



# EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 16, 2019, 4:00 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## **4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Steve Mumford, Community Development Director; Tayler Jensen, Planner; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Communications Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

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

### 1. CITY ADMINISTRATOR INFORMATION ITEMS

#### 1.A. UPDATE - UFA

City Administrator Ifo Pili introduced Fire Chief Ross Fowlks. Chief Fowlks said when Unified Fire Authority began servicing Eagle Mountain City, the staffing was maintained with three full-time employees and three paid-call personnel per day. In July 2017, staffing was increased to three full-time personnel at each fire station. Each station has a large apparatus and an ambulance. Depending on the type of emergency call, they may have to move equipment from one vehicle to the other, which causes a slight delay. To improve this, Station 252 has two part-time paramedics on site from 9:00 a.m. to 9:00 p.m., which allows for faster response. Chief Fowlks stated he hopes that the paramedics' hours will be increased to twenty-four hours each day in the next year or two, depending on growth and budgeting.

### 2. AGENDA REVIEW

#### 11. BOND RELEASES

##### 11.E. SilverLake Plat 10

Councilmember Curtis confirmed with staff that the trail had been repaired in this development.

### 13. MINUTES

#### 13.A. June 18, 2019 Minutes

Councilmember Clark asked if the ladder sign that was discussed at the June 18 meeting had been moved. Economic Development Director Aaron Sanborn said staff is working with the sign contractor to relocate a sign at Porters Crossing, as well as a sign in City Center. He stated this should happen by the end of July.

#### 14. PRELIMINARY PLATS & SITE PLANS

##### 14.A. Brylee Estates Phase B, Preliminary Plat & Site Plan

Councilmember Curtis asked if option number one is the staff recommendation for approval, and what option number two included. Community Development Director Steve Mumford explained the conditions included in option two were the Planning Commission's recommendations.

Planner Tayler Jensen said the Planning Commission asked the applicant to consider adding additional trails and to remove one of the sports courts. The applicant has not made those changes. Option one includes the original conditions of approval; option two includes the Planning Commission's recommendations.

Councilmember Curtis said the plan should include a variety of amenities, but questioned if the Council could require the changes proposed by the Planning Commission. Mr. Jensen explained that the original plan includes a variety of amenities, and stated that the Planning Commission asked the applicant to consider their suggestions, but did not require the changes.

The Council asked for clarification from City Recorder Fionnuala Kofoed regarding the consent agenda motion. Ms. Kofoed stated that as long as the Council makes their decision clear in the work session, the item can remain on the consent agenda. Mr. Mumford explained that option number two was to table the item to allow the applicant to implement the Planning Commission's recommendations.

Councilmember Curtis confirmed with the Council that option number one, excluding the Planning Commission's recommendations, is what the Council intends to approve.

#### 15. ORDINANCES/PUBLIC HEARINGS

##### 15.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements.

Mr. Mumford explained the amendment removes the bonus density system from the Development Code and replaces the current residential zone with twelve zones. It includes a land use table that specifies permitted, conditional, special and prohibited uses by zone. Another table includes a majority of the residential standards by zone, including setbacks, building heights, lot sizes, open space requirements, units per building in multifamily zones, lot frontages, and dwelling size minimums. The amendment also includes generally applicable provisions.

Mr. Mumford said the amendment also implements principles and key initiatives listed in the City's General Plan. The General Plan contains six residential categories, and the proposed zones help implement the standards for the categories.

Rural Density One is intended for large lots that range from 2.5 to 5 acres with animal rights. The RR1-1 and RR1-2 zones will be permitted in this designation. Rural Density Two is intended for lots from 0.5 to 2.5 acres with semi-rural infrastructure. Zones RR2-1 and RR2-2 are intended for this designation. The FR zone is intended to meet the intent of the Foothill Residential designation.

There are three Neighborhood Residential designations in the General Plan. The following zones are intended for the Neighborhood Residential One category: R1, which allows for single-family detached homes on a minimum lot size of ¼-acre and an average of 1/3-acre lots; R2, which allows a minimum lot size of 8,000 square feet and an average lot size of ¼-acre; and R3, which allows a minimum lot size of 6,500 square feet and an average lot size of 8,500 square feet. The average lot sizes are calculated using the actual square footage of every lot in the project; it does not take roads or open space into account.

Neighborhood Residential Two will contain the RC and MF1 zones. RC's intended use is small lot, single-family detached homes. The minimum lot size is 4,500 square feet and the required average lot size is 6,000 square feet. MF1 allows for single-family detached homes with common open space and multifamily projects with two to four units per building.

Neighborhood Residential Three will contain MF2 and MF3 zones. MF2 allows four to six units per building, and MF3 allows up to 24 units per building. The Planning Commission recommended 18 units per building in the MF3 zone, but staff increased that to 24 based on research. An example of that is the Aldara Apartments in Saratoga Springs.

Councilmember Clark asked what the highest number of units per building currently exists in the City. Mr. Mumford said the highest number of units per building is twelve. He said staff can draft a transit-oriented zone with higher density, as well as an updated commercial zone structure once the residential amendment is completed. Councilmember Curtis asked that a transit-oriented zone contain proximity limitations.

Councilmember Curtis expressed concern that SilverLake is designated Neighborhood Residential Three and could potentially have twenty-four units per building. Mr. Mumford clarified that SilverLake is designated Neighborhood Residential Two.

Mr. Mumford explained that benefits of higher units per building are a greater distribution of number of bedrooms and unit types, and stated that if units can be increased vertically, more open space is available in the project.

Mr. Mumford said most of the Planning Commission's recommendations were implemented in the current draft. Councilmember Clark asked for the reasoning behind the hot tub requirement. Mr. Mumford said the Commissioners felt that if a pool is required in a multifamily project, a hot tub should be required as well.

Mr. Mumford explained the required open space is determined by lot size. The requirement decreases as lot sizes increase, and open space in multifamily projects are based upon number of bedrooms. The parking and garage dimensions were discussed during multiple Planning Commission meetings and the Commissioners determined that the width of the garages should be increased from twenty to twenty-two feet to allow for usable space for parking vehicles.

Mr. Mumford said staff was concerned that large lots in a power corridor or with a wash or hillside could contain large unbuildable areas. He stated the requirement that 75% of the square footage of lots in the RR1-1, RR1-2, and RR2-1 zones be buildable is likely too high.

Regarding rural infrastructure, the approval authority may exempt projects in RR1-1, RR1-2, and RR2-1 from curb, gutter, and streetlights. The Planning Commission recommended that streetlights be required on all arterial and collector roads, and that exemptions not be allowed for sidewalks and trails.

Mr. Mumford said minimum architectural standards were discussed at many Planning Commission meetings, as well. The Commissioners recommend that at least three exterior materials are required for residential buildings, no full stucco facades on road-facing elevations, vinyl and aluminum siding be prohibited, and a minimum of five elevation schemes be required from builders for a subdivision. Councilmembers Curtis and Burnham requested these items be discussed in detail during the policy session.

The clubhouse size requirement was increased from 1,200 square feet to 1,500 square feet. Alternatives may be considered if comparable or equivalent in cost and benefit. The increased clubhouse size allows for a more useful facility for residents. Councilmember Clark asked if the leasing office space or business operation space will be included in the minimum square footage of the clubhouse. Mr. Mumford said leasing offices are specifically excluded from the square footage calculation.

Mr. Mumford explained pools in multifamily projects must be a minimum of 1,000 square feet and at least four square feet per unit. The Planning Commission requested a maximum limit of 2,000 square feet and discussed the option of one pool for every 100 units. This is due to the possibility of one pool serving more units than is feasible. Councilmember Clark expressed concern that the limit may hinder a developer from providing a larger, nicer facility.

Discussion ensued regarding possible language to meet the Planning Commission's intent without limiting larger pools.

Mr. Mumford said the Planning Commission removed one-bedroom units from the multifamily zones, but staff added it back in after researching the issue and limited them to 25% of the project. One-bedroom units provide an affordable housing option alternative to basement accessory apartments; no other city prohibits them that staff could find. Councilmember Gricius stated the standard limit for one-bedroom units is 35% and asked why staff determined 25% was the limit to implement. Mr. Mumford explained that was to address the Planning Commission's concern; research determined projects contain between 35% and 65% of one-bedroom units, so

staff decided to limit them more than the standard, as the Planning Commission wanted them prohibited.

Councilmember Curtis expressed concern that one-bedroom units will utilize the finite resource of building permits. He stated residents cannot move up within the City and said each one-bedroom unit permit removes the possibility of an additional move-up home. Councilmember Burnham stated housing costs are high and the City needs affordable options.

Mr. Mumford said the City does not currently restrict the number of bedrooms. The amendment includes minimum sizes for two- and three-bedroom units, so the discussion was held regarding one-bedroom units.

Discussion ensued regarding the market for one-bedroom units and future growth.

Mr. Mumford explained that setbacks were increased from five feet on each side to eight feet. This also increased the lot frontages, based on lot size. The increase in lot frontages is to allow for three-car garages. Councilmember Curtis asked that the lot frontage include a ratio or a required average lot frontage.

The proposal allows accessory apartments above detached garages on lots greater than ½ acre. Mr. Mumford asked the Council if they should be allowed on lots over 8,000 square feet. Basement accessory apartments are currently allowed on any size lot, as long as standards such as an additional off-street parking stall are available.

Discussion ensued regarding current basement accessory apartments and the total number that are legally permitted. Mr. Mumford explained that accessory structures must be permitted and can be enforced as the structure is visible, where a basement apartment is not.

Councilmember Clark said there are many issues to consider regarding accessory apartments over detached garages such as setbacks, parking availability, and permitting. Councilmember Burnham said it is currently regulated in Development Code, and setbacks are typically five feet. Mr. Mumford said that the permitting process will regulate the accessory structures. He said the City allows structures up to 800 square feet, or 35% of the main dwelling square footage; there are no minimum limits. There is also a limit of 50% of the main dwelling footprint allowed for accessory structures.

Mr. Mumford showed comparisons for current subdivisions and how they meet current Development Code and how they would meet the proposed amendment. The smallest lots in the Ash Point subdivision are 4,400 square feet, which would not be permitted in the RC zone. The frontages are currently 45 feet; frontages in the RC zone are required to be 58 feet. The smallest lots in the Ruby Valley subdivision conform to the R2 zone requirements, and the subdivision contains lot frontages of 60 feet, although most frontages are over 80 feet; the frontage requirement in the R2 zone is 85 feet. Eagle Park and Castle Rock meet the R2 zone minimum lot size requirement and are slightly below the required average lot size and lot frontage.

Councilmember Curtis suggested a percentage be in place for lot frontages in order to avoid all lot frontages being the minimum length allowed, or allow variances. Mr. Mumford said the best practice is to have the requirement listed in Development Code and not allow variances.

Mr. Mumford showed garage layouts with vehicles parked inside using floor plans that are currently being built in the City. Councilmember Curtis stated his preference to require longer garages instead of wider garages. Councilmember Gricius explained if the intent is to provide off-street parking, longer driveways should be required, not larger garages.

Councilmember Curtis expressed concern that trucks will not fit in the current required garage size. Councilmember Burnham said it is not the role of the Council to ensure residents' vehicles fit in the garage of the home they purchase. Councilmember Clark stated expanding garages by two feet will not solve the current concerns.

15.B. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 16.35.080 Street Trees and Chapter 17.60.140 Clear Vision Triangle.

Mr. Jensen explained that the amendment clarifies approval processes for required street trees; defines what trees are allowed within certain park strips and rights-of-way; clarifies tree spacing including spacing from utilities, traffic control signs, and intersections; defines approved trees; and clarifies spacing, for safety, for non-required trees. He said the proposal also includes a recommended change from the Planning Commission to increase the clearance height over roads and parking areas from twelve to fourteen feet.

Councilmember Clark said she understands the Planning Commission's desire to increase the clearance, but stated it can be difficult to trim trees up to eight feet, and increasing the height to fourteen may be difficult. Councilmember Curtis stated that a ladder is required to trim up to twelve feet, and an additional two feet may not be much more work.

Parks and Recreation Director Brad Hickman explained the size of the park strip will determine the height of the tree, so smaller trees will be located in residential areas. The amendment is more specific to major roadways, as trees are required on collector and arterial roads. The updated requirements will help mitigate issues that the City is currently seeing. If a resident chooses to install street trees on a residential roadway, they are required to meet the amendment.

Councilmember Curtis expressed concern that residents may cut off all tree branches that hang over roadways. Mayor Westmoreland stated the City can create an instructional video showing best practices for trimming trees.

Councilmember Gricius asked if the amendment can be split into two sections: one for major roadways and one for residential roadways. Mr. Hickman explained that they attempted to write the amendment specific to major roadways. The residential component is that if residents choose to install a street tree that is not required, they should meet the requirements listed in the Development Code. Trees can be pruned during early development to encourage vertical growth to allow for the required clearances.

Councilmember Burnham stated the clearance requirement is in place for safety and will help mitigate issues that are occurring with street trees in Eagle Park.

Councilmember Clark stated she agrees with the fourteen foot clearance requirement, as branches lower than that will impede traffic.

### 3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. The meeting was adjourned at 6:06 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Lianne Pengra, Recording Secretary; Steve Mumford, Community Development Director; Aaron Sanborn, Economic Development Director; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Linda Peterson, Communications Director; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; and Eric McDowell, Chief Deputy.

### 4. CALL TO ORDER

Mayor Tom Westmoreland called the meeting to order at 7:23 p.m.

### 5. PLEDGE OF ALLEGIANCE

Councilmember Gricius led the Pledge of Allegiance.

### 6. INFORMATION ITEMS/UPCOMING EVENTS

None.

### 7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:26 p.m. As there were no comments, he closed public comment.

### 8. CITY COUNCIL/MAYOR'S ITEMS

#### Councilmember Curtis

Councilmember Curtis thanked and welcomed those in attendance.

#### Councilmember Burnham

Councilmember Burnham welcomed those in attendance.

Councilmember Reaves

Councilmember Reaves welcomed those in attendance.

Councilmember Clark

Councilmember Clark welcomed those in attendance and said she received her HAM radio license after taking a training at City Hall. Another training class will be held in September.

Councilmember Gricius

Councilmember Gricius welcomed those in attendance.

Mayor Westmoreland

Mayor Westmoreland explained that he had recently signed a petition as a personal decision. Signing the petition was not done in an official capacity and did not reflect the City's position on the matter. It was not his intent was not to defame anyone or undermine any process, and he will offer more information regarding the petition in the future.

9. APPOINTMENTS

9.A. Senior Council Advisory Board - Charlene Diehl

**MOTION:** *Councilmember Clark moved to appoint Charlene Diehl to the Senior Council Advisory Board, completing a three-year term, ending December 2021. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

10. BID AWARD

10.A. 2019 Pony Express Parkway Micro Surface Project

11. BOND RELEASES

11.A. Harmony Phase A, Plat 11

11.B. Dublin Farms

11.C. Scenic Mountain Phase A, Plat 1

11.D. Scenic Mountain Phase A, Plat 2

11.E. SilverLake Plat 10

12. CHANGE ORDER

12.A. 2018 Traffic Signal Installation

13. MINUTES

13.A. June 18, 2019 Minutes

14. PRELIMINARY PLATS & SITE PLANS

14.A. Brylee Estates Phase B, Preliminary Plat & Site Plan

**MOTION:** *Councilmember Curtis moved to approve the consent agenda with the understanding that the approval for item 14.A. is for option number one. Councilmember Burnham seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

Brylee Estates Option 1, conditions of approval:

- 1) Buildings shall be separated by 20 feet.
- 2) Town-home elevations shall comply with Chapter 17.72 Multifamily Design Standards.
- 3) Retention shall either be underground or else the project shall be redesigned so the sport court is not placed in a retention pond.
- 4) Elevations for the clubhouse shall be submitted and the clubhouse shall comply with 17.30.090.
- 5) Any additional conditions the CC feels are appropriate.

## **SCHEDULED ITEMS**

15. ORDINANCES/PUBLIC HEARINGS

15.A. [ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements.](#)

*This item was discussed after item 15.B.*

Mr. Mumford said the proposal removes the bonus density chapter and replaces the current residential zone chapter. It includes twelve residential zones intended to implement principles and key initiatives in the City's General Plan. It includes a land use table, a table containing a majority of the residential development standards by zone, and includes generally applicable provisions.

There are six residential land uses in the General Plan. Staff has implemented the intended land uses in the proposed zones. When a developer rezones land, they will be able to propose a zone

that fits within the designated land use. Mr. Mumford explained the different zones permitted within each land use.

The land use table includes permitted, conditional, special and prohibited uses by zone. The residential development standards table condenses many requirements into a single table, instead of including the information in a large document.

The Planning Commission reviewed the draft several times and have recommended approval of the amendment with conditions that staff has worked to implement.

Regarding buildable land, Mr. Mumford stated requiring 75% of the lot square footage to be buildable is too high for larger lots. He said frontages should be addressed and stated Evans Ranch is an example of a good development that would not meet the proposed frontage standards; flexibility may need to be added to allow for similar developments.

*Mayor Westmoreland opened the public hearing at 8:22 p.m.*

Deann Huish with the Utah Valley Homebuilders Association expressed concerns regarding the cash escrow requirement, the required front and side landscaping before a certificate of occupancy is granted, and the garage and architectural standards. She said the setbacks are not excessive and asked the Council to consider items such as off-street parking for accessory structures, instead of size.

Jacinda Montano spoke against high density and allowing multifamily projects to contain buildings with up to twenty-four units.

Mare Burningham expressed concern that the vision of the City is being directed by developers and stated the intent should be to remain a rural area.

Councilmember Gricius asked staff if developers will be required to rezone property in order to build multifamily projects. Mr. Mumford said multifamily projects will require a rezone, which is a legislative decision that provides leeway to the Council.

*Mayor Westmoreland closed the public hearing at 8:38 p.m.*

Mr. Mumford clarified that current zoning does not limit number of units per building, as long as the project is at or under the project's density limit. The proposed Development Code simply puts a cap on the number of units per building, versus units per acre.

Councilmember Burnham said the State is attempting to mandate affordable housing, and it helps the City if a plan is in place that allows affordable housing while allowing the City to dictate requirements for the developments.

Councilmember Gricius said a transit-oriented residential zone can require high density multifamily projects to be located within certain distances to transportation, industrial projects, commercial developments, or other uses.

Councilmember Clark said the highest density project currently located in the City has twelve units per building and expressed concern that the proposed limit is double that which currently exists.

Councilmember Reaves agreed that twenty-four units is too high for a single multifamily building, but said the City should not put restrictions on what types of people can locate here. He stated the City needs to plan for what is going to come in the future.

Mr. Mumford confirmed that the Council would like to limit the multifamily units to twelve per building. One option to increase the number of units per building is to create proximity requirements; another option is to create a new zone that allows more units per building. Councilmember Gricius stated she generally prefers campus-style multifamily projects. She likes the additional open space that can be provided when the buildings contain more units vertically. She can see MF3 as the transition zone to a transit-oriented residential zone. She clarified that creating a zone does not vest any developer with any rights.

Councilmember Clark recommended the Council wait to create additional zones until they are needed. She stated the City currently meets more than the required criteria regarding affordable housing; the Council should not rush to create a zone based on fear of potential issues that may arise due to the State's mandate for affordable housing.

Councilmember Gricius clarified that her desire for this discussion is not related to fear of the State's mandate. There has to be a place in the City for affordable housing. She also stated that creating a high-density zone will not vest any property with rights; developers will need to apply to the Council to rezone property for high-density projects.

Councilmember Curtis stated the current Council has not approved any new condominium or apartment projects. He expressed dislike for the flattop condominium-style buildings and said they do not fit the vision of the City.

Councilmember Reaves asked if the City can wait to research a high-density zone until infrastructure and amenities are in place.

Councilmember Burnham said MF1 and MF2 are very similar and may need to be combined into one zone, and change MF3 to a zone that allows seven to twelve units per building. An additional zone can be added with very stringent requirements for higher density such as proximity to transit, entertainment, employment centers, and industrial areas.

Councilmember Clark cautioned allowing density in areas where the City will not be able to provide transportation, infrastructure or other services. She said the City does not need to plan for every eventuality; the Development Code can be adjusted as needed.

Mr. Mumford confirmed the Council would like to combine MF1 and MF2 and create a new zone allowing eight to twelve units per building. An additional higher density zone can be added in the future after staff researches potential proximity requirements.

Regarding changes to architectural standards, Councilmember Gricius spoke against requiring three building materials.

Councilmember Curtis said the Development Code currently requires two building materials and adding an additional requirement for building materials would not raise home prices significantly.

Councilmember Burnham stated her concern is not a possible increase to home prices; residents should be able to build their homes with any valid building material. It is not the Council's place to legislate building material preferences.

Mr. Mumford explained some subdivisions have master development agreements that require additional building materials. The Development Code requires homes to consist of at least 75% masonry materials, such as stucco. A home that is 100% stucco would meet existing Development Code requirements.

Councilmember Clark said the purpose of zoning is to protect property and property values of individual homeowners and of neighbors. A home that is 100% stucco does not lower property values.

Councilmember Curtis stated if the City does not set minimum requirements, developments will not have creativity and developers will use the cheapest building materials possible. His concern is variation, not the number or types of materials; examples of this are the Ivory homes that are 100% stucco with no variation on the back sides. He suggested offering options such as color variation to break up the monotony of homes within projects, instead of requiring three building materials.

Councilmember Clark stated that the homes Councilmember Curtis described have been purchased; the market allowed those homes to be built and sold.

Councilmember Gricius stated a home on a corner lot should also contain variation on the road-facing facade, similar to the front of the home.

Mayor Westmoreland asked the Council for their opinions on allowing one-bedroom units. Councilmember Clark said that there is not a restriction on one-bedroom units at this time. She stated she would prefer to allow one-bedroom units within a certain zone and limit the total number allowed within projects.

Discussion ensued regarding one-bedroom homes and potential effects on adjacent property values.

Councilmember Curtis said he would be comfortable with allowing one-bedroom units, as long as it is limited to a certain percentage of the project.

Mr. Cook expressed concern that limiting one-bedroom units may also limit senior living facilities or retirement communities. Mr. Mumford said assisted living facilities are special uses in the proposed amendment.

Councilmember Burnham explained the market will dictate how many one-bedroom units are developed in the City. Councilmember Curtis stated allowing accessory dwellings over detached garage structures is a more natural progression over centrally-managed apartment buildings.

Regarding garage sizes, Councilmember Reaves said it is the Council's job to set a standard for garages that accommodate two vehicles. Councilmember Burnham said standard cars will fit in twenty-foot by twenty-foot garages; if a resident purchases a large truck, they will need to understand that it may not fit in a garage. Councilmember Curtis said it is a bait and switch by developers because residents will not know that a truck does not fit until they attempt to park in the garage after they purchase a home.

Councilmember Clark said increasing the required length of driveways is a vastly less expensive option than requiring larger garages, if off-street parking is the concern.

Councilmember Gricius explained standard parking stalls are eighteen feet deep and nine feet wide; the current City standard for two-car garages is twenty feet deep and twenty feet wide, which is larger than two standard parking stalls. She stated she is not willing to expand the garage size, but is willing to look into lengthening the driveway requirement.

Councilmember Clark asked for the reasoning behind requiring minimum dwelling sizes. Mr. Mumford explained the minimum dwelling size is in place to protect property values. Councilmember Burnham said she has concerns setting required size for homes; a resident may want to build a small one-story home with no basement, and would not be able to do so.

Councilmember Curtis asked if the purpose of the limit is similar to transitioning, to avoid small homes adjacent to large homes, and said he did not feel strongly about the limit.

Mayor Westmoreland stated the ordinance will be tabled and asked the Council for any additional comments.

Councilmember Clark said the 75% buildable land restriction could potentially restrict accessory structures such as barns, but stated there are areas in the City that are physically unbuildable. Councilmember Burnham stated a building envelope should be required showing the main dwelling structure and any accessory structures, such as barns.

Councilmember Curtis asked how the draft ordinance can contain language that prohibits skinny, deep lots. Councilmember Burnham said some people prefer deep back yards, versus long frontages.

Councilmember Burnham asked if the Council would approve of detached accessory structures on lots that are at least 8,000 square feet instead of requiring the lots be ½-acre lots. The Councilmembers stated their approval of that change.

Councilmember Curtis said 60% of the lots in the City are within the RC zone; he expressed concerns regarding flooding in lots that are 4,500 square feet, and asked that the minimum lot size be increased to 5,500 square feet, and allow MF1 to contain lots 4,500 square feet or more. Councilmember Clark stated she would prefer to have the City Engineer set drainage requirements. Councilmember Gricius stated she prefers to keep the draft as is, as the RC zone allows for detached homes.

**MOTION:** *Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 17.25 Residential Zone and Chapter 17.30 Residential Zone Bonus Density Entitlements. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

15.B. [ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 16.35.080 Street Trees and Chapter 17.60.140 Clear Vision Triangle.](#)

*This item was discussed after the consent agenda.*

Parks and Recreation Director Brad Hickman explained the amendment creates an approval process for trees along collector and arterial roadways. It clarifies distances from other trees and structures, and lists permitted trees that can be placed in park strips of specific widths. He stated the International Society of Arboriculture recommended clearance is fourteen feet over streets and eight feet over sidewalks. Larger roadways typically have larger park strips, which allows for larger trees. As long as trees are pruned correctly once they are planted, existing concerns with trees will be negated.

Councilmember Clark stated the recommended clearance heights allows for large trucks on roadways and for pedestrians to safely walk along sidewalks.

Councilmember Gricius asked for clarification on the tree escrow process. She asked if a resident were to accidentally kill a tree within the first year, if the escrow funds would be used for replacement. Mr. Hickman explained that the City only requires street trees along arterial and collector roads, and if a developer chooses to install street trees in a park strip along a residential road, the bond is in place to replace the tree. In that instance, the developer would be responsible to replace the tree.

Councilmember Burnham asked if developers will be required to install irrigation on private properties. Mr. Hickman said the areas along arterial and collector roads will have landscaped area that is deeded to the City. Mr. Mumford explained that the City does not allow homes to front on arterial or collector roads; most of these situations will have land deeded to the City. For example, Pony Express Parkway and Ranches Parkway have open space deeded to the City.

Councilmember Burnham asked if arterial road street trees die within the first year while the City is maintaining the trees, will the developer be responsible for replacement. She also stated she does not want to discourage additional trees in the City and expressed concern that the \$600 escrow amount will discourage developers from planting trees. Mr. Hickman stated that as long as approved, non-defective trees are planted correctly, they will survive the initial year.

Discussion ensued regarding requiring developers to replace trees that died due to circumstances out of their control.

Mr. Hickman said the intent of the ordinance is to address issues related to trees in park strips on major roadways. Staff drafted it with their best intentions and with much research and discussion. He stated this draft is a good starting point and will likely need future discussion and amendments.

Councilmember Clark asked the Council if they would approve the amendment without the escrow requirement. Councilmember Curtis stated he would like to remove any language that will discourage additional trees from being planted in the City. Councilmember Burnham stated she would be comfortable removing section C. Councilmember Gricius expressed concern that developers would be responsible for trees that are not under their care.

City Attorney Jeremy Cook clarified that section C relates to required street trees along arterial and collector roads and would require the escrow, but the optional trees in residential areas will not require the escrow. He said the bond language warranties against defective trees or trees that are planted improperly, and said they can add language defining defective trees.

City Recorder Fionnuala Kofoed asked if the escrow is a requirement prior to recording. Mr. Hickman said the intent is if the developer chooses to plant trees, the escrow would be required at the time of recording.

Councilmember Clark asked staff if the escrow requirement could be removed. Mr. Hickman said the amendment would still function without the escrow. The intent is to secure the commitment from developers and ensure that required trees will be planted. Councilmember Burnham said that since the escrow is only needed for required street trees, it would not cover residential trees that were promised by the developer but not planted.

Mr. Hickman said the residential component was added to help monitor and guide tree planting in residential park strips. The City wants to avoid trees that will damage infrastructure. He explained staff feels this draft is one that does not discourage trees but still offers guidance to protect the City from issues that are occurring now because of trees located in inappropriate locations.

Mr. Cook stated the intent was to regulate trees along major roadways; the Council can remove the escrow portion of the amendment and that section can be brought back to a future meeting.

Ms. Kofoed requested that the amendment states whether the escrow will be collected at recording or at the time of the building permit. She asked if the escrow requirement could be included in notice of decision.

Mr. Hickman said the best process moving forward is to remove the escrow language from the draft and staff will work on drafting different language regarding residential guidelines and the escrow process.

*Mayor Westmoreland opened the public hearing at 7:59 p.m. As there were no comments, he closed the hearing.*

Councilmember Reaves said he does not have concerns regarding the escrow, as the City currently requires bonds for parks and open space.

Councilmember Curtis said the City wants to encourage trees along major roadways. With that goal in mind, the draft appears to add roadblocks to that vision. He said residents often times plant trees in park strips without referencing the City's Development Code or approved list of trees. A future draft could include pictures of approved trees and examples of the spacing guidelines.

Councilmember Burnham suggested that language be added that requires developers to replace trees that die due to poor planting or defective trees, instead of requiring an escrow.

Councilmember Gricius expressed concerns that the developers' funds are used to replace trees that die, regardless of the reason.

Discussion ensued regarding residential trees damaging sidewalks and determining responsibility for infrastructure repair. Mr. Mumford said the responsibility of residents maintaining trees has been excluded at this time. The intent of this amendment regarding residential trees is to offer a list of approved trees and spacing guidelines in order to avoid future infrastructure damage due to improper trees or improper planting.

Councilmember Curtis stated he would approve the amendment with the escrow portion removed, or is willing to table the item to allow staff to bring back another draft of the amendment. He said if landscape bonds are required for a development, trees could be included in those bonds.

**MOTION:** *Councilmember Gricius moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Chapter 16.35.080 Street Trees and Chapter 17.60.140 Clear Vision Triangle until staff has had sufficient time to implement changes based on guidance the Council has given. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

## 16. CITY COUNCIL/MAYOR'S BUSINESS

None.

17. CITY COUNCIL BOARD LIAISON REPORTS

None.

18. COMMUNICATION ITEMS

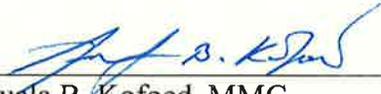
18.A. Upcoming Agenda Items

18.B. Financial Report

19. ADJOURNMENT

**MOTION:** *Councilmember Gricius moved to adjourn the meeting at 9:43 p.m. Councilmember Curtis seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius, Benjamin Reaves, Donna Burnham, and Melissa Clark. The motion passed with a unanimous vote.*

Approved by the City Council on August 6, 2019.

  
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Fionnuala B. Kofoed, MMC  
City Recorder