



## EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

October 6, 2020, 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Jessa Porter, 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 Angela Valenzuela, Human Resource Manager.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 54-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

Mayor Westmoreland called the meeting to order at 4:03 p.m.

#### **1. CITY ADMINISTRATOR INFORMATION ITEMS**

- 1.A. DISCUSSION ITEM – Proposed Code Amendment to Add Open Space Zoning Districts
- 1.B. DISCUSSION ITEM – Proposed Code Amendment to Add a Public Facilities Zoning District

*Item 1.A. and 1.B. were presented and discussed concurrently.*

Long-Range Planning Manager Pete Kane presented the item. The amendments will create two open space zones, Improved Open Space Zone and Natural Open Space Zone, and a Public Facilities Zone for publicly and privately-owned locations used for public gathering such as churches, museums, city halls, and arenas. He explained the purpose of creating the zoning districts is to set more specific use requirements and to better identify how the land is being used. Currently, open space and public facility uses are generally located in areas zoned as residential. The proposed chapters include permitted and special uses and dimensional and development standards. An amendment to the General Plan Future Land Use Map for the proposed zoning

districts to identify the properties will be necessary, should the zones be adopted. The creations of the zones will help to solidify land use during the master development plan (MDP) process.

Mr. Kane stated that special uses already codified for the residential and commercial zones are included in the proposed chapters with the intention to allow the City Council to remove undesired special uses with a future amendment.

Councilmember Curtis expressed concern that approving the public facilities zone for a property would grant developers the rights to undesired uses not included in the proposed plan such as parking garages.

Mr. Kane stated that during the MDP application the developers will hopefully identify the intended public facility uses and concerns can be addressed with the terms of the agreement.

Councilmember Love noted that structures such as parking garages would still be subject to exhibiting standards such as height restrictions.

#### **I.C. DISCUSSION ITEM – Proposed Code Amendment for Master Plan Developments and Agreements**

Mr. Kane presented the item and explained the purpose of the amendment is to mitigate concerns raised due to the scope of existing MDAs and MDPs. The proposed amendment includes significant changes to address size limitations; clarify the MDA, review, and waiver processes; and ensure compatible adjacent uses, appropriate expiration dates, size limitations, and public infrastructure phasing. Property over 50 acres will require an MDA and developments over 200 acres must be divided into multiple projects with individual MDAs to allow the projects to be completed within the maximum ten-year time limitation. MDAs may serve as a rezone application and a General Plan Future Land Use Map amendment but does not include the preliminary plat approval process. The amendment adds Sections 16.10.080 Criteria for approval of MDAs, which codifies the necessary elements included in the MDA, and Section 16.10.090 Master Development Amendments, which explains triggers for an MDA amendment and the amendment review and approval process.

Mr. Kane explained that the number of units allowed per acre is determined by the updated residential zone standards and the MDA must adhere to the General Plan land use designation unless an amendment is approved by the City Council. He recommended the application form be updated to indicate whether an MDA/MDP will serve as a rezone application.

Councilmember Clark requested that the application return to a future work session to allow Councilmember Gray to provide input and to allow all Councilmembers additional time to review the item due to the significance and potential impacts of the amendment.

Councilmember Curtis requested information to facilitate visualization and clarification regarding the potential impact of the implementation of the changes on future developments in relation to the updated zoning districts' density and uses.

Discussion ensued regarding development and water usage modeling.

#### 1.D. DISCUSSION ITEM – Cascade Collision Auto Concept Plan

Planner Jessa Porter presented the item. This concept plan includes a four-lot commercial subdivision. The proposed use for lot 1 is a 1,900-square foot autobody shop and an enclosed parking area for car repairs. The parcel is zoned Commercial Community, which permits this use. The elevations indicate horizontal articulation with minor articulations on the building façade. The updated concept plan includes the trash enclosure location and 85 off-street parking stalls, including the enclosed parking area; 65 parking stalls, including three ADA stalls, are required. Access to the property is available via Porter's Crossing and a right-in/right-out access via Pony Express Parkway. The ADA parking spaces are located across from the store entrance and the parking stalls along the building are for completed vehicles awaiting pickup.

The Planning Commission reviewed the concept plan at the September 22, 2020 meeting and requested clarification of City parking requirements and asked the applicant to review building articulation and design standards. The Commission expressed concern regarding the development's and the enclosed parking area's proximity to Tickville Wash, the potential uses, associated noise due to the proximity to residential areas, traffic flow and circulation, and the proposed six-foot height of the enclosed parking area fence.

Applicant representative Trevor Sharp said the Planning Commission had expressed concern regarding runoff into the Tickville Wash and explained Cascade Collision utilizes a self-contained system that will prevent runoff. He stated the site is tenuous to develop due to drastic geographical sloping. The concept plan includes t-posts to indicate the developable area setback from the wash without the implementation of major retaining walls. He stated the southern corner of the parking area is set back approximately 34 to 35 feet; however, he is unsure if the measurement is from the center or edge of the wash. The building is located north of the parking area, farther from the wash.

Councilmember Curtis requested to view the site with the applicant. Mr. Sharp stated he will meet with Councilmember Curtis at the site to explain the planned layout for the development in relation to the Tickville Wash.

Mr. Sharp stated the southern parking area will include asphalt, curb, and gutter. And will be connected to the sewer and storm drain system. He explained the northern border line indicated the four acres portion of useable land of the six-acre site and the southern line indicated the property border.

Assistant City Administrator/Community Development Director Steve Mumford verified the elevation markings denoted approximately a 15-foot elevation decrease from the top to the bottom of the property, and the southern property line does not align along the Tickville Wash but does include some portions of the wash. The southern parking area slopes towards the wash.

Councilmember Clark expressed concern regarding the development's proximity to the Tickville Wash due to previous wash erosion and the environmental and wildlife impact to stabilize the land near the wash for development.

City Engineer Chris Trusty concurred with Councilmember Clark's concerns and stated that without proper stabilization, locating vehicles near the top of the wash will cause erosion into the wash.

Mr. Sharp stated that a vehicle storage component is critical to the success and function of the business. The vehicles are stored for a few days during repair work with an average of 15 to 20 vehicles repaired per day or 75 to 100 vehicles per week.

Councilmember Love stated she visited the site and expressed concern regarding the proximity of the t-posts to the Tickville Wash and the amount of sloping of the site. She recommended spacing the parking closer together to consolidate and configure the parking farther from the wash and requested the vehicle parking area fencing be indicated on the plan.

Councilmember Curtis inquired if the parking requirement would be met if the southern-most row of parking were removed from the plan and suggested the applicant consider installing a seven-foot fence due to some vehicles exceeding six-feet in height.

Councilmember Burnham concurred with the statements regarding the parking area's location in relation to the Tickville Wash and said her purpose in reiterating the concern was to inform the applicant of the unanimity among the Councilmembers.

Mr. Sharp stated that all the vehicle work will be performed inside the buildings.

Discussion ensued regarding the slope of the property and parking requirements. Mr. Mumford explained Municipal Code requires automotive service stations to provide one parking stall per 500 square feet of gross finished floor area plus two parking stalls per service bay. The proposed building has areas used for differing purposes and not all the parking stalls were counted as service bay areas. The applicant can assist the City Council in determining if a different parking standard is appropriate.

Mr. Sharp requested clarification regarding the reason for the Councilmembers' concerns about the parking area's proximity to the Tickville Wash.

Councilmember Clark clarified her primary concerns are environmental disruption, development damage to the wash, erosion, and safety.

Mayor Westmoreland noted the location is also near a school and City park property.

Mr. Mumford explained the City park property is south of the Tickville Wash and Pony Express Elementary is located south of the park property and approximately 270 feet from the wash. The property between the school and the wash is planned to be an improved open space extension of Smith Ranch Regional Park.

## 2. AGENDA REVIEW

### 9. BID AWARDS

#### 9.A. Silverlake Woodhaven Community Park, Phase 1 – Stratton & Bratt Landscape

Councilmember Curtis requested clarification regarding the significant difference in the bid amounts.

Parks and Recreation Director Brad Hickman explained the bid process and reasons for bid variance and stated Stratton and Bratt Landscape was confident in the bid amount they provided. He had verified the quality of the work done by the company in other locations.

## 12. MINUTES

### 12.A. September 15, 2020 – Regular City Council Meeting

City Recorder Fionnuala Kofoed stated Councilmember Burnham expressed concern regarding the fourth paragraph on page 14. Ms. Kofoed suggested removing “recommended” and amending the wording to clarify that Councilmember Burnham’s statement proposed a resolution to Councilmember Curtis’ concerns.

## 13. PRELIMINARY PLATS & SITE PLANS

### 13.A. SilverLake Plat 28 Site Plan

Mr. Mumford stated staff received an updated site plan with the additional seven required parking stalls. He received questions from Councilmembers regarding minimum garage size standards, and staff recommends conditioning the approval to require the garages to adhere to current size requirements. He recommended allowing developments with previously approved site plans with multiple phases of townhomes to be allowed to use the previously approved plans. He stated this project has an approved preliminary plat that did not include the review of the plan details. Mr. Mumford verified that the development includes one more phase with townhomes located south of Silver Lake Elementary.

Councilmember Love expressed concern that smaller garages increase the likelihood of street parking and advocated for the future townhome development south of Silver Lake Elementary be required to have larger garages. She concurred with the Planning Commission recommendations including requiring Silver Spring Way to be a public road with prohibited parking along the west side of the road. She expressed her willingness to allow smaller garages for the townhomes in this phase, but recommended requiring the

single-family homes to have the full-width garages per updated Municipal Code standards.

Mr. Mumford stated the applicant worked with staff to widen Silver Spring Way closer to a public right-of-way width. Townhome projects generally have private roads, and he assumes the design for private roads is due to cost reduction and facilitating homeowner's association management of the road. The desire to widen the road to a public road is due to the likelihood of residents using Silver Spring Way as a connection from Golden Eagle Road to other roadways, and the likelihood that residents will expect the road to be plowed and maintained by the City. The recommendation to prohibit parking along the west side of the road is due to Silver Spring Way being slightly narrower than the standard public road.

Councilmember Curtis expressed concern regarding enforcement of the masonry wrapping required per the MDA.

Mr. Mumford explained the renderings provided have been used throughout the project and that masonry wrapping can be included as a condition of approval.

Mayor Westmoreland recommended creating a process to verify the desired Council requirements are evaluated during building inspections to ensure compliance.

Applicant representative Bronson Tatton clarified they were allowing the buyers to choose the type of masonry used, not if the masonry is wrapped. The contractors have been informed of the masonry wrapping requirement; however, he has not verified compliance.

Mr. Mumford clarified that the MDA requires the wrapping of masonry material and that if Hardie board or fiber cement is used on both the front and sides of the home, it would fulfill the wrapping requirement.

Mr. Tatton explained they removed space behind the homes to widen the road with an additional seven feet of asphalt, but the road is one foot short from the standard public road width. He said they are providing two-car garage townhomes with wider driveways than most townhome developments. Municipal Code standards do not allow for the additional parking created by the two-car garages to count toward townhome guest parking requirements. He stated that additional site plan changes have been requested for each phase of the project and changes delay development timing. Expanding the garages will be difficult due to the lot size constraints of the approved preliminary plat. The cluster lots generally have a 42-foot frontage with a five-foot setback on each side resulting in a 32-foot home width. A 22-foot wide garage only permits ten feet for the porch and door. He expressed his willingness to make adjustments on future phases due to the additional time to implement the requested changes. However, the cluster homes in the future phases have been planned with a 42-foot frontage and would encounter the same design difficulties due to a two-foot reduction in home square footage and the resulting impact to the stairwell and additional floors. He stated the garage width standard

will be easier to implement on larger homes. The smaller frontage for the cluster homes is to meet a needed price point in the current market.

Councilmember Love noted the SilverLake South MDA allows for frontages narrower than the updated RC zone minimum of 58-foot frontages and reiterated her concern that permitting the smaller garages will increase street parking and parking issues in the neighborhood.

Councilmember Clark recommended removing the item from the consent agenda. She said that Municipal Code had been changed to mitigate the resulting parking concerns associated with small garages.

Mr. Mumford stated that the increased garage width requirement was passed approximately one year ago. He received communication that not all builders within the City had been notified of the change by the Home Builders Association, as presumed. City building inspectors and staff are in the process of notifying developers of the change. Some developments have vested rights or meet other exemption criteria. He noted that lot line adjustments and architectural redesign require additional time and cost to the developers, and townhomes have less square footage available to implement adjustments. He recommended allowing an exemption to developments that have begun infrastructure improvements, such as utility stubs, or projects with recorded plats that have commenced construction.

Applicant representative Nate Hutchingson stated they learned of the garage width changes a few weeks ago when their building permits were rejected. They are making the changes for lots with 50-foot or larger frontages, but requiring a larger garage results in a smaller home. He explained that townhome communities with parking concerns generally have single-car driveways. He stated they have not received parking complaints from their SilverLake townhome communities with two-car driveways. This project also includes guest parking stalls. They are trying to provide an affordable product to buyers while also mitigating the Council's parking concerns.

Councilmember Clark said she is surprised the applicants were unaware of the change due to the scale of their operation and the number of meetings they have attended.

Mr. Hutchingson stated they genuinely were unaware of the change and had they been aware of the discussions before the change, they would have advocated for an adjusted standard for smaller lot sizes similar to standards in other cities.

Mr. Mumford stated it would be reasonable to allow developers a period to adjust their plans to adhere to the new standards and noted it is difficult to adjust plans in a later phase of development, especially if the projects have been recorded and builders have contracts with buyers. He stated that several phases of the project have been recorded and have begun infrastructure installation and construction.

#### 14. RESOLUTIONS

**14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Policies and Procedures Manual to Adopt a Revised Grooming Policy.**

Human Resources Manager Angela Valenzuela explained the purpose of the amendment is to clarify the requirements of the current grooming policy.

Councilmember Curtis stated his preference to permit casual dress standards.

**15. ORDINANCE/PUBLIC HEARINGS**

**15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.60 Landscaping, Buffering, Fencing and Transitioning.**

Mr. Kane presented the item and stated the proposed amendment was discussed during the previous City Council meeting. The proposed zoning transition table proposes compatible adjacent zoning districts. This type of transition is best incorporated into EMMC 17.60, which also includes lot size transitioning identifying required lot size transitions that can be permitted within and between residential zoning districts. The amendment also includes updates to the lot size transition table to reflect the lot sizes established by current residential zoning districts.

He stated he had received a modified lot size transitioning table from Councilmember Love reducing the number of adjacencies from nine to seven and including setback and frontage requirements for the lot sizes. He expressed concern regarding the inclusion of setbacks and frontages as the lot size category of previously approved lots may be altered by their setbacks and frontages. He explained the dissenting Planning Commission vote was due to concerns regarding the proposed lot size transitions for larger lots in permitting one-acre lots adjacent to lots over four acres.

Councilmember Love clarified her inclusion of the setbacks and frontages was to facilitate the discussion of the table and was not intended to be included in the amended Municipal Code standards.

Councilmember Burnham expressed support for Councilmember Love's proposed amendments to the table; however, she advocated to combine MF1 and MF2. She recalled that Councilmember Curtis had expressed concern during the previous meeting regarding allowing apartment high-rise buildings adjacent to townhomes, but staff had clarified that MF1 and MF2 have the same height limit standards. She suggested changing the second lot size transition from 4.99 to 2.5 acres to 3.99 to 2.5 acres if it reduced concerns related to adjacent large lots.

Mayor Westmoreland suggested that permitted uses and product type could be guiding factors in determining whether to combine lot size categories.

Councilmember Curtis expressed concern that merging the MF1 and MF2 categories would allow MF2 zoning adjacent to noncompatible single-family home developments. He recommended indicating that existing lots under 4,500 square feet would be included in the fifth adjacency on Councilmember Love's proposed chart.

Mr. Kane stated the fifth adjacencies could be amended to include MF1 and lots under 4,500 square feet and clarified the chart indicates transition requirements and the zoning district standards indicated permitted lot sizes.

Councilmember Love concurred that the fifth adjacency could include all lots under 8,000 square feet. She noted the permitted densities for the lot sizes and explained the density variance was her reason for separating MF2 as a distinct transition category.

Mayor Westmoreland said lot size transitions could prevent desirable, larger products due to transition requirements and generally animal rights are the only concern regarding allowing larger lots adjacent to small ones.

Councilmember Curtis explained that the intent of creating the standards was to prevent the construction of small lots adjacent to much larger lots due to the number of requests the City had received from developers for incompatible developments. He expressed concern that the transitioning requirements may result in required increases in the overall density of a development.

Councilmember Love noted the standards include two transition tables—one from larger to smaller lots and the other from smaller to larger lots and the tables could include different requirements to prevent density increases.

Councilmember Curtis advocated investing adequate time to consider and formulate appropriate smaller to larger lot standards rather than determining standards during the meeting.

### **3 ADJOURN TO A CLOSED EXECUTIVE SESSION**

No closed session was held. Mayor Westmoreland adjourned the meeting at 6:11 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, and Carolyn Love. Councilmember Jared Gray arrived at 7:57 p.m.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Jessa Porter, 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 Angela Valenzuela, Human Resource Manager.

#### 4. CALL TO ORDER

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

#### 5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

- Facebook's Eagle Mountain Data Center is accepting applications through October 16, 2020, for Community Action Grants. All 501(c)3 organizations and schools are eligible to apply. The application and details are available on the Eagle Mountain Data Center Facebook page. They have not received very many applications, so we encourage those who qualify to take advantage of this opportunity.
- The Eagle Mountain Chamber of Commerce will hold a Business After Hours event Thursday, October 8, 2020, from 5:30 to 7:00 p.m. at Dow Tax & Accounting for networking and a brief tax presentation. There is no fee and you do not need to be a Chamber member to attend.
- Be Ready Eagle Mountain will hold a free class on Thursday, October 8 at City Hall from 7:00 to 9:00 p.m. Stop the Bleed is a course about how to stop severe bleeding in an injured person. Masks required.
- Halloween Town Haunted Drive-in Cinema will be held Friday, October 23, 2020, and Saturday, October 24, 2020, at Wride Park. Admission is free but pre-registration is required. Visit [events@emcity.org](mailto:events@emcity.org) for details and to register.
- To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at [emcity.org/notifyme](http://emcity.org/notifyme).

#### 7. PUBLIC COMMENTS

*Mayor Westmoreland opened public comment at 7:07 p.m.*

Ms. Kofoed stated she had received an email comment from Marian Birmingham regarding the Cascade Collision development and the Tickville Wash which will be added to the public record as requested.

*Mayor Westmoreland closed public comment at 7:08 p.m.*

## 8. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Clark

Councilmember Clark thanked residents for their participation in the City processes and the efforts of staff and the Planning Commission on Municipal Code amendments. She expressed appreciation for first responders and the emergency preparedness group. She requested that people be kind to and serve each other, especially regarding mental illness concerns, and to demonstrate grace to those with differing opinions and expressions of political liberty.

### Councilmember Love

Councilmember Love concurred with Councilmember Clark's comments and welcomed the new City employees.

### Councilmember Curtis

Councilmember Curtis requested for Planning Commission comments and recommendations to be included with City Council discussion items, when applicable.

### Councilmember Burnham

Councilmember Burnham agreed with the sentiments and comments expressed by the other Councilmembers. She thanked the Events Department for their creative efforts to promote community unity.

### Mayor Westmoreland

Mayor Westmoreland welcomed the meeting participants. He stated he hopes that residents find the meeting informative and productive.

## CONSENT AGENDA

### 9. BID AWARDS

9.A. Silverlake Woodhaven Community Park, Phase 1 – Stratton & Bratt Landscape

### 10. BOND RELEASES

10.A. Brandon Park Phase A, Plat 7 – Into Warranty

10.B. Brandon Park Phase A, Plat 10 – Into Warranty

### 11. CHANGE ORDERS

11.A. Pony Express Parkway Median Improvements Project Change Order #1 – RBI Inc.

### 12. MINUTES

12.A. September 15, 2020 – Regular City Council Meeting

## 13. PRELIMINARY PLATS & SITE PLANS

### 13.A. SilverLake Plat 28 Site Plan

## 14. RESOLUTIONS

### 14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Policies and Procedures Manual to Adopt a Revised Grooming Policy.

**MOTION:** *Councilmember Curtis moved to approve the consent agenda, amending the minutes, as discussed, and removing item 13.A. and placing it as a scheduled item. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

## 13. PRELIMINARY PLATS & SITE PLANS

### 13.A. SilverLake Plat 28 Site Plan

Mayor Westmoreland provided background regarding the item and explained the Councilmembers had expressed concern during the work session regarding the site plan's failure to adhere to new garage size standards.

Assistant City Administrator/Community Development Director Steve Mumford clarified that his recommendations for exclusions did not apply to this application as it has not begun construction or infrastructure improvements for this portion of the development.

Applicant representative Bronson Tatton reiterated the concerns he expressed during work session regarding the challenges to adjust their designs to adhere to the updated garage size standards requiring a 22-foot garage for a 32-foot wide cluster home. He explained that accommodating the garage size increase will result in a decrease of the porch and entrance area and the interior square footage of the homes and impacts the staircase transition to the second floor and the garage entrance negatively impacting functionality and livability. He stated they have made aesthetical and other design adjustments as requested between phases of the project; however, the sizes of the townhomes since phase 14 has been consistent. The preliminary plat has been approved and they desire to develop product that fits appropriately in the vested lot sizes. He requested to be allowed to implement the changes in the future portions of the project rather than this phase due to time constraints.

City Attorney Jeremy Cook verified that the MDA did not include vested frontage widths, but the approved preliminary plat permits 42-foot frontages. He explained that the applicant legally could be required to comply with the 22-foot garage width standard; however, it may result in a

less-desirable product. The City Council also had the option to grant an exemption for this phase and to require the wider garages in future phases.

Councilmember Curtis stated that some individuals may prefer a smaller house with a larger garage; however, he is willing to consider an exemption.

Councilmember Burnham expressed concern that the interior width reduction could decrease livability for the buyers due to the narrow entryway and stated she would prefer to enforce the requirement on future phases.

Mr. Tatton stated that due to market demand for townhomes and cluster homes, they are considering reordering the number of the phases in order to develop the smaller homes before other single-family products.

Councilmember Clark stated that her primary concern is parking and suggested requiring additional guest parking if granted the reduced garage size standard.

Discussion ensued regarding the potential number and location of additional parking stalls to require, the impact of additional guest parking on the overall project design and open space, and the development of future phases.

**MOTION:** *Councilmember Curtis moved to approve the SilverLake Plat 28 site plan with the following conditions:*

1. *The applicant shall pay a landscape cash escrow to the City of \$2,810.40 per lot/unit at the plat recording;*
2. *An additional seven guest parking stalls shall be dispersed throughout the development, for a total of 22 stalls;*
3. *The property line shall be shifted farther west to ensure a minimum of ten feet between the townhome rear-yard fencing and the adjacent property line;*
4. *Silver Springs Way shall be a public road;*
5. *Parking along the west side of Silver Spring Way shall be prohibited due to the width of the road;*
6. *The applicant shall work with the Community Development Director to determine the number and location of additional guest parking stalls; and*
7. *All future plats shall meet the 22-foot garage width standard requirement.*

*Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

## 15. ORDINANCE/PUBLIC HEARINGS

15.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.60 Landscaping, Buffering, Fencing and Transitioning.

Mr. Kane reviewed the work session presentation of the item and explained that Councilmember Love had proposed a potential chart adjustment reducing the number of adjacencies from nine to seven.

Mayor Westmoreland explained the work session discussion had focused on the desire to refine the lot size transition categories.

Councilmember Love advocated for retaining the same transitions from larger to smaller and smaller to larger lots.

Councilmember Clark thanked staff and the Planning Commission for their efforts on the item; however, she expressed concern that the standards needed additional work, especially due to septic systems, animal rights, compatible uses, and the transition from 4.99 to one-acre lots.

Councilmember Curtis stated that requiring transitioning will potentially reduce the development of larger lots.

Mr. Kane clarified that the lot sizes are minimums and that lots from the columns with larger lots could be developed. The standards could allow developers to petition to be allowed the minimum lot size allowance due to the standards; however, the designations of the Future Land Use Map and City standards can still be enforced by the City Council.

*Councilmember Gray joined the meeting at 7:57 p.m.*

Councilmember Love noted the lot size reductions are proportional for the adjacent categories and that the animal rights are the same for the one- to five-acre lots, and the lot sizes categories differ in the number of animals permitted but not the animal type.

Mayor Westmoreland suggested tabling the item.

Councilmember Burnham supported Councilmember Love's table amendment suggestions and concurred that as the lot sizes are minimums, an inverse of the lot size categories would be appropriate for the smaller to larger lot table.

Councilmember Curtis stated that people with one-acre lots are less likely to utilize animal rights. He recommended half-size lot transition steps and express concern regarding unvested agricultural land transitioning.

*Mayor Westmoreland opened the public hearing at 8:05 p.m.*

Jacinda Montano submitted the following email comment "I am concerned with the proposal regarding changing the transition on lot sizes that has been SUCH a concern and issue for many

in the city in the past. There has been a lot of thought, work and effort to come up with the current transition code (passed several years ago) and the residential zone code that was passed last August by the planning commission. The code recommended by the planning commission is in harmony with our current transition code. The proposal being brought forth tonight is NOT. We have the transition code for a reason to support the existing code to allow for larger lots and not have it be surrounded by tiny lots. I don't know WHY we are revisiting this again?? Our current transition is .5 acre to 2.5 to 1 acre to .5 to .33 to .25 acre and down. This is a needed buffer for property values and the look and feel of a community. From what I understand the proposal tonight is to change the transition now from .5 acre to .11? How does this benefit the citizens? How does this benefit and protect the property value of the person with the .5 acre home? This proposal is in direct conflict with our residential zone code. Please don't undo the work that took months of input, reasoning, and planning and give developers a loophole to pack in these tiny lots. We are trying to encourage bigger lot sizes and this will do the opposite. So bottom line, you have two codes you are evaluating tonight. The one recommended by the planning commission supports and is congruent with our current existing code. This allows for proper transition of lots that is consistent with what the residential code states. This counter proposal does NOT support our code and becomes a playground of loopholes for builders and developers. PLEASE do not pass this. Please support our property values.”

Mr. Kane clarified the proposed amendment included in the agenda packet is the Planning Commission recommendation to adjust the current standards to be in harmony with the updated residential zone districts.

Bettina Cameron said she is on the Cedar Pass Ranch Homeowner's Association Board. They receive complaints regarding animals concerns from non-animal homeowners. She expressed concern that permitting one-acre lots adjacent to five-acre lots will result in animal right usage conflicts, especially regarding the number of animals permitted on larger lots, setbacks, and accessory buildings in addition to density. She advocated for sufficient buffering between lot sizes and for the City Council to table the amendment in order to consider land usage.

Councilmember Love clarified that her proposal does not alter any of the Planning Commission's large lot recommendations and that her intention was to reduce the number of smaller lot transitioning to reduce the number of small lots.

*Mayor Westmoreland closed the public hearing at 8:15 p.m.*

Councilmember Gray inquired regarding the zoning code and the lot size transitioning in the proposed amendment and recommended tabling the item rather than passing Councilmember Love's proposed amended lot size transitioning table. He expressed concern that the table does not specify the number of lots required in each transition.

Mr. Kane clarified the amendment proposes the addition of a zone transition table and changes to the existing lot size transition tables in separate sections of Eagle Mountain Municipal Code Chapter 17.60. He explained current standards do not include the number of lots of a specific size to include in lot size transition buffer.

Councilmember Curtis stated he had misunderstood the table changes proposed by Councilmember Love.

Discussion ensued regarding the difference between the current and the proposed lot size transition tables and the purpose and need for the standards and requested changes.

Mr. Kane clarified tier language in the lot size transition table needs to be amended because the tier standards have been removed from Municipal Code. The current lot size transition table could be retained; however, the lot size categories would not coincide with the lot size designations in the updated residential zoning districts. The standards would apply to all current and future lots, regardless of vesting or inclusion in a subdivision.

Councilmember Curtis recommended the item return to the Planning Commission for further refinement.

Councilmember Clark concurred with returning the standards to the Planning Commission.

Discussion ensued regarding returning the item to the Planning Commission for further consideration and refinement.

Mr. Kane inquired if the City Council had concerns regarding the zone transition table and summarized the Councilmember concerns to discuss with the Planning Commission.

Discussion ensued regarding the approval of the zone transition table and reiterating concerns regarding the lot size transition tables.

Mr. Kane recommended approving the amendment except for the lot size transitioning table in Section 17.60.150.

**MOTION:** *Councilmember Burnham moved to approve an Ordinance of Eagle Mountain City, Utah amending the Eagle Mountain Municipal Code Chapter 17.60 Landscaping, Buffering, Fencing and Transitioning excluding the proposed amendments to Section 17.60.150 Lot size transitioning. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

## 16. RESOLUTION

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending and Adopting the 2020 Eagle Mountain City Parks, Trails, & Open Space Master Plan.

Parks and Recreation Director Brad Hickman presented the item and explained staff and MHTN Architects have implemented the changes requested during the September 1, 2020, and September 15, 2020, City Council meetings and have made other minor corrections to the text

and tables. He noted that Councilmember Clark had requested to discuss conservation easements during this meeting.

City Attorney Jeremy Cook stated the City may grant land to organizations such as the Utah Division of Wildlife Resources (UDWR), Utah Open Lands (UOL), or The Nature Conservancy (TNC) in the form of a conservation easement or retain the conservation easement under City ownership. Concern had been expressed during the previous meeting that a future City Council would not honor the conservation easement and would permit the development of the land. He explained a conservation easement may become problematic should an unforeseen circumstance arise as has occurred with needing to run utilities across deed-restricted land designated for cemetery use. He recommended granting the easement to an organization that would protect the land while allowing potential access or adjustments to the agreement if determined necessary in the future or to grant an easement or right to the property owner that dedicates the land to the City that utilizes the tax code to restricts property use.

Mayor Westmoreland inquired if the City would be able to make improvements to the land within a conservation easement such as landscaping, trailheads, or bathrooms.

Mr. Cook explained that the ability to make improvements would depend upon the scope of the easement, and rights, such as hunting or utility easements, could be included as usage rights. He stated land proposed for conservation easements includes locations that will impact desired future utility infrastructure expansion. The current City Council does not have the ability to bind a future City Council to a decision made by the current body without *deeding* the land to a third party. The land should be dedicated to an organization with longevity as the dissolution of the organization would cause difficulties should agreement modifications be necessary. As the likelihood of a future City Council permitting the development of the land is minimal, retaining the land and designating the property as open space and a conservation corridor is the best option; however, the City Council may make an agreement with a third-party organization if desired.

Councilmember Curtis expressed the desire to guard against all eventualities including unlikely or extreme scenarios to protect the conservation easements. He asked if partnering with a State organization would allow the State to permit the development of the land.

Mr. Cook reiterated that he believes the City should retain ownership of the land, even if the City grants a conservation easement to a third party, to be able to best protect City interests and to restrict undesired land uses. He said other cities have deeded property to the County or State with third-party-owned conservation easements to prevent the development of the land for various scenarios and purposes such as agricultural farmland protection with varying usage allowances. State Code allows for any nonprofit 501©3 entity to own conservation easements.

Councilmember Curtis inquired if conservation easement considerations needed to be included in the Parks, Trails, and Open Space Master Plan.

Mr. Hickman stated that the conservation easements are a recommended option of how to implement portions of the plan such as the wildlife corridor and are a byproduct, rather than an aspect, of the plan.

Councilmember Gray stated that during the development of the plan, he attempted to provide input regarding City Council priorities. He focused on preserving open space and rights-of-way, while being conservative with park maintenance expenses.

Councilmember Burnham noted a typo in line three of section 1.26 Vision Statement, Guiding Principles, and Goals, “their is adequate parkland for each neighborhoods population” that should be corrected to read “there is adequate parkland for each neighborhoods population.” She expressed concern that without a redline version she was unable to determine the changes and requested clarification.

Mr. Hickman summarized the implemented City Council amendments to the updated plan per discussions at the previous meetings.

Councilmember Love expressed concern regarding the policy in section 3.74 under Strategy #4 to “continue design process for new recreational center and begin to promote the idea with residents,” and suggested an amending the verbiage to “to continue design process for new recreational center and evaluate resident interest in said plan,” rather than promoting the idea with residents.

Councilmember Clark recommended including the financial feasibility as a component of the policy to continue the design process for a new recreational center.

Councilmember Love clarified her recommendation was due to financial considerations and the amendment could be “evaluate resident interest in proposed facility and associated costs.”

Discussion ensued regarding amending the plan to include verbiage regarding the financial impact and feasibility of a recreation center.

***MOTION:*** *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, amending and adopting the 2020 Eagle Mountain City Parks, Trails, and Open Space Master Plan with the following amendments:*

1. *Policy one in section 3.74 under Strategy #4 shall be amended to “continue design process for new recreational center and evaluate resident interest in proposed facility and associated costs;” and*
2. *Line three in section 1.26 shall be amended to “there is adequate parkland for each neighborhoods population.”*

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

## 17. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham

None.

Councilmember Love

None.

Councilmember Curtis

None.

Councilmember Clark

Councilmember Gray

None.

Mayor Westmoreland

Mayor Westmoreland stated the health and quality of life survey indicated that depression and anxiety are high concerns among residents especially due to the stress caused by the personal impacts of the pandemic. He encouraged residents to be compassionate to each other, despite their differences, as we are rarely aware of the difficult burdens other people are facing.

## 18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham

Councilmember Burnham stated the Veterans Board is planning a Veterans Day breakfast event and is exploring options to hold the event within pandemic guidelines.

Councilmember Love

Councilmember Love stated that the Youth Council will meet for the first time during the upcoming week.

Councilmember Curtis

Councilmember Curtis said a Chamber of Commerce Business After Hours Networking Event will be hosted by Dow Tax and Accounting on Thursday, October 8, 2020, from 5:30 to 7:00 p.m. at 3688 Campus Drive Suite #240. An agreement with the City needs to be drafted to establish the terms of allowance for the request from the Eagle Mountain Arts Alliance to install book boxes on City properties.

Councilmember Clark

Councilmember Clark stated the Cemetery Board met and discussed grant funds the City was awarded for improvements and compiling a Cemetery Master Plan. They also discussed plans for the annual Angel Garden memorial. A ham radio licensing examination will be held on November 07, 2020. Residents can download an app to prepare for the test. During the previous exam, everyone passed. Councilmember Clark thanked staff for their efforts to inform residents regarding City boards and commission vacancies. She said she began her participation in City service through serving on City Boards.

Ms. Kofoed noted that the City is accepting applications for City boards through October 31, 2020.

Councilmember Gray

Councilmember Gray stated that they are working towards obtaining a quorum for the Parks and Recreation Advisory Board and thanked the board participants. He is in frequent contact with the Senior Citizen Advisory Council regarding their efforts.

19. COMMUNICATION ITEMS

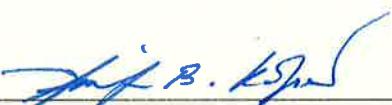
19.A. Upcoming Agenda Items

20. ADJOURNMENT

**MOTION:** *Councilmember Gray moved to adjourn the meeting at 9:26 pm. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:26 p.m.

Approved by the City Council on October 20, 2020.

  
Fionnuala B. Kofoed, MMC  
City Recorder



Dear City Officials and Staff,

We respectfully submit to you the attached letter (Wash Setbacks.pdf) and two photos for your consideration regarding setbacks on the natural washes in Eagle Mountain and ask that this information be made part of the public comment record for the October 6, 2020, City Council Meeting. We welcome your questions and comments.

Sincerely,

THE EAGLE MOUNTAIN NATURE & WILDLIFE ALLIANCE

**Kevin Burningham**

**Marian Burningham**

**Bettina Cameron**

**Shon Reed**

**Trista Torsen**

**Chad Welch**

**Craig Whiting**

The Eagle Mountain Nature & Wildlife Alliance has listened with concern and interest to discussions regarding commercial development requests being heard at both Planning Commission and City Council meetings. These have included the previously approved Auto Zone and an application being heard during the October 6, 2020, City Council meeting for Cascade Collision. We can realistically expect more frequent commercial and residential development applications on properties adjacent to the Tickville Wash, West Canyon Wash, East Wash, and the natural wash in Hidden Valley.. We fully realize these types of development are highly desired for numerous reasons. We also welcome these developments and recognize their importance to our residents and local economy.

It has been gratifying to hear our Planning Department and Engineering staffs, Planning Commissioners, and City Council members acknowledge the importance of setbacks on the wash and also state their support of the wildlife corridor in general. However, because the desired wash setbacks of 50 feet have not yet been codified, developers have no obligation to respect the setbacks and those who review and approve these applications can do no more than express concern.

We write this letter with the hope and expectation the 50' setbacks will be incorporated into the Eagle Mountain City Municipal Code as soon as possible. We also offer for your consideration a long-range plan for the City to restore the native habitat within the setback. The City can achieve this plan by adding native plants and trees along the wash. We also suggest including a natural surface path to an observation bench -- which draws attention to a community commitment of preservation of natural open space.  
Codifying the setback requirements benefits both developers and the City officials and staff by informing future applicants of the setbacks. It would also provide our officials and staff a solid tool for evaluating and approving future development. But there is more.

It is clear to us that those of you involved in development application and review are aware and understand the importance of the washes as they impact wildlife movement and slope stability. There is another crucial benefit to protecting the ephemeral washes and streams in our City that has not yet been part of the discussion -- the importance of the entire natural wash ecosystem to the severely impaired West Mountain Watershed and ultimate impact upon water tables and aquifers. This directly affects our future ability to improve both water quality and availability for residents as well as wildlife. The decisions you make today and into the future will have a profound effect upon the future of this critical resource well beyond our own lifetimes. We offer the following background for your understanding and recognition of our common responsibilities of stewardship for future generations in Eagle Mountain City:

According to the Center for American Progress, of the 11 Western States in the Disappearing Rivers analysis, Utah had the most altered rivers in the west. Nearly 74 percent of all smaller streams and rivers are impaired. It urges the advancement of policies that enable innovative solutions to expand watershed restoration efforts and to protect streamflows.<sup>1</sup>

**The Eagle Mountain Nature & Wildlife Alliance is actively engaged in such efforts, working with Shane Hill of Utah's DWR on a project we refer to as the West Canyon Watershed and Riparian Habitat Initiative.** [The word "riparian" means "related to a river or stream." Riparian habitat is any habitat that is influenced by a river or stream or adjacent to a lake. Riparian habitats include shallow backwaters; marshes and oxbow lakes in flood plains; meadows of sedges and rushes; willow flats; and strands of cottonwood trees.<sup>2</sup> It includes "the vegetation, habitats and ecosystems associated with bodies of water (streams, springs or lakes) or dependent on the existence of perennial, intermittent, or ephemeral surface or subsurface water drainage."<sup>3</sup>]

We are now in the process of submitting applications required for approval through local and federal agencies for this initiative. Because similar projects in other areas have recently obtained approval (for example, the East Canyon Creek Watershed Restoration Project<sup>4</sup>), **we anticipate approval of this project can be obtained in time to allow actual work to begin as early as Spring 2021.** This important work will initially install approximately 100 in-stream structures in the stream in West Canyon that will begin the healing process. These structures, mimicking those found in nature, slow the waterflow in the stream, raising the stream bed and allowing higher absorption of groundwater, and reducing erosion. Additional restoration work in this project includes planned treatments to the non-native juniper trees (notorious for their high water consumption), opening up the vegetative canopy to allow more water into the stream. These combined works will allow greater absorption of water into the soil. This, in turn, encourages the growth of native forbs and trees (such as willows, native grasses, and cottonwoods), restoring and widening the riparian habitat and providing more food for wildlife, raptors, and grazing of livestock. **Ultimately all these effects allow more water to flow into the water table for replenishment of aquifers, improving water quantity and quality and increasing water availability for wells. This increased availability is essential to sustain current and highly desirable agricultural uses as well as the vital water needed to support a growing population well into the future. The resultant riparian habitats are also known to act as refugia for wildlife during wildfires and create natural wildfire breaks.**<sup>5</sup> Camp Williams has already completed a series of in-stream structures higher in the stream on their

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<sup>1</sup> Center for American Progress|Utah's Disappearing Rivers:  
<https://disappearingwest.org/rivers/factsheets/DisappearingRivers-UT-factsheet.pdf>

<sup>2</sup> [http://rockies.audubon.org/sites/default/files/web\\_of\\_life\\_print-outs\\_riparian.pdf](http://rockies.audubon.org/sites/default/files/web_of_life_print-outs_riparian.pdf)

<sup>3</sup> [https://www.fs.fed.us/rm/pubs\\_rm/rm\\_gtr229/rm\\_gtr229\\_321\\_330.pdf](https://www.fs.fed.us/rm/pubs_rm/rm_gtr229/rm_gtr229_321_330.pdf)

<sup>4</sup>

<https://eastcanyoncreek.org/our-work/recently-completed-work/item/5-swaner-nature-preserve-east-canyon-creek-restoration-project>

<sup>5</sup>

<https://www.nationalgeographic.com/animals/2020/09/beavers-firefighters-wildfires-california-oregon/>

property where the water now flows year-round. Please also take a moment to view this YouTube video which will acquaint you with this restoration method in a nearby state:  
<https://www.youtube.com/watch?v=VNv-ddx0oK0>

The ephemeral nature of the Tickville Wash, West Canyon Wash, and East Wash we see and know is visible and stark evidence of the stream impairment in the West Canyon watershed. The attached photos show the effects of long-term grazing and lack of erosion control and give an idea of what can eventually be seen in the Tickville wash as the water flow continues further and further downstream -- raising the stream bed, reducing the bank slope, increasing surface water absorption -- restoring the riparian habitat and ultimately increasing the availability of one of our most critical natural resources: **Water!**

**It may be difficult right now for us to imagine a continuous flow of water and restored riparian habitat within Eagle Mountain in a wash that has too often been viewed in the past as an obstacle to development or a dumping ground for unwanted refuse of all kinds. But all these benefits do indeed become possible when we take on our personal responsibilities of stewardship and take the necessary steps required to protect our natural washes now!**

Once again, we wish to commend the foresight of those in our City government demonstrated by the ordinances currently in place that protect and preserve our hillsides, ridges, and sensitive lands. We understand you may have questions or want additional information pertaining to these ideas. We welcome and will quickly respond to any questions or concerns you may have.

We respectfully ask you to **urgently** consider the information presented in this letter. We believe you will then understand why we are asking your prompt attention and action to codify a 50-foot setback on any construction along the banks of our natural washes. **Please include this email as part of the public record for the October 6, 2020, City Council meeting as a public comment.**

Sincerely,

THE EAGLE MOUNTAIN NATURE & WILDLIFE ALLIANCE

Kevin Burningham  
Marian Burningham  
Bettina Cameron  
Shon Reed  
Trista Torson  
Chad Welch  
Craig Whiting

