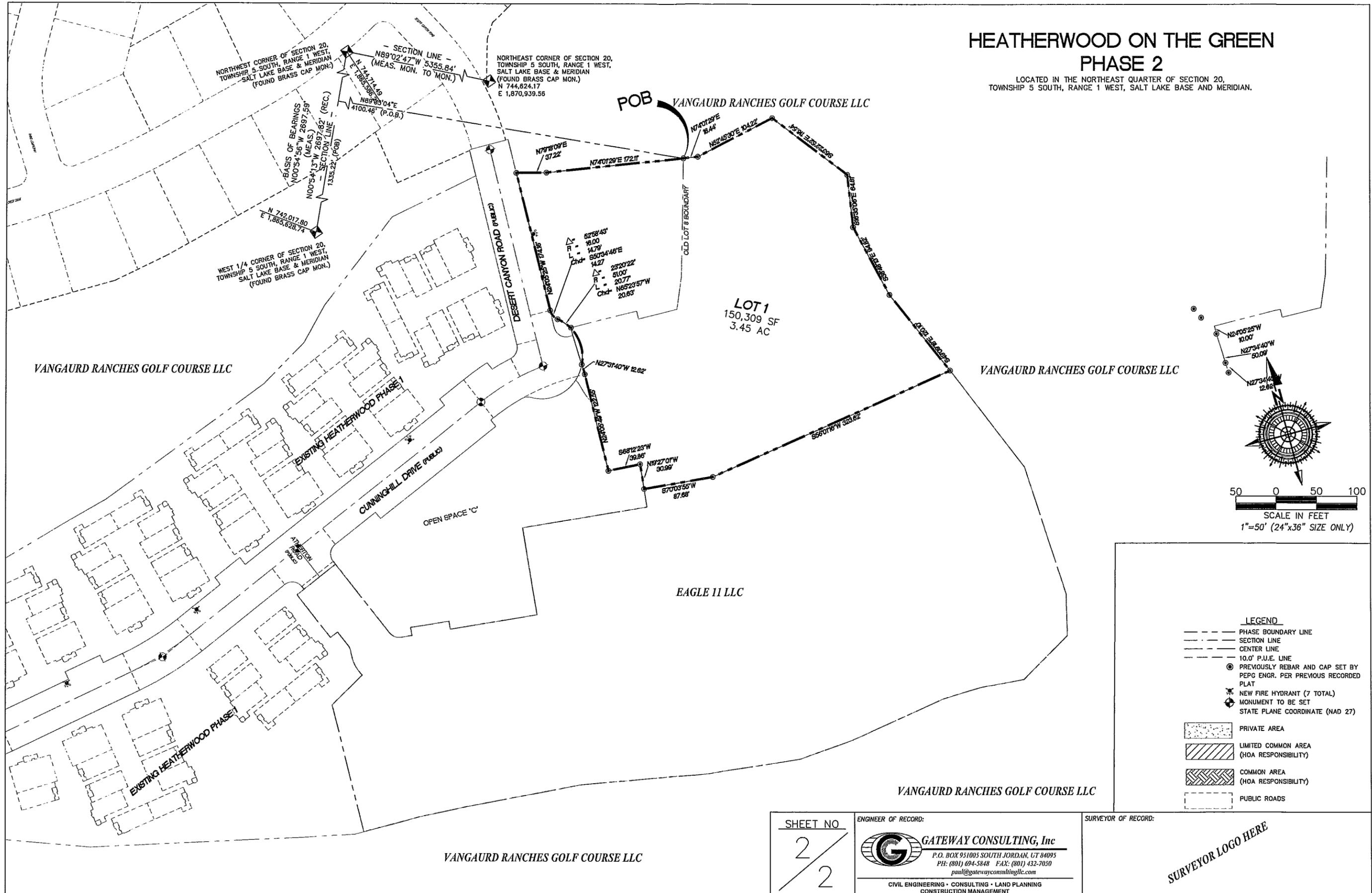
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Fionnuala B. Kofoed, MMC  
City Recorder

# EXHIBIT A

# HEATHERWOOD ON THE GREEN PHASE 2

LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.



- LEGEND**
- PHASE BOUNDARY LINE
  - SECTION LINE
  - CENTER LINE
  - 10.0' P.U.E. LINE
  - ⊙ PREVIOUSLY REBAR AND CAP SET BY PEFG ENGR. PER PREVIOUS RECORDED PLAT
  - ⊕ NEW FIRE HYDRANT (7 TOTAL) MONUMENT TO BE SET STATE PLANE COORDINATE (NAD 27)
  - [Stippled Box] PRIVATE AREA
  - [Diagonal Hatching Box] LIMITED COMMON AREA (HOA RESPONSIBILITY)
  - [Cross-hatching Box] COMMON AREA (HOA RESPONSIBILITY)
  - [Dashed Box] PUBLIC ROADS

SHEET NO  
2 / 2

ENGINEER OF RECORD:  
**GATEWAY CONSULTING, Inc**  
P.O. BOX 951005 SOUTH JORDAN, UT 84095  
PH: (801) 694-5848 FAX: (801) 432-7050  
paul@gatewayconsultingllc.com  
CIVIL ENGINEERING • CONSULTING • LAND PLANNING  
CONSTRUCTION MANAGEMENT

SURVEYOR OF RECORD:

SURVEYOR LOGO HERE

VANGAURD RANCHES GOLF COURSE LLC

VANGAURD RANCHES GOLF COURSE LLC



**EAGLE MOUNTAIN CITY**  
City Council Staff Report

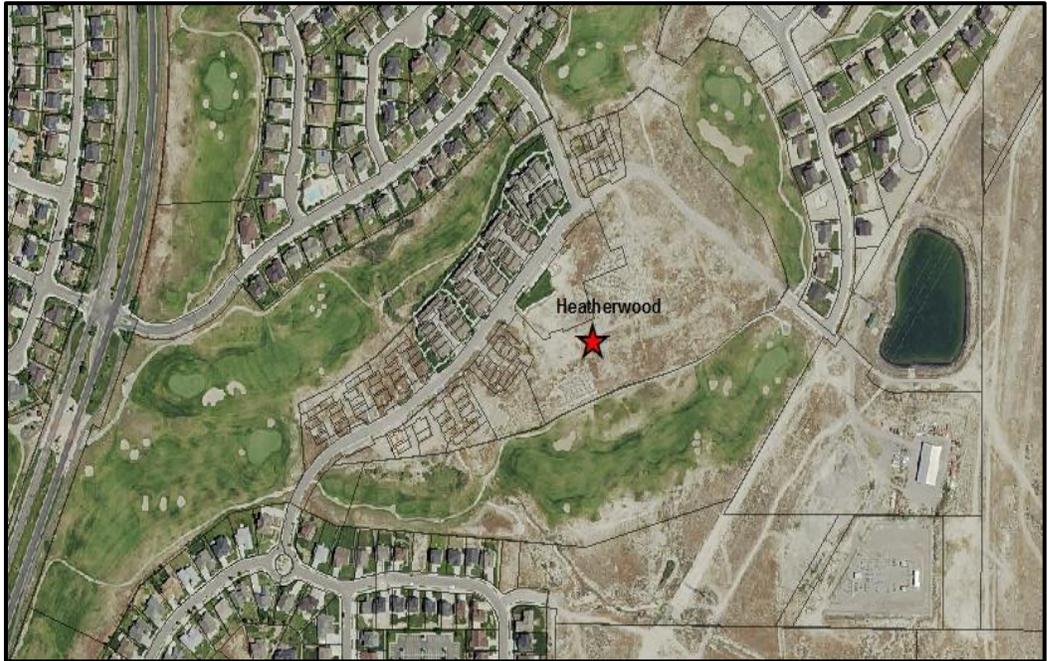
**NOVEMBER 17, 2015**

**Project:** Heatherwood Recorded Plat Amendment, Preliminary Plat Amendment  
**Applicant:** Eagle II / Al Rafati  
**Request:** Recorded Plat Amended, Preliminary Plat Amendment  
**Type of Action:** Action Item

**Planning Commission-** The planning commission recommended approval 5-0 with no conditions.

**Background**

The Heatherwood development is a unique multi-family development that was approved by the City Council on November 15, 2005. This development is composed of 200 units on 20.45 acres of land. This land was vested and zoned with The Ranches Master Plan. Since the approval of this project part of Phase 1 has been built. A portion of phase 1 and all of phase 2 are unbuilt. There are two separate applications with this project: a recorded plat amendment and a preliminary plat amendment. There is also an application for a one lot final plat for a future church lot that will go before the DRC for approval.



**Recorded Plat Amendment**

The recorded Heatherwood Amended Plat 1 consists of 96 total units. Currently there are 44 units that have been built or are in the process of being built. In Plat 1 on the east side of Desert Canyon Rd there are 10 units that are recorded but have not been built. The purpose of the recorded plat amendment is to vacate those 10 units. The 10 vacated units will be combined along with a portion of Heatherwood phase 2 to create one single lot that will be purchased from the developer for a future church site. The applicant has met with staff and gone through DRC meetings discussing this application. Staff and the DRC approves of this amendment.

**Preliminary Plat Amendment**

The preliminary plat amendment will create two new phases (phases 2 & 3). The phases will consist of the vacated units from the recorded plat amendment (see above) and the originally approved Heatherwood phase 2 development. Heatherwood phase 2 has never been recorded with Utah County. The new preliminary plat will feature a redesign of the unit's configuration. With phase 1 the configuration of the units has created issues with drainage and snow plowing/stacking. The new configuration will take the end units and align them parallel with the other units which will open up the end of the units. The following diagrams reflect the current design and the new design.

**Current Design**

**New Design**



The new design will allow for better drainage. It will also create more area for snow stacking and plowing. All of the units will also be unattached from one another and feature rear loading garages. All of the utilities and infrastructure are already on site for this project so the proposed changes should have no effect.

***One Lot Final Plat***

Following the processing of the recorded plat amendment and the preliminary plat amendment there will be one lot created known as phase 2 on the amended preliminary plat. The lot is 3.45 ac in size. This will be processed as a one lot subdivision for the purpose of constructing a church. In the past the City has recommended that when a church site is proposed that it is submitted as a one lot subdivision. The City has approved a few different one lot subdivisions that became church lots.

**Future Approvals**

The Final plat application will be reviewed by the DRC for approval. The owner/applicant of the one lot subdivision will be required to submit applications for a site plan and a conditional use permit. Once the applicant has submitted the applications, the project will be scheduled for a DRC meeting to begin the review/approval process.

***Recommendations***

Staff recommends that the City Council approve the Recorded Plat Amendment and Preliminary Plat Amendment applications.

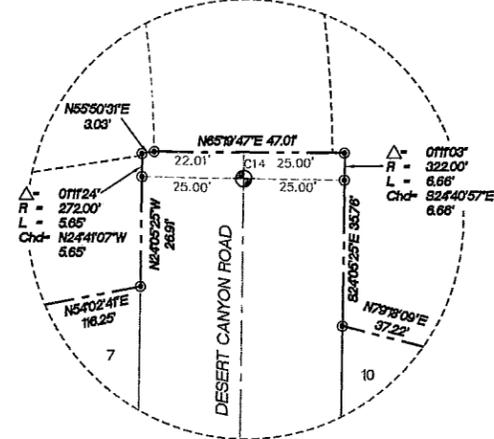
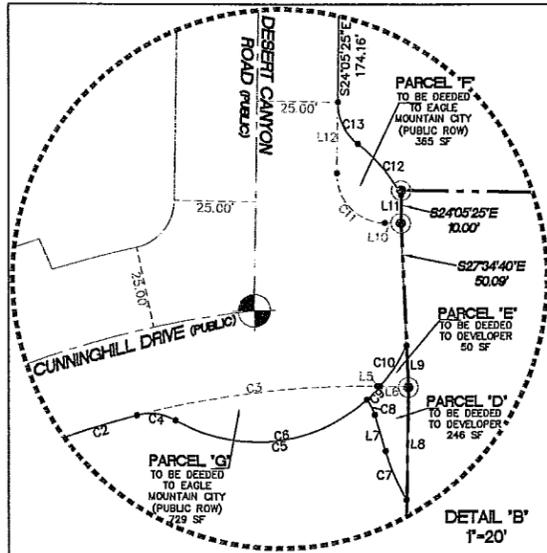
***ATTACHMENTS:*** Recorded Heatherwood on the Green Plat, Heatherwood Preliminary Plat Amendment, Final Plat Church Lot, Site Plan Phase 2 & 3.

# HEATHERWOOD ON THE GREEN PHASE 1 2ND AMENDED PLANNED UNIT DEVELOPMENT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

NARRATIVE: THE PURPOSE OF THIS PLAT IS TO CHANGE UNITS 8A-8J AND SURROUNDING COMMON AREA TO A SINGLE LOT (LOT 8), TO MODIFY PARCEL "C" BOUNDARY, AND ADD IN A PUBLIC RIGHT OF WAY BUBBLE AT THE INTERSECTION OF DESERT CANYON ROAD AND CUNNINGHILL DRIVE. THE EXTERIOR SUBDIVISION BOUNDARY DOES NOT CHANGE. ALL OTHER EASEMENTS WILL REMAIN UNCHANGED.

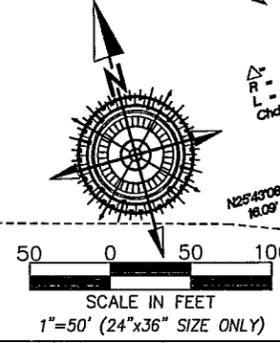
THIS PLAT AMENDS THE PREVIOUS PLAT, AS RECORDED  
ENTRY# \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ IN UTAH COUNTY  
UTAH.



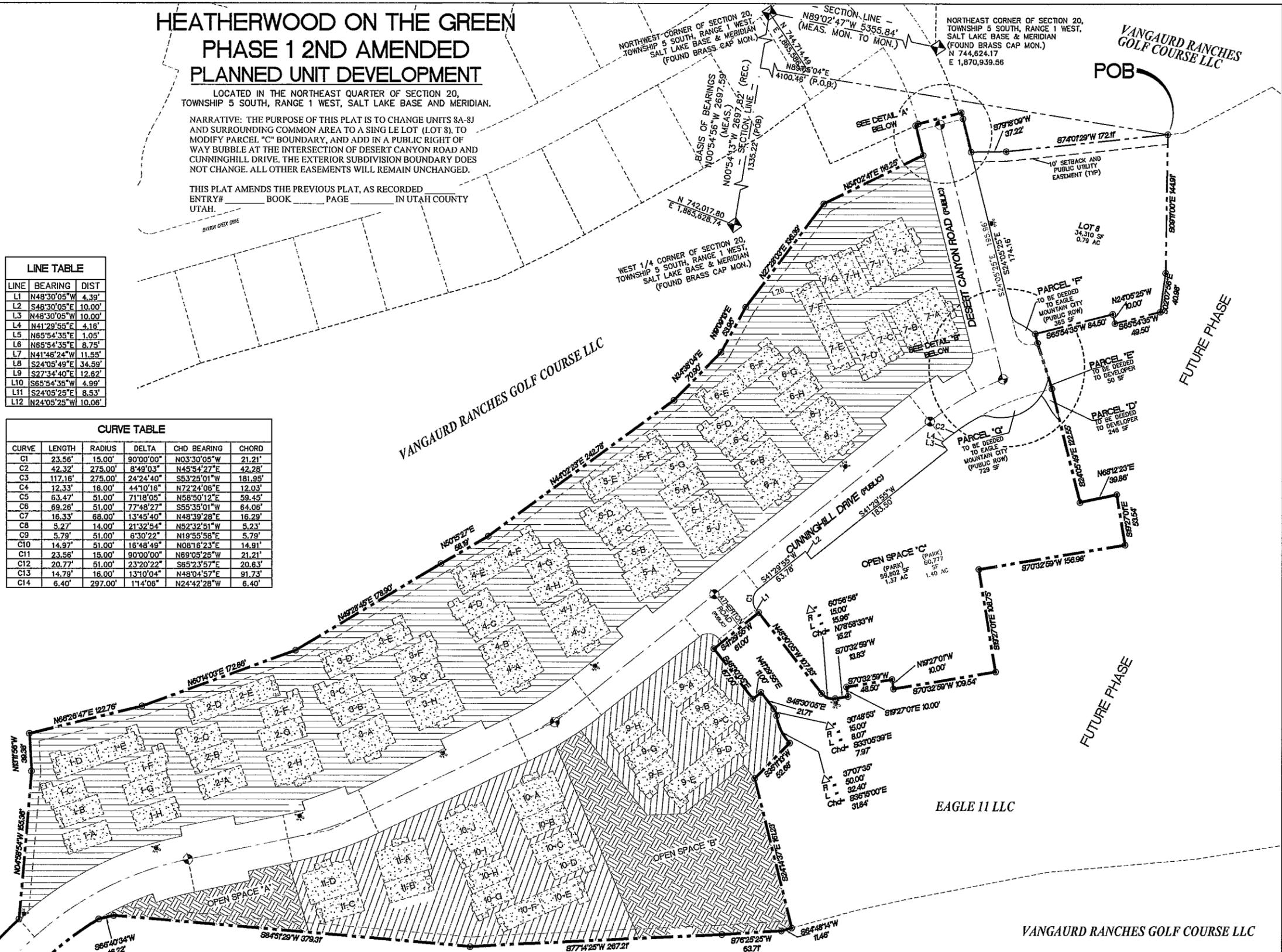
LINE	BEARING	DIST
L1	N48°30'05"W	4.39'
L2	S48°30'05"E	10.00'
L3	N48°30'05"W	10.00'
L4	N41°29'55"E	4.16'
L5	N65°54'35"E	1.05'
L6	N65°54'35"E	8.75'
L7	N41°46'24"W	11.55'
L8	S24°05'49"E	34.59'
L9	S27°34'40"E	12.62'
L10	S65°54'35"W	4.99'
L11	S24°05'25"E	8.53'
L12	N24°05'25"W	10.06'

CURVE	LENGTH	RADIUS	DELTA	CHD BEARING	CHORD
C1	23.56'	15.00'	90°00'00"	N03°30'05"W	21.21'
C2	42.32'	275.00'	8°49'03"	N45°54'27"E	42.28'
C3	117.16'	275.00'	24°24'40"	S53°25'01"W	181.95'
C4	12.33'	16.00'	44°10'16"	N72°24'06"E	12.03'
C5	63.47'	51.00'	71°18'05"	N58°30'12"E	59.45'
C6	69.26'	51.00'	77°48'27"	S55°35'01"W	64.06'
C7	16.33'	68.00'	13°45'40"	N48°39'28"E	16.29'
C8	5.27'	14.00'	21°32'54"	N52°32'51"W	5.23'
C9	5.79'	51.00'	6°30'22"	N19°55'58"E	5.79'
C10	14.97'	51.00'	16°48'49"	N08°16'23"E	14.91'
C11	23.56'	15.00'	90°00'00"	N03°30'05"W	21.21'
C12	20.77'	51.00'	23°20'22"	S65°23'57"E	20.63'
C13	14.79'	16.00'	13°10'04"	N48°04'57"E	91.73'
C14	6.40'	297.00'	1°14'06"	N24°42'28"W	6.40'

- LEGEND**
- PHASE BOUNDARY LINE
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  - CENTER LINE
  - 10.0' P.U.E. LINE
  - PREVIOUSLY REBAR AND CAP SET BY PEPG ENGR. PER PREVIOUS RECORDED PLAT
  - NEW FIRE HYDRANT (7 TOTAL)
  - MONUMENT TO BE SET
  - STATE PLANE COORDINATE (NAD 27)
  - PRIVATE AREA
  - LIMITED COMMON AREA (HOA RESPONSIBILITY)
  - COMMON AREA (HOA RESPONSIBILITY)
  - PUBLIC ROADS



EXISTING PLAT A  
EAGLES GATE AT PRAIRIE GATE



SHEET NO.  
2 / 2

ENGINEER OF RECORD:  
**GATEWAY CONSULTING, Inc**  
P.O. BOX 931005 SOUTH JORDAN, UT 84095  
PH: (801) 694-5848 FAX: (801) 432-7050  
paul@gatewayconsultingllc.com  
CIVIL ENGINEERING • CONSULTING • LAND PLANNING  
CONSTRUCTION MANAGEMENT

SURVEYOR OF RECORD:  
**SURVEYOR LOGO HERE**

**ORDINANCE NO. O- -2015**

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH  
AMENDING THE RECORDED PLAT OF THE  
HEATHERWOOD ON THE GREEN PHASE 1 AMENDED PUD  
AND APPROVING THE  
HEATHERWOOD ON THE GREEN PHASE 1, 2<sup>ND</sup> AMENDED PUD**

***PREAMBLE***

The City Council of Eagle Mountain City, Utah finds that the Planning Commission of Eagle Mountain City, Utah recommended that the City Council approve the second amendment to the Heatherwood on the Green, Phase 1, PUD recorded plat (the "Plat") and the City Council believes that it is in the public interest to amend the Plat, as recorded in the office of the Utah County Recorder as entry number 2007-174925 on December 20, 2007.

The City Council finds that the consent of adjacent property owners has been received and all required notices have been given and all required public hearings have been held pursuant to the provisions of 10-9a-608, *Utah Code* (as amended 2014).

The City Council finds that a public hearing was not required pursuant to the provisions of 10-9a-608, *Utah Code* (as amended 2014) as no protests to the plat amendment were received.

The City Council specifically finds that neither the public nor any person will be materially injured by the proposed amendment of the Plat and that there is good cause to amend the Plat as presented to the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The second amended plat of Heatherwood on the Green, Phase 1 PUD, which is attached to this Ordinance as Exhibit 1 and incorporated herein by reference as though fully set forth herein, is hereby approved by the City Council of Eagle Mountain City, Utah.
2. The City Recorder is hereby authorized and directed to record this Ordinance with Exhibit 1 in the office of the Utah County Recorder.
3. This Ordinance shall take effect at 12:01 a.m. on November 18, 2015.

ADOPTED by the City Council of the Eagle Mountain City, Utah, this 17<sup>th</sup> day of November, 2015.

EAGLE MOUNTAIN CITY, UTAH

---

Chris Pengra, Mayor

ATTEST:

---

Fionnuala B. Kofoed, MMC  
City Recorder

## CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on this 17<sup>th</sup> day of November, 2015.

Those voting aye:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

---

Fionnuala B. Kofoed, MMC  
City Recorder

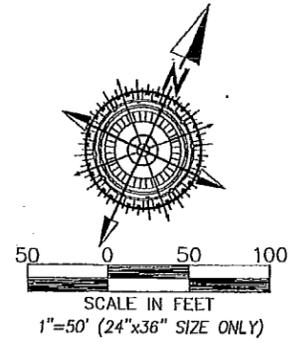
# EXHIBIT 1



# HEATHERWOOD ON THE GREEN PHASE 1 AMENDED PLANNED UNIT DEVELOPMENT

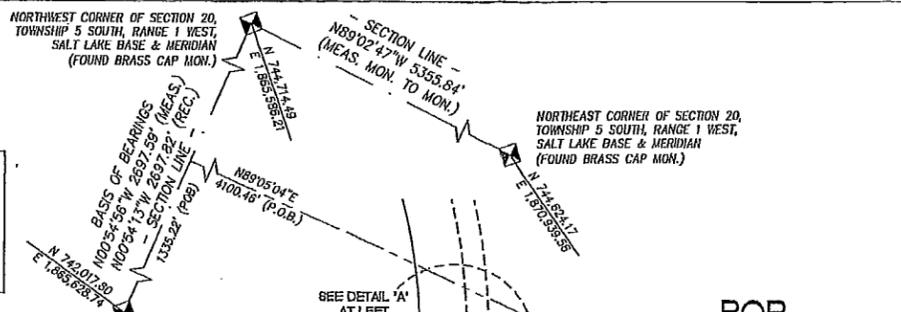
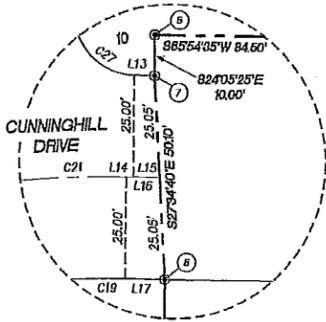
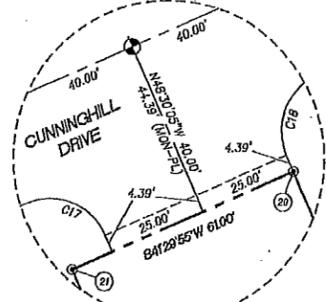
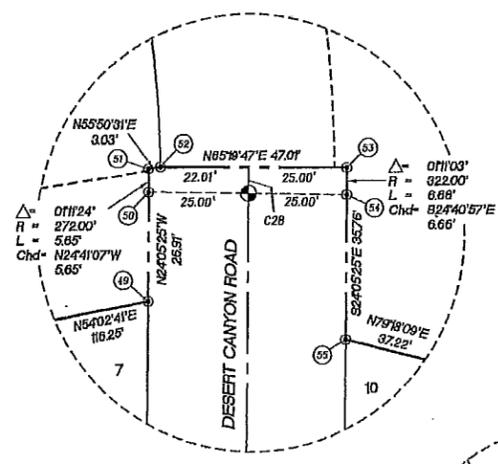
LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

STATE PLANE COORDINATES ARE SHOWN PER "STATE COORDINATE & DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN" ON RECORD IN UTAH COUNTY.



SEE SHEETS 4-6 FOR BUILDING DIMENSIONS.  
SEE SHEET 2 FOR LINE AND CURVE TABLES, ADDRESSES, AND STATE PLANE COORDINATES

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  - ▨ PRIVATE AREA
  - ▨ LIMITED COMMON AREA (HOA RESPONSIBILITY)
  - ▨ COMMON AREA (HOA RESPONSIBILITY)
  - ▨ PUBLIC ROADS



FUTURE PHASE 2

12586 sheet 3 of 6

SHEET NO  
3 / 6

PREPARED BY:  
**GATEWAY CONSULTING, L.L.C.**  
P.O. BOX 951005 SOUTH JORDAN, UT 84095  
PH: (801) 433-0774 FAX: (801) 433-0776

CIVIL ENGINEERING • CONSULTING • LAND PLANNING  
CONSTRUCTION MANAGEMENT

PEPG ENGINEERING, L.L.C.  
421 W. 12300 S. #400 • DRAPER, UT 84020  
PH: (801) 562-2521 • FAX: (801) 562-2551