



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

September 22, 2020, 5:30 PM

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 PM Work Session – Electronic Meeting via Lifesize

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 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

The public may monitor or listen to open portions of the meeting electronically by following the instructions below.

Lifesize electronic meeting through Granicus at <https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs>. Click the link to view the live stream and meeting documents.

1. Discussion Items

1.A DISCUSSION ITEM - Proposed Code Amendment for Fencing Requirements and Standards

A discussion on proposed changes to EMMC 16.35 and 17.60 to clarify fencing requirements and standards based on the development type and roadway classification.

16.35 Development Standards for Required Public Facilities - PROPOSED

17.60 Landscaping, Buffering, Fencing and Transitioning - PROPOSED

1.B DISCUSSION ITEM - Proposed Code Amendment to Add Open Space Zoning Districts

A discussion about the proposed code amendment to create an Open Space Zone chapter, two zoning designations within that category, and the related uses and development standards.

17.23 Open Space Zones - PROPOSED

1.C DISCUSSION ITEM - Proposed Code Amendment to Add a Public Facilities Zoning District

A discussion about the proposed code amendment to create a Public Facilities Zone with related permitted uses and development standards.

17.31 Public Facilities Zone - PROPOSED

1.D DISCUSSION ITEM - Proposed Code Amendment for Master Development Plans and Agreements

A discussion on the master development plan and agreement process and review of the

proposed changes to EMMC 16.10 Master Development Plans.
[16.10 Master Development Plans - REDLINES](#)
[16.10 Master Developments - CLEAN](#)

6:30 P.M. - Eagle Mountain City Planning Commission Policy Session

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

- 4.A [September 8, 2020, Planning Commission Minutes](#)
[PC Minutes 09.08.2020 - DRAFT](#)

5. Status Report

6. Action and Advisory Items

6.A [PUBLIC HEARING - SilverLake 28 \(Site Plan\)](#)

A proposed site plan for Plat 28 of the SilverLake South development. The proposal consists of single family and townhouse lots/units.

[Site Plans](#)

[Landscape Plans & Worksheet](#)

[Final Plat 28](#)

[Elevations and Floor Plans](#)

[SilverLake South Preliminary Plat](#)

[SilverLake South Open Space Exhibits 9.5.2019](#)

[Silverlake MDA](#)

6.B [Cascade Collision Auto Repair \(Concept Plan\)](#)

Concept Plan review for the Cascade Collision Auto Repair project located on lot 1 (approximately 2.25 acres) at the southwest corner of Pony Express Parkway and Porter's Crossing.

[General Plan Wall Map](#)

[Site Plan and Elevations](#)

[Lehi Site and Parking Examples](#)

6.C [Parkway Plaza \(Concept Plan\)](#)

Concept plan review for the proposed development of six commercial spaces on 1.52 acres of undeveloped land at the northwest corner of the intersection of N Ranches Parkway and E Stonebridge Lane.

[Concept Plan](#)

[City-Proposed Rezoning of Commercial Property \(The Ranches\)](#)

6.D [PUBLIC HEARING - Development Code Amendment for Zoning and Lot Transitions \(EMMC 17.60\)](#)

This is a request to amend the municipal development code for EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning. The proposed language clarifies process elements for master development plans and agreements and sets standards for master development agreements.

[17.60 Landscaping Buffering Fencing and Transitioning - REDLINES](#)

[17.60 Landscaping Buffering Fencing and Transitioning - CLEAN](#)

6.E [PUBLIC HEARING - Development Code Amendment for Master Development Plans and Agreements \(EMMC 16.10\)](#)

This is a request to amend the municipal development code for EMMC 16.10 Master Development Plans. The proposed language clarifies process elements for master development plans and agreements and sets standards for master development agreements.

[16.10 Master Development Plans - REDLINES](#)

[16.10 Master Developments - CLEAN](#)

6.F [PUBLIC HEARING - Development Code Amendment for Open Space Zone Districts](#)

This is a request to amend the municipal development code by adding EMMC 17.23 Open Space Zones. The proposed chapter creates two zoning districts, Improved Open Space and Natural Open Space, identifies the allowed uses for each, and establishes the development standards and requirements for both zones.

[17.23 Open Space Zones - PROPOSED](#)

6.G [PUBLIC HEARING - Development Code Amendment for a Public Facilities Zone District](#)

This is a request to amend the municipal development code by adding EMMC 17.32 Public Facilities Zone. The proposed chapter creates the zoning district, identifies the allowed uses, and establishes the development standards and requirements within the zone.

[17.31 Public Facilities Zone - PROPOSED](#)

7. **Discussion Items**

8. **Next scheduled meeting**

9. **Adjournment**

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.

In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodation for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 18th day of September, 2020, on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website <http://www.utah.gov/pmn/index.html>, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE: DISCUSSION ITEM - Proposed Code Amendment for Fencing Requirements and Standards

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

16.35 Development Standards for Required Public Facilities -
PROPOSED

17.60 Landscaping, Buffering, Fencing and Transitioning -
PROPOSED

Chapter 16.35

Development Standards for Required Public Facilities

16.35.090 Privacy fencing.

Residential developments designed with rear or side lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing of consistent height (no less than six feet), material and color, and of durable quality along the rear or side lot lines of all lots with a rear or side lot line abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. The city council shall be authorized to require a specific material and color for the fencing in a development agreement.

Business Park, Commercial, and Industrial developments shall install privacy fencing of consistent height (no less than six feet (6')), material and color, and of durable quality along the rear and/or side lot lines that abut an arterial or collector road right-of-way, existing or designated in the city's future transportation plan. Applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. The city council may require a specific material and color for the fencing in a site plan or master development agreement.

"Durable quality" shall mean fencing of stone, masonry, or decorative concrete, or wood alternative composite material. Wood fencing (with six inch by six inch posts) may be permitted if an HOA enters into a maintenance agreement to keep the fence in good repair. Vinyl, wood alternative composite material, and wood fencing shall not be allowed along rear or side lot lines abutting an arterial or collector road. [Ord. O-06-2017 § 2 (Exh. A); Ord. O-17-2010 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.9); Ord. O-07-2006 § 2 (Exh. 1 § 7.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.9)].

Commented [SK1]: Brandon Park uses a composite-type material (Symtek) which looks more like decorative concrete. Should that be allowed going forward? If not, the phrase should likely be "alternative composite material" and remove "wood" from it.

Chapter 17.60

Landscaping, Buffering, Fencing and Transitioning

17.60.120 General fencing provisions.

The following fencing provisions shall be adhered to:

A. Property Lines. Property owners should only install fencing on their property. If the property lines are not clearly marked, the property owner shall have a surveyor determine and mark the property lines.

B. Residential Fence Height. No residential sight-obscuring fence shall be higher than four feet (4') between the front wall of the home and the street. Residential fencing cannot exceed six feet (6') in height.

C. Residential Alley Fencing. Fences along alleys or residential service drives may be no higher than six feet (6') and must follow the clear vision triangle regulations (see Diagram 17.60.170(c)).

D. Commercial Fence Height. Fencing in commercial areas shall not exceed six feet (6') in height. See EMMC 17.60.130 for chain link fencing regulations.

E. Industrial Fence Height. Fencing in industrial areas shall not exceed eight feet (8') in height. See EMMC 17.60.130 for chain link fencing regulations.

F. Miscellaneous Properties/Uses. Fencing height and setbacks for other uses shall be determined by the planning director based on compatibility with the neighborhood and adjacent uses. Security fencing for public facilities, such as power substations, may exceed height and material restrictions, based on compatibility and safety.

G. Public View. Finished side slats shall be on the street side or public view side of the fence railing.

H. Fire Hydrants and Utility Boxes. Fire hydrants and utility boxes shall not be fenced into a yard. A three-foot clear space shall be maintained around the circumference of all fire hydrants and utility boxes. Some utility boxes are not visible above ground. Blue Stakes should always be contacted and appropriate staking/markings should occur prior to installing a fence.

I. Retaining Walls. Retaining walls that are over four feet (4') in height shall obtain a building permit in accordance with the International Building Code or the International Residential Code. All retaining walls shall comply with hillside site development standards found in Chapter 15.80 EMMC.

J. Sport Courts. Fencing for sport courts (tennis, basketball, etc.) may be chain link, and is exempt from the height restrictions of this chapter. Sport court fencing may not be used as exterior property-line fencing.

K. Public Utility Easement. Fencing may be installed over a public utility easement, but retaining walls shall not.

L. Meters. Fencing shall not obstruct access to gas and electric meters. If meters are in a fenced area, there must be an unlocked entrance to access these meters.

M. Clear Vision Triangles. All clear vision triangles as described in this chapter shall be preserved. Diagram 17.60.170(c), Alleyway Fencing, also gives additional information for maintaining the clear vision triangles with fencing. All property owners shall maintain a clear vision triangle for neighboring driveways as depicted in Diagram 17.60.170(a).

N. Barbed Wire. Barbed wire or wire fences shall be allowed only in conjunction with approved animal uses, unless otherwise approved by the planning commission. Razor fences shall be prohibited.

O. Additional Restrictions. Many of the covenants, conditions, and restrictions (CC&Rs) recorded with property contain restrictions on fencing. Property owners shall refer to these standards and discuss the proposed fencing with appropriate architectural review committee, as applicable, prior to installation.

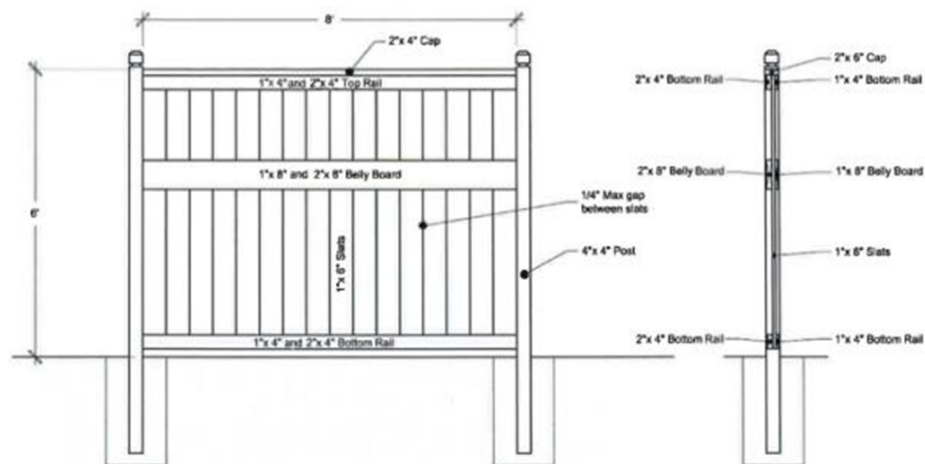
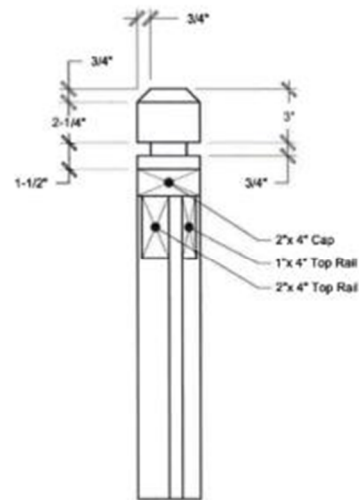
P. Refuse Areas. All refuse areas shall be screened by approved solid fencing materials. Chain link fences and fencing with vinyl slats are prohibited.

Q. Collector and Arterial Fencing. All fencing adjacent to a collector or arterial road shall comply with standards in EMMC 16.35.090, Privacy fencing.

R. Collector and Arterial Fencing Standards. It shall be the responsibility of the property owner and/or developer to build and the responsibility of the property owner or HOA to maintain at their own expense a wall or fence consistent with the standards found in this chapter and EMMC 16.35.090 for side and rear property lines along collector and arterial roadways.

1. Residential developments designed with rear or side lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing consistent with the Eagle Mountain collector and arterial fencing standards found in this title and EMMC 16.35.090 along the rear and/or side lot lines abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. After fencing is installed it shall be maintained in good repair and a consistent manner by the property owner.
2. Commercial or industrial developments with rear or side lot lines abutting an arterial or collector road right-of-way shall install privacy fencing or a privacy wall of consistent height (no less than six feet (6')), material, color, and durable quality as defined by EMMC 16.35.090. Developer applicants are required to install privacy fencing prior to a final inspection for the project. The city council shall be authorized to require a specific material and color for the fencing/wall in a site plan approval. After fencing is installed it shall be maintained in good repair and a consistent manner by the property owner.
3. Residential Arterial and Collector Road Fencing Standards. All arterial and collector road residential fencing shall be built with a durable quality fence/wall as defined by EMMC 16.35.090. Acceptable material and design examples are outlined in EMMC 17.160.110(B).;

- a. ~~Six inch by six inch cedar posts that are crowned and routed on top;~~
- b. ~~One inch by four inch and two inch by four inch nailer board on the top and bottom of fence;~~
- c. ~~Two inch by four inch cap board on top;~~
- d. ~~One inch by six inch slats;~~
- e. ~~One inch by eight inch and two inch by eight inch nailer board 30 inches below top of fence.~~



- 4. ~~Alternative Standards. Residential developers may propose alternative standards for arterial and collector road fencing within their project to be approved by the Eagle Mountain city council. Any alternative standard fencing shall be for a durable quality fence/wall as defined by EMMC 16.35.090. Adopted alternative standards and the neighborhoods to which they apply shall be~~

~~added to this title.~~

~~5.4.~~ Nonconforming existing fencing may be maintained in current styles and configurations as legal nonconforming fencing. Legal nonconforming fencing that becomes damaged or destroyed may be rebuilt or repaired within six months of the damage occurring without having to comply with this standard. Existing homes or lots without fencing shall also be classified as legal nonconforming and thus not required to install fencing. [Ord. O-22-2018 § 2 (Exh. A); Ord. O-18-2017 § 2 (Exh. A); Ord. O-05-2008 § 2 (Exh. A § 12.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.12)].

17.60.130 Chain link fencing.

Chain link fencing is ~~prohibited as a residential perimeter fence permitted when the recorded covenants, conditions, and restrictions of the property do not prohibit its use.~~ Chain link fencing for non-residential projects shall comply with the following standards noted below and depicted in Diagram 17.60.170(b), Chain Link Fencing.

A. Detached Residential. Chain link fencing may be used as an animal enclosure. Chain link fence height shall not exceed four feet (4') in height and is permissible in rear yards and in side yards only, ~~as long as no part of the fence is closer to the street than the front wall (or in the case of a corner lot, the side wall) of the home, excluding porches.~~

B. Commercial and Multifamily. Chain link fencing is prohibited in all commercial and multifamily developments.

C. Industrial. Chain link fencing shall not be used where the property line abuts collector or arterial road right-of-way, both existing and designated in the future transportation map. Chain link fencing in industrial areas shall not exceed eight feet (8') in height, and shall be permissible no closer than the front wall of the building (or in the case of a corner lot, the side wall of the building). Where chain link fencing is visible from the street or parking, additional landscaping shall be established. All chain link fencing in industrial areas shall be vinyl-coated. The planning commission or city council can require a solid screen fence other than chain link to screen outdoor storage or similar uses.

D. A top rail bar is required on all chain link fencing.

E. Slats are not allowed.

F. Fencing may not obstruct traffic visibility on corner lots.

G. Fences must meet all other standards for fence construction in the development code.

H. Fencing must be constructed with the open cut of fence mesh down to the ground. [Ord. O-05-2008 § 2 (Exh. A § 12.13); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.13)].



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE: DISCUSSION ITEM - Proposed Code Amendment to Add Open Space Zoning Districts

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[17.23 Open Space Zones - PROPOSED](#)

EMMC 17.23 Open Space Zones

17.23.010 What this chapter does.

This chapter establishes the land use regulations and protections for Open Space Zones in Eagle Mountain City. It establishes two types of open space zoning: Natural Open Space (OS-N) and Improved Open Space (OS-I).

17.23.020 Purpose and objective.

The purpose of the Open Space Zones is to preserve and enhance public and private open space, trails, natural areas, and improved park and recreational areas. These areas serve to provide opportunities for active and passive outdoor recreation; provide contrasts to the built environment; preserve scenic qualities; protect sensitive or fragile environmental areas such as wetlands, steep slopes, ridgelines, meadows, and natural washes; preserve the capacity and water quality of the stormwater drainage system; and provide pedestrian, equestrian, and bicycle transportation connections.

17.23.030 Area of designation.

The Open Space Zone shall include and be characterized by one or more of the following:

- A. Land currently or planned to be dedicated to the City as open space, parks, or recreation.
- B. Privately-owned parcels of developments designated as open space, parks, or recreation open to use by the general public.
- C. Publicly-owned or -operated (not municipal) land protected and managed as open space.

17.23.040 Land use table.

This land use table contains the various land uses that are permitted, special, and prohibited in the open space zones. Uses that are not listed in this table are prohibited.

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters)

S = Special (Special uses are permitted as long as they comply with the standards listed in Chapter 17.75 EMMC that are specific to that type of use)

Blank = Prohibited

Land Use Table

Open Space Uses

LAND USE	IMPROVED OPEN SPACE (OS-I)	NATURAL OPEN SPACE (OS-N)
Accessory buildings ¹	P	
Amphitheatre	P	
Botanical garden	P	
Cemetery	P	

Communication facilities and towers	S	S
Community garden	P	
Equestrian center, public	P	
Golf course	P	
Open space	P	P
Outdoor storage	S	S
Park	P	
Recreation, outdoor	P	
Rodeo, public	P	
Trails, improved	P	P
Trails, natural	P	P
Utilities, public and private	S	S
Zoological park	P	

¹ Such as barns (publicly-owned), garages, greenhouses, gardening sheds, recreation rooms, and similar structures that are customarily used in conjunction with the primary uses in this district

17.23.050 Development standards.

The development standards are required standards for the Open Space Zones in the city. The City Council, in consideration of a prior recommendation by the Planning Commission, may modify these requirements if in its judgment the modification does not interfere with the use, enjoyment, and character of adjacent properties.

A. Setback requirements for all structures.

1. Front: twenty-five feet (25')
2. Sides: ten feet (10')
3. Rear: twenty-five feet (25')

B. Building height for all structures. Maximum of thirty-five feet (35'), except for special uses which must comply with the height restrictions established in EMMC 17.75.

C. Site plan review. Any open space development within the Open Space Zones that is not reviewed and approved as part of a master development plan, master site plan, or preliminary plat must receive site plan review and approval subject to EMMC 17.100.

D. Architectural review. Any proposed buildings shall comply with the commercial development standards of EMMC 17.72.

E. Landscaping. Shall comply with the landscaping, planting, and fencing standards of EMMC 17.60. Lot size transitioning does not apply.

F. Lighting. All lighting within the Open Space Zones must comply with EMMC 17.56.

G. Parking. Parking shall be provided and designed to meet the requirements of EMMC 17.55.

H. Signs. Signage shall be permitted and treated as signage in a residential zone and shall meet the requirements and standards of EMMC 17.80.

I. Road and trail connections. Where the terrain allows, road and trail connections shall be made to adjoining properties through the Open Space Zones to provide emergency access, minimize the number of points of access to a road, or improve pedestrian and neighborhood circulation. Connections shall be made to existing and future roads and trails.

J. Utility lines. All utility lines running through the Open Space Zones must be located underground, except for high-capacity transmission lines.

17.23.060 Open space protection.

Open space may be protected using any of the three methods listed here. The methods to be used must be clearly established at the time a master development plan, master site plan, preliminary plat, or site plan is filed for review.

A. Dedication for public use. The open space may be dedicated to the City, or to another public agency, but only where it would constitute a part of a park, trail, or open space identified in the current Parks, Trails, and Open Space Plan, or if approved by the City.

B. Private land conservation. Any private land, whole or a portion of, that is identified and developed or used as open space may apply a conservation or similar easement on that land. The easement may be held by the City, another public agency, or a conservation nonprofit organization.

C. Homeowners' association. Every preliminary plan that includes natural or improved open space that will be owned and maintained by the lot owners shall be accompanied by proposed articles of incorporation and covenants for a homeowners' association in which all lot owners shall be members, and which is responsible for the maintenance and preservation of natural and improved open space required by this chapter. These documents shall be recorded with the final plat, upon their approval.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE: DISCUSSION ITEM - Proposed Code Amendment to Add a Public Facilities Zoning District

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[17.31 Public Facilities Zone - PROPOSED](#)

EMMC 17.31 Public Facilities Zone

[PROPOSED]

17.31.010 What this chapter does.

This chapter establishes the land use regulations and requirements for the Public Facilities Zone in Eagle Mountain City.

17.31.020 Purpose and objective.

The Public Facilities Zone is established to provide areas for the location and establishment of facilities which, under public franchise or ownership, or private or nonprofit enterprises operating for the public convenience, benefit and necessity, provide public services such as electricity, gas, communication, transportation, water, sewage treatment, education, religious activities and other public assembly, cultural facilities, and government services.

This zone is intended to provide immediate recognition of such areas upon the official zoning map of the City. Typical uses permitted in the zone are schools, airports, utilities, public equipment storage areas, libraries, and city hall. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the zone would then be applied to all such facilities for ease of recognition.

17.31.030 Allowed uses.

The following uses shall be allowed within the Public Facilities Zone as permitted uses subject to this chapter:

- A. Cultural uses (theaters, museums, galleries, libraries, performing arts center, etc.)
- B. Public/civic building or facilities (city, county, state, or federally owned)
- C. Public safety facility (police, fire, ambulance)
- D. Public transportation facilities, including storage and stations

17.31.040 Special uses.

The following uses shall be allowed within the Public Facilities Zone as special uses subject to EMMC 17.75 and this chapter:

- A. Communication facilities and towers
- B. Outdoor storage
- C. Parking garage
- D. Reception / conference / meeting center
- E. Religious or cultural meeting halls

F. Schools (public, private, and charter)

G. Utilities, public and private

17.31.050 Development standards.

The development standards are required standards for the Public Facilities Zone in the city. The City Council, in consideration of a prior recommendation by the Planning Commission, may modify these requirements if in its judgment the modification does not interfere with the use, enjoyment, and character of adjacent properties.

A. Setback requirements for all structures.

1. Front: ten feet (10') minimum
2. Sides: none (equal to building height when adjacent to a residential zone)
3. Rear: twenty feet (20')

B. Building height for all structures. Maximum of thirty-five feet (35'). Height is measured from the average grade of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures.

C. Site plan review. Any development within the Public Facility Zone that is not reviewed and approved as part of a master development plan, master site plan, or preliminary plat must receive site plan review and approval subject to EMMC 17.100.

D. Architectural review. Any proposed buildings shall comply with the commercial development standards of EMMC 17.72.

E. Landscaping. Shall comply with the landscaping, planting, and fencing standards of EMMC 17.60. Lot size transitioning does not apply.

F. Lighting. All lighting within the Public Facilities Zone must comply with EMMC 17.56.

G. Parking. Parking shall be provided and designed to meet the requirements of EMMC 17.55.

H. Signs. Signage shall be permitted and treated as signage in a commercial zone and shall meet the requirements and standards of EMMC 17.80, except for schools which shall follow the school signage requirements and standards of that chapter.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE: DISCUSSION ITEM - Proposed Code Amendment for Master Development Plans and Agreements

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[16.10 Master Development Plans - REDLINES](#)

[16.10 Master Developments - CLEAN](#)

Chapter 16.10

Master Development Plans

16.10.010 ~~What this chapter does~~ Purpose.

This chapter establishes the requirements and review and approval processes for master development ~~plans, master development plan agreements and required information to be submitted.~~ [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.1)]. As a growing city, master developments provide the community a way to better understand, plan for, and approve large development areas. Master developments help to ensure that these projects relate well to surrounding uses while also establishing public investments and benefits for the development and community.

~~16.10.020 Purpose.~~

~~Development of large tracts of land requires careful, detailed, and well-informed coordinated land use planning and additional planning, design and funding by or on behalf of the city for roads, water, sewer, dry utility infrastructure, parks and other kinds of public facilities and services to serve the public interest. It also involves major investments in land and infrastructure, which often take place before it is feasible for a developer to file an application specific enough to obtain development approval for a subdivision, site plan, building permit, etc. There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an economic analysis. Dependent upon the location of existing utilities and project size, the master development plan process may require all three plans to be reviewed and approved simultaneously.~~

~~A. Land Use Plan—Zoning Districts. Approval of a land use and zoning plan for a specified geographic area that is being proposed for development;~~

~~B. Utility Plan—Required Infrastructure. All off-site utilities and other public infrastructure that will be required to be installed in order to service the proposed development, including an estimated demand on all city utility systems;~~

~~C. Economic Analysis—Funding Mechanisms. Funding mechanisms to provide for all off-site utilities and other public infrastructure. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.2)].~~

16.10.030-020 Master development ~~plans approval~~ required.

Master development approvals are required for any development project that meets the criteria below. Master developments require the approval of a master development plan (MDP) and master development agreement (MDA).

A. ~~Parcel Projects~~ in Excess of ~~160-50~~ Acres. A master development approval plan ~~containing a land use plan, utility plan, and economic analysis~~ shall be required of any development ~~that is~~ in excess of ~~160-50~~ acres in size ~~or which has a gross density of 5.21 dwelling units per acre or higher. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered the same property for the purpose of this requirement. In such cases where multiple~~

~~property owners of contiguous land propose development together, such parcels shall be considered the same property for the purpose of this requirement. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development plans.~~

~~B. Projects in Excess of 200 Acres. Any proposed development of more than 200 acres in size must divide the project into separate master development applications of 200 acres or less. A master development approval may be granted, based on the criteria outlined in this chapter, in a phased approach in order to ensure adequate build out within the defined timeframe and benchmarks of an approved MDA before approving additional master developments of the larger project.~~

~~C. Property Ownership. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development applications.~~

~~BD. Annexations. A master development plan approval shall be required for property that is in excess of 160-50 acres and is pending annexation into the corporate boundaries of the city for the purposes of immediate development. This requirement may be waived by the City Council if they determine that the project does not include off-site infrastructure and/or includes only one proposed zoning district for development. Land that is in excess of 160 acres not intended for immediate development may be annexed into the city and shall be zoned as agricultural-Agriculture and may be proposed for development through a master development plan required upon the development of the property approval process at a later date.~~

~~C. City Council Discretion. Notwithstanding the requirement for a master development plan for parcels in excess of 160 acres, the city City council Council may require, at its discretion, a master development plan application and approval for any development within the city. That criteria may include, but is not limited to: off-site infrastructure, more than one zoning district, ridgelines, unique open space, or potential impacts to other properties. In certain cases, the planning commission may recommend that the city council waive the land use plan, utility plan, or economic analysis of the master development plan process depending upon the size of the parcel and location of the property to existing utilities. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].~~

16.10.040-030 General considerations.

The following general considerations apply to all proposed master development plans:

A. ~~Densities and Zoning Districts. In granting approval of a master development plan, the city allows a developer or owner to vest the right to a specified use, or range of uses, and density, or range of densities, within a specified area.~~ A master development plan-proposal is a zoning-changerezone request and must contain specific proposed zoning districts and site use designations authorized by EMMC Title 17 for ~~each proposed major phase of the proposed master development plan and all land within the plan areamaster development. An application for a master development shall be processed as an application for a rezone request pursuant to EMMC 17.90.~~

B. ~~Zoning Map and General Plan Amendments. If the proposed zoning, land uses, and/or major roads in the master development do not comply with the current Future Land Use & Transportation Corridors Map, the application shall be processed as an application for a Future Land Use & Transportation Corridors Map Amendment.~~ An application for approval of a master development plan shall be

~~processed as an application for a zoning map amendment and general plan future land use plan and transportation corridor map amendment if necessary.~~

~~C. Master Development Plan. As outlined in this chapter, the application materials act as the MDP and guiding documents for the proposed development of the property. As the MDP is finalized through the review and approval process, the MDP will be used as a basis for the MDA.~~C. Licensed Professionals. Every master development plan, including all phases of future development, shall have professionally licensed engineers, landscape architects, and other design professionals directly involved in the project that shall be available during presentations to the planning commission and the city council. Review of applications for the approval of master development plans shall be guided by the criteria established in this title.

~~D. Development Approvals. Approval of a master development plan does not constitute approval to proceed with development. A developer is required to obtain subdivision and development approvals required by this title and other city ordinances. Separate permits or approvals are required to grade property, excavate, install utilities, subdivide or otherwise improve property as dictated by state statutes and the city's ordinances.~~

~~ED. Master Development Agreement. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, bonus density systems and phasing of the development shall be executed upon approval of the master development plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)]. An MDA will be executed between the applicant and City to specify the land uses, zoning, traffic circulation, public and private funding obligations, construction of public and private infrastructure and amenities such as trails and parks, impact fees or other development credits and obligations, off-site utility construction, excavation material processing, allowed earth removal methods, and phasing of the master development.~~

16.10.050-040 Application.

Property owners or their duly authorized agent shall make application for a master development ~~plan on forms prepared by the planning director to the planning department. A complete master development application includes the application form, all elements listed in this section below, and the application fee. No master development plan application shall be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.~~

A. Supporting Materials. All master development ~~plan~~ applications shall contain, at a minimum, the following information: ~~The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.~~

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject ~~parcel property~~ with relation to the other major areas of the city.
3. Traffic Plan. A plan showing the major street layout, street construction phasing, with and detailed traffic study prepared by a traffic engineer. Roadways included in the city's current

transportation plan within one-quarter mile of the project as well as within the project must be included in the traffic plan.

~~4. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of all property owners located within 600 feet of the proposed master development plan area (including a minimum of at least 25 adjacent property owners).~~

~~4. Fee. The processing application fee required by the current consolidated fee schedule approved by the city City Council Council and public notice fee (to be calculated and paid prior to the first public meeting).~~

~~5. Project Team. A list of project team members including licensed professionals (engineers, landscape architects, etc.) directly involved in the project that shall be available during presentations to the Planning Commission and City Council.~~

B. Land Use Plan. Master development ~~plans applications that are required to submit~~ shall include a land use plan ~~shall submit the following in addition to the items identified in subsection A of this section that identifies the following:~~

1. Existing Conditions. A map showing the current zoning designations including all existing zoning and zoning overlay districts on the property along with existing physical characteristics of the site including waterways, natural washes, historical sites and features, areas with greater than 25% slope, geological information, fault lines, general soil data, and contour data at two-foot intervals.

2. Compatibility Statements. A statement explaining how the proposed development is compatible with surrounding land uses and other areas of the city and how internal compatibility will be maintained.

3. Environmental Impact Report. ~~Five~~ An environmental impact reports ~~and an electronic copy in an acceptable format~~ detailing potential impacts of the proposal on existing vegetation and wildlife, watercourses, sources of water, waste generation, noise, etc. Sensitive lands, historical sites, and endangered plants should be identified. ~~The planning director shall establish a format for this submission and identify those areas requiring specific attention.~~

~~4. Proposed Land Use and Zoning Map. A map together with a general description of the proposed development indicating the general development pattern, land uses, proposed densities, open spaces, parks and recreation, trails and any other important elements of the project. A map with details of the proposed development indicating the:~~

~~a. General development pattern – Phasing shall generally begin near existing roads and infrastructure and then move towards undeveloped areas;~~

~~b. Land uses – This shall include roads, water retention/detention, open spaces, parks and recreation, trails;~~

~~c. Proposed zoning districts – All proposed zoning districts shall be identified on a project map. The zoning districts are not required to be in a grid/box format and are~~

encouraged to follow natural contours and progression of development transitioning according to EMMC 17.60; and

4-d. Any other important elements of the project.

~~5. Zoning Districts. A compatibility statement that demonstrates compliance with the zoning district that exists on the subject property or the zoning district that is being proposed for the subject property.~~

~~6.5. Parks and Open Space Trail Plan. A plan showing the maps indicating how the proposed master plan development will comply with the city's City's current open space, parks, trails and recreation regulations Parks, Trails, and Open Space Master Plan. If any parks, open space, and/or trails will be developed in phases, the proposed phasing shall be outlined.~~

C. Utility Plans. Master development ~~plans applications that require a utility plan shall submit the following items in addition to those identified in subsection A of this section~~ shall include the following utility plans:

1. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan showing ~~the existing~~ roadways, drainage ways, vegetation, and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
 - a. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
 - b. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
 - c. A general discussion ~~description~~ of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
 - d. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils, ~~and~~ greases, and other pollutants are separated from storm water.
2. Infrastructure Map. A map showing the existing and proposed infrastructure including ~~proposed~~ roadways, utility locations and capacities, and the estimated impacts of the ~~proposed~~ master development ~~plan~~ on all public utilities including potable water, irrigation water, wastewater, transportation, fire protection, and solid waste, ~~parks and recreation demands of the proposed project.~~

D. Economic Infrastructure Funding Analysis. ~~Master development plans that require an economic analysis shall submit the following items in addition to those identified in subsection A of this section:~~

~~1. Financing Infrastructure. An financing infrastructure financing report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan development.~~ Engineering estimates of construction costs, based upon recent expenses incurred for

similar facilities in the area, may be used. The financial element may suggest the use of special improvement districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the ~~city~~City or the use of public finance authorization legally and practically available to the ~~city~~City. The plan shall include the use of property collateral of the development ~~proponent-applicant~~ to assure the ~~city~~City that the proposal will not unduly burden the ~~city~~City, adjoining landowners who will not voluntarily participate in the project, or other property owners in the city. The plan must show that the required infrastructure can be constructed by the developer or jointly by the city and the developer using the funding provided by the ~~developer-applicant~~ sponsored by publicly authorized financial methods proposed in the plan. ~~{Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.5)}~~.

16.10.050 Waivers.

An applicant may request in writing a waiver of specific required elements of a master development application or waiver from requirement of a master development approval.

A. Waiver for Elements of the Application.

1. At the time an application is submitted, the applicant must include a written request of any item they seek to not include or create as part of their application. The request shall include a brief description as to why the element does not apply to the proposed project.
2. During the review process as outlined in EMMC 16.10.060, the Planning Commission and City Council will review the request for the waiver along with the other submitted materials. The City Council may approve the request for the waiver, or if denied, the applicant will then be required to submit the outstanding materials which then will require review following the process outlined in EMMC 16.10.060.

B. Waiver of Requirement for Master Development Approval.

1. Upon submission of a written request to waive the requirement for master development approval, the Planning Commission will hold a public hearing to review the request. The Planning Commission will then make a recommendation to the City Council.
2. The City Council will hold a public hearing to review the waiver request and take final action to approve, amend, or reject the waiver request.

C. Criteria to Approve a Request for Waiver. The City Council may approve a request for waiver of either items listed above upon finding of one or more of the following:

1. The project's concept plan review (pursuant to EMMC 16.15) received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or

4. The strict application of EMMC 16.10 would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or pre-existing easement restrictions.

16.10.060 ~~Approval~~ Review and approval process.

Upon the completion of a concept plan ~~pursuant to EMMC 16.15, the developer shall~~ an applicant may file a ~~properly completed~~ master development ~~plan~~ application following the requirements of EMMC 16.10.040. The master development ~~plan~~ application shall not be construed as an absolute right upon submission ~~of an application~~ and does not require the approval body to take action based upon findings of facts. The master development is not valid and approved until the MDA is executed.

The City shall review the application in accordance with the following procedure~~The planning commission and city council shall review and take action on proposed master development plans in accordance with the following procedure:~~

A. Development Review Committee. Upon receipt of a complete master development application, a staff review by the Development Review Committee (DRC) with the applicant will be scheduled. The review will provide initial feedback and items for revision for the applicant to take into consideration prior to the public review. Additional DRC reviews may be necessary, depending on the feedback and requested changes.

AB. Planning Commission Review. Upon receipt of a complete master development plan application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed master development plan area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes. Upon completion of the DRC review process, the planning department shall schedule the application for a public hearing before the Planning Commission. The Planning Commission shall conclude their hearing with a recommendation of action to the City Council.

B. City Council Review. The city council, after receiving a recommendation from the planning commission, shall also conduct a public hearing. The notice requirements for this hearing are identical to the planning commission hearing. Upon completion of the Planning Commission review process, the City Council shall conduct a public hearing on the application.

1. If the City Council approves the MDP, the process will move forward to an MDA.
2. If the City Council denies the MDP, the applicant may apply for a master development on the property after one year from the date of denial, unless the City Council finds that there has been a substantial change in the application, circumstances, or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. Any future application will be considered a separate application and must follow the full application and review process as outlined in this chapter.

~~CD. Master Development Agreement. Prior to taking final action on a proposed master development plan, the city council shall also approve a master development plan agreement negotiated with the developer. This agreement shall set forth the vesting granted to the property, phasing of the development, expiration date of the agreement, timing of construction of public improvements, maintenance of improvements, and any other special conditions relating to lot design, performance standards, necessary off-site conditions or improvements, shared open space, parks, location of utilities, physical characteristics of the subject property and any other conditions or methodologies that need to be identified within the development agreement. An initial agreement shall be drafted by the City. Review of the agreement will take place first at the staff level. The agreement will then be reviewed at a public meeting held by the Planning Commission which will provide a recommendation to the City Council. The agreement review will conclude with a public meeting by the City Council which will then take action on the agreement and authorize staff to finalize the agreement and mayor to execute. Depending on the scale and scope of the project, the City Council may request a third-party legal review of the final agreement for compliance with local, state, and federal laws prior to executing the agreement. The agreement shall meet all requirements of EMMC 16.10.080.~~

~~D. Preliminary Plat Approval. An approved master development plan map may serve as a preliminary plat, allowing the project to proceed to final platting, if it provides the same level of detail as a preliminary plat with respect to each of the requirements found in Chapter 16.20 EMMC, Preliminary Plats.~~

~~The applicant shall inform the planning commission and the city council of their desire for a master development plan to serve as a preliminary plat at the time of application. [Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].~~

16.10.070 Criteria for ~~review of master development plans~~approval of MDPs.

~~A Master-master development plans-application~~ shall be evaluated using the following criteria. The ~~planning-Planning commission-Commission~~ and ~~city-City council-Council~~ will determine compliance with these criteria:

A. General Criteria.

1. Slope. Is the slope of each area designated for ~~a particular use or density~~development suitable for ~~that use or density~~the intended development? Does the application restrict development from areas with a slope greater than 25%?
2. Natural Hazards. Can the proposed ~~uses~~development reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. Does the application include development methods that will not accelerate runoff and erosion in a way that would have adverse downslope or downstream impacts?~~Given proper planning (as will be required at the time of an application for a major development permit), can the proposed uses and densities reasonably be established without accelerating runoff and erosion in a way that would have adverse downslope or downstream impacts?~~

4. Protection of Natural Channels and Ridgelines. Will the proposed ~~uses and densities~~development be reasonably compatible with the protection of natural channels and comply with the ridgeline protections as provided in EMMC 17.62, where applicable?
5. Flooding. Will the proposed ~~uses~~development be reasonably safe from flooding, including alluvial fan flooding?
6. Soil Characteristics. Is the soil in each area designated for ~~a particular use or density~~development generally suitable for that ~~use or density~~development? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of the Fairfield-Nephi Area, Utah, parts of Juab, Sanpete, and Utah Counties issued by the USDA Soil Conservation Service may be used in answering this question.

B. Criteria Related to Infrastructure.

1. Utilities. Can the proposed ~~uses and densities~~development be adequately served by ~~Eagle Mountain's planned municipal utilities existing and proposed utilities for the project area?~~
2. Streets. Does the street plan comply with the Transportation Master Plan? Can the proposed ~~uses and densities~~development be adequately served by ~~Eagle Mountain's planned network of major streets~~the City's Transportation Master Plan and the project's proposed local streets?
3. Water Rights. Is there legally enforceable documentation to the satisfaction of the city attorney that substantiates the ability of the developer to convey water rights to the ~~city~~City based on the ~~number of dwellings and commercial uses in the project and the area developed~~development need, including both building lots and common ~~usable~~improved open space?

C. Criteria Related to Compatibility.

1. Compatible ~~Densities~~Development – Adjacent Parcels. Will the proposed ~~uses and densities~~development be reasonably compatible with existing or planned uses on adjoining lands? Is the proposed plan consistent with the ~~Eagle Mountain City future land use plan map~~the City's Future Land Use Map or requested amendment? ~~The answer to these questions may be based on the standards established in EMMC 17.60.150 and 17.60.160. The answer to this question may be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.~~
2. Compatible ~~Densities~~Zones and Transitions – Internal Parcels. Will the proposed ~~uses and densities~~zones and residential lot size transitions be reasonably compatible with each other in accordance with EMMC 17.60.150 and 17.60.160? ~~The answer to this question shall be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.~~ Does the placement of proposed uses help buffer potentially incompatible uses from one another?
3. ~~Buffering Incompatible Uses. Does the placement of proposed uses and densities help buffer potentially incompatible uses from one another?~~

D. Criteria Related to Design.

1. Open Space.

- a. Does the proposed ~~densities-development~~ include the ~~planned-community~~ improved open space required by this title?
 - b. Does the proposed pattern of ~~uses-and-densities~~ development attempt to make effective use of the ~~planned-community~~ open space?
 - c. Does the development incorporate trails, parks, and other open spaces included in the City's Parks, Trails, and Open Space Master Plan?
 - 1-d. Does the plan attempt to combine open spaces into larger more usable parks and open spaces?
2. ~~Neighborhood Open Space. Are the proposed uses and densities consistent with the provisions of ample neighborhood open space? [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.7)].~~ Public Facilities. Does the proposed development include land designated for public uses including churches, schools, community centers, etc.?

16.10.080 Criteria for approval of MDAs.

The MDA shall include the following elements to ensure the method, timing, and requirements of construction throughout all phases of the master development. The MDA shall be a standard template originated by the City and modified as needed through the review process.

A. Development Rights and Responsibilities. The MDA shall include the approved development rights of the project and responsible parties for completion of project elements including but not limited to:

1. Vesting granted to the property;
2. Phasing of the development;
3. Construction and maintenance of public improvements;
4. Special conditions relating to lot design, necessary off-site conditions or improvements, open space and parks, location of utilities, physical characteristics of the property; and
5. Any other conditions or methodologies necessary for the master development's buildout.

B. Benchmarks. The applicant shall be required to take measurable action, upon the execution of the MDA through performance benchmarks including but not limited to:

1. A set time limit to apply for the first site plan and/or preliminary plat;
2. A set time limit from the approval of the first site plan and/or preliminary plat to begin site work;
3. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of curb, gutter, and road completion; and

4. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of open space, park, and/or trail completion.

C. Expiration of the Master Development. Master development approvals shall expire six (6) months from the date of approval by the City Council if an MDA has not yet been approved and signed by all applicable parties. MDAs shall:

1. Include an expiration of terms of the agreement with a set time limit determined at the approval of the MDA; and
2. Not extend longer than six (6) years from the signing of the agreement.

D. General Plan Compliance. A compatibility statement that confirms compliance with the City's Future Land Use Map, Master Transportation Plan, and General Plan documents.

E. Amendments and Extensions of Time. The MDA shall include sections for amendments and extensions of time to the MDA based on the requirements and allowances in this chapter at the time of the MDA approval.

16.10.090 Master development amendments.

A. Amendments. After a master development is approved and prior to completion of the full build out of the project, an amendment to the master development approval will require an approval for any proposed change to the MDP or MDA.

A proposed amendment may include, but is not limited to, changes that:

1. Alter the amount of land area for any use(s);
2. Require a rezoning of property;
3. Require an amendment to the General Plan's Future Land Use Map and/or Transportation Plan;
4. Require a plat amendment; or
5. Alter the timing of benchmarks or other terms in the MDA.

B. Amendment Review and Approval Process.

1. Application. An application for amendment must be submitted to the planning department. The application requirements will follow those outlined in EMMC 16.10.040, but will only require documents that are directly related to the particular amendment request.
2. Review. A review of the amendment request will follow EMMC 16.10.060.
3. Action. The City Council shall take the final action on the amendment request.

16.10.080-100 Expirations and extensions of approvals.

~~Master development plan approvals shall expire two years from the date of approval by the city council if a master development agreement has not yet been approved.~~

A. Expiration of Approval. A master development approval shall be determined to have expired when:

1. The MDA failed to be signed by both the City and the applicant(s); or
2. The term of the agreement has expired based on the set time limit.

AB. Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to the MDA expiration. An extension of time may be requested ~~by an applicant~~ with the following requirements:

1. A written, signed request for an extension ~~of time~~ shall be received by the planning ~~director~~ department at least three (3) months prior to the expiration date of the project.
2. The request ~~for an extension of time~~ shall specify any progress made on the project's MDA benchmarks and conditions of approval, ~~and~~ the reason(s) for the extension request, ~~along with and any~~ supporting documentation.

BC. Criteria for Approving Extensions of Time. The Planning Commission shall take final action on an extension of time request. The Planning Commission may approve up to two (2) two-year extensions of time to a master development that meets the following criteria~~It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:~~

1. The applicant ~~must have shown~~has demonstrated a good faith effort to initiate the project by ~~systematically completing predevelopment conditions~~any applicable conditions and benchmarks; or
2. ~~The extension is necessary due to a delay in action by the City or other public agency. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.~~

CD. Appeals. An applicant may appeal of the planning director's~~Planning Commission's decision~~final action on the extension of time request shall be submitted to the planning commission~~City Recorder's Office~~ within fifteen (15) days of the date of the decision. The appeal will be considered by the City Council. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.~~An appeal of the City Council's appeal decision shall be made to the district court within thirty (30) days of the City Council's decision.~~

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O 16-2010 § 2 (Exh. A)].

Chapter 16.10

Master Developments

16.10.010 Purpose.

This chapter establishes the requirements and review and approval processes for master developments. As a growing city, master developments provide the community a way to better understand, plan for, and approve large development areas. Master developments help to ensure that these projects relate well to surrounding uses while also establishing the required public investments and benefits for the development and community.

16.10.020 Master development approval required.

Master development approvals are required for any development project that meets the criteria below. Master developments require the approval of a master development plan (MDP) and master development agreement (MDA).

A. Projects in Excess of 50 Acres. A master development approval shall be required for any development in excess of 50 acres in size.

B. Projects in Excess of 200 Acres. Any proposed development of more than 200 acres in size must divide the project into separate master development applications of 200 acres or less. A master development approval may be granted, based on the criteria outlined in this chapter, in a phased approach in order to ensure adequate build out within the defined timeframe and benchmarks of an approved MDA before approving additional master developments of the larger project.

C. Property Ownership. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development applications.

D. Annexations. A master development approval is required for property that is in excess of 50 acres and is pending annexation into the corporate boundaries of the city for the purposes of immediate development. This requirement may be waived by the City Council if they determine that the project does not include off-site infrastructure and/or includes only one proposed zoning district for development. Land that is not intended for immediate development may be annexed into the city and shall be zoned as Agriculture and may be proposed for development through a master development approval process at a later date.

E. City Council Discretion. The City Council may require a master development application and approval for any development within the city. That criteria may include, but is not limited to: off-site infrastructure, more than one zoning district, ridgelines, unique open space, or potential impacts to other properties.

16.10.030 General considerations.

The following general considerations apply to all proposed master developments:

A. Zoning Districts. A master development proposal is a rezone request and must contain specific proposed zoning districts and site use designations authorized by EMMC Title 17 for all land within the master development. An application for a master development shall be processed as an application for a rezone request pursuant to EMMC 17.90.

B. General Plan Amendments. If the proposed zoning, land uses, and/or major roads in the master development do not comply with the current Future Land Use & Transportation Corridors Map, the application shall be processed as an application for a Future Land Use & Transportation Corridors Map Amendment.

C. Master Development Plan. As outlined in this chapter, the application materials act as the MDP and guiding documents for the proposed development of the property. As the MDP is finalized through the review and approval process, the MDP will be used as a basis for the MDA.

D. Master Development Agreement. An MDA will be executed between the applicant and City to specify the land uses, zoning, traffic circulation, public and private funding obligations, construction of public and private infrastructure and amenities such as trails and parks, impact fees or other development credits and obligations, off-site utility construction, excavation material processing, allowed earth removal methods, and phasing of the master development.

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development to the planning department. A complete master development application includes the application form, all elements listed in this section below, and the application fee. Incomplete applications shall not be processed.

A. Supporting Materials. All master development applications shall contain, at a minimum, the following information:

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject property with relation to the other major areas of the city.
3. Traffic Plan. A plan showing the primary street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer. Roadways included in the city's current transportation plan within one-quarter mile of the project as well as within the project must be included in the traffic plan.
4. Fee. The application fee required by the current consolidated fee schedule approved by the City Council and public notice fee (to be calculated and paid prior to the first public meeting).
5. Project Team. A list of project team members including licensed professionals (engineers, landscape architects, etc.) directly involved in the project that shall be available during presentations to the Planning Commission and City Council.

B. Land Use Plan. Master development applications shall include a land use plan that identifies the following:

1. Existing Conditions. A map showing the current zoning designations including all existing zoning and zoning overlay districts on the property along with existing physical characteristics of the site including waterways, natural washes, historical sites and features, areas with greater than 25% slopes, geological information, fault lines, general soil data, and contour data at two-foot intervals.
2. Compatibility Statement. A statement explaining how the proposed development is compatible with surrounding land uses and other areas of the city and how internal compatibility will be maintained.
3. Environmental Impact Report. An environmental impact report detailing potential impacts of the proposal on existing vegetation and wildlife, watercourses, sources of water, waste generation, noise, etc. Sensitive lands, historical sites, and endangered plants should be identified.
4. Proposed Land Use and Zoning Map. A map with details of the proposed development indicating the:
 - a. General development pattern – Phasing shall generally begin near existing roads and infrastructure and then move towards undeveloped areas;
 - b. Land uses – This shall include roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zoning districts – All proposed zoning districts shall be identified on a project map. The zoning districts are not required to be in a grid/box format and are encouraged to follow natural contours and progression of development transitioning according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. Parks, Open Space, and Trails Plan. A plan indicating how the proposed master development will comply with the City's current Parks, Trails, and Open Space Master Plan. If any parks, open space, and/or trails will be developed in phases, the proposed phasing shall be outlined.

C. Utility Plans. Master development applications shall include the following utility plans:

1. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan showing roadways, drainage ways, vegetation, and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
 - a. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
 - b. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
 - c. A description of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.

- d. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils, greases, and other pollutants are separated from storm water.
2. Infrastructure Map. A map showing the existing and proposed infrastructure including roadways, utility locations and capabilities, and the estimated impacts of the master development on all public utilities including potable water, irrigation water, wastewater, transportation, fire protection, and solid waste.

D. Infrastructure Funding Analysis. An infrastructure financing report describing in reasonable planning-level detail the cost of all infrastructure required to serve the area of the proposed development. Engineering estimates of construction costs, based upon recent expenses incurred for similar facilities in the area, may be used. The financial element may suggest the use of special improvement districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the City or the use of public finance authorization legally and practically available to the City. The plan shall include the use of property collateral of the development applicant to assure the City that the proposal will not unduly burden the City, adjoining property owners who will not voluntarily participate in the project, or other property owners in the city. The plan must show that the required infrastructure can be provided by the applicant or jointly by the City and the applicant using the funding provided by the applicant sponsored by publicly authorized financial methods proposed in the plan.

16.10.050 Waivers.

An applicant may request in writing a waiver of specific required elements of a master development application or waiver from requirement of a master development approval.

A. Waiver for Elements of the Application.

1. At the time an application is submitted, the applicant must include a written request of any item they seek to not include or create as part of their application. The request shall include a brief description as to why the element does not apply to the proposed project.
2. During the review process as outlined in EMMC 16.10.060, the Planning Commission and City Council will review the request for the waiver along with the other submitted materials. The City Council may approve the request for the waiver, or if denied, the applicant will then be required to submit the outstanding materials which then will require review following the process outlined in EMMC 16.10.060.

B. Waiver of Requirement for Master Development Approval.

1. Upon submission of a written request to waive the requirement for master development approval, the Planning Commission will hold a public hearing to review the request. The Planning Commission will then make a recommendation to the City Council.
2. The City Council will hold a public hearing to review the waiver request and take final action to approve, amend, or reject the waiver request.

C. Criteria to Approve a Request for Waiver. The City Council may approve a request for waiver of either items listed above upon finding of one or more of the following:

1. The project's concept plan review (pursuant to EMMC 16.15) received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or
4. The strict application of EMMC 16.10 would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or pre-existing easement restrictions.

16.10.060 Review and approval process.

Upon completion of a concept plan review pursuant to EMMC 16.15, an applicant may file a master development application following the requirements of EMMC 16.10.040. The master development application shall not be construed as an absolute right upon submission and does not require the approval body to take action based upon findings of fact. The master development is not valid and approved until the MDA is executed.

The City shall review the application in accordance with the following procedure:

A. Development Review Committee. Upon receipt of a complete master development application, a staff review by the Development Review Committee (DRC) with the applicant will be scheduled. The review will provide initial feedback and items for revision for the applicant to take into consideration prior to the public review. Additional DRC reviews may be necessary, depending on the feedback and requested changes.

B. Planning Commission Review. Upon completion of the DRC review process, the planning department shall schedule the application for a public hearing before the Planning Commission. The Planning Commission shall conclude their hearing with a recommendation of action to the City Council.

C. City Council Review. Upon completion of the Planning Commission review process, the City Council shall conduct a public hearing on the application.

1. If the City Council approves the MDP, the process will move forward to an MDA.
2. If the City Council denies the MDP, the applicant may apply for a master development on the property after one year from the date of denial, unless the City Council finds that there has been a substantial change in the application, circumstances, or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. Any future application will be considered a separate application and must follow the full application and review process as outlined in this chapter.

D. Master Development Agreement. An initial agreement shall be drafted by the City. Review of the agreement will take place first at the staff level. The agreement will then be reviewed at a public

meeting held by the Planning Commission which will provide a recommendation to the City Council. The agreement review will conclude with a public meeting by the City Council which will then take action on the agreement and authorize staff to finalize the agreement and mayor to execute. Depending on the scale and scope of the project, the City Council may request a third-party legal review of the final agreement for compliance with local, state, and federal laws prior to executing the agreement. The agreement shall meet all requirements of EMMC 16.10.080.

16.10.070 Criteria for approval of MDPs.

A master development application shall be evaluated using the following criteria. The Planning Commission and City Council will determine compliance with these criteria:

A. General Criteria.

1. Slope. Is the slope of each area designated for development suitable for the intended development? Does the application restrict development from areas with a slope greater than 25%?
2. Natural Hazards. Can the proposed development reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. Does the application include development methods that will not accelerate runoff and erosion in a way that would have adverse downslope or downstream impacts?
4. Protection of Natural Channels and Ridgelines. Will the proposed development be reasonably compatible with the protection of natural channels and comply with the ridgeline protections as provided in EMMC 17.62, where applicable?
5. Flooding. Will the proposed development be reasonably safe from flooding, including alluvial fan flooding?
6. Soil Characteristics. Is the soil in each area designated for development generally suitable for that development? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of the Fairfield-Nephi Area, Utah, parts of Juab, Sanpete, and Utah Counties issued by the USDA Soil Conservation Service may be used in answering this question.

B. Criteria Related to Infrastructure.

1. Utilities. Can the proposed development be adequately served by existing and proposed utilities for the project area?
2. Streets. Does the street plan comply with the Transportation Master Plan? Can the proposed development be adequately served by the City's Transportation Master Plan and the project's proposed local streets?
3. Water Rights. Is there legally enforceable documentation to the satisfaction of the city attorney that substantiates the ability of the applicant to convey water rights to the City based on the development need, including both the building lots and common improved open space?

C. Criteria Related to Compatibility.

1. Compatible Development – Adjacent Parcels. Will the proposed development be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the City's Future Land Use Map or requested amendment? The answer to these questions may be based on the standards established in EMMC 17.60.150 and 17.60.160.
2. Compatible Zones and Transitions – Internal Parcels. Will the proposed zones and residential lot size transitions be reasonably compatible with each other in accordance with EMMC 17.60.150 and 17.60.160? Does the placement of proposed uses help buffer potentially incompatible uses from one another?

D. Criteria Related to Design.

1. Open Space.
 - a. Does the proposed development include the improved open space required by this title?
 - b. Does the proposed pattern of development attempt to make effective use of the open space?
 - c. Does the development incorporate trails, parks, and other open spaces included in the City's Parks, Trails, and Open Space Master Plan?
 - d. Does the plan attempt to combine open spaces into larger more usable parks and open spaces?
2. Public Facilities. Does the proposed development include land designated for public uses including churches, schools, community centers, etc.?

16.10.080 Criteria for approval of MDAs.

The MDA shall include the following elements to ensure the method, timing, and requirements of construction throughout all phases of the master development. The MDA shall be a standard template originated by the City and modified as needed through the review process.

A. Development Rights and Responsibilities. The MDA shall include the approved development rights of the project and responsible parties for completion of project elements including but not limited to:

1. Vesting granted to the property;
2. Phasing of the development;
3. Construction and maintenance of public improvements;
4. Special conditions relating to lot design, necessary off-site conditions or improvements, open space and parks, location of utilities, physical characteristics of the property; and
5. Any other conditions or methodologies necessary for the master development's buildout.

B. Benchmarks. The applicant shall be required to take measurable action, upon the execution of the MDA through performance benchmarks including but not limited to:

1. A set time limit to apply for the first site plan and/or preliminary plat;
2. A set time limit from the approval of the first site plan and/or preliminary plat to begin site work;
3. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of curb, gutter, and road completion; and
4. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of open space, park, and/or trail completion.

C. Expiration of the Master Development. Master development approvals shall expire six (6) months from the date of approval by the City Council if an MDA has not yet been approved and signed by all applicable parties. MDAs shall:

1. Include an expiration of terms of the agreement with a set time limit determined at the approval of the MDA; and
2. Not extend longer than six (6) years from the signing of the agreement.

D. General Plan Compliance. A compatibility statement that confirms compliance with the City's Future Land Use Map, Master Transportation Plan, and General Plan documents.

E. Amendments and Extensions of Time. The MDA shall include sections for amendments and extensions of time to the MDA based on the requirements and allowances in this chapter at the time of the MDA approval.

16.10.090 Master development amendments.

A. Amendments. After a master development is approved and prior to completion of the full build out of the project, an amendment to the master development approval will require an approval for any proposed change to the MDP or MDA.

A proposed amendment may include, but is not limited to, changes that:

1. Alter the amount of land area for any use(s);
2. Require a rezoning of property;
3. Require an amendment to the General Plan's Future Land Use Map and/or Transportation Plan;
4. Require a plat amendment; or
5. Alter the timing of benchmarks or other terms in the MDA.

B. Amendment Review and Approval Process.

1. Application. An application for amendment must be submitted to the planning department. The application requirements will follow those outlined in EMMC 16.10.040, but will only require documents that are directly related to the particular amendment request.
2. Review. A review of the amendment request will follow EMMC 16.10.060.
3. Action. The City Council shall take the final action on the amendment request.

16.10.100 Expirations and extensions of approvals.

A. Expiration of Approval. A master development approval shall be determined to have expired when:

1. The MDA failed to be signed by both the City and the applicant(s); or
2. The term of the agreement has expired based on the set time limit.

B. Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to the MDA expiration. An extension of time may be requested with the following requirements:

1. A written, signed request for the extension shall be received by the planning department at least three (3) months prior to the expiration date of the project.
2. The request shall specify any progress made on the project's MDA benchmarks and conditions of approval, the reason(s) for the extension request, and any supporting documentation.

C. Criteria for Approving Extensions of Time. The Planning Commission shall take final action on an extension of time request. The Planning Commission may approve up to two (2) two-year extensions of time to a master development that meets the following criteria:

1. The applicant has demonstrated a good faith effort to initiate the project by completing any applicable conditions and benchmarks; or
2. The extension is necessary due to a delay in action by the City or other public agency.

D. Appeals. An appeal of the Planning Commission's final action on an extension of time request shall be submitted to the City Recorder's Office within fifteen (15) days of the date of the decision. The appeal will be considered by the City Council. An appeal of the City Council's appeal decision shall be made to the district court within thirty (30) days of the City Council's decision.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE: September 8, 2020, Planning Commission Minutes

ITEM TYPE: Minutes

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[PC Minutes 09.08.2020 - DRAFT](#)



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

September 8, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. – Eagle Mountain City Planning Commission Work Session – Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Rich Wood, and Brett Wright. Commissioner Erin Wells was excused.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Michael Hadley, Planning Manager; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:31 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Proposed Code Amendment to EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning

Long-Range Planning Manager Pete Kane presented the item and explained the amended standards relate to the Planning Commission's desire to create a zoning transition table and to incorporate the table into Municipal Code. The amendments also include adjustments to the Lot Size Transitioning tables in order to have the lot size segments match the various residential zoning districts. He presented proposed tables to replace both lot size transition tables (smaller to larger and larger to smaller) in order to include the 1/3-acre lot size and to update lot sizes designations to be in accordance with the residential zoning districts. Mr. Kane presented his recommended updated version of Figure 17.60.150(1) Lot Size Transitioning with the current residential zone lot size designations.

Mr. Kane also noted that staff recommends adding the following subitem to the Lot Size Transitioning (Section 17.60.150): "E. Modification of Lot Size Transitioning Requirement. Upon review of a development, the Planning Commission may recommend and/or the City Council may approve a modification to the requirements of Eagle Mountain Municipal Code (EMMC) 17.60.150 if they determine the intent of lot size transitioning is being met." Mr. Kane explained the purpose of the proposed language is to provide an exception for projects where zone transitioning occurs correctly, but the lot size transitioning is unable to be implemented as prescribed.

Mr. Kane presented recommended edits for the Zoning Transition Table (Section 17.60.160). For the chart to retain parallel compatible buffering between zone categories, the following edits are suggested: add RD2 to the R1 row or remove R1 from the RD2 row, add MF2 to the OP row or remove OP from the MF2 row, add CC to the CN row or remove CN from the CC row, add

MEC to the CN row or remove CN from the MEC row, add CC to the MEC row or remove MEC from the CC row, add MEC to the CR row or remove CR from the MEC row, add RC to the MF2 row or remove MF2 from the RC row, add I to the CS row or remove CS from the I row, add CS to the CR row or remove CR from the CS row, add CS to the MF1 row or remove MF1 from the CS row, add CS to the MF2 row or remove MF2 from the CS row, and add MEC to the AG row or remove AG from the MEC row. Mr. Kane suggested adding OP as a compatible buffer to the OS-N row and remedying a typographical error on the CN row correcting “RF” to “FR.”

Mr. Kane stated Commissioner Wells had expressed concern regarding some of the commercial buffers for residential zones and recommended removing the CC zone as a compatible buffer to the RC zone, removing the CR zone as a compatible buffer to the MF1 zone, and removing the MF1 zone as a compatible buffer to the CS zone.

Commissioner Pengra expressed concern the zone transitioning requirements are too onerous for developers and inquired if other municipalities have the zone transitioning restrictions.

Mr. Kane stated the previous municipalities where he has worked had zone compatibility standards for adjacent properties and lot size compatibility was discussed during plat reviews, but lot size transitioning was not codified.

Commissioner Wood stated the previous and current Councilmembers directed the creation of lot size transitioning standards. Councilmember Curtis and he had written the original standards and this amendment is necessary to update the standards due to the removal of the tier language, bonus density, and base density standards from Municipal Code.

Commissioner Pengra stated that although the Planning Commission should consider the City Council’s opinions, the Planning Commission is called to be an independent body and delegated to provide recommendations to the City Council for their consideration. He expressed concern regarding the Commissioners and/or Councilmembers drafting Municipal Code standards. He stated his preference for licensed professionals to draft standards then reviewed by the Planning Commission and City Council. He expressed concern regarding the lack of flexibility to development inherit in the lot size transitioning standards and unintended unfavorable consequences to the City.

Commissioner Everett noted the lot size transitioning standards are already included in Municipal Code and this amendment is an update rather than the introduction of lot size transitioning requirements.

Commissioner Wright expressed respect for Commissioner Pengra's concerns; however, he believes the lot size transition requirements increase clarity and serve as beneficial support to the residential zone standards.

Commissioner Wood inquired regarding the Commissioners’ opinions regarding the staff-recommended subitem to allow for the City Council to approve modifications to lot size transitioning requirement if the intent of the standards is met.

Commissioner Wright stated he is not in favor of allowing for the City Council to approve exemptions and expressed concern permitting too much flexibility within the standards may reduce overall product quality and results.

Commissioner Everett stated his support for permitting some flexibility in Municipal Code standards if the intent of the standards is met.

Commissioner Pengra expressed his willingness to remove the recommended modification allowing the City Council to grant exemptions if desired by the other Commissioners. However, due to his concerns regarding the practical implementation of the prescriptive lot size transitioning standards, he intends to vote against recommending approval of the standards as presented.

Commissioner Wood stated he is against allowing the exception in the standards as the City Council has the authority to approve Municipal Code exemptions. He expressed concern that the inclusion of the staff recommended amendment would create ambiguity that developers could use an exemption included in the standards to circumvent requirements. He advocated for the retention of the commercial CC zone as a compatible buffer for the RC residential zone due to the likelihood of residential cottages being a part of a homeowners' association (HOA) with HOA land serving as a buffer between the residences and commercial uses. He expressed his support for allowing multifamily zoning as a compatible buffer for all commercial zones, including the CS zone that allows for commercial storage use.

Commissioners Everett and Wright concurred that multifamily zoning is a compatible buffer for all commercial zones.

1.B. DISCUSSION ITEM – Proposed Code Amendment to EMMC 16.10 Master Development Plans

Mr. Kane presented the item and stated the City Attorney Jeremy Cook reviewed the document. Mr. Kane explained Mr. Cook's feedback to EMMC 16.10.020 regarding master development plan requirements. The requirement for contiguous parcels to be considered as separate properties would allow property owners to divide properties into multiple developments of less than 50 acres each to circumvent the master development process requirement. The standards allow for the City Council to require a master development agreement (MDA) for any size parcel at their discretion; however, the City Council would need to be aware of the proposed development to implement the requirement in cases where parcels were being divided to avoid the standards which could become onerous. The requirement for parcels of contiguous properties of multiple landowners to be considered as separate properties unless the property owners create a corporation is unnecessary as the situation occurring is highly unlikely due to prohibitive legal requirements. The verbiage explaining exemptions regarding the waiving of the land use plan, utility plan, infrastructure funding analysis, or MDA of the master development plan (MDP) process should be amended to clarify the City Council is the authoritative body acting upon Planning Commission recommendations. EMMC 16.10.040 (D) Master Development Agreement is superfluous and should be removed as the material is covered elsewhere in the

standards. In EMMC 16.10.050 (E), the inclusion of meeting notification requirements per State standards is unnecessary and the additional levels of review requirements may be onerous, due to time delays, and are unclear regarding the criteria for the third-party legal counsel review.

Commissioner Wood stated an explanation of the State notification requirements had been included in the previous MDA standards and concurred the verbiage is no longer necessary and should be removed. He stated the City Council was in favor of the additional layers of review and explained the purpose of the third-party legal review could be clarified as a review of the master development plan against the City standards as outlined in this title and chapter and with State code. He expressed his preference to expend the necessary time to thoroughly review MDAs despite any resulting development delay.

Commissioner Pengra requested the implementation of a process to be able to itemize City Council concerns to identify and discuss individual Councilmember concerns publicly and to allow staff to adopt Municipal Code standards that appropriately address concerns. He stated the MDA standards are outdated and require updating. He reiterated his concerns regarding Commissioners and Councilmembers amending Municipal Code standards. He expressed concern regarding several sections included in the proposed standard amendments and the potential for unsatisfactory outcomes of adopting the standards as presently proposed.

Commissioner Everett concurred with Mr. Cook's recommendations regarding verbiage clarification. He stated staff has inadequate time to adequately address the amount of Municipal Code standards in need of amendments and expressed concern regarding the cost of procuring or contracting additional staff. He stated his support of Commissioners' and Councilmembers' willingness to assist with Municipal Code amendments as a benefit to the City. He concurred with Commissioner Pengra's request for facilitated collaboration and communication between the City Council and the Planning Commission.

Commissioner Wright recognized Commissioner Pengra's concerns and expressed his desire to discuss Commissioner Pengra's specific concerns regarding the suggested amendments. He expressed his respect for staff and concurred with Commissioner Everett's statements regarding the benefits of Commissioners and Councilmembers assisting with standard amendments to lessen staff's workload. He stated his support of updating the MDA standards as an aid to the City.

Commissioner Pengra stated that the proposed amendments seem politicized and unprofessional and said nonprofessionals writing Municipal Code results in disjointed standards. He expressed concern regarding private communication between Councilmembers and Commissioners regarding Municipal Code amendments.

Commissioner Wood stated the amendment process has involved staff and all of the members of the City Council and their feedback had been incorporated. He requested for the Commissioners to limit comments to the topic of the item under discussion.

Mr. Kane verified that Community Development Director/Assistant City Administrator Steve Mumford, Mr. Cook, and he had reviewed and discussed the proposed amendments.

Commissioner Pengra concurred with the expressed concerns regarding EMMC 16.10.020. He stated the term “scale of development” used as a replacement to “density” in EMMC 16.10.040 General Considerations is ambiguous. Mr. Kane noted Section 16.10.040 General Considerations required a numbering correction and should be Section 16.10.030.

Commissioner Pengra stated the second paragraph in EMMC 16.10.040 Application is informal and confusing due to listing three components of the plan and then a requirement regarding “both plans.” Mr. Kane recommended amending the verbiage to “both a land use plan and a utility plan” for clarification.

Commissioner Pengra expressed concern regarding the requirement for a General Plan Compliance Statement in Section 16.10.040(B)(5). Discussion ensued regarding the General Plan Compliance Statement requirement. Commissioner Wood recommended for the requirement to be included in Section 16.10.070.

Commissioner Pengra stated EMMC 16.10.050(E) Master Development Agreement approval should be condensed. He inquired regarding the reason the MDP is not allowed to serve as the preliminary plat.

Discussion ensued regarding preliminary plat requirements in relation to the MDA amendment process.

Commissioner Pengra expressed concern regarding the nullification of the MDA upon plan changes due to the certainty of project changes and the burden of amending the MDA for all changes and said MDAs inherently involve the risk of undesirable changes for all parties. He expressed concern regarding the number of issues he had identified with the proposed amendments and said he doubts he was able to identify all potential concerns.

1.C. DISCUSSION ITEM – Proposed Code Amendment to Add EMMC 17.23 Open Space Zone

1.D. DISCUSSION ITEM – Proposed Code Amendment to Add EMMC 17.31 Public Facilities Zone

Items 1.C. and 1.D. were discussed concurrently.

Mr. Kane explained the proposed amendments will create two additional zones: the Open Space zone, consisting of two subzones Improved Open Space and Natural Open Space, and the Public Facilities zone. He explained municipalities utilize residentially-zoned properties for open space and public facilities uses. Assigning the uses to specific zones facilitates designating land uses in the City and defining use restrictions and provides clearer data as to how much land is actually used residentially. The zones may be applied to both public and privately owned land. He stated appropriate zoning ideally will be applied to the corresponding land parcels during the MDP approval process.

Commissioner Wood requested for the items 1.C. and 1.D. to be included on the agenda for work and policy sessions for the next meeting.

Commissioner Wood adjourned the work session at 6:37 p.m.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wood called the meeting to order at 6:45 pm.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. August 25, 2020, Planning Commission Minutes

Commissioner Everett requested for his statement regarding the SilverLake 28 site plan fencing, "I believe that the vinyl fencing in that area, specifically along Golden Eagle, looks like crap," to be reflected in the minutes.

MOTION: *Commissioner Everett moved to approve the August 25, 2020 minutes as amended. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

5. Status Report

Mr. Kane stated the City Council reviewed the Ault Farms and Triumph concept plans and provided similar feedback to the concerns the Planning Commission had expressed. The special use standards amendment was approved with a modification to require that gas station vents are located a minimum of 200 feet from residential property lines and the previously included places of congregation and a State Code reference correction for the definition of nuisance. The City Council determined current regulations permitting chickens were inclusive of roosters and the Municipal Code amendment limiting rooster ownership to specific residential zones was denied.

6. Action and Advisory Items

6.A. VDP Investment Commercial Property (Concept Plan)

Mr. Kane presented the item. The project is located at the corner of Ranches Parkway and Half Mile Road and consists of nine retail units on approximately one acre of undeveloped land. The Ranches Master Development Plan and Agreement have expired, and all vested rights are

invalid. The intended zoning district for the subject property is Commercial Neighborhood (CN). The parcel is designated Community Commercial on the Future Land Use and Transportation map. The City is working on rezoning the commercial properties in the Ranches to meet current zoning designations. The applicant may need to submit a rezone application if the City rezone is not already approved at the time they apply for a site plan. The location of the trash enclosure is not compliant with Municipal Code standards and the southwest corner of the property is a more appropriate location. If the commercial spaces are used for retail, 44 parking stalls and 2 ADA stalls are required. Access to the property via Half Mile Road is preferred as it maximizes the distance to the intersection. The applicant has not provided the intended uses for the commercial units; the uses will need to comply with the permitted uses for the CN zone.

Applicant representative Van Nguyen explained the parking lot had been reoriented and expressed his willingness to relocate the trash enclosure to the southwest corner.

Commissioner Wright directed the applicant to review Municipal Code building articulation requirements before submitting a site plan. He expressed his approval of the concept plan except for the non-compliant location of the trash enclosure.

Commissioner Everett concurred with Commissioner Wright's comments and stated the project is appropriate for the area.

Commissioner Pengra concurred with the other Commissioners and thanked Mr. Nguyen for investing in Eagle Mountain.

Commissioner Wood recommended the installation of fencing between the south edge of the building fronting on Ranches Parkway and fencing along the south of the property to block pedestrian access to discourage the parking lot being used as overflow parking for the adjacent residential areas.

Mr. Nguyen stated a fence is planned for the property, but the material has yet to be determined. He explained the requirement to have the building along the street front means he needs access to the business spaces from the street as well as from the parking lot. He would prefer the building set to the back of the property, so he only needs one access for each commercial space but understands the Municipal Code requirement.

Mr. Kane explained the building had been reoriented to locate the building adjacent to the roadways and parking lot at the side/rear of the property to comply with Municipal Code requirements.

Commissioner Wright congratulated the applicant for heeding staff advice resulting in a highly favorable review of the concept plan and thanked staff for their direction to the applicant.

Commissioner Wood reiterated Commissioner Wright's suggestion to review building design standards.

6.B. PUBLIC HEARING – Development Code Amendment for Master Development Plans and Agreements (EMMC 16.10)

Mr. Kane presented the item. The Planning Commission and City Council sought to revise and update the requirements for MDAs and MDPs based upon previous proposals. The proposed amendments set standards for all MDAs to address concerns regarding previous agreements with the City. Staff recommends for the Planning Commission to recommend approval of the proposed amendments to the City Council.

Mr. Kane verified that Municipal Code standards allow for master site plans to serve as preliminary plats if the master site plan meets the stipulated requirements. Commissioner Pengra expressed concern that not also allowing the MDP, which is more detailed than a master site plan, to serve as a preliminary plat is overly restrictive.

Mr. Kane stated Mr. Cook had expressed that the five-year time limit for development agreements stipulated in EMMC 16.10.070(E)(1) may be too restrictive for the completion of large projects.

Discussion ensued regarding the proposed five-year timeframe limitation, other timeframe options and recommendations, potential extension options, concerns restrictive requirements will discourage desirable development and the associated large community investments, potentially including separate residential and commercial timeframe requirements, and the desirability of requiring large projects to be divided into smaller projects that can be completed within the prescribed five years.

Commissioner Wood opened the public hearing at 7:30 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

Commissioner Wood noted the proposed amendments grant the MDA and MDP extension authority to the Planning Commission and recommended a maximum timeframe be included in the standards with the specific timeframe for a project to be granted at the discretion of the Planning Commission during the extension approval. He stated the MDA stipulates for specific tasks to be completed by certain dates or the MDA becomes invalid and the timeframe approval will take into consideration staff recommendations and if the developer has met the required benchmarks.

Commissioner Everett recommended an initial six-year timeframe with the option to apply for one or two extension periods of two years each. He stated that five years may be too short of a period, but expressed concern allowing a ten-year timeframe for all projects. He expressed his desire to provide flexibility to account for unforeseen circumstances that result in delays if the developer has demonstrated due diligence in meeting the MDA benchmarks.

Commissioner Wood noted the MDA agreement includes extension criteria due to unforeseen circumstances.

Commissioner Wright expressed his approval of Commissioner Everett's recommendation and requested staff's opinion regarding a six-year initial timeframe with the option to apply for two potential extensions of up to two-year each.

Mr. Kane stated an additional year could be beneficial; however, he expressed concern regarding the ramifications of procedurally requiring the repetition of the timeframe extension approval process.

Mr. Mumford expressed his approval of the reasoning behind the Planning Commission's concerns and recommended suggestions; however, larger and complex projects require more completion time, and setting a timeframe that only accommodates smaller projects may discourage larger projects and the resulting parks and amenity investments. Also, requiring Planning Commission approval for timeframe extensions increases risks for the developers as the extension could be denied and discourages development investment in larger projects within the City. He stated his preference to include benchmarks and extension periods rather than a set, inflexible timeframe standard.

Planning Manager Michael Hadley stated allowing extensions up to a ten-year timeframe is reasonable for large projects.

Commissioner Wood stated the City Councilmembers expressed the desire to encourage smaller developments within the City with shorter timeframes and for large developments to be divided into several smaller projects. He stated the MDA amendments to Municipal Code are intended to regulate how developments are built in the City. He noted that the criteria for an extension require that "the applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions," which provides some flexibility in meeting the benchmarks.

Mr. Kane stated the predevelopment conditions are completed prior to breaking ground on the project and suggested adding verbiage to require "benchmarks completed to date" if the Commission determines to use benchmarks as an extension requirement.

Commissioner Pengra expressed his support of Commissioner Everett's recommendation to allow large developments to extend up to a ten-year timeframe for large projects and that fewer development obstructions encourage both commercial and residential development.

Mr. Kane stated the Municipal Code amendments require an MDA for any property over 50 acres and the City Council can require an MDA for properties smaller than 50 acres; however, the standards do not include verbiage to allow for the City Council to exempt the requirement for properties over 50 acres.

Mr. Mumford stated as an MDA is a rezone request, it is a legislative decision and the City Council and Planning Commission are not required to approve a plan should it meet Municipal Code criteria. He stated if the project complies with the General Plan, the request could still be denied based upon the content of the agreement when merited. He said the Brandon Park project included a detailed MDP which was allowed to serve as a preliminary plat and the Evans Ranch

preliminary plats were identical to the MDP. Due to such projects, an exemption was added to Municipal Code to allow the MDP to serve as a preliminary plat because requiring the approvals of preliminary plats identical to the MDP was onerous. He recommended not requiring preliminary plat level of detail for all MDP but allowing the flexibility for an MDP to serve as the preliminary plat when appropriate.

MOTION: *Commissioner Pengra moved to table a development code amendment for Master Development Plans and Agreements (EMMC 16.10) until the next meeting to allow additional time for the Commissioners to submit comments to staff for consideration for amendments and until staff provides the Commissioners with the notes provided by legal counsel. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Christopher Pengra. Those voting nay: Rich Wood. The motion carried with a vote of 3:1.*

Commissioner Wood explained his dissention was due to his opinion the Planning Commission had reviewed the amendment enough times in order to make a recommendation to the City Council regarding the item.

7. Discussion Items

Commissioner Everett requested clarification and updates regarding previously tabled items that were anticipated to return for this meeting.

Mr. Mumford stated the B & H Property had not submitted an updated Rezone and General Plan Amendment application. He said the applicant is working on addressing the concerns expressed by the Planning Commission for the SilverLake 28 site plan and explained the applicant intends to reference the approved preliminary plat regarding some of the concerns. He said staff desires to allow applicants adequate time to address concerns or for the applicant to explain the reasoning behind moving forward without resolving the Planning Commission's concerns.

Commissioner Everett inquired regarding the appropriate timeframe to set when tabling an item and asked if the Planning Commission should consult the applicants to determine an adequate timeframe for them to address concerns.

Mr. Mumford stated applicants generally desire to return the following meeting; however, some applicants have returned without adequately addressing concerns when returning the following meeting. He stated his approval of Commissioner Everett's suggestion to ask the applicants the amount of time they require to address concerns. He said smaller concerns can be addressed before the following meeting and recommended asking the applicant regarding the time necessary to address larger concerns.

Commissioner Everett explained his inquiry was due to concerns regarding agenda length due to returning tabled items in addition to new items and his desire to assist staff in managing the number of items on future agendas.

Mr. Mumford explained staff attempts to balance allowing applications to move forward with ensuring the Planning Commission concerns have been reasonably addressed. He stated working with the applicant to determine an adequate timeframe when tabling an item will assist staff with their efforts.

8. Next scheduled meeting

9. Adjournment

MOTION: *Commissioner Wright moved to adjourn the meeting at 8:08 p.m. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

The meeting was adjourned at 8:08 p.m.

Approved by the Planning Commission on September 22, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	PUBLIC HEARING - SilverLake 28 (Site Plan)
ITEM TYPE:	Site Plan
APPLICANT:	Bronson Tatton / Flagship Homes

ACTION ITEM:

Yes

PUBLIC HEARING:

No

PREPARED BY:

Steve Mumford, Planning

BACKGROUND:

The SilverLake South preliminary plat was recommended for approval by the Planning Commission on September 24, 2019, and then approved by the City Council on October 1, 2019. Plat 28 is a part of the SilverLake South preliminary plat. This application is for the site plan of that project. Plat 28 consists of 10 single-family lots and 64 townhouse units for a total of 74 lots/units.

On August 25 the Planning Commission reviewed this proposal and held a public hearing. Concerns expressed at that meeting included missing information (MDA, lighting plan, landscape plan), not providing required parking stalls, private street vs public street, fencing, and open space. The Commission tabled the item (3-1, with 1 absent) until many of those items have been provided/addressed.

The applicant has made changes to the plans, provided additional information, and we have attached the MDA and approved preliminary plat to this report.

ITEMS FOR CONSIDERATION:

OPEN SPACE: A cash escrow of \$2,810.40 per lot/unit will be charged at the time of plat recording. The overall general landscape plan for SilverLake South was approved with the preliminary plat. In the entire SilverLake South project the developer is providing 12.2 acres of improved open space, in addition to small open space corridors and other areas that were not counted. This is above and beyond the amount that was required for the project, which was less than 9 acres. The pocket park that is proposed in this development was included in the overall general landscape plan as a 0.47-acre

park, and even though it is above and beyond their open space requirement, they will still be required to provide at least 47 amenity points. See the attached Parks and Open Space Worksheet. The open space in this plat will be maintained by the HOA.

ARCHITECTURAL DESIGN: (MDA) The exteriors of each of the new multifamily residential (MFR) dwellings (i.e., townhouses) shall contain masonry materials, including stone, brick, and fiber cement siding. Stucco may also be used as a primary exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. Such masonry materials shall be "wrapped" onto side exteriors (i.e. as exterior wainscoting) a minimum of 18 inches from the front elevation. No vinyl siding shall be permitted on any new MFR dwelling. Elevations are attached. The Commission must determine if the submitted elevations, which have been approved in other areas of Silverlake, comply with the MDA requirements and are substantially similar to the elevations/renderings on pages 20-37 of the MDA.

PARKING: EMMC 17.55.120(C) The proposed site plan includes two-car garages for all lots/units. Townhouses are required two stalls per dwelling unit (one space to be within a fully enclosed garage) plus one guest parking space per three dwelling units. Plat 28 is required 22 guest stalls. There are a total of 15 guest stalls in this proposal. 7 additional stalls are required. The applicant is working on making minor adjustments to the plan to fit in the additional 7 stalls. The Silverlake MDA contains a setback exhibit, which requires a driveway length of at least 22 feet when townhomes front onto a public street. However, these streets are private streets, so technically there is no minimum driveway length required. The developer has chosen to provide a 22' long driveway with each unit, however.

PRIVATE STREET VS PUBLIC STREET

Concern was expressed by the Planning Commission about Silver Spring Way being a 40-foot wide private road, although it connected public roads and will likely be used for cut-through traffic to get from the adjacent neighborhoods to the north to Golden Eagle Road. The

Planning Department and City Engineer were also concerned about this. We have worked with the applicant to widen that planned roadway, which is now planned to include parkstrips, 5-foot sidewalks, and 27 feet of asphalt. The road is still planned to remain as a private road, however.

LIGHTING PLAN

The developer has submitted a lighting plan for the project. The lights are full cut-off lights and will be verified by the City's building inspectors upon installation.

LOT LAYOUT / SETBACKS

The plat shows that the townhome lots on the western side are very close to the property line (only a few feet away). This property line should be shifted so that a minimum of 10 feet exists between the fenced townhome yards and the adjacent property line.

REQUIRED FINDINGS:

EMMC 17.100.020

The site plan procedure establishes a process to evaluate proposed projects, ensuring that development will occur in a safe, functional manner and will not create nuisances for adjacent landowners.

RECOMMENDATION:

The Planning Commission may recommend approval, approval with conditions, or denial based upon findings of facts. If the Commission chooses to approve this application, we recommend the following motion:

I move that the Eagle Mountain City Planning Commission recommend approval of the SilverLake South Plat 28 Site Plan with the following conditions:

- 1) Applicant shall pay a landscape cash escrow to the City of \$2,810.40 per lot/unit at plat recording;
- 2) An additional 7 parking stalls shall be added, for a total of 22

stalls;

3) The property line shall be shifted further west to ensure a minimum of 10 feet between townhome rear-yard fencing and the adjacent property line.

The Planning Commission may add any appropriate conditions based on findings of facts.

ATTACHMENTS:

[Site Plans](#)

[Landscape Plans & Worksheet](#)

[Final Plat 28](#)

[Elevations and Floor Plans](#)

[SilverLake South Preliminary Plat](#)

[SilverLake South Open Space Exhibits 9.5.2019](#)

[Silverlake MDA](#)

SILVERLAKE PLAT 28

CONSTRUCTION PLANS

EAGLE MOUNTAIN, UTAH

prepared for:
SILVER LAKE LAND L.L.C.
170 SOUTH INTERSTATE PLAZA SUITE 250
LEHI, UT 84043
PHONE: (801)766-2592

prepared by:
TRANE ENGINEERING
27 EAST MAIN STREET
LEHI, UT 84043
PHONE: (801) 768-4544

GENERAL NOTES:

- 1) AS-BUILT DRAWING, FORMATTED IN ACCORDANCE WITH EAGLE MOUNTAIN CITY STANDARD SPECIFICATIONS AND DRAWINGS. SHALL BE SUBMITTED TO THE CITY UPON COMPLETION OF THE PUBLIC IMPROVEMENTS; INCLUDING GPS COORDINATES AND ELEVATIONS FOR UTILITIES.
- 2) ALL CONSTRUCTION IS TO BE DONE AS PER EAGLE MOUNTAIN CITY STANDARD SPECIFICATIONS AND DRAWINGS.
- 3) CONTRACTOR TO ENSURE ALL ADA REQUIREMENTS ARE MET AND CONSTRUCTED IN ACCORDANCE WITH EAGLE MOUNTAIN CITY STANDARD SPECIFICATIONS AND DRAWINGS.
- 4) PRIOR TO COMMENCEMENT OF ANY WORK, A PRECONSTRUCTION MEETING WILL BE HELD WITH THE EAGLE MOUNTAIN CITY STAFF, THE CONTRACTOR, ALL SUBCONTRACTORS AND THE PROPERTY OWNER.

EAGLE MOUNTAIN CITY GENERAL NOTES:

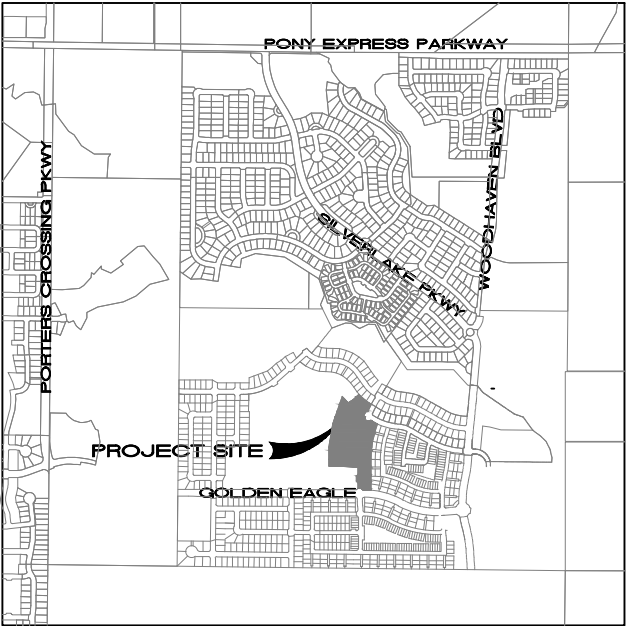
- SEWER--**
- Pipe bedding: ¾"gravel required 6"below, on the sides & 12"above the pipe (minimum).
Depth : Sewer main/laterals to maintain 4' of cover (minimum) from finished grade, 3' minimum from top of pipe at time of installation.
Separation: sewer mains & laterals to maintain 10' separation (minimum) from culinary water mains & laterals.
Sewer Y's: 3' minimum separation between sewer Y's.
Lateral stubs: A) stubs must extend 15' into property and be marked with 2x4 painted green
B) All laterals must be GIS (shot in) at the Y's and stubs. Also slopes (2% min. on 4" pipe) to be checked before backfill.
Manholes: manholes to be within 1' of finished grade. 12"of whirly gig form (max) and no flat rings allowed. 12"of ¾"gravel required under manholes/boxes.
- WATER--**
- Valves: 1. Valves must be flanged to tee's (fittings). 2. Valves 12"and larger to be butterfly valves.
Bedding: sand must meet AASHTO (A-3) gradation with 100% passing the #4 sieve. 6" below pipe on the sides & 12"above pipe (minimum).
Depth: water main & laterals must maintain 4' cover from finished grade (minimum), 3' minimum from top of pipe at time of installation. Max depth 72" from finished grade.
Services & Fittings: services & fittings to maintain 3' minimum separation from pipe joints and other fittings.
Setters: all setters to be 21"tall (minimum), have unions at the base and be dual check model, also ¾"setters to have double braces. Setters to be set at: 18"to 22"from the top of setter to top of lid.
Water can lid: all lids to say 'Eagle Mountain'on them recessed with a hole for the ERT and to be set at level to 1"above the plane of the curb & sidewalk.
Water Can: the water can for 3/4" & 1" services will need to be 36" tall minimum and 21" inside diameter. Water can for 1-1/2" to 2" service will need to follow APWA specifications.
Hydrants: hydrants to be 5' bury (minimum).
Laterals: all laterals need to be GIS (shot in) at the corp. stop & setter, and also visual inspection on poly inserts before backfill. Water laterals to extend 15' into property and be marked with a 2x4 painted blue. All poly lines to have visual poly insert inspection.
Tracer wire: run tracer wire along main & extend up setters and hydrants, do not run up valve boxes.
Water fittings: all water fittings to be checked for thrust blocks (pre &post) and GIS (shot before backfill.
Vertical separation: water main to maintain 18"minimum separation from storm drain or other obstacles/utilities.
Water line fittings: all fittings to have mega-lug followers.
Water Main Line: NO DEFLECTION or bending of pipe will be allowed in the water lines and bend fittings will be required. All fittings to be Mega-lug fittings.
- STORM DRAIN--**
- Bedding: ¾"gravel 6"below and on sides of pipe & 12"above pipe (minimum).
ADS: all ADS pipe to be "HP"brand.
Collars: collars to be 1'x1' around pipe, 4000 psi concrete, inspection is needed pre & and post collar pour.
Man holes: manholes to be within 1' of finished grade. 12"of whirly gig form (max) and no flat rings allowed. 12"of ¾"gravel required under manholes/boxes
- ROAD SECTION--**
- Proof rolls: proof roll required on all sections of road: i.e. sub-grade, sub-base, and curb base and road base. Curb stakes required for sub-grade inspection and string line required for sub-base and road base inspection.
UTBC: state spec. road base required for all roads, commercial base acceptable for the sidewalks & trails.
Collars: all collars to be 1' wide by 1' deep with a 6000 psi concrete with 1.5# fiber mesh per cubic yard (3/4" monofilament) required for all street collars, Manhole covers and water valve towers to be ½"down from asphalt edge and concrete to be ¾"to 3/8"down from asphalt edge.



SITE MAP
NTS

SHEET INDEX

SHEET NO.	SHEET NAME
1	COVER SHEET
2	SITE PLAN
3	UTILITY PLAN
4	GRADING & DRAINAGE PLAN
5	SILVER SPRING WAY PLAN & PROFILE
6	HIDDEN LOOP ROAD PLAN & PROFILE
8	STORM WATER POLLUTION PREVENTION PLAN
PLAT	FINAL PLAT



VICINITY MAP
SILVERLAKE SUBDIVISION



REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	8/27/20	REVIEW COMMENTS	TT
2			
3			
4			

DESIGNED BY:	TGT
DRAWN BY:	TT
CHECK BY:	TGT
DATE:	5/5/20
CDGD FILE:	

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

EAGLE MOUNTAIN,
UTAH

SILVERLAKE PHASE 28
A RESIDENTIAL SUBDIVISION

COVER SHEET

JOB SL28
SHEET NO. 1

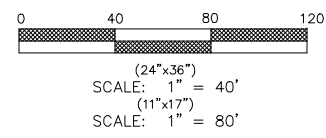


KEYED NOTES

- 1 CONSTRUCT ADA RAMP AS PER EAGLE MOUNTAIN CITY STANDARDS
- 2 CONSTRUCT 5' CONCRETE SIDEWALK
- 3 CONSTRUCT 2.5' CONCRETE MOUNTABLE CURB AND GUTTER
- 4 STREET AND STOP SIGNS AS PER EAGLE MOUNTAIN CITY STANDARDS
- 5 INSTALL STREET LIGHT PER EAGLE MOUNTAIN CITY STANDARDS

AREA TABULATIONS

ACREAGE:	7.03 acres
ACREAGE IN LOTS:	3.80 acres
ACREAGE IN ROADS:	1.61 acres
SINGLE FAMILY LOTS:	10 LOTS
AVERAGE LOT SIZE:	4,252
TOWNHOME UNITS:	64 LOTS
TOTAL LOTS:	74 LOTS
LARGEST LOT:	5,600 SF
SMALLEST LOT:	3,597 SF
UNIT DENSITY:	10.5 LOTS PER ACRE



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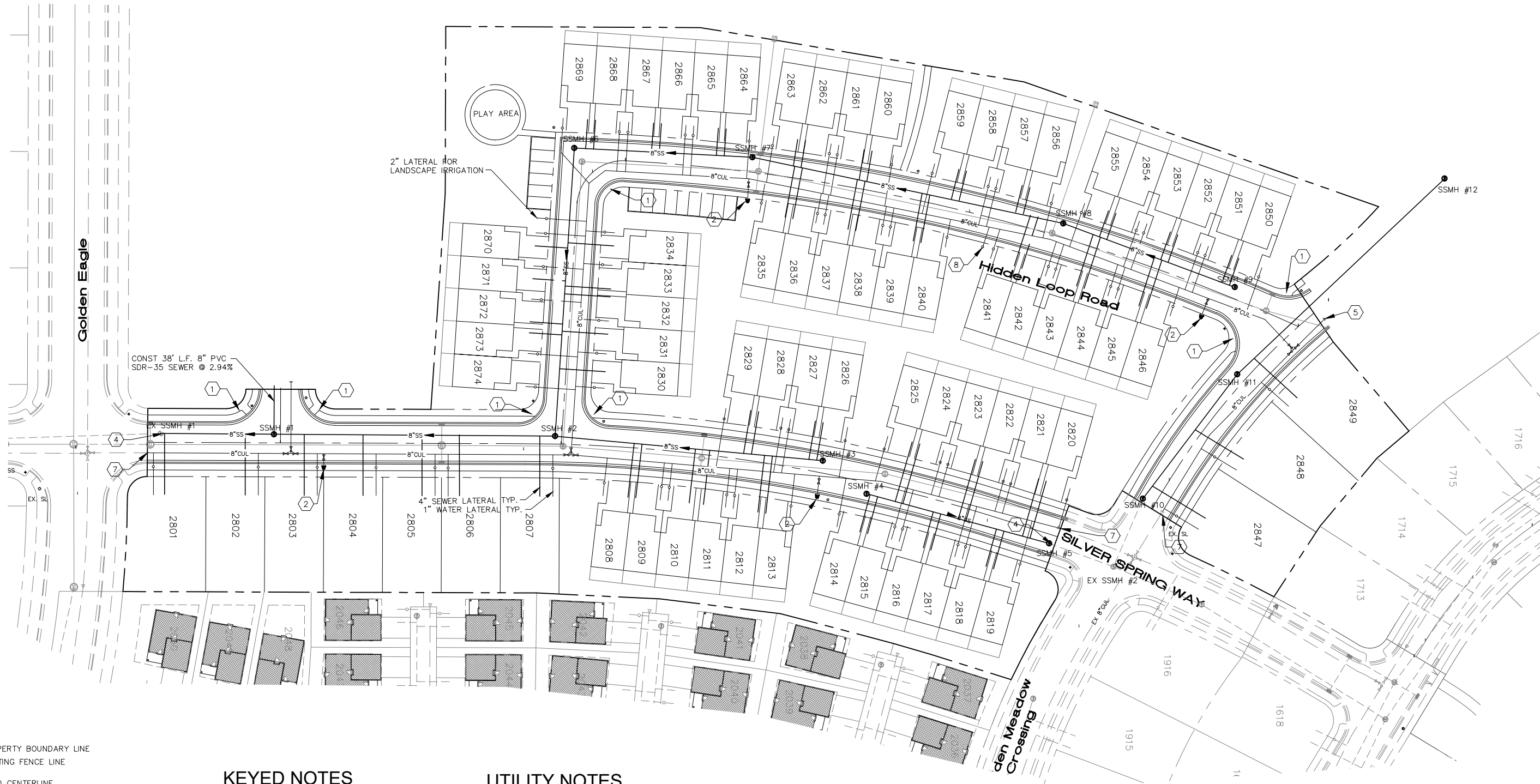
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CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

EAGLE MOUNTAIN,
UTAH

SILVERLAKE PHASE 28
A RESIDENTIAL SUBDIVISION

SITE PLAN

JOB
SL28
SHEET NO.
2



LEGEND

- PROPERTY BOUNDARY LINE
- X - X - EXISTING FENCE LINE
- ROAD CENTERLINE
- EASEMENT LINE
- CUL PROPOSED PVC CLASS-200 SDR-21 CULINARY WATERLINE
- 8\"/>
- EXISTING STORM DRAIN W/ MH
- EXISTING SANITARY SEWER W/ MH
- EXISTING CULINARY OR SECONDARY PIPE (SIZE AND TYPE SHOWN)
- FIRE HYDRANT
- WATER VALVE
- ▲ BLOW OFF

KEYED NOTES

- 1. CONSTRUCT ADA RAMP AS PER EAGLE MOUNTAIN CITY STANDARDS
- 2. INSTALL FIRE HYDRANT AS PER EAGLE MOUNTAIN CITY STANDARDS
- 3. CONSTRUCT 5' CONCRETE SIDEWALK
- 4. CONNECT INTO EXISTING 8\"/>
- 5. END AND CAP WATERLINE FOR FUTURE CONSTRUCTION WITH 2\"/>
- 6. STUB AND CAP 8\"/>
- 7. CONNECT INTO EXISTING 8\"/>
- 8. INSTALL AIR RELEASE AS PER EAGLE MOUNTAIN CITY STANDARDS

UTILITY NOTES

- 1. ALL CONSTRUCTION TO BE DONE ACCORDING TO EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
- 2. ALL ADA REQUIREMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
- 3. CULINARY WATER - 48\"/>
- 4. SEWER 8\"/>
- 5. WATER TEES, ELBOWS, PIPE BEDDING AND TRENCHES SHALL BE INSTALLED AS PER EAGLE MOUNTAIN CITY STANDARDS.
- 6. ALL VALVES ARE TO BE FLANGED TO THE TEE.



(24"x36")
SCALE: 1" = 40'
(11"x17")
SCALE: 1" = 80'

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CONSULTING ENGINEERS AND LAND SURVEYORS
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EAGLE MOUNTAIN,
UTAH

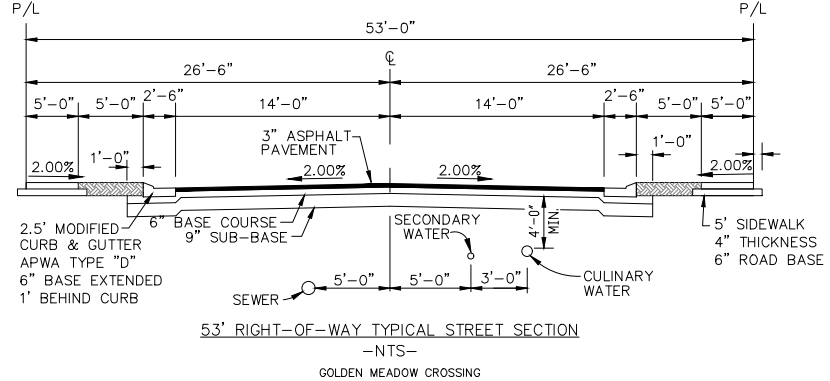
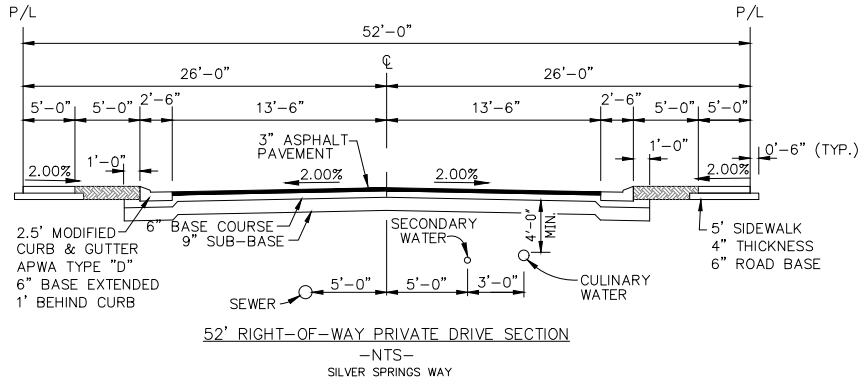
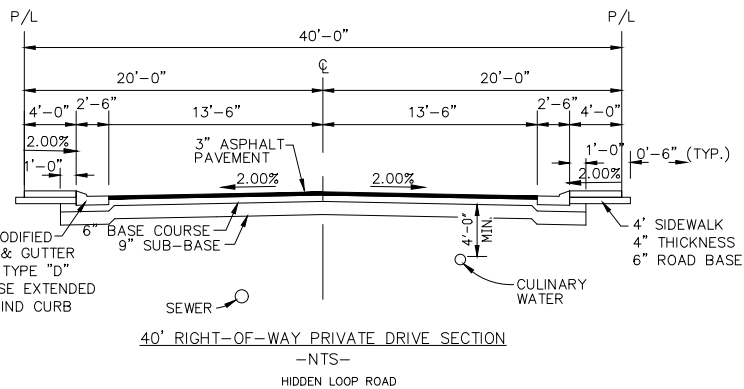
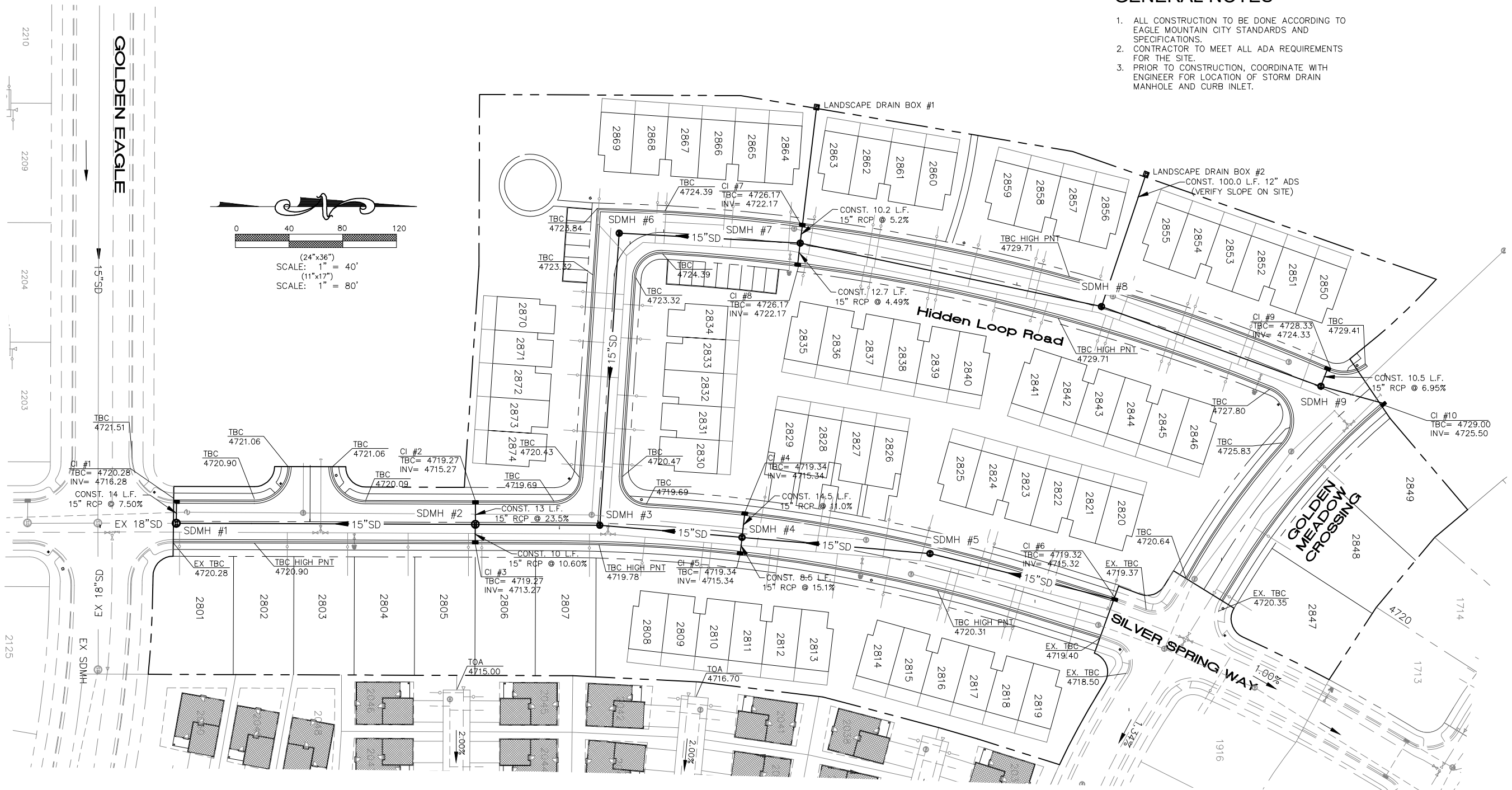
SILVERLAKE PHASE 28
A RESIDENTIAL SUBDIVISION

UTILITY PLAN

JOB
SL28
SHEET NO.
3

GENERAL NOTES

- 1. ALL CONSTRUCTION TO BE DONE ACCORDING TO EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
- 2. CONTRACTOR TO MEET ALL ADA REQUIREMENTS FOR THE SITE.
- 3. PRIOR TO CONSTRUCTION, COORDINATE WITH ENGINEER FOR LOCATION OF STORM DRAIN MANHOLE AND CURB INLET.



REVISIONS			
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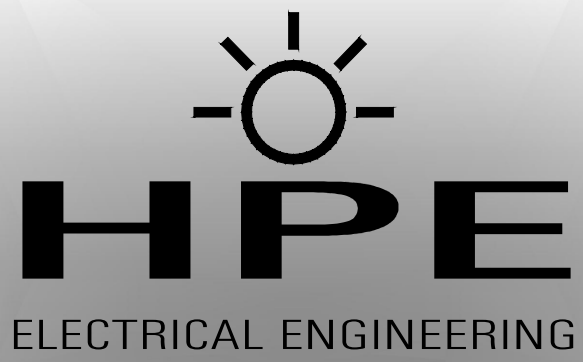
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CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

EAGLE MOUNTAIN,
UTAH

SILVERLAKE SOUTH PHASE 28
A RESIDENTIAL SUBDIVISION

GRADING PLAN PHASE 28

JOB
SL28
SHEET NO.
4



REV:	DATE:	DESCRIPTION:	BY:
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SILVER LAKE
28 SITE PLAN

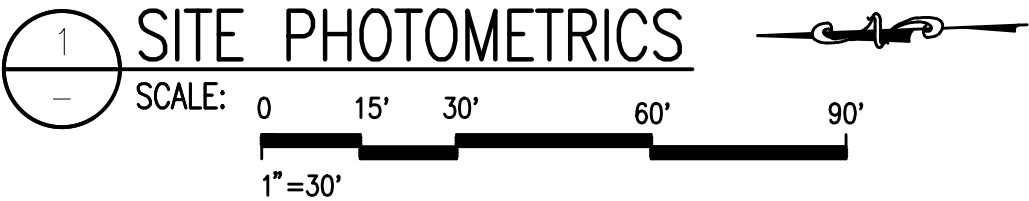
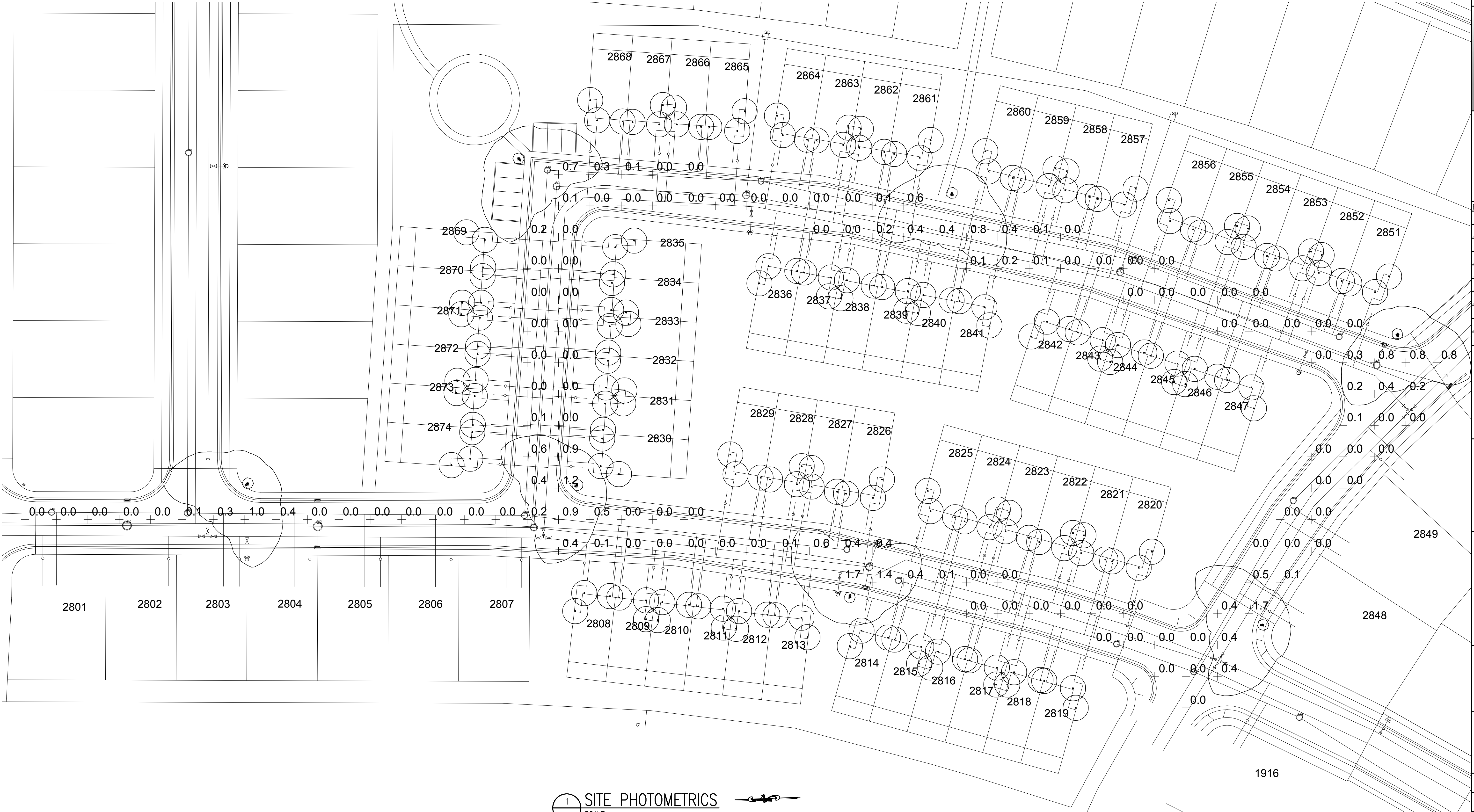
EAGLE MOUNTAIN, UTAH

SITE
PHOTOMETRICS

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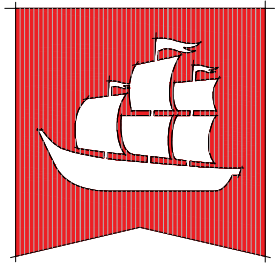
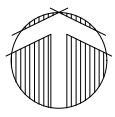
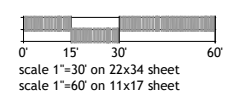
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DRAWN BY: GDS	
DESIGNED BY: BES	
ENGINEERED BY: KBH	
DATE: 9/3/2020	
SHEET NO. E1.1	HPE PROJECT NO. 20.074





matchline a (see sheet 3)



flagship
homes

1250 East 200 South, Ste. 1D
Lehi | Utah | 84043



call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

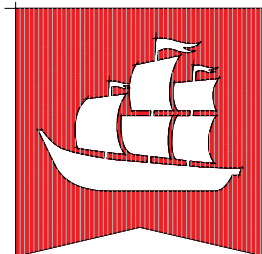
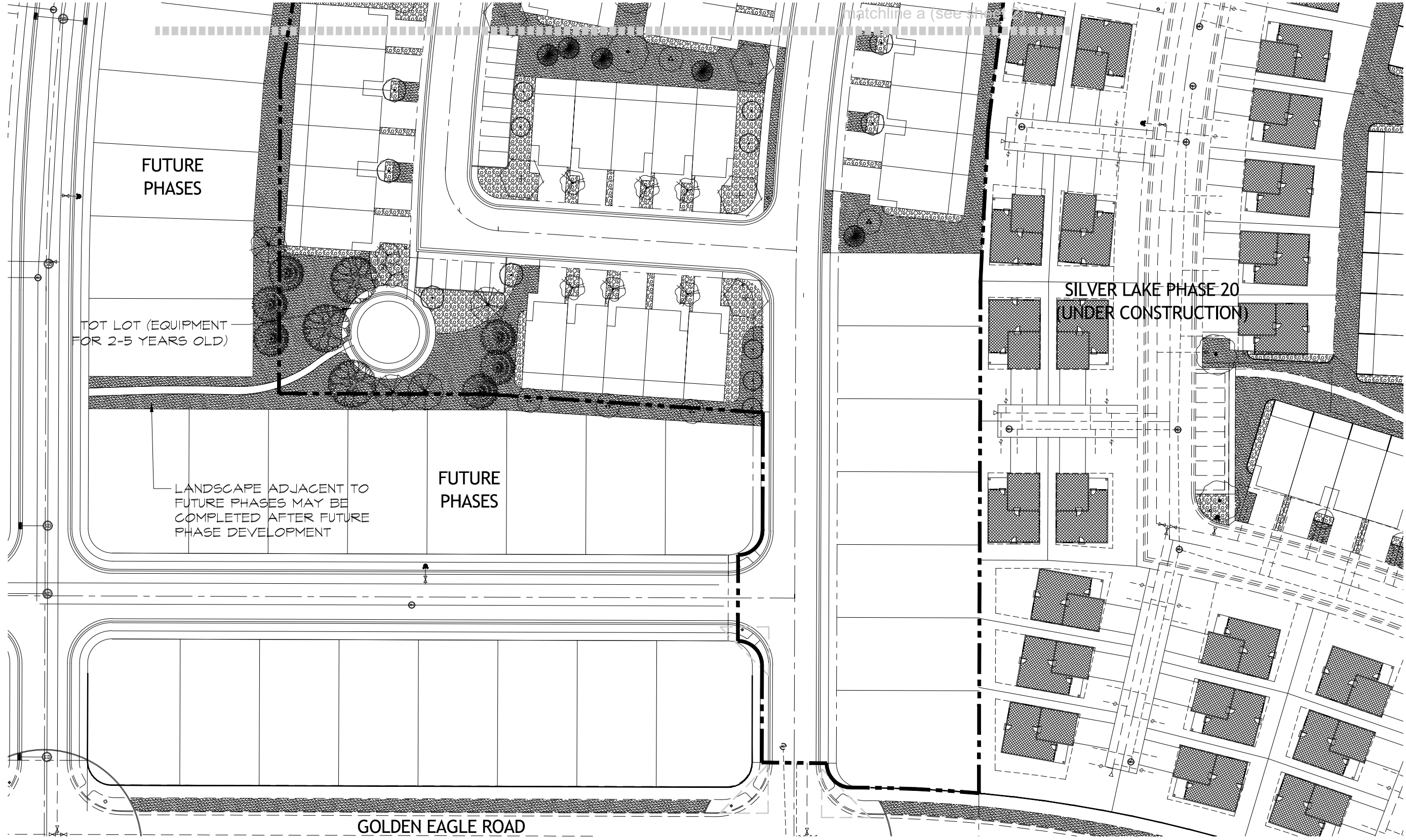
OPEN SPACE DESIGN

SILVER LAKE PHASE 28

Eagle Mountain, Utah

SEPTEMBER 2020

LANDSCAPE
planting plan



flagship
homes

1250 East 200 South, Ste. 1D
Lehi | Utah | 84043



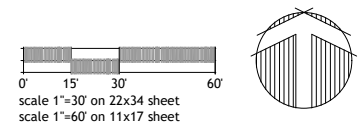
call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

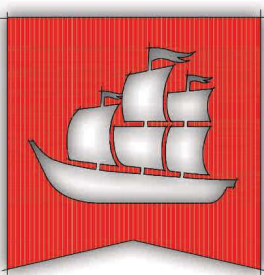
OPEN SPACE DESIGN

SILVER LAKE PHASE 28
Eagle Mountain, Utah

SEPTEMBER 2020

LANDSCAPE
planting plan





flagship
homes

1250 East 200 South, Ste. 1D
Lehi | Utah | 84043



call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

OPEN SPACE DESIGN

SILVER LAKE PHASE 28

Eagle Mountain, Utah

JUNE 2020

LANDSCAPE
planting plan

Silver Lake # 28 Town Homes (Tot Lot)

USP.05174

Color Scheme

Posts



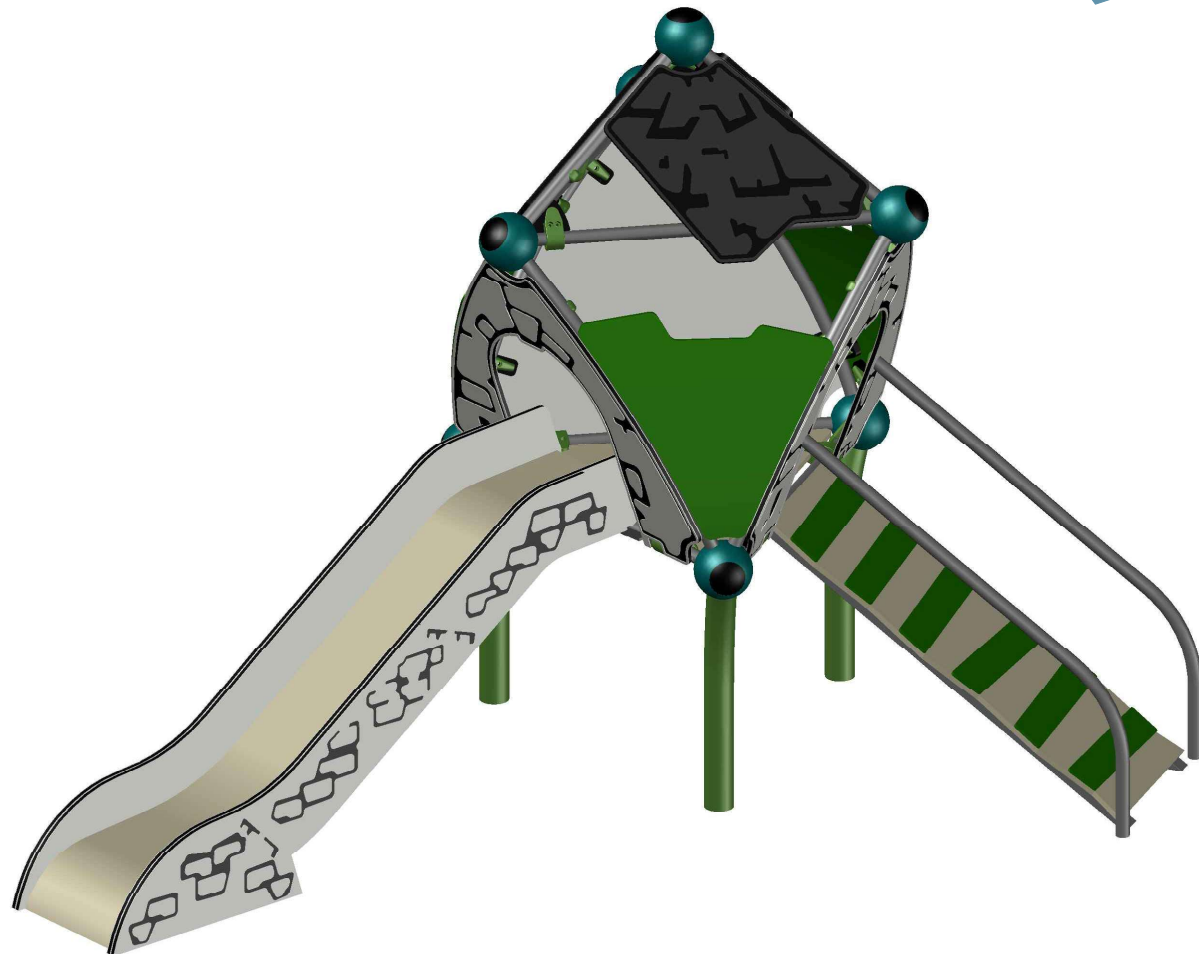
Ropes



Balls



HDPE

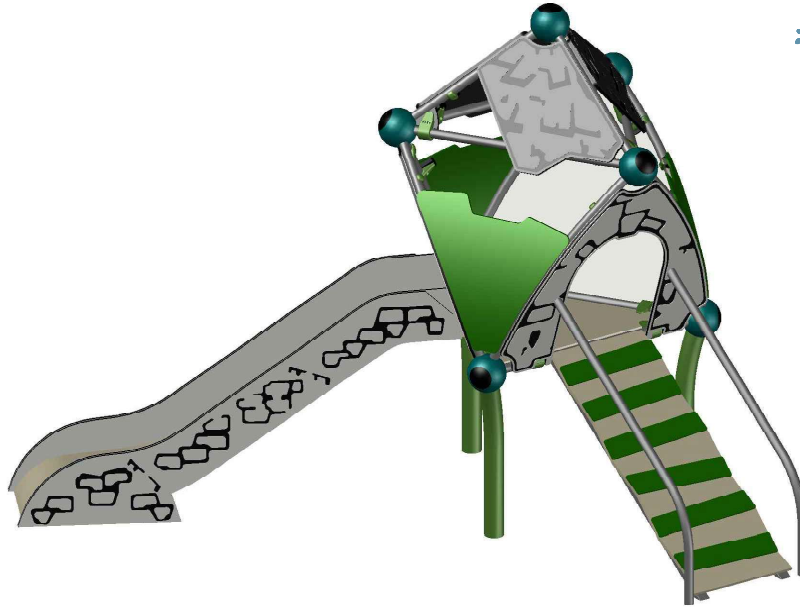
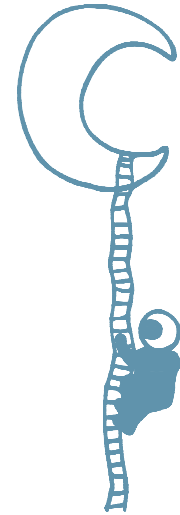
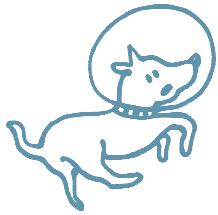


Berliner Seilfabrik
Play Equipment Corporation

96 Brookfield Oaks Dr., Suite 140,
Greenville, SC 29607

Phone: +1-864-627-1092
Fax: +1-864-627-1178

www.berliner-playequipment.com
info@berliner-playequipment.com

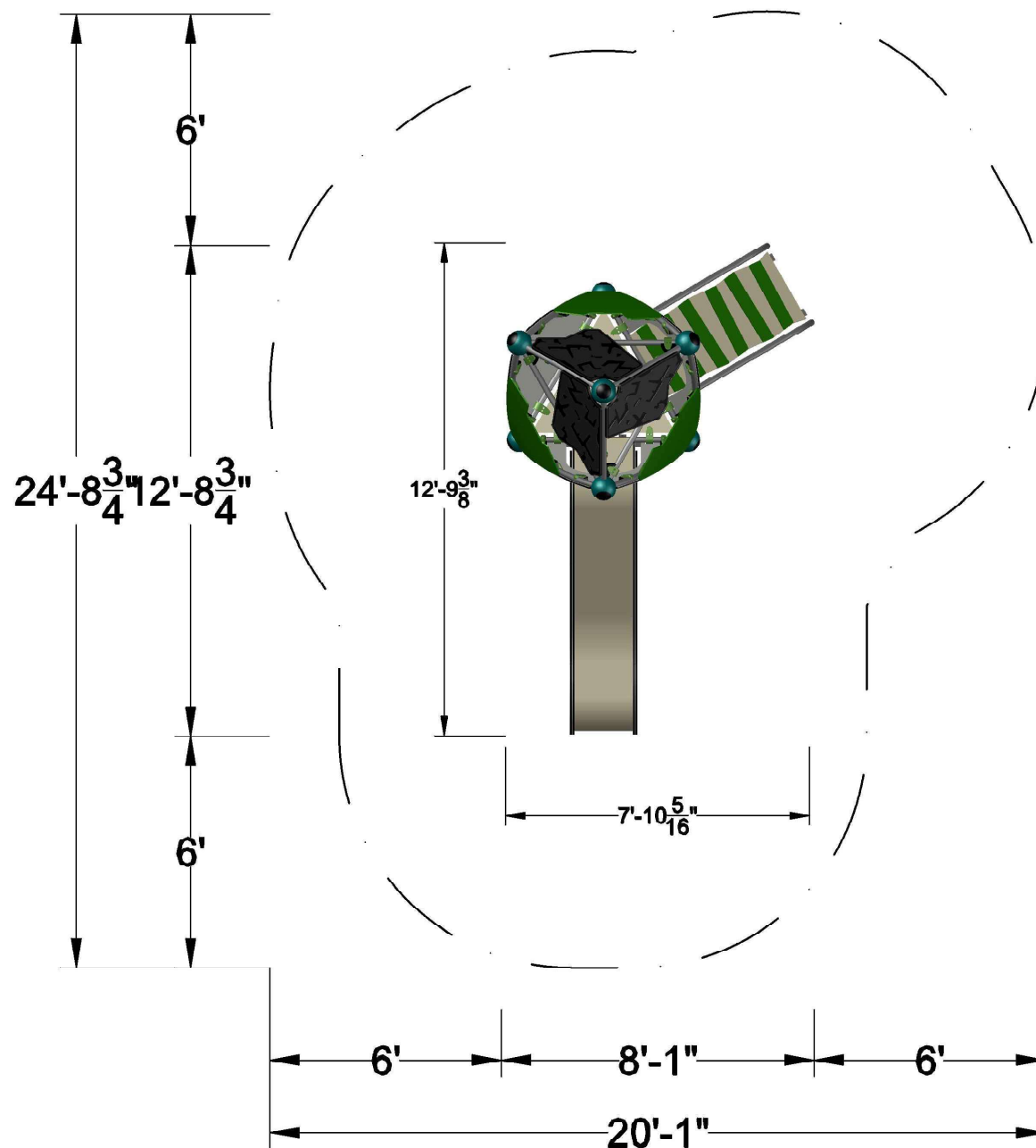


CombiNation Silver Lake # 28 (Tot Lot) Eagle Mountain, UT.

USP.05174



 Dimensions (l x w x h) ('-")-----	 Free height of fall ('-")6'-0"
 Minimum space required ('-")-----	Surface (sqft) 1520
 Format ANSI A (8.5" x 11")	 Scale N.T.S.
 Date 07/23/2020	 Name L.Vardanian
 Revision Date 1. 2.	3. 4.



CombiNation Silver Lake # 28 (Tot Lot) Eagle Mountain, UT.

USP.05174



Dimensions (l x w x h)
('"-)-----

Free height of fall
('"-)6'-0"

Minimum space required
('"-)-----

Surface
(sqft) 1520

Format
ANSI A (8.5" x 11")

Scale
N.T.S.

Date
07/23/2020

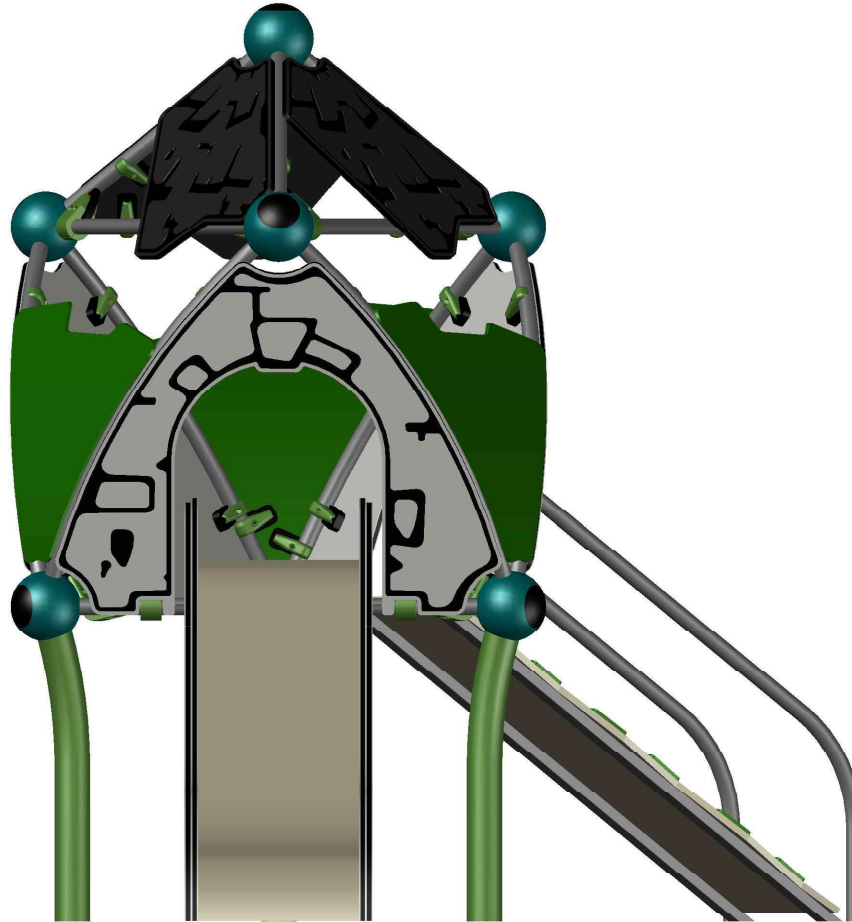
Name
L.Vardanian

Revision Date
1.
2.

3.
4.

8'-7 $\frac{1}{16}$ "

2'-11 $\frac{7}{16}$ "



CombiNation Silver Lake # 28 (Tot Lot) Eagle Mountain, UT.

USP.05174



Dimensions (l x w x h)
('"-)-----



Free height of fall
('"-)6'-0"



Minimum space required
('"-)-----

Surface
(sqft) 1520



Format
ANSI A (8.5" x 11")



Scale
N.T.S.



Date
07/23/2020



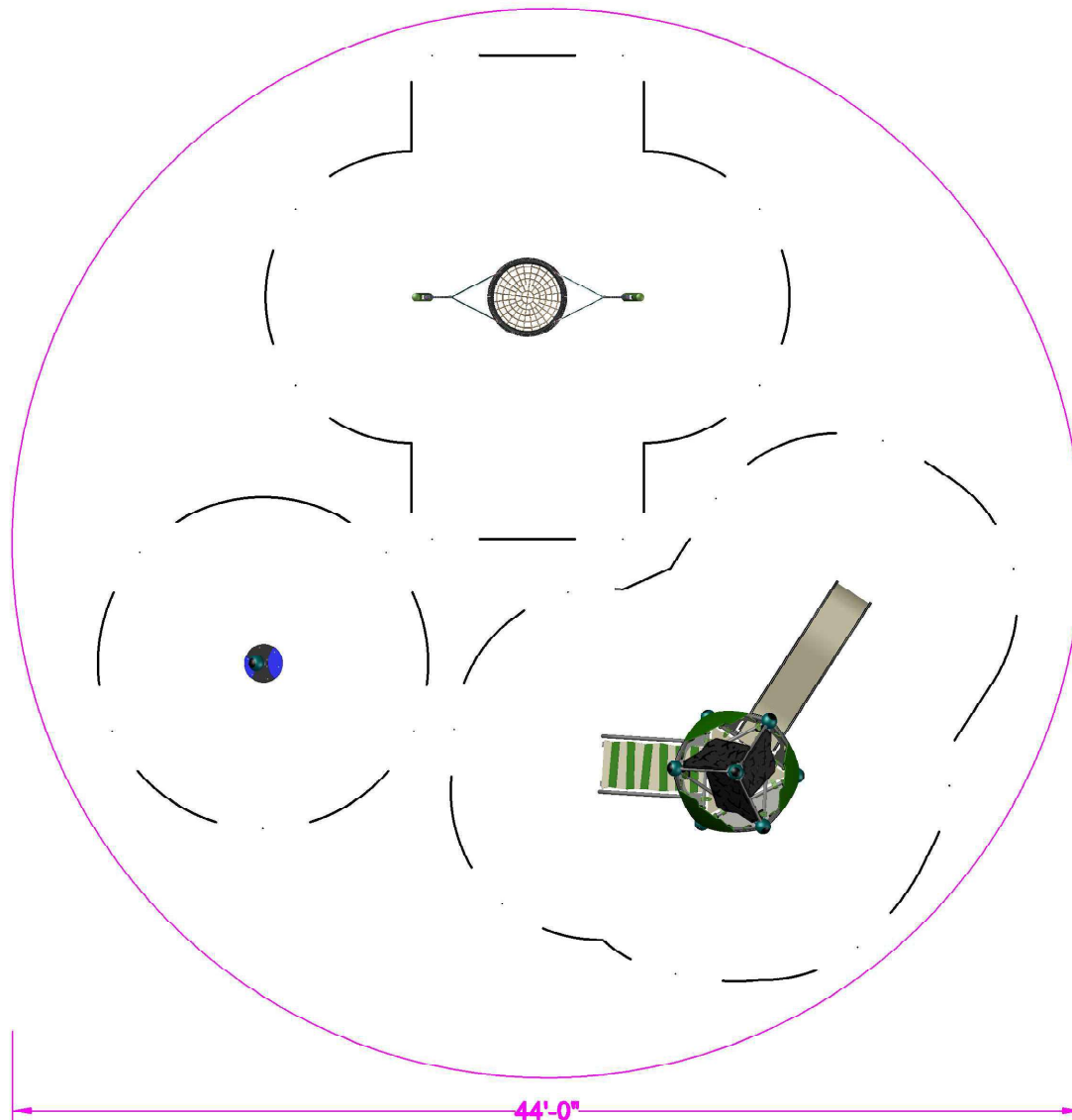
Name
L.Vardanian



Revision Date
1.
2.



3.
4.



CombiNation Silver Lake # 28 (Tot Lot) Eagle Mountain, UT.

USP.05174



Dimensions (l x w x h)
('-")-----

Free height of fall
('-")6'-0"

Minimum space required
('-")-----

Surface
(sqft) 1520

Format
ANSI A (8.5" x 11")

Scale
N.T.S.

Date
07/23/2020

Name
L.Vardanian

Revision Date
1.
2.

3.
4.

PARKS & OPEN SPACE WORKSHEET

Silver Lake 28 Pocket Park

Directions: Submit a completed worksheet with your preliminary plat or site plan application. Proposed amenities and park designs are subject to approval by the Planning Commission and City Council.

Required Improved Open Space			
Residential Lots / Units		Required Open Space (Square Feet) ^a	Required Open Space (Acres) ^b
_____	x 1,000 =	_____ sq ft	/ 43,560 = _____ Acres

Park Fee-In-Lieu (if applicable)	
Required Open Space (Square Feet) ^a	Total Fee-In-Lieu
_____ sq ft	x \$5.75 = \$ _____

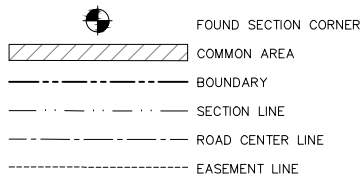
Required Amenity Points	
Required Open Space (Acres) ^b	Required Amenity Points
0.47 Acres	x 100 = 47 Points

Park & Improved Open Space Elements / Amenities			
Park Feature / Improvement	Points Available	Proposed Quantities	Proposed Points
Bench / Picnic Table (w/ shade structure or trees)	2		
Bicycle Rack (4+ bikes)	2		
Trees (5) (A majority must be shade trees)	2	14	4
Shade Structure	4		
Drinking Fountain	5		
Asphalt or Concrete Trails – 8 ft wide, excluding sidewalks along streets (per 100 linear feet)	6		
Parking* (5 stalls)	6		
Swings (4+ swings)	7		
Concrete Basketball Court (1/2)	20		
Pavilion w/ tables, garbage receptacles, barbeques (per 100 square feet)	4		
Playground Equipment* per \$1,000	2	\$75k	150
Splash Pad* per \$1,000	2		
Tennis Court (6,600 sq ft or 55'x120')	100		
Sports Court (6,600 sq ft or 55'x120')	100		
Restroom (600+ sq ft)	100		
Restroom (1200+ sq ft)	200		
Public Art	Varies		
Other:	Varies		
Other:	Varies		
TOTAL			154

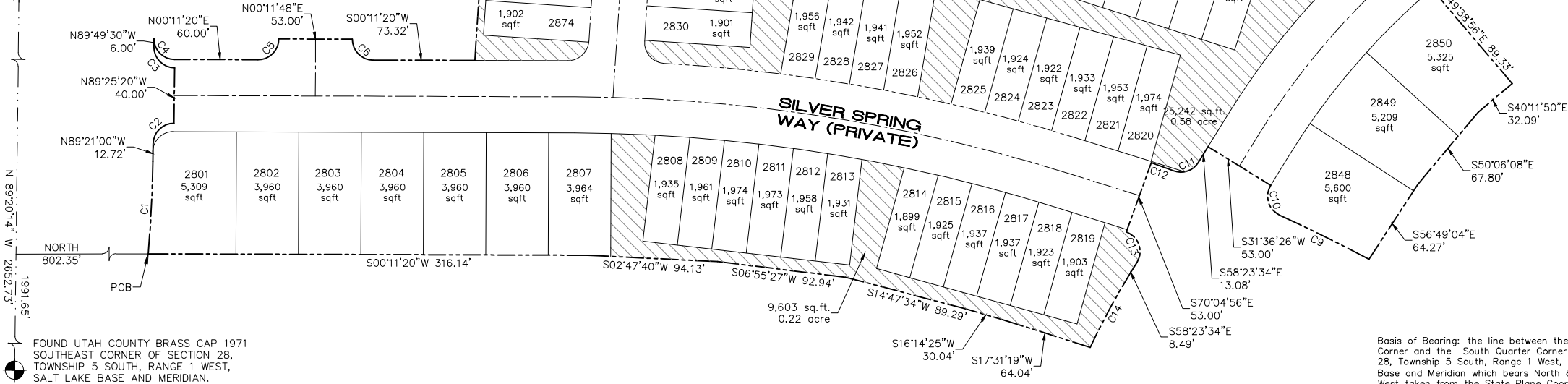
* Public art should reflect the neighborhood or community identity or culture. Creativity is encouraged in playground equipment and splash pads, and may be awarded more points than standard equipment. Costs for playground equipment and splash pads reflect equipment costs only. Parking must be adjacent to improved open space, and must be in addition to any required parking for the development.

NOTES:
1- STUCCO SHALL NOT EXCEED 25% OF ANY FRONT ELEVATION AND ELEVATION FACING A PUBLIC STREET.
2- ALL EXTERIOR LIGHTING MUST COMPLY WITH EMMC CHAPTER 17.56 OUTDOOR LIGHTING STANDARDS.

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	66.49	835.00	4°33'45"	66.48	N87°04'07"W
C2	23.44	15.00	89°32'20"	21.13	N44°34'50"W
C3	23.56	15.00	89°59'10"	21.21	S45°10'55"W
C4	23.56	15.00	89°59'10"	21.21	N45°10'55"E
C5	23.57	15.00	90°00'50"	21.22	N44°49'05"W
C6	23.56	15.00	89°59'10"	21.21	N45°10'55"E
C7	75.91	473.50	9°11'06"	75.82	S43°07'56"E
C8	11.68	556.50	1°12'08"	11.68	S39°08'27"E
C9	71.62	1226.50	3°20'44"	71.61	S26°15'37"W
C10	25.40	15.00	97°01'10"	22.47	S73°05'51"W
C11	20.71	15.00	79°06'07"	19.10	S18°50'31"E
C12	16.94	1226.50	0°47'29"	16.94	S20°18'48"W
C13	26.62	15.00	101°41'22"	23.26	N70°45'45"E
C14	61.35	557.50	6°18'19"	61.32	S61°32'44"E



FOUND UTAH COUNTY BRASS CAP 1959
SOUTH QUARTER CORNER OF SECTION 28,
TOWNSHIP 5 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN.



FOUND UTAH COUNTY BRASS CAP 1971
SOUTHEAST CORNER OF SECTION 28,
TOWNSHIP 5 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN.

ROCKY MOUNTAIN POWER APPROVAL

1. Pursuant to Utah Code Ann 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
2. Pursuant to Utah Code Ann 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under.
- (1). A recorded easement of right of way
(2). The law applicable to prescriptive rights
(3). Title 54, Chapter 8a, Damage to Underground Utility Facilities
(4). Any other provision of law

DOMINION GAS COMPANY APPROVAL

Dominion approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval of acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion's right-of-way department at 1-800-366-8532

Approved this _____ day of _____, 20____, Dominion Gas Company

By: _____, Title: _____

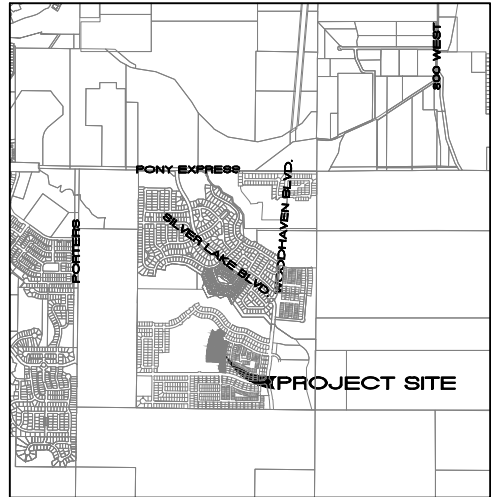
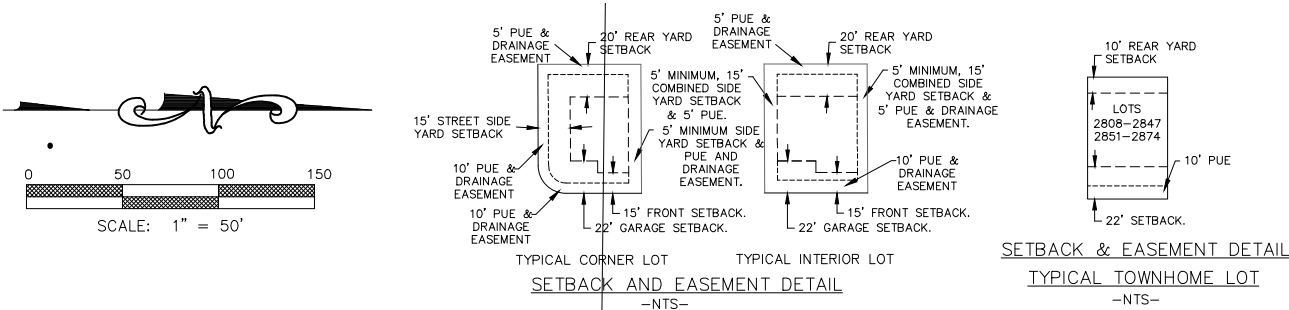
DIRECT COMMUNICATIONS APPROVAL

Direct Communications Cedar Valley, LLC certifies that it will provide telecommunications services to this subdivision utilizing the trenches provided by the developer as per the Direct Communications Cedar Valley P.S.C. Utah No.1 Tariff.

_____, _____ DATE

SILVERLAKE PLAT "28"

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28,
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE
AND MERIDIAN, EAGLE MOUNTAIN, UTAH



VICINITY MAP
NTS

Basis of Bearing: the line between the Southeast Corner and the South Quarter Corner of Section 28, Township 5 South, Range 1 West, Salt Lake Base and Meridian which bears North 89°20'14" West taken from the State Plane Coordinate & Dependent Resurvey Plat found at the Utah County Surveyors Office. (NAD 83)

LAND USE	
ACREAGE:	7.03 acres
ACREAGE IN LOTS:	3.80 acres
ACREAGE IN ROADS:	1.61 acres
SINGLE FAMILY LOTS:	10 LOTS
AVE. SINGLE FAMILY LOT:	4,252
TOWNHOME UNITS:	64 LOTS
TOTAL LOTS:	74 LOTS
LARGEST SINGLE FAMILY LOT:	5,600 SF
SMALLEST SINGLE FAMILY LOT:	3,597 SF
UNIT DENSITY:	10.5 LOTS PER ACRE

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

SURVEYOR'S CERTIFICATE

I, TRAVIS TRANE, do hereby certify that I am a Professional Land Surveyor, and that I hold Licence No. 5152741, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as SILVERLAKE PLAT "28" and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Beginning at a point which is North 89°20'14" West 1991.65 feet along the section line and North 802.35 feet from the Southeast Corner of Section 28, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence Westerly 66.49 feet along the arc of a 835 foot radius curve to the left, through a central angle of 04°33'45" the chord of which bears North 87°04'07" West 66.48 feet; thence North 89°21'00" West 12.72 feet; thence Northwesterly 23.44 feet along the arc of a 15 foot radius curve to the right, through a central angle of 89°32'20" the chord of which bears North 44°34'50" West 21.13 feet; thence North 89°25'20" West 40.00 feet; thence Southwesterly 23.56 feet along the arc of a 15 foot radius curve to the right, through a central angle of 89°59'10" the chord of which bears South 45°10'55" West 21.21 feet; thence North 89°49'30" West 6.00 feet; thence Northeastly 23.56 feet along the arc of a 15 foot radius curve to the left, through a central angle of 89°59'10" the chord of which bears North 45°10'55" East 21.21 feet; thence North 00°11'20" East 60.00 feet; thence Northwesterly 23.57 feet along the arc of a 15 foot radius curve to the left, through a central angle of 90°00'50" the chord of which bears North 44°49'05" West 21.22 feet; thence North 00°11'48" East 53.00 feet; thence Northeastly 23.56 feet along the arc of a 15 foot radius curve to the left, through a central angle of 89°59'10" the chord of which bears North 45°10'55" East 21.21 feet; thence North 00°11'20" East 73.32 feet; thence North 86°11'56" West 165.05 feet; thence North 89°49'30" West 127.86 feet; thence North 00°15'11" East 194.54 feet; thence North 09°32'06" East 250.73 feet; thence North 19°22'37" East 287.18 feet; thence Southeastly 75.91 feet along the arc of a 473.50 foot radius curve to the right, through a central angle of 09°11'06" the chord of which bears South 43°07'56" East 75.82 feet; thence Southeastly 11.68 feet along the arc of a 556.50 foot radius curve to the left, through a central angle of 01°12'08" the chord of which bears South 39°08'27" East 11.68 feet; thence North 56°01'28" East 53.30 feet; thence North 49°38'56" East 89.33 feet; thence South 40°11'50" East 32.09 feet; thence South 50°06'08" East 67.80 feet; thence South 56°49'04" East 64.27 feet; thence Southwesterly 71.62 feet along the arc of a 1226.50 foot radius curve to the left, through a central angle of 03°20'44" the chord of which bears South 26°15'37" West 71.61 feet; thence Southwesterly 25.40 feet along the arc of a 15 foot radius curve to the right, through a central angle of 97°01'10" the chord of which bears South 73°05'51" West 22.47 feet; thence South 31°36'28" West 53.00 feet; thence South 58°23'34" East 13.08 feet; thence Southeastly 20.71 feet along the arc of a 15 foot radius curve to the right, through a central angle of 79°06'07" the chord of which bears South 18°50'31" East 19.10 feet; thence Southwesterly 16.94 feet along the arc of a 1226.50 foot radius curve to the left, through a central angle of 00°47'29" the chord of which bears South 20°18'48" West 16.94 feet; thence South 70°04'56" East 53.00 feet; thence Northeastly 26.62 feet along the arc of a 15 foot radius curve to the right, through a central angle of 101°41'22" the chord of which bears North 70°45'45" East 23.26 feet; thence South 58°23'34" East 8.49 feet; thence Southeastly 61.35 feet along the arc of a 557.50 foot radius curve to the left, through a central angle of 06°18'19" the chord of which bears South 61°32'44" East 61.32 feet; thence South 17°31'19" West 64.04 feet; thence South 16°14'25" West 30.04 feet; thence South 14°47'34" West 89.29 feet; thence South 06°55'27" West 92.94 feet; thence South 02°47'40" West 94.13 feet; thence South 00°11'20" West 316.14 feet to the point of beginning.

Parcel contains: 7.06 acres

DATE	SURVEYOR (See Seal Below)
OWNER'S DEDICATION	
WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE DIVIDED INTO LOTS, STREETS, PARKS, OPEN SPACES, EASEMENTS AND OTHER PUBLIC USES AS DESIGNATED ON THE PLAT AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9A-607, UTAH CODE, WITHOUT CONDITION, RESTRICTION OR RESERVATION TO EAGLE MOUNTAIN CITY, UTAH, ALL STREETS, WATER, SEWER AND OTHER UTILITY EASEMENTS AND IMPROVEMENTS, OPEN SPACES SHOWN AS PUBLIC OPEN SPACES, PARKS AND ALL OTHER PLACES OF PUBLIC USE AND ENJOYMENT TO EAGLE MOUNTAIN CITY, UTAH TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND EAGLE MOUNTAIN CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.	
OWNER(S):	
PRINTED NAME OF OWNER	AUTHORIZED SIGNATURE(S)
_____	_____
_____	_____
_____	_____

STATE OF UTAH)	ACKNOWLEDGEMENT
COUNTY OF UTAH)	: S.S.

On the _____ day of _____, 20____, personally appeared before me the persons signing the foregoing Owners Dedication known to me to be authorized to execute the foregoing Owners Dedication for and on behalf of the owners who duly acknowledge to me that the Owners Dedication was executed by them on behalf of the Owners.

My Commission Expires _____ NOTARY PUBLIC SIGNATURE

COMMISSION NUMBER _____ PRINTED NAME OF NOTARY

ACCEPTANCE BY LEGISLATIVE BODY

The City Council of Eagle Mountain City, County of Utah, Approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____, 20____

APPROVED BY MAYOR _____ APPROVED BY CITY ATTORNEY _____

APPROVED BY CITY ENGINEER _____ ATTEST BY CITY RECORDER _____
(See Seal Below) (See Seal Below)

PLAT "28"
SHEET 1 OF 2
SILVERLAKE
A RESIDENTIAL SUBDIVISION

EAGLE MOUNTAIN UTAH COUNTY, UTAH

SURVEYOR SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDED SEAL

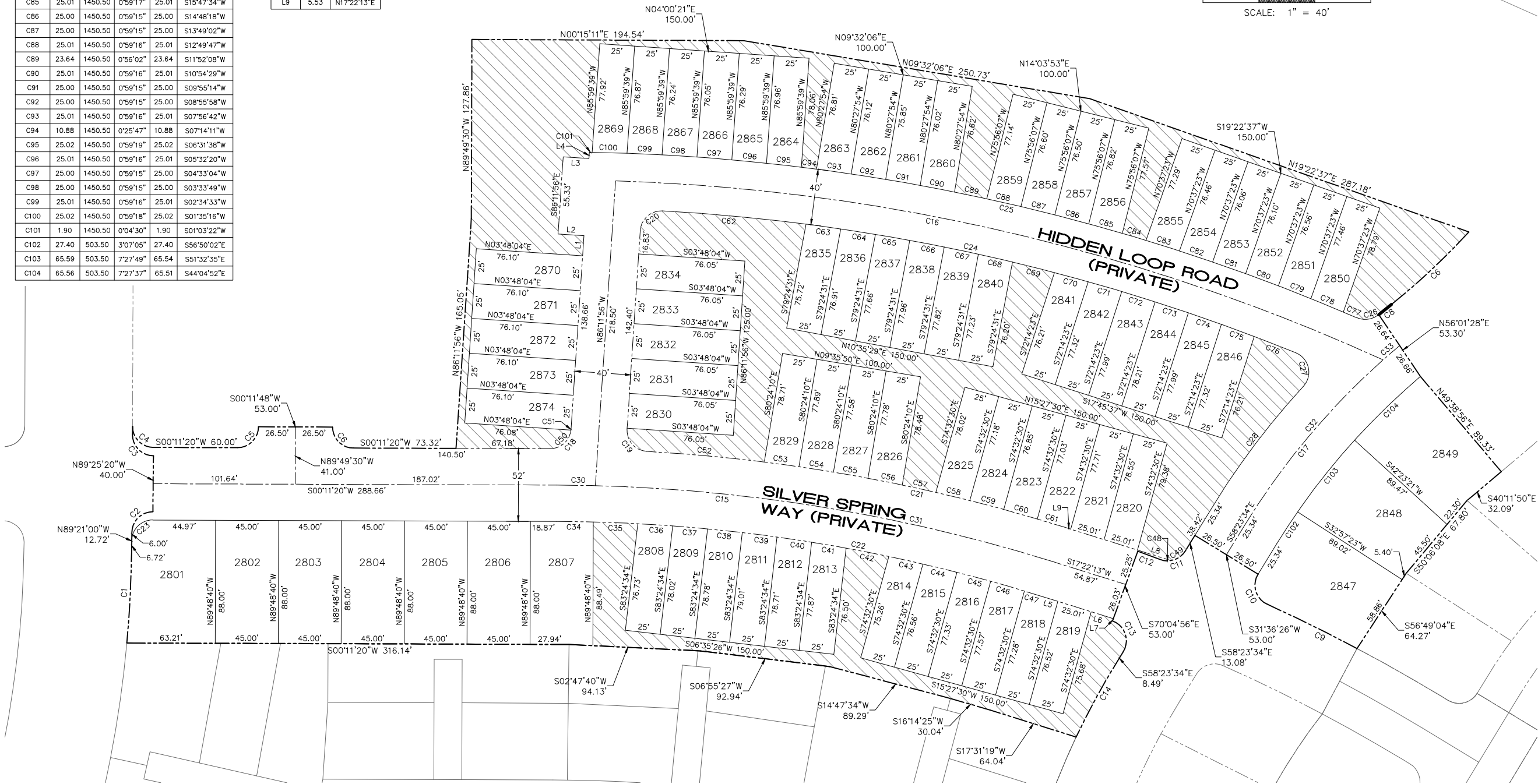
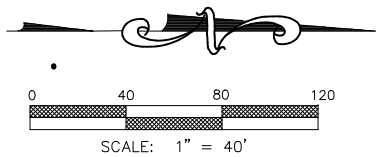
Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	66.49	835.00	4°33'45"	66.48	N87°04'07"W
C2	23.44	15.00	89°32'20"	21.13	N44°34'50"W
C3	23.56	15.00	89°59'10"	21.21	S45°10'55"W
C4	23.56	15.00	89°59'10"	21.21	N45°10'55"E
C5	23.57	15.00	90°00'50"	21.22	N44°49'05"W
C6	23.56	15.00	89°59'10"	21.21	N45°10'55"E
C7	75.91	473.50	9°11'06"	75.82	S43°07'56"E
C8	11.68	556.50	1°12'08"	11.68	S39°08'27"E
C9	71.62	1226.50	3°20'44"	71.61	S26°15'37"W
C10	25.40	15.00	97°01'10"	22.47	S73°05'51"W
C11	20.71	15.00	79°06'07"	19.10	S18°50'31"E
C12	16.94	1226.50	0°47'29"	16.94	S20°18'48"W
C13	26.62	15.00	101°41'22"	23.26	N70°45'45"E
C14	61.35	557.50	6°18'19"	61.32	S61°32'44"E
C15	359.85	1200.00	17°10'54"	358.50	S08°46'47"W
C16	567.10	1430.50	22°42'51"	563.40	S13°08'18"W
C17	169.85	530.00	18°21'42"	169.13	S49°12'43"E
C18	22.62	15.00	86°23'16"	20.53	N43°00'18"W
C19	23.72	15.00	90°36'34"	21.33	N48°29'47"E
C20	23.40	15.00	89°22'01"	21.10	S41°30'55"E
C21	303.39	1226.00	14°10'43"	302.62	S10°16'52"W
C22	352.05	1174.00	17°10'54"	350.73	S08°46'47"W
C23	23.44	15.00	89°32'20"	21.13	S44°34'50"E
C24	466.16	1410.50	18°56'09"	464.04	S12°38'09"W
C25	564.96	1450.50	22°18'59"	561.39	S12°10'36"W
C26	16.51	15.00	63°04'35"	15.69	N08°12'13"W
C27	28.92	15.00	110°29'05"	24.65	S77°20'46"W
C28	106.66	556.50	10°58'53"	106.50	S52°54'08"E
C30	27.44	1200.00	1°18'37"	27.44	S00°50'38"W
C31	332.41	1200.00	15°52'16"	331.34	S09°28'05"W
C32	154.18	530.00	16°40'02"	153.63	S50°03'33"E
C33	15.67	530.00	1°41'40"	15.67	S40°52'42"E
C34	26.13	1174.00	1°16'31"	26.13	S00°49'35"W
C35	31.77	1174.00	1°33'01"	31.77	S02°14'22"W
C36	25.03	1174.00	1°13'18"	25.03	S03°37'32"W
C37	25.01	1174.00	1°13'14"	25.01	S04°50'48"W
C38	25.00	1174.00	1°13'13"	25.00	S06°04'01"W
C39	25.00	1174.00	1°13'13"	25.00	S07°17'14"W
C40	25.01	1174.00	1°13'15"	25.01	S08°30'28"W
C41	25.04	1174.00	1°13'19"	25.04	S09°34'45"W
C42	31.07	1174.00	1°30'58"	31.07	S11°05'54"W
C43	25.03	1174.00	1°13'18"	25.03	S12°28'02"W
C44	25.01	1174.00	1°13'15"	25.01	S13°41'18"W
C45	25.00	1174.00	1°13'13"	25.00	S14°54'32"W
C46	25.00	1174.00	1°13'13"	25.00	S16°07'45"W
C47	12.93	1174.00	0°37'52"	12.93	S17°03'17"W
C48	8.03	15.00	30°39'28"	7.93	N05°22'49"E
C49	12.68	15.00	48°26'39"	12.31	N34°10'15"W
C50	21.91	15.00	83°42'25"	20.02	N41°39'53"W
C51	0.70	15.00	2°40'51"	0.70	N84°51'31"W
C52	84.29	1226.00	3°56'21"	84.27	S05°09'40"W
C53	25.01	1226.00	1°10'08"	25.01	S07°42'55"W
C54	25.00	1226.00	1°10'06"	25.00	S08°53'02"W
C55	25.00	1226.00	1°10'06"	25.00	S10°03'09"W
C56	25.01	1226.00	1°10'08"	25.01	S11°13'16"W
C57	24.58	1226.00	1°08'55"	24.58	S12°22'47"W
C58	25.01	1226.00	1°10'08"	25.01	S13°32'19"W
C59	25.00	1226.00	1°10'06"	25.00	S14°42'27"W
C60	25.00	1226.00	1°10'06"	25.00	S15°52'33"W
C61	19.48	1226.00	0°54'37"	19.48	S16°54'55"W
C62	103.20	1410.50	4°11'32"	103.18	S05°15'51"W
C63	25.03	1410.50	1°01'00"	25.03	S07°52'07"W
C64	25.01	1410.50	1°00'58"	25.01	S08°53'06"W
C65	25.00	1410.50	1°00'56"	25.00	S09°54'03"W
C66	25.00	1410.50	1°00'56"	25.00	S10°54'59"W
C67	25.01	1410.50	1°00'57"	25.01	S11°55'55"W
C68	25.02	1410.50	1°00'59"	25.02	S12°56'53"W
C69	30.91	1410.50	1°15'20"	30.91	S14°05'03"W
C70	25.02	1410.50	1°01'00"	25.02	S15°13'13"W
C71	25.01	1410.50	1°00'57"	25.01	S16°14'11"W
C72	25.00	1410.50	1°00'56"	25.00	S17°15'08"W
C73	25.00	1410.50	1°00'56"	25.00	S18°16'04"W
C74	25.01	1410.50	1°00'57"	25.01	S19°17'01"W
C75	25.02	1410.50	1°01'00"	25.02	S20°17'59"W
C76	31.90	1410.50	1°17'45"	31.90	S21°27'21"W

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C77	10.64	1450.50	0°25'12"	10.64	S23°07'29"W
C78	25.04	1450.50	0°59'20"	25.04	S22°25'13"W
C79	25.02	1450.50	0°59'17"	25.02	S21°25'54"W
C80	25.00	1450.50	0°59'16"	25.00	S20°26'37"W
C81	25.00	1450.50	0°59'15"	25.00	S19°27'22"W
C82	25.00	1450.50	0°59'16"	25.00	S18°28'07"W
C83	25.01	1450.50	0°59'17"	25.01	S17°28'50"W
C84	17.72	1450.50	0°42'00"	17.72	S16°38'12"W
C85	25.01	1450.50	0°59'17"	25.01	S15°47'34"W
C86	25.00	1450.50	0°59'15"	25.00	S14°48'18"W
C87	25.01	1450.50	0°59'15"	25.00	S13°49'02"W
C88	25.00	1450.50	0°59'16"	25.01	S12°49'47"W
C89	23.64	1450.50	0°56'02"	23.64	S11°52'08"W
C90	25.01	1450.50	0°59'16"	25.01	S10°54'29"W
C91	25.00	1450.50	0°59'15"	25.00	S09°55'14"W
C92	25.00	1450.50	0°59'15"	25.00	S08°55'58"W
C93	25.01	1450.50	0°59'16"	25.01	S07°56'42"W
C94	10.88	1450.50	0°25'47"	10.88	S07°14'11"W
C95	25.02	1450.50	0°59'19"	25.02	S06°31'38"W
C96	25.01	1450.50	0°59'16"	25.01	S05°32'20"W
C97	25.00	1450.50	0°59'15"	25.00	S04°33'04"W
C98	25.00	1450.50	0°59'15"	25.00	S03°33'49"W
C99	25.01	1450.50	0°59'16"	25.01	S02°34'33"W
C100	25.02	1450.50	0°59'18"	25.02	S01°35'16"W
C101	1.90	1450.50	0°04'30"	1.90	S01°03'22"W
C102	27.40	503.50	3°07'05"	27.40	S56°50'02"E
C103	65.59	503.50	7°27'49"	65.54	S51°32'35"E
C104	65.56	503.50	7°27'37"	65.51	S44°04'52"E

Line Table		
Line #	Length	Direction
L1	14.36	N86°11'56"W
L2	18.50	N03°48'04"E
L3	18.50	S03°48'04"W
L4	4.50	N86°11'56"W
L5	12.08	N17°22'13"E
L6	16.62	N17°22'13"E
L7	1.73	S70°04'56"E
L8	25.11	N17°22'13"E
L9	5.53	N17°22'13"E

SILVERLAKE PLAT "28"

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28,
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE
AND MERIDIAN, EAGLE MOUNTAIN, UTAH



- FOUND SECTION CORNER
- COMMON AREA
- BOUNDARY
- SECTION LINE
- ROAD CENTER LINE
- EASEMENT LINE

PLAT "28"

SHEET 2 OF 2

SILVERLAKE

A RESIDENTIAL SUBDIVISION

EAGLE MOUNTAIN UTAH COUNTY, UTAH

SURVEYOR SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDED SEAL
---------------	--------------------	---------------------------	---------------------

Acacia

3 Bedroom, 2.5 Bath, Laundry Room Upstairs
Finished: 1,641 Sq.Ft., Total: 2,493 Sq.Ft.



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Ph. 801.766.4442



Elevation A



Elevation B

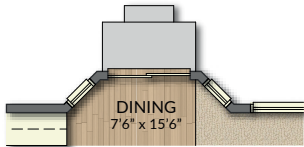


Elevation C

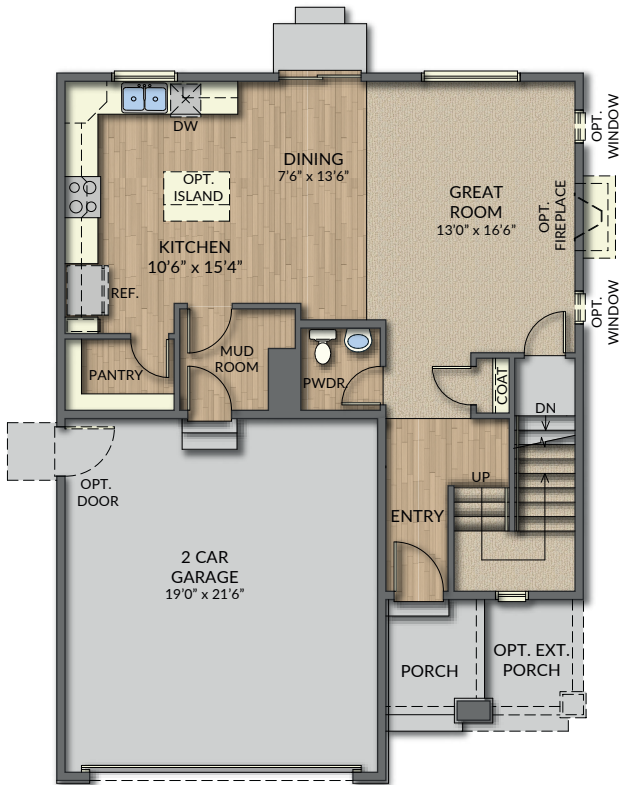


Flagship Homes or its entities reserve the right to change elevations, specifications, floor plans, window placement, materials, and prices without notice. All sq footages are approximate. The availability of certain options is subject to construction status and schedule. Optional features may be predetermined and included at additional cost. Renderings are Artist's conception only. *Double ovens are a standard in the Parkside and Hampton Subdivisions. Double master sinks and showers are standard in the Willows, Willis, Parkside, and Hampton subdivisions. Brick and Painted Brick shown is optional.

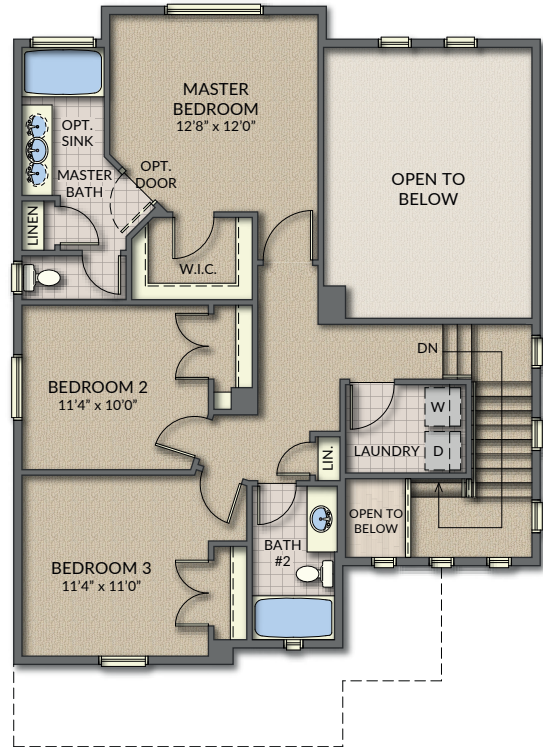
www.forsail.com



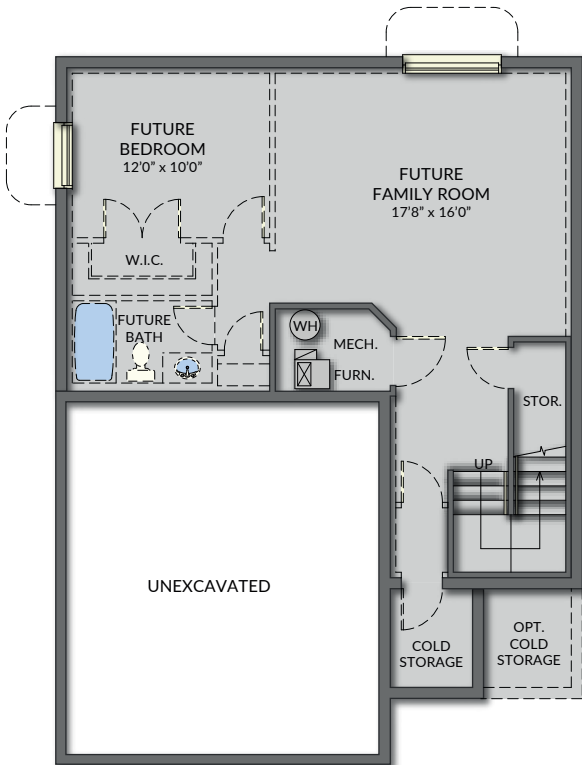
OPT. BAY WINDOW



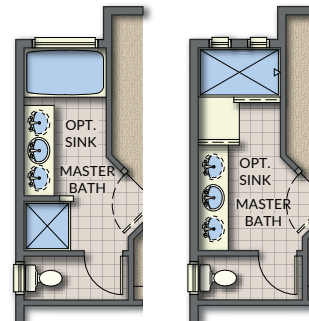
FIRST FLOOR



SECOND FLOOR

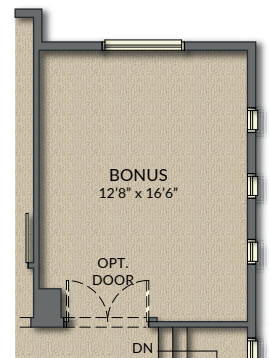


BASEMENT FLOOR



OPT. MASTER BATH #1

OPT. MASTER BATH #2



OPT. BONUS



OPT. BEDROOM #4

SECOND FLOOR OPTIONS



Aspen

3 Bedroom, 2.5 Bath

Finished: 1,793 Sq.Ft., Total: 2,732 Sq.Ft.



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Elevation A



Elevation B



Elevation C



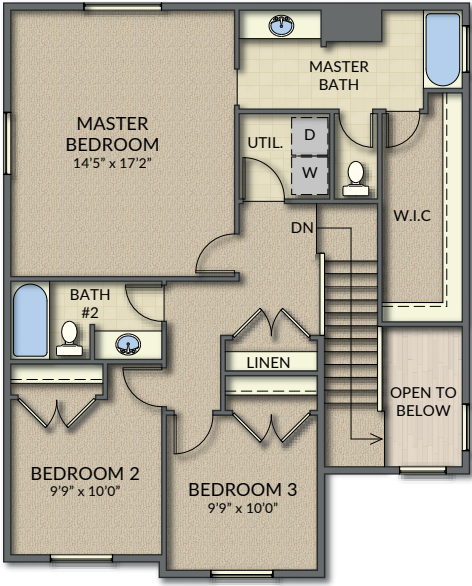
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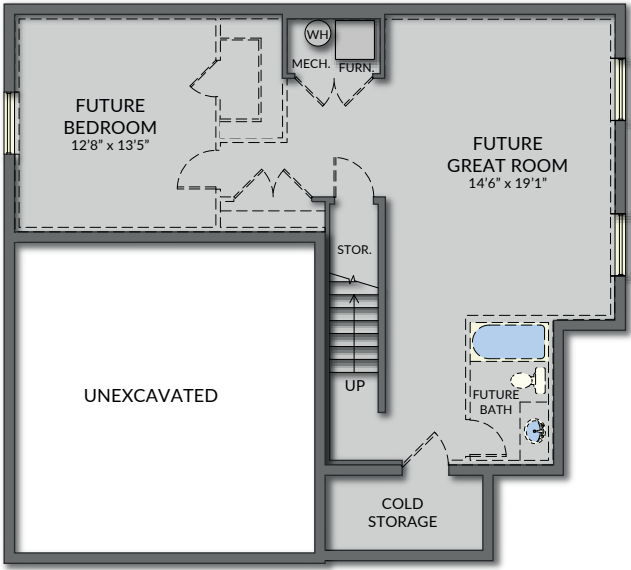


OPT. 3 CAR GARAGE

FIRST FLOOR



SECOND FLOOR



BASEMENT FLOOR



Birch

3 Bedroom, 2.5 Bath

Finished: 1,739 Sq.Ft., Total: 2,659 Sq.Ft.



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Elevation A



Elevation B

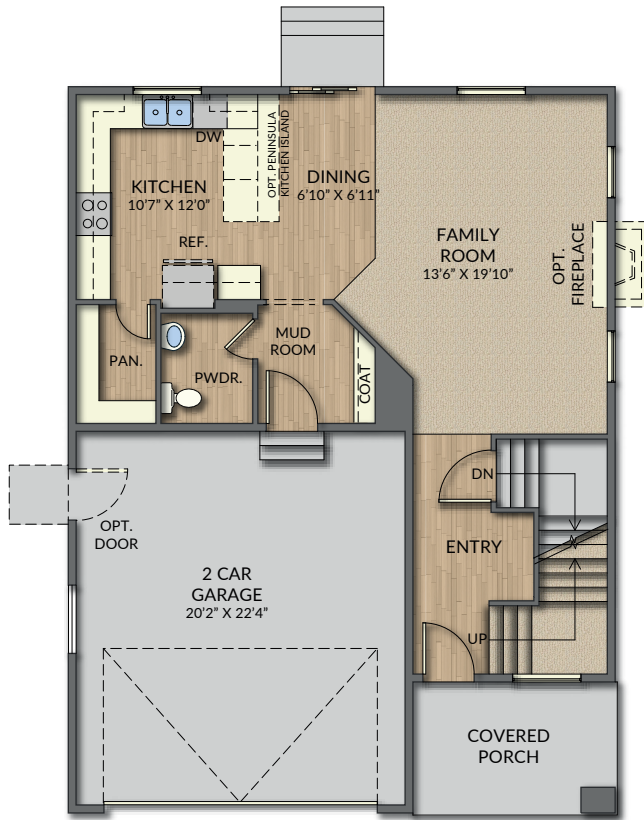


Elevation C

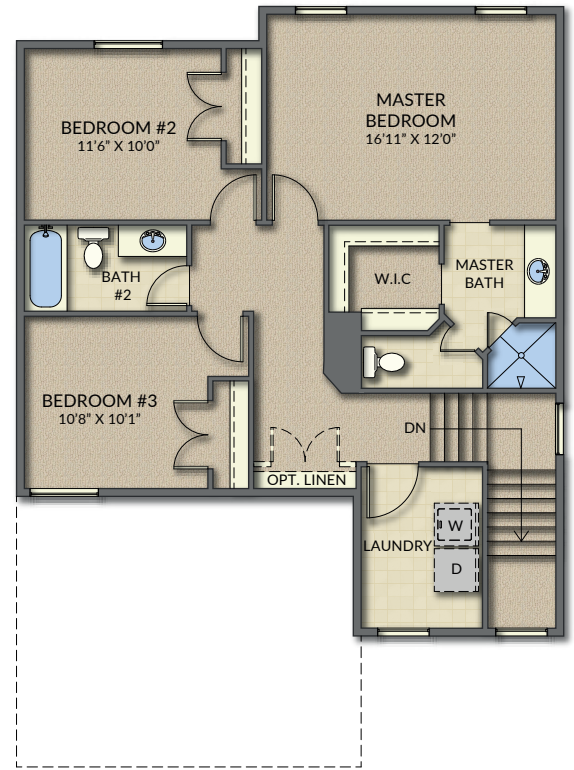


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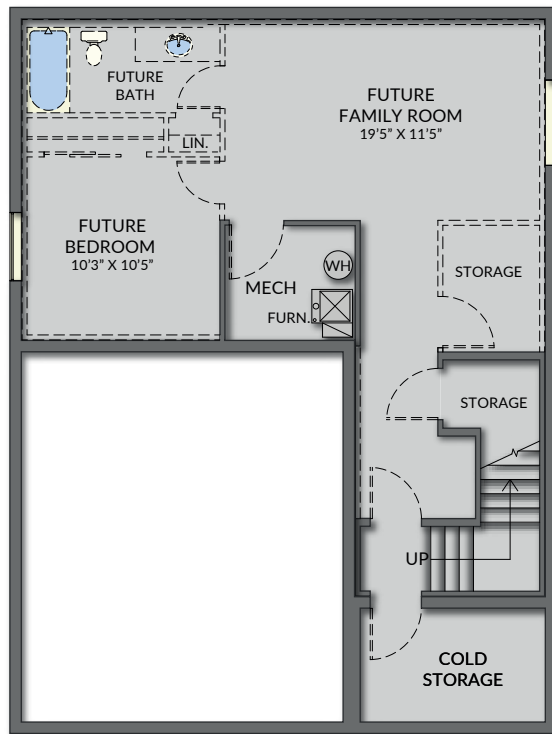
www.forsail.com



FIRST FLOOR



SECOND FLOOR



BASEMENT FLOOR

Maple

3 Bedroom, 2.5 Bath
Finished: 1,461 Sq.Ft., Total: 2,294 Sq.Ft.



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Elevation A



Elevation B



Elevation C



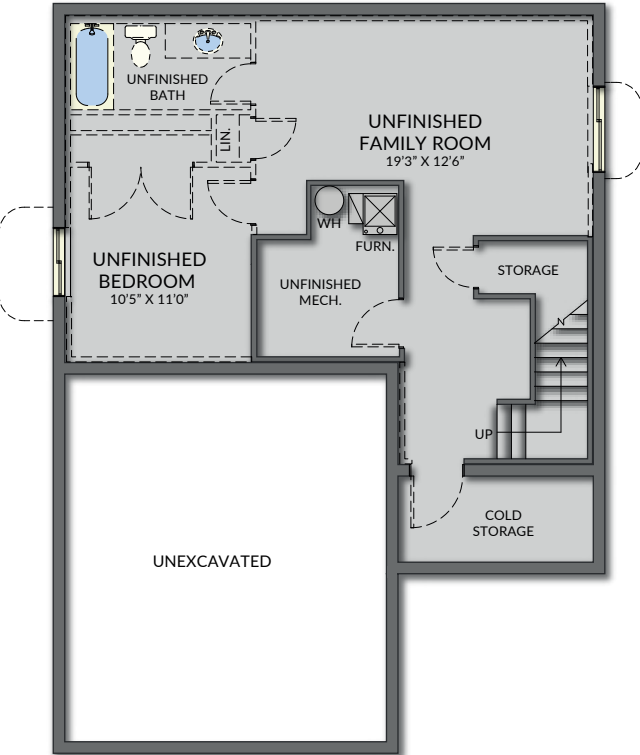
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FIRST FLOOR



SECOND FLOOR



BASEMENT FLOOR

Orchid

3 Bedroom, 2.5 Bath
Finished: 1,708 Sq.Ft.,Total: 2,508 Sq.Ft.



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Elevation A



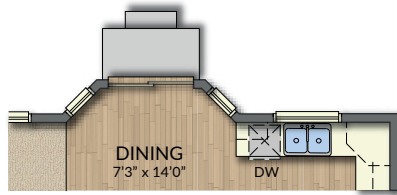
Elevation B



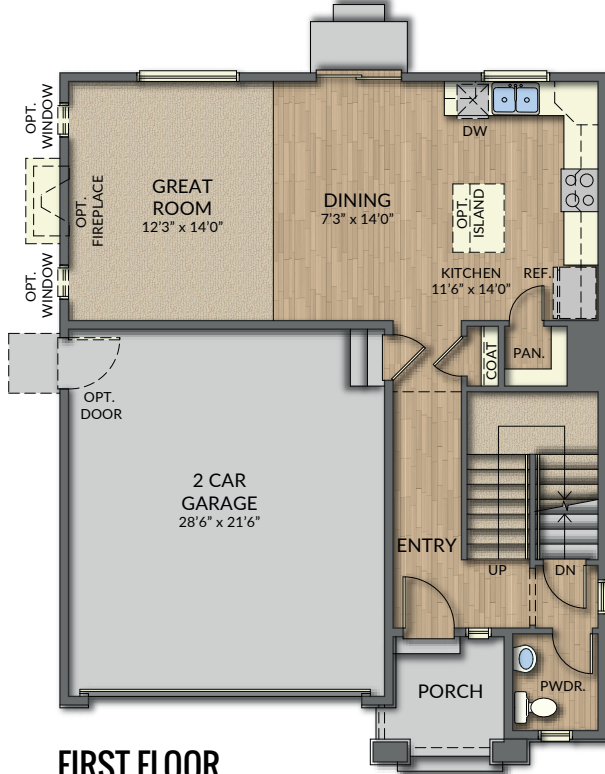
Elevation C



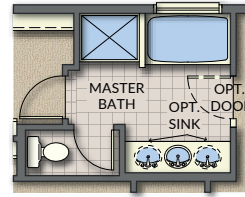
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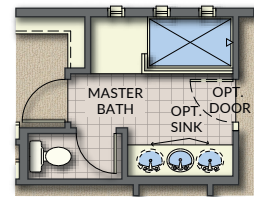
OPT. BAY WINDOW



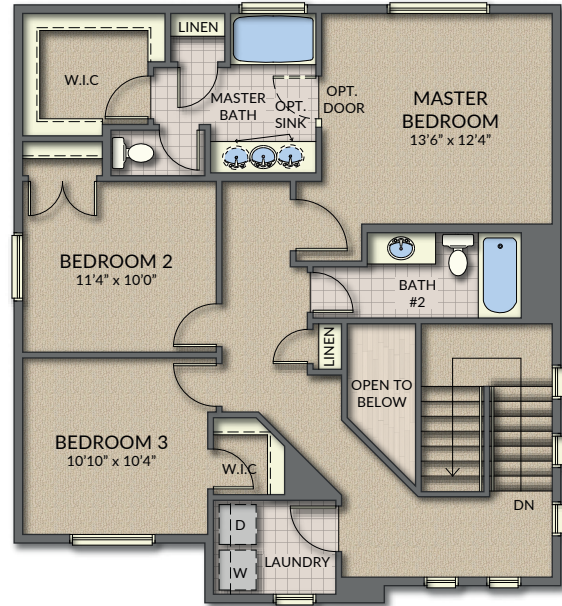
FIRST FLOOR



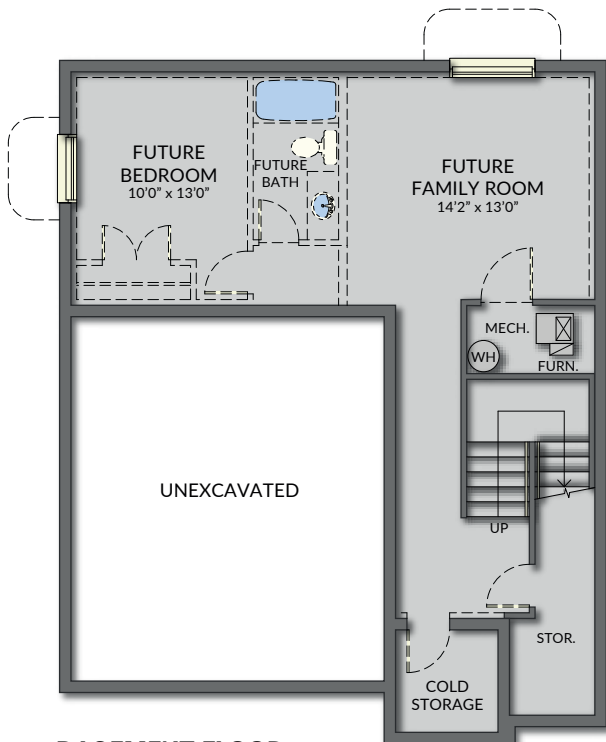
OPT. BATH #1



OPT. BATH #2



SECOND FLOOR



BASEMENT FLOOR



Pepperwood

3 Bedroom, 2.5 Bath

Finished: 1,910Sq.Ft.,Total: 2,786 Sq.Ft.



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Elevation A



Elevation B

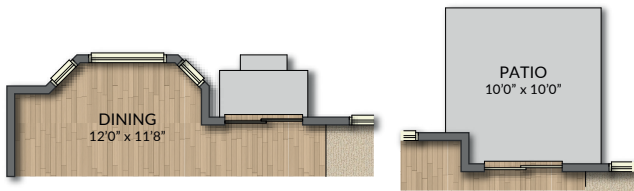


Elevation C



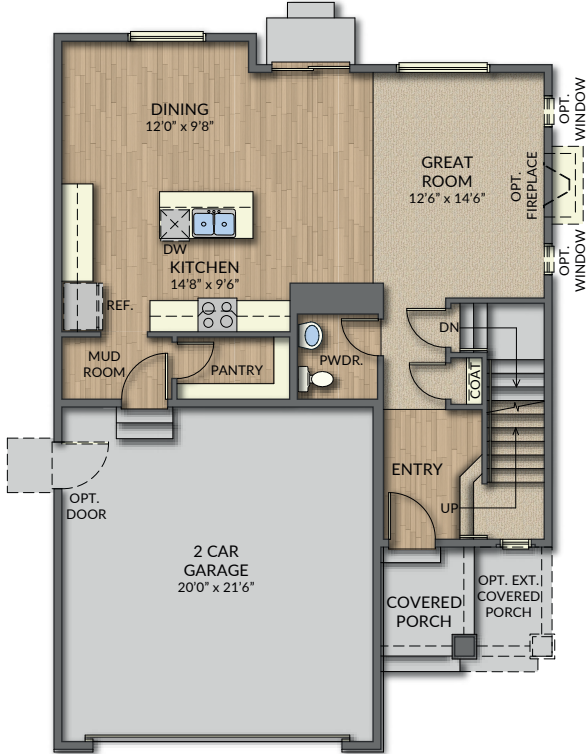
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OPT. BAY WINDOW

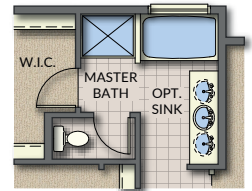
OPT. PATIO



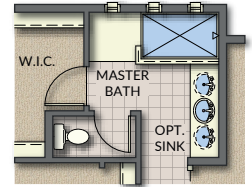
FIRST FLOOR



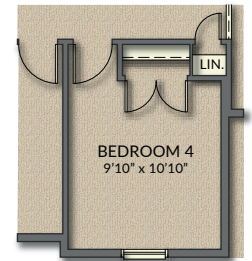
SECOND FLOOR



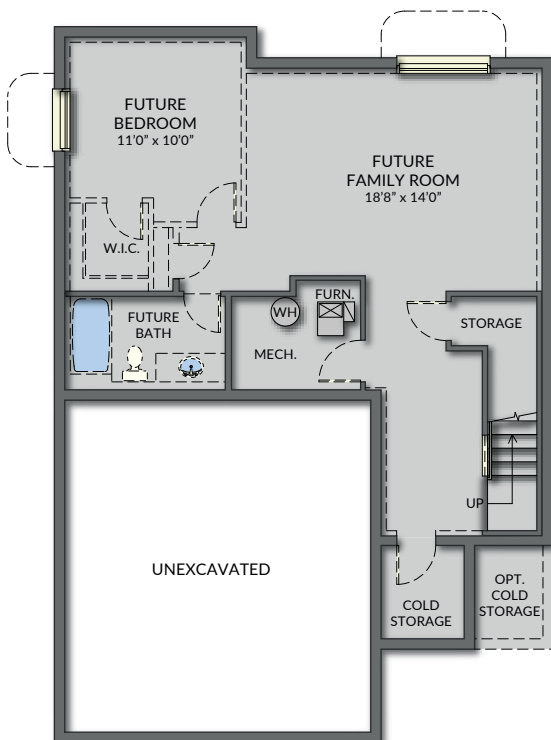
OPT. MASTER BATH #1



OPT. MASTER BATH #2



OPT. BEDROOM 4



BASEMENT FLOOR



Redwood

4/5 Bedroom, 2.5 Bath
Finished: 2,380 Sq.Ft., Total: 3,351 Sq.Ft.



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Elevation A



Elevation B



Elevation C

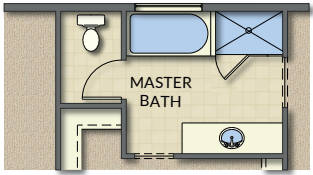


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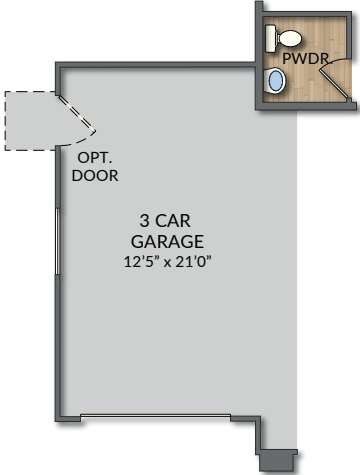
MAIN FLOOR PLAN



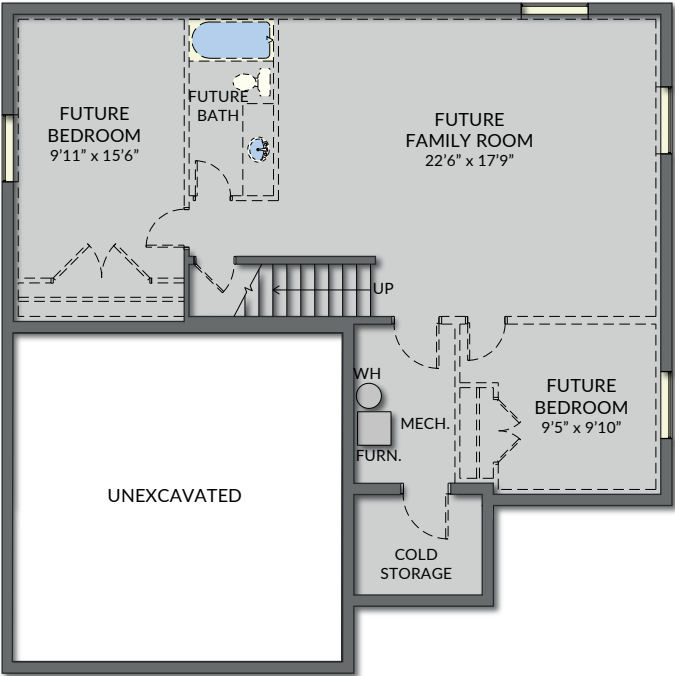
OPT. MASTER SHOWER



UPPER FLOOR PLAN



OPT. 3 CAR GARAGE



BASEMENT FLOOR

Willow

3/4 Bedroom, 2.5 Bath

Finished: 1,870 Sq.Ft., Total: 2,737 Sq.Ft.



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Elevation A



Elevation B



Elevation C



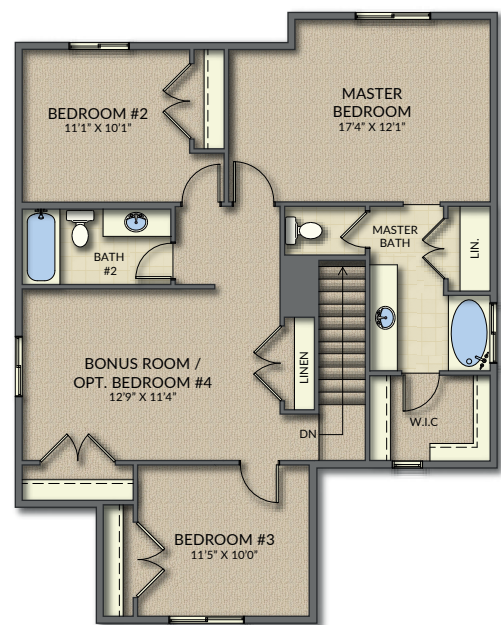
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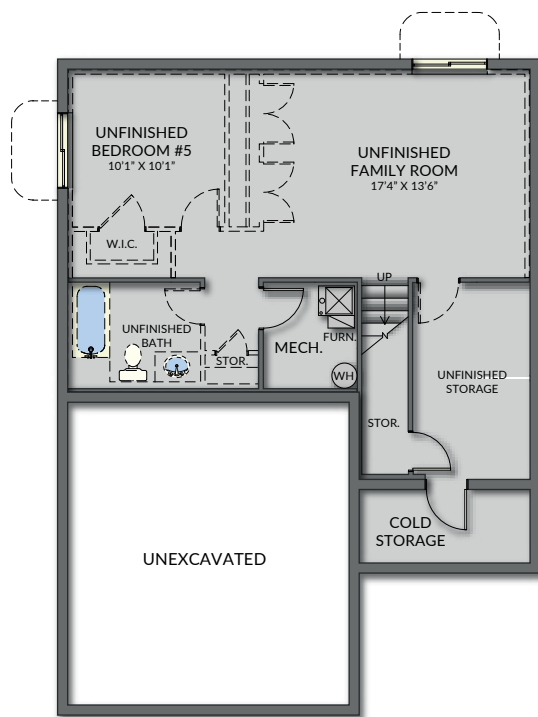


OPT. 3 CAR GARAGE

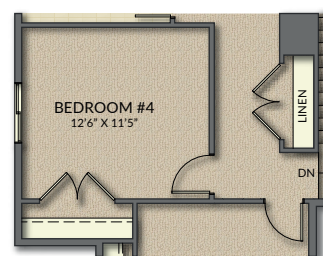
FIRST FLOOR



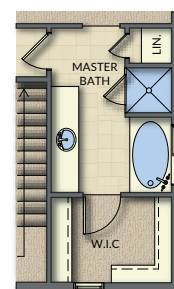
SECOND FLOOR



BASEMENT FLOOR



OPT. BEDROOM #4



OPT. MASTER SHOWER

SECOND FLOOR OPTIONS



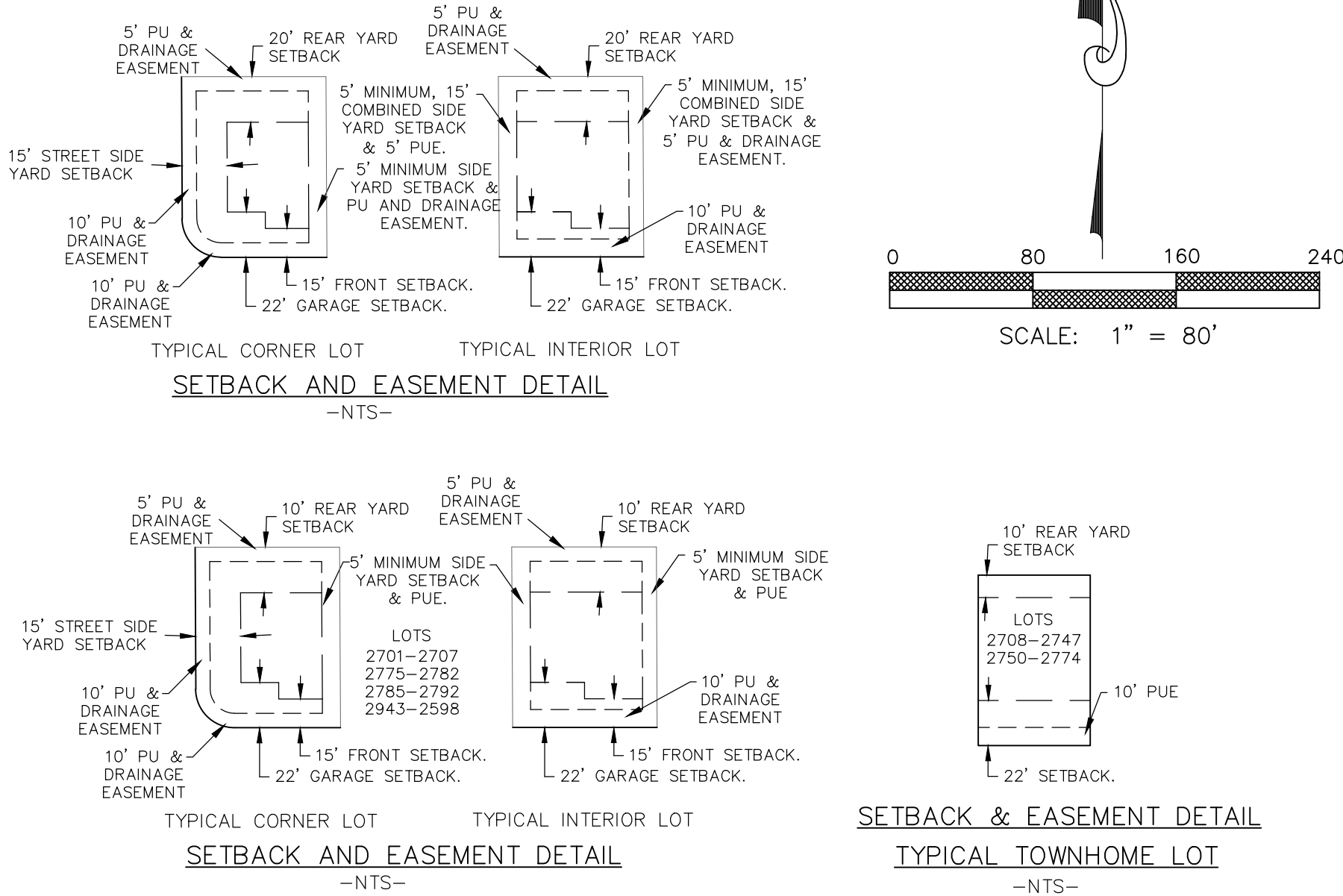




BORDERING DESCRIPTION

Beginning at a point which is North 89°02'14" West 1991.65 feet along the section line and North 802.35 feet from the Southeast Corner of Section 28, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence Westerly 66.49 feet along the arc of a 635 foot radius curve to the left, through a central angle of 04°33'45"; the chord of which bears North 87°04'07" West 66.46 feet; thence Northerly 10.48 feet along the arc of a 15 foot radius curve to the right, through a central angle of 1°01'42"; the chord of which bears North 88°52'07" West 10.48 feet; thence through a central angle of 89°32'20" the chord of which bears North 44°34'50" West 21.13 feet; thence North 89°25'20" West 21.40 feet; thence Southwesterly 23.56 feet along the arc of a 15 foot radius curve to the right, through a central angle of 89°59'10" the chord of which bears South 45°10'55" West 21.21 feet; thence North 89°49'30" West 386.01 feet; thence Northwesterly 23.57 feet along the arc of a 15 foot radius curve to the right, through a central angle of 90°00'50" the chord of which bears North 44°49'05" West 21.22 feet; thence North 89°49'59" West 53.00 feet; thence Southwesterly 23.56 feet along the arc of a 15 foot radius curve to the right, through a central angle of 89°59'10" the chord of which bears South 45°10'55" West 21.21 feet; thence North 89°49'30" West 665.95 feet; thence North 00°11'20" East 89.99 feet; thence North 25°47'09" East 58.77 feet; thence North 00°36'45" East 408.09 feet; thence North 00°34'41" East 360.67 feet; thence South 89°23'16" East 90.11 feet; thence North 89°05'23" East 53.02 feet; thence North 89°04'41" East 10.48 feet; thence North 00°36'45" East 408.09 feet; thence Northwesterly 23.56 feet along the arc of a 15 foot radius curve to the left, through a central angle of 26°45'30" the chord of which bears North 70°54'47" West 24.94 feet; thence Southwesterly 20.41 feet along the arc of a 15 foot radius curve to the right, through a central angle of 77°57'03" the chord of which bears South 83°29'26" East 18.87 feet; thence North 57°34'33" East 54.30 feet; thence Northerly 24.65 feet along the arc of a 15 foot radius curve to the right, through a central angle of 94°09'07" the chord of which bears North 01°36'41" East 21.97 feet; thence North 48°09'44" East 143.86 feet; thence Southwesterly 22.31 feet along the arc of a 15 foot radius curve to the right, through a central angle of 85°13'51" the chord of which bears South 89°13'21" East 20.31 feet; thence North 51°05'03" East 53.54 feet; thence Northerly 25.05 feet along the arc of a 15 foot radius curve to the right, through a central angle of 95°40'14" the chord of which bears North 00°19'37" East 22.24 feet; thence North 48°09'44" East 73.71 feet; thence South 51°39'18" East 71.23 feet; thence South 63°30'22" East 74.27 feet; thence South 75°28'36" East 72.36 feet; thence South 85°52'05" East 66.64 feet; thence South 87°45'09" East 52.00 feet; thence South 76°46'48" East 52.66 feet; thence South 69°13'05" East 51.52 feet; thence South 58°22'39" East 52.00 feet; thence South 53°46'51" East 53.46 feet; thence South 43°35'01" East 53.03 feet; thence South 36°07'41" East 55.16 feet; thence South 35°36'49" East 59.53 feet; thence South 40°11'50" East 66.41 feet; thence South 50°06'08" East 67.80 feet; thence South 56°49'04" East 64.27 feet; thence Southwesterly 71.62 feet along the arc of a 1226.50 foot radius curve to the left, through a central angle of 03°20'44" the chord of which bears South 26°15'37" West 71.61 feet; thence Southwesterly 25.40 feet along the arc of a 15 foot radius curve to the right, through a central angle of 97°01'10" the chord of which bears South 73°05'51" West 22.47 feet; thence South 31°36'28" West 53.00 feet; thence South 58°23'34" East 13.08 feet; thence Southwesterly 20.71 feet along the arc of a 15 foot radius curve to the right, through a central angle of 79°06'07" the chord of which bears South 18°50'31" East 19.10 feet; thence Southwesterly 16.94 feet along the arc of a 1226.50 foot radius curve to the left, through a central angle of 00°47'27" the chord of which bears South 89°13'21" East 20.31 feet; thence Southwesterly 22.31 feet along the arc of a 15 foot radius curve to the right, through a central angle of 101°41'22" the chord of which bears North 70°45'45" East 23.26 feet; thence South 58°23'34" East 8.49 feet; thence Southwesterly 61.35 feet along the arc of a 557.50 foot radius curve to the left, through a central angle of 06°18'19" the chord of which bears South 61°32'44" East 61.32 feet; thence South 17°31'19" West 64.04 feet; thence South 14°47'34" West 89.29 feet; thence South 06°55'27" West 92.94 feet; thence South 02°47'40" West 94.13 feet; thence South 00°11'20" West 316.14 feet to the point of beginning.

Parcel contains: 37.39 acres





IMPROVED OPEN SPACE SUMMARY

- HOA Pocket Parks (4 varying between 2 ac. & 1/4 ac.)
- Neighborhood Park (3.6 ac.)
- HOA Clubhouse + Pool + Park (1)
- Trails (~4.0 miles + 3/4 mile city natural trail)
- Native Open Space (26 acres)
- Possible Community Linear Park (9.9 ac.)

DETAILED QUALIFYING OPEN SPACE QUATITIES

- Power Corridor (North) - 0.40 ac
- Power Corridor (South) - 0.44 ac
- Future Pocket Park (East) - 1.25 ac
- Clubhouse & Park - 2.10 ac
- Pocket Park (Phase 19 & 20) - 1.83 ac
- Future Pocket Park (Phase 21) - 2.07 ac
- Future Pocket Park (West) - 0.47 ac
- Future Neighborhood Park - 3.65 ac
- Total Qualifying Improved Open Space - 12.2 ac**



SILVERLAKE
 A MASTER PLANNED COMMUNITY IN EAGLE MOUNTAIN
 south area preliminary plat



PREPARED BY
 FLAGSHIP HOMES



*This exhibit illustrates additional open space that doesn't qualify as improved open space, as well as the possible developable area in the native area behind phases 16, 17, and 30.



SILVERLAKE

A MASTER PLANNED COMMUNITY IN EAGLE MOUNTAIN
south area preliminary plat



PREPARED BY
FLAGSHIP HOMES

**AMENDED & RESTATED
EAGLE MOUNTAIN CITY
MASTER DEVELOPMENT AGREEMENT
FOR SILVER LAKE**

This AMENDED & RESTATED EAGLE MOUNTAIN CITY MASTER DEVELOPMENT AGREEMENT FOR SILVER LAKE (the "Agreement") is entered into this 16th day of January, 2013 by and between Eagle Mountain City (the "City") and Silver Lake Land LLC, a Utah limited liability company ("SLL" or "Developer"). This Agreement includes an Exhibit File which is incorporated by reference in this Agreement. All references to "Exhibits" in this Agreement are either referring to documents, attached here to or to the documents contained in the Exhibit File.

RECITALS

This Agreement is made with reference to the following facts.

On June 18, 2002, the City, on the one hand, and the "Evans Ranch Development Group," on the other hand (consisting of Evans Ranch, L.C., Mortgage Investment Trust, Development Associates, and John D. Jacob Company), entered into that certain Eagle Mountain City Master Development Agreement and Annexation Agreement for the Evans Ranch Annexation and Carson Parcel Development (the "Original Annexation Agreement").

The Original Annexation Agreement related to the annexation and development of certain property referred to therein as "Evans Ranch", which property is more particularly described therein as Exhibit 1. Pursuant to and in connection with the Original Annexation Agreement, the City enacted an Annexation Ordinance (Ordinance No. O 22-2002 annexing the "Evans Ranch" property into the City).

The Original Annexation Agreement was subsequently amended pursuant to that certain (a) First Amendment to Eagle Mountain City Master Development Agreement and Annexation Agreement dated May 6, 2003 between the City and S.L.6 LLC, ("SL6"), as successor in interest to the Evans Ranch Development Group (the "First Amendment"), and (b) Second Amendment to the Eagle Mountain City Master Development Agreement with SL6, LLC dated March 22, 2006, between the City and SL6 (the "Second Amendment"). The Original Annexation Agreement, the First Amendment and the Second Amendment are collectively referred to herein as the "Original Master Development Agreement".

Among other things, the First Amendment acknowledged that SL6 acquired all of the interests of the Evans Ranch Development Group in the Evans Ranch property, and further,

changed the name by which the land subject to the Original Annexation Agreement would be known from "Evans Ranch" to the "Silver Lake Development."

In exchange for a loan from Zions Bank, SL6 pledged various collateral to Zions Bank, including two Trust Deeds on the Silver Lake project, Entry No. 56342: 2004, recorded May 17, 2004, and Entry No. 13642:2005 recorded Jan. 31, 2005, and an assignment of various banked water entitlements, which collateral Zions Bank later assigned and transferred, and Silver Lake Land, LLC as successor to Zions Bank later foreclosed and took title to the Silver Lake project, as reflected by Trustee's Deeds Entry Nos. 50920:2012 and 50921:2012, and Silver Lake Land, LLC continues to hold the assignment of the banked water entitlements as collateral for the SL6 loan. A legal description of the property owned by SLL is attached hereto as Exhibit G.

The Original Master Development Agreement defines the rights and responsibilities of the parties with respect to the development of the land and funding for public improvements in the "Silver Lake Master Development Planned Area" (sometimes referred to herein as the "Master Planned Area" or the "Master Development Area").

Larry S. Carson is the property owner of the "Carson" parcel, which is property that is described in Exhibit 2 to the Original Annexation Agreement. The Carson parcel was annexed pursuant to the Original Annexation Agreement and the Carson parcel is not included in the Master Planned Area. Larry Carson was not affiliated with SL6, and this Agreement shall not modify or have any effect whatsoever on prior approvals and entitlements received with respect to the Carson parcel, and/or obligations of Carson which remain unsatisfied as of the date hereof, if any, as set forth in the Original Annexation Agreement.

The City has requested that the Original Annexation Agreement, the First Amendment and the Second Amendment be consolidated into a single amended and restated agreement, and to this end, this Agreement amends and restates in its entirety the Original Master Development Agreement (exclusive of the terms relating to the Carson parcel).

In addition, this Agreement amends various terms of the Original Master Development Agreement, including but not limited to the Amended Master Development Plan Map and Land Use Element for the land. All required notices, public hearings, and other matters preliminary to the adoption of this Agreement have been completed and conducted according to law as of the date of the City's execution of this Agreement and in full force and effect.

In addition to amending the Amended Master Development Plan Map and Land Use Element of the Master Development Area, the parties desire to make certain additional changes to the Original Master Development Agreement, as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties contained herein, the parties agree as follows:

1. Master Development Plan Map. The Amended Master Development Plan Map and Land Use Element dated January, 2013, is attached to this Agreement as Exhibit A1, and is hereby substituted for the Master Development Plan Map(s) and Land Use Element(s) attached to the Original Master Development Agreement. The Developer shall have the vested right to the specific land uses and development density and the obligation to develop the property, dedicate open space to the City and meet the development requirements as described in this Agreement and as represented on Exhibit A1. As established on Exhibit A1, the Developer is entitled to a maximum of 1,800 residential units ("Development Density"). The following table depicts the approved development areas ("Development Area(s)"), uses, and densities.

<u>Development Area</u>	<u>Area Size</u>	<u>Land Uses</u>	<u>Max # of Dwelling Units</u>	<u>Gross Density</u>
Area 'A'	34.6 Acres	Single Family	200	5.78 du/ac
Area 'B'	46.6 Acres	Mixed	400	8.58 du/ac
Area 'C'	28.4 Acres	Mixed	200	7.04 du/ac
Area 'D'	83.0 Acres	Mixed	600	7.23 du/ac
Area 'E'	78.6 Acres	Single Family	400	5.08 du/ac
Total	271.2 Acres		1800	6.64 du/ac

2. The Property is divided into five (5) Development Areas that permit a maximum number of units per acre within each Development Area. The location of each of the Development Areas is depicted on Exhibit A1. The development of each Development Area must contain improvements to meet the City's current Tier II, Tier III or Tier IV requirements concurrent with the density for that particular Development Area, or such other requirements as adopted by the City in the future. The City shall not issue any final subdivision plat until Developer has demonstrated how it will meet the City's Tier II, Tier III, or Tier IV requirements for that particular Development Area.

3. Single-Family Residential Development. In addition to the requirements set forth in paragraph 2, the Developer agrees to comply with the following development standards and conditions and provide the following additional improvements and amenities in connection with its development of single family residential ("SFR") lots in areas A through E:

- a. Maintain a lot width of not less than fifty five (55) feet at the front yard building setback line on all SFR lots.
- b. Provide a variety of lot sizes in each neighborhood. These SFR lot developments will be required to meet open space requirements as defined in Exhibit B.

c. Construct and provide an upgraded entryway into each subdivision within the Silver Lake Development, consisting of a landscaped entryway with a permanent monument sign approved by the City that bears the name of the subdivision; the City shall not unreasonably deny approval of subdivision entryway monuments. Entryway monument sign locations for the overall Silver Lake development are designated on Exhibit A2.

d. Provide fencing of all open space along major roads located in the development, constructed of materials such as cedar or other durable or treated wood, masonry, or composite fencing. This fencing is required along with the timing of open space improvement. Also provide six-foot high privacy fencing along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. These fences shall be installed with the subdivision infrastructure, prior to the first building permit being issued in that phase of development.

e. Provide upgraded approved street signs, not plain metal posts.

f. Pay a fee of \$475 per lot to the City upon issuance of a building permit to pay for the purchase and planting of trees in park strips along road rights of way.

g. The exteriors of each of the new SFR dwellings constructed in any new phase on or after the date of this Agreement shall contain masonry materials, including stone, brick, and fiber cement siding such as hardy board, or similar product, as fundamentally depicted on the renderings in Exhibit C-1. Stucco may also be used as an exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. Such masonry materials shall be "wrapped" onto side exteriors (i.e. as exterior wainscoting) a minimum of 18 inches from the front elevation. No vinyl siding shall be permitted on any new single family residential dwelling. Notwithstanding the foregoing, this subsection (i) shall apply only to new development phases of the Master Development Area which have not commenced as of the date of this Agreement, and shall not apply to any existing subdivision or phase within the Master Development Area.

4. Patio/Garden Court/Cluster Home Development. In addition to the requirements set forth in paragraph 2, the Developer shall have the option to develop and construct patio/garden court/cluster ("PGC") homes within the Silver Lake Development in locations identified on Exhibit A1 and fundamentally consistent with the renderings in Exhibit C-1. These homes are generally located on a small lot or clustered near other detached homes, and generally include a park, courtyard, or additional improved open space within the immediate neighborhood. These are not just small single-family lots; they are to be designed with parks, courtyards, or open space as an integral part of the neighborhood. The Developer agrees to comply with the following development standards and conditions and provide the following

additional improvements and amenities in connection with its development and construction of the PGC residential dwellings within the Silver Lake Development:

a. PGC homes must be distributed in areas identified on the master plan map, Exhibit A1. PGC (lots under 5,500 square feet or with a lot frontage of less than 55 feet) shall not be clustered together in groups of more than 65 lots.

b. All PGC homes shall be within 1,250 feet of a neighborhood, community park, or pocket park. PGC Improved Open space requirements are defined in section 5 and Exhibit B.

c. Provide fencing of all open space along major roads located in the development, constructed of materials such as cedar or other durable or treated wood, approved durable vinyl or masonry. This fencing is required along with the timing of open space improvement. Also provide six-foot high privacy fencing along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. These fences shall be installed with the subdivision infrastructure, prior to the first building permit being issued in that phase of development.

d. Provide upgraded approved street signs, not plain metal posts.

e. Pay a fee of \$300 to the City upon issuance of a building permit to pay for the purchase and planting of trees in park strips along road rights of way.

f. The exteriors of each of the new PGC homes shall contain masonry materials, including stone, brick, fiber cement siding such as hardy board or similar product, fundamentally consistent to the renderings in Exhibit C-1. Stucco may also be used as a primary exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. Such masonry materials shall be "wrapped" onto side exteriors (i.e. as exterior wainscoting) a minimum of 18 inches from the front elevation. No vinyl siding shall be permitted on any new PGC residential dwelling. PGC dwellings are expected to be built similar to and substantially compliant with the design and materials as represented and depicted in the renderings included as Exhibit C-1.

g. The minimum setbacks for the PGC home units shall be consistent with the Setback Exhibit attached to this Agreement as Exhibit D. Other PGC home designs will be considered and proposed in the future.

5. Multi-Family Development. In addition to the requirements set forth in paragraph 2, the Developer shall have the option to develop and construct multi-family residential "MFR" dwellings within the Silver Lake Development in a manner consistent with Exhibit A1 and

fundamentally consistent with the renderings in Exhibit C-2. The Developer shall be permitted to construct up to 20% of the Development Density, or 360 total units, as MFR. The Developer agrees to comply with the following development standards and conditions and provide the following additional improvements and amenities in connection with its development and construction of the multi-family residential dwellings within the Silver Lake Development:

- a. No stacked flat apartments or stacked condos will be allowed.
- b. MFR homes must be distributed within the area identified on Exhibit A1, and shall not be clustered together in groups of more than 65 lots.
- c. All MFR homes shall be within 1,250 feet of a neighborhood, community park, or pocket park. MFR Improved Open space requirements are defined in section 5 and Exhibit B.
- d. Provide fencing of all open space along major roads located in the development, constructed of materials such as cedar or other durable or treated wood, approved durable vinyl or masonry. This fencing is required along with the timing of open space improvement. Also provide six-foot high privacy fencing along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. These fences shall be installed with the subdivision infrastructure, prior to the first building permit being issued in that phase of development.
- e. Provide upgraded approved street signs, not plain metal posts.
- f. Pay a fee of \$300 to the City upon issuance of a building permit to pay for the purchase and planting of trees in park strips along road rights of way.
- g. The exteriors of each of the new MFR dwellings shall contain masonry materials, including stone, brick, and fiber cement siding, hardy board or similar product as fundamentally depicted on the renderings in Exhibit C-2. Stucco may also be used as a primary exterior material, provided that the stucco shall not exceed 25% of any front elevation and elevation facing a public street. Such masonry materials shall be "wrapped" onto side exteriors (i.e. as exterior wainscoting) a minimum of 18 inches from the front elevation. No vinyl siding shall be permitted on any new MFR dwelling. MFR dwellings are expected to be built substantially compliant with the design and materials as represented/depicted on the renderings included as Exhibit C-2.
- h. The minimum setbacks for the MFR units shall be consistent with the Setback Exhibit attached to this Agreement as Exhibit D. This provides only an example of the type of MFR development that may be built. Other MFR designs may be considered and proposed in the future.

6. Improved Open Space. All open space requirements for previous development phases within the SilverLake Development will be deemed as fulfilled. The open space requirements in this agreement will apply to the current undeveloped land in areas A through E held by SLL within the Silver Lake Development. Based upon the requirements in the Parks and Open Space Master Plan, shown in Exhibit E, the following open space will be improved and/or deeded to the City with this development:

a. Amphitheater Addition. An area consisting of 6.42 acres, as depicted in Exhibit A2, shall be preserved adjacent to the existing amphitheater for plaza and park space, and also to provide some permanent and temporary parking for events. This area shall be deeded to the City along with the recordation of the first subdivision plat in Area A, and shall be free and clear of all encumbrances and upon a form of deed acceptable to the City and will count towards the Community Park space requirements. This area shall be improved by the City in the timing determined by the City in a manner similar to the Silver Lake Amphitheater Preferred Concept. Developer agrees to excavate the excess material from the Amphitheater Community Park property being conveyed to the City so that the entire property, other than the sloped retention areas around the perimeter of the property, will be usable for parking and will not exceed a 6% slope. A play area shall be included as well.

b. Neighborhood and Pocket Parks. 14.541 acres of neighborhood parks (generally 3-5 acres in size) or pocket parks (greater than 0.5 acres in size) are required to be improved based on the requirements defined on Exhibit B. The general locations of these parks are shown on the Open Space Map, Exhibit A2. These parks shall be designated with each subdivision plat and improved along with each subdivision, including the features and amenities required by the City Code Chapter 16.35. The required park space for each phase of development must be fully improved, or Developer shall place into escrow with the City sufficient funds to improve the park space prior to the issuance of 40% of the building permits within any phase of development. These parks shall be included in the bond to be posted along with the other subdivision improvements. These parks shall be maintained by the governing Home Owner's Association. Each park shall have access along a dedicated roadway.

c. Community Parks. 17.7705 acres of community parks are required to be deeded to the City. The 6.42 acre amphitheater expansion open space adjacent to the Amphitheater and the 11.35 acre open space area both are considered community parks. The amphitheater expansion park must be deeded to the City according to 5(a), and the 11.35 acre park must be deeded to the City prior to the recordation of the last subdivision plat in Area B. These parcels shall be deeded to the City free and clear of all encumbrances and upon a form of deed acceptable to the City, and shall be improved by the City in the timing determined by the City. Each park shall have access along a dedicated roadway.

d. Improved Trail Corridor. An improved trail system ("Improved Trail") will be constructed by Developer in the general locations depicted on Exhibit A2. The Improved Trail shall be constructed of a solid asphalt surface or other surface acceptable to the City. Each section of the Improved Trail shall be improved along with the infrastructure for any adjoining subdivision plats, or Developer shall place into escrow with the City sufficient funds to improve that section of trails prior to the issuance of 40% of the building permits within the phase of development. The Improved Trail will be considered public improvements, and must be bonded for completion along with the infrastructure bond.

e. Natural Trails. A natural trail system ("Natural Trail") will be constructed by City in the general location depicted on Exhibit A2 in the timing determined by the City. It is anticipated that the Natural Trail shall be constructed of compacted road base and native material.

f. Utility Corridors/Easements. The power line corridor situated along the collector road shall be improved by the Developer along with each adjacent development phase. Such improved areas may be counted towards the neighborhood and pocket park requirements set forth in subsection (d) above, if improved as useable park space.

g. Natural Open Space. 18.69 acres of additional unimproved open space shall be deeded to the City. This includes areas such as Tickville Wash and Evans Wash. It is anticipated that the Developer will work with the City to approve plans for modifications to the natural washes, in order to increase buildable acreage and improve the functionality of the washes for stormwater conveyance and for recreational purposes, such as natural bike trails.

h. Churches and Schools. Developer is encouraged to locate parks adjacent to churches and/or schools, wherever possible.

7. Vesting of Improved Open Space, Parks and Trails. In accordance with Chapter 17.30 of the City Code, bonus density entitlements, or increases in the number of residential units a developer is entitled to build on an acre (above the 0.8 residential dwelling units per acre base density of the residential zone), are permitted when a project provides additional improvements and amenities as outlined in Chapter 17.30 of the City Code. These additional improvements and amenities include Improved Open Space, Parks and Trails. The City agrees that that the proposed Improved Open Space, Parks, and Trails, as set forth in paragraph 4 of this Agreement, satisfy the Improved Open Space, Parks and Trails requirement for the Maximum Density, and the City shall not require the Developer to build or develop additional Open Space, Parks or Trails in order to develop up to the Maximum Density.

8. Churches and Schools. The areas designated as school and church sites in Exhibit A1 contain underlying residential zoning and are entitled to build up to the approved density if the church or school is located elsewhere. If a church or school is built in the master development, however, the total number of units for that area will be reduced by the approved area density. Furthermore, the Developer and the City hereby agree that the Developer shall not be required to convey to the City that certain twelve (12) acres of property referred to in the Original Master Development Agreement as the "School Site" which, pursuant to the Original Master Development Agreement, was to be conveyed to the City.

9. CWP Water. As an alternative to dedicating water rights to the City for each subdivision, the City will offer to contract with the Developer or successors in interest, to acquire the required water supply for each subdivision, if available, under contracts in place between the City and the Central Utah Water Conservancy District ("the District") ("CWP Water") on a first come, first served basis with other interested parties intending to contract with the City for delivery of CWP Water.

10. Water Shares. SLL relinquishes all rights and interests in the 45.91 acre feet deducted from the banked water entitlement (Water Right #54-1044 (Original Acre Feet 101.44)) which has been deducted from the total banked water entitlements to fulfill obligations of prior development phases.

11. Park Fees in Lieu. At the time of City approval and development of prior phases under the Original Master Development Agreements, the developer failed to pay fees for park improvements ("Park Fees"). In consideration for the densities granted herein, and in order to benefit the remaining property in the Silver Lake Subdivision, SLL agrees to pay the amount of \$380,000 to the City to cover the Park Fees based on SLL annually paying the greater of the following: (1) \$249.95 per recorded lot; or (2) Yearly Schedule (Years 1-2 = \$0.00, Years 3-10 = \$47,500.00).

12. Roads / Street Improvements. The street layout, design, and right-of-way dedication of each phase of development must be designed to integrate with the City's Future Land Use and Transportation Corridors Map as depicted in Exhibit F, including a minor collector road continuing Brookwood Drive to the eastern boundary of the project, a minor collector road running north-south through the project, and a minor arterial road running east-west along the southern property line. A traffic signal on Pony Express Parkway shall be required when warranted by any traffic study completed for a subdivision phase within the City. This signal shall be paid for by impact fees, with Developer paying their prorated share by the payment of the city impact fee with each development phase. Development shall proceed in appropriate phasing which provides for the connection of the new major north/south road (Woodhaven Road) with Pony Express Parkway and SilverLake Parkway. Developer shall improve SilverLake Parkway from Pony Express Parkway to Tickville Wash in conjunction with the first phase of the Development and prior to platting the second phase of the Development. Developer

shall improve Woodhaven Boulevard to at least half-width plus ten (10) feet for all sections that do not have recorded subdivisions on both sides of the road, and full width for all sections with recorded subdivision on both sides of the road. All development phases shall contain at least two points of access. The Developer agrees to work together with all interested parties to plan appropriately for regional transportation needs, and modify plans to meet those needs, if applicable.

13. Off-Site Infrastructure. The parties acknowledge that off-site infrastructure improvements may be necessary in order to supply proper utility or transportation capacity for portions of this project. The City makes no guarantee of utility capacity for this project.

14. Governing Standards. The development of the Silver Lake Master Development Area shall be governed by the terms of this Agreement, which reflect the procedures, standards and requirements of the Development Code of the City, which are qualified by this Agreement. The Exhibit File consists of the Master Development Plan Map, Exhibit A1, approved by this Agreement, the Open Space Map, Exhibit A2, the general location and alignment of roads to be dedicated to the City, the areas approved for public uses such as parks, utilities and schools, open space improvement requirements, renderings of the homes, and setback exhibits.

15. Dedication of Facilities. The Developer agrees to dedicate and donate free and clear of all encumbrances to the City all required spaces for the location of City owned utilities, streets, utility facilities and improvements for the construction and use of utilities, parks, roads, and other public ways such as trails depicted on the Exhibit A1. A reimbursement agreement may be entered between the City and the Developer to require reimbursement from the City to the Developer as other developers pay impact fees to use facilities which are donated to the City by Developer. All of the facilities dedicated to the City under the terms of this Agreement shall be constructed to the City's standard specifications and shall be subject to City inspections and approval before acceptance by the City. The design for each public improvement shall be reviewed and must be approved by the City Engineer prior to construction.

16. Initial Development Cost Escrow Acknowledgment. The Developer and the City acknowledge that Developer shall not be responsible for the "Initial Improvements" described in Exhibit 4 of the Original Annexation Agreement (as replaced by this Agreement)..

17. Withholding Approval Upon Default. The parties agree that the City shall not approve or record any subdivision in the Master Development Area if the Developer is in default on any obligation to the City which requires the construction of roads and completion of public improvements or other utility infrastructure to serve the development project. In addition, the City may withhold approval of building permits to construct any building or structure within the Master Development area if the Developer is not current with all obligations to the City at the time of application for the development approval and/or has not completed all required improvements within the time to complete required improvements approved by the City Council.

18. Reserved Powers. The parties agree that the City reserves certain legislative powers to amend its Development Code to amend and enact standards for development and construction generally applicable throughout the City. It is the intent of the parties to vest the Developer with the specific land uses and Development Density, as stated herein, and defined specifically on Exhibit A1, but to require compliance by the Developer with all other generally applicable standards, conditions and requirements enacted by the City to protect the safety, health and welfare of the current and future inhabitants of the City.

19. Impact Fees. The Developer agrees to pay all impact fees when due at subdivision approval, subdivision recordation or upon application for building permits from the City as set forth more specifically in the City Impact Fee Ordinance as it may be amended from time to time. The parties may enter into a separate Reimbursement Agreement upon the enactment of impact fee requirements and which shall provide for reimbursement to the Developer for capacity in improvements in excess of the capacity required for development of the property for improvements that are dedicated or transferred to the City.

20. Annual Review of Compliance. The parties agree that the City may conduct an annual review of compliance by the Developer within the terms of this Agreement, City Development Standards and Schedules in the Master Development Plan approved by this Agreement. It shall be an event of default if the Developer has failed to fund roads, parks or other utility infrastructure facilities required by this Agreement or by the City Development Standards, or if work remains incomplete on public infrastructure facilities without having received an adequate extension of time for the completion of such facilities from the City. It shall be an event of default if the Developer fails to deposit adequate collateral for the improvements required by this Agreement or fails to cure any defect discovered by the City upon inspection of any infrastructure utility facilities.

21. Default Notice and Remedy for Default. Upon the occurrence of an event of default, the City shall provide not less than fifteen (15) days notice to the Developer of a meeting of the City Council where the Developer's default shall be heard and reviewed by the City Council. The Developer shall be entitled to attend the hearing and comment on the evidence presented concerning the default. Upon a finding by the City Council that the Developer is in default, the City Council may order that work in the Master Development Area be terminated until the default is cured or may issue such further directions to City staff and to the Developer as deemed appropriate under the circumstances.

22. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors, heirs and assigns of the parties hereto, and to any entities resulting from the reorganization, consolidation, or merger of any party hereto.

23. Integration. This Agreement constitutes the entire understanding and agreement between the parties, and supersedes any previous agreement, representation, or understanding

between the parties relating to the subject matter hereof; provided however, that the Development Code of the City shall govern the procedures and standards for approval of each subdivision and public improvement.

24. Not Severable. The provisions of this Agreement are not severable, and should any provision hereof be deemed void, unenforceable or invalid, such provision shall affect the remainder of this Agreement, and shall provide grounds for dissolution of the Agreement at the option of the parties in the exclusive discretion of each of them.

25. Waiver. Any waiver by any party hereto of any breach of any kind or character what so ever by the other party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement on the part of the other party.

26. No Modification. This Agreement may not be modified except by an instrument in writing signed by the parties hereto.

27. Governing Law. This Agreement shall be interpreted, construed and enforced according to the laws of the State of Utah.

28. Agreement to Run With the Land. This Agreement or a notice of this Agreement shall be recorded against the Property and shall be deemed to run with the land and shall be binding on Developer and all successors and assigns of any of the foregoing.

29. Costs of Enforcement. In the event of default on the part of any party to this Agreement, that party shall be liable for all costs and expenses incurred by the other parties in enforcing the provisions of this Agreement, whether or not legal action is instituted.

[Signatures on next page.]

IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives effective as of the date first written above.

CITY:

EAGLE MOUNTAIN CITY

ATTEST:

By: _____

Eagle Mountain City Recorder



By: _____

Its: _____

SLL:

Silver Lake Land LLC, a Utah limited liability company

By: _____

Its: _____

Exhibit A1

[Amended Silver Lake Master Development Plan Map]

EXHIBIT 'A1' MASTER DEVELOPMENT PLAN MAP

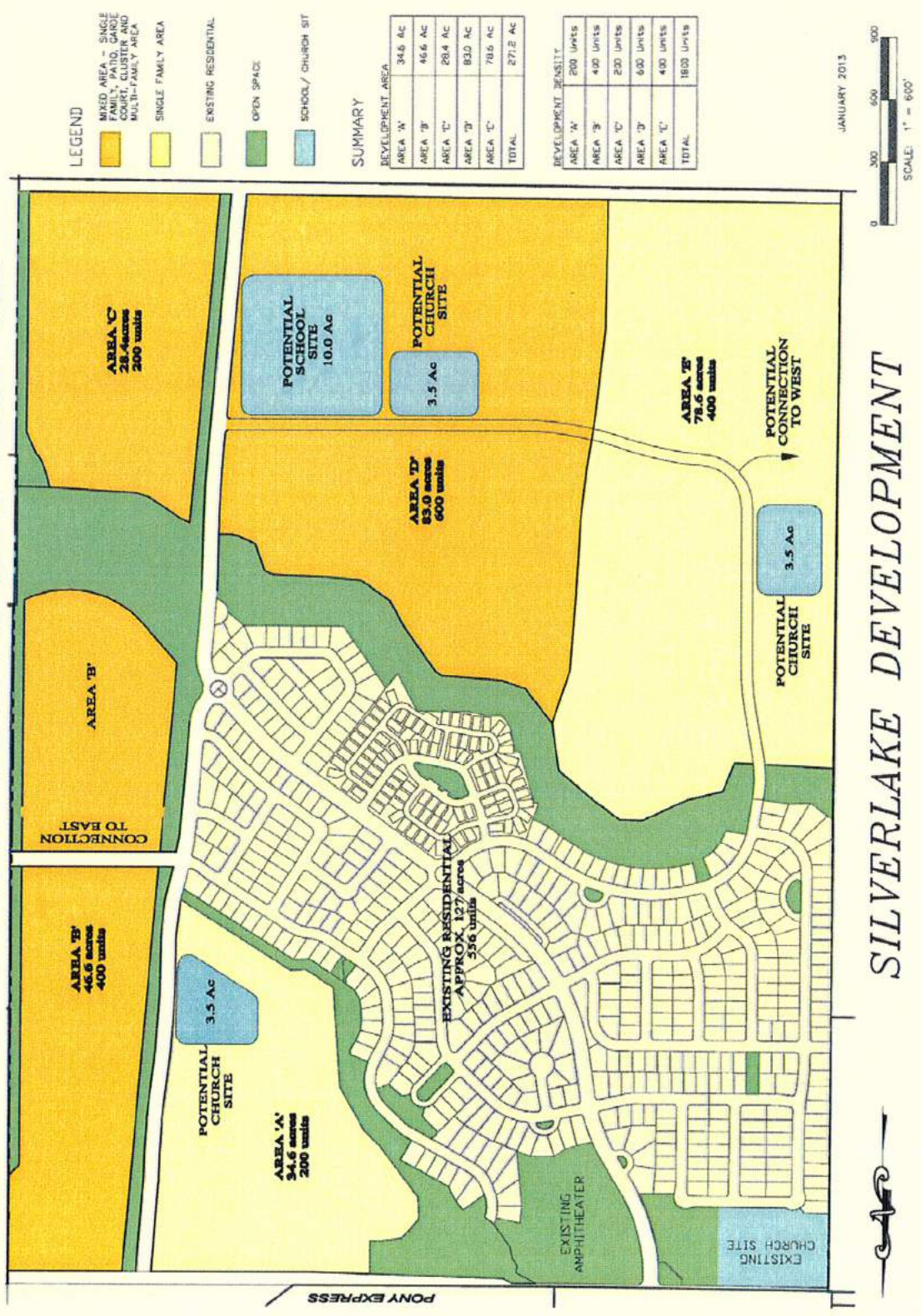


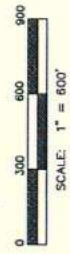
Exhibit A2

[Open Space Map]

EXHIBIT 'A2' OPEN SPACE MAP



SILVERLAKE DEVELOPMENT



JANUARY 2013

Exhibit B

[Pocket and Neighborhood Park Requirements]

16.35.105. Pocket park requirements.

Pocket parks shall be a required improvement for subdivisions that have an average lot size less than one-half acre. The amount of land required for pocket parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements. The pocket park requirements are intended to be flexible in order to best provide relief, interest, and a gathering place for a neighborhood.

A. All pocket parks must meet the following requirements:

1. They are to be integrated into the design of the street and residential lot pattern.
2. Pocket parks will generally be at least one-half acre each; however, they can be any configuration that adds amenity and identity to the neighborhood.
3. Pocket parks should provide the greatest accessibility by pedestrians, and no unit/lot should be located more than one-quarter mile from a pocket park, if possible.
4. Each pocket park must have access along a roadway.
5. The community association or local homeowners' association will maintain the pocket parks.
6. Pocket parks shall be constructed according to a schedule set in the development agreement for the project, but shall be completed no later than after issuing 50 percent of the building permits in the development phase including the park, or 50 percent of the permits in the project, whichever comes first.
7. If the applicant elects to pay a fee in lieu of park construction, 50 percent of the fee is due with the recordation of the first plat, and the second 50 percent is due with the second plat. In the case of only one plat, 100 percent is due with the plat's recordation. The fee-in-lieu is calculated at \$5.75 per square foot of park space and shall be escrowed for the specific park. The required land shall either be dedicated to the city or a fee-in-lieu shall be provided for land purchase based on a third-party appraisal. If a fee-in-lieu is collected, the money shall be used to construct the park according to the timing in the development agreement.

B. The design of the pocket parks shall be largely at the discretion of the builder/developer. At least seven points per 0.1 acre or 70 points per acre are required in the design of a pocket park, according to Table 16.35.130(c), Pocket and Neighborhood Park Elements. The following minimum programming is required for each pocket park:

1. Grass area large enough for children's play.
2. Shady seating area with benches or tables provided by a shade structure or grove of trees.
3. Parking on adjacent street.
4. Additional uses, such as tot lots or other play structures, depending on the needs of the surrounding neighborhood and proximity to other play structures.
5. Must be connected to the neighborhood by sidewalks or trails.
6. A variety of landscaping, including trees, shrubs, ornamental grasses, etc.
7. An appropriate number of garbage receptacles and barbecues with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc. [Ord. O-16-2011 § 2 (Exh. A)].

16.35.110. Neighborhood park requirements.

Neighborhood parks shall be a required improvement for subdivisions that have an average lot size less than one-half acre. The amount of land required for neighborhood parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements.

A. Neighborhood parks shall comply with the following standards:

1. Neighborhood parks shall ideally be between three and five acres in size.
2. No lot/unit should be more than one-half mile from a neighborhood park, if possible.
3. Each neighborhood park must have access along a public road.
4. Neighborhood parks shall be effectively integrated into residential developments and connected with homes, other neighborhood parks, and open space areas via sidewalks or trails.
5. Parks shall be designed with a mixture of enhanced native plantings, ornamental plantings, and grass areas. The landscape treatments shall be designed to enhance the sense of place while remaining water-wise.
6. Parks shall be located as close as possible to the recommended neighborhood park distribution location in the parks and open space master plan.
7. Developers are encouraged to, whenever possible, consolidate neighborhood parks into larger parks that may be used by more than one neighborhood. Collocation with schools or other institutions is also encouraged.
8. Parks shall be constructed according to a schedule set in the development agreement for the project, but shall be completed no later than after issuing 50 percent of the building permits in the development phase including the park, or 50 percent of the permits in the project, whichever comes first.
9. If the applicant elects to pay a fee in lieu of park construction, 50 percent of the fee is due with the recordation of the first plat, and the second 50 percent is due with the second plat. In the case of only one plat, 100 percent is due with the plat's recordation. The fee-in-lieu is calculated at \$5.75 per square foot of park space and shall be escrowed for the specific park. The required land shall either be dedicated to the city or a fee-in-lieu shall be provided for land purchase based on a third-party appraisal. If a fee-in-lieu is collected, the money shall be used to construct the park according to the timing in the development agreement.

B. The design of neighborhood parks is largely to be determined by the builder/developer and the city based on the needs of the neighborhood. At least seven points per 0.1 acre or 70 points per acre are required in the design of a neighborhood park, according to Table 16.35.130(c), Pocket and Neighborhood Park Elements. The following elements are generally included in a neighborhood park:

1. Play structures (creative play structures are recommended).
2. Multi-use play field.
3. Internal trails.
4. Picnic tables.
5. Seating areas (benches).
6. Basketball court.
7. Enhanced open space.
8. Off-street parking.
9. Shelters (pavilions, etc.).
10. An appropriate number of garbage receptacles and barbeques with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc. [Ord. O-16-2011 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.11); Ord. O-07-2006 § 2 (Exh. 1 § 7.11); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.11)].

Exhibit C-1

[Single Family and Patio /Garden Court/Cluster Home Renderings]



Cambridge Design



Cascade Design



Denali Design



Harvard Design



Heritage Design



Oxford Design



Regency Design



Yale Design







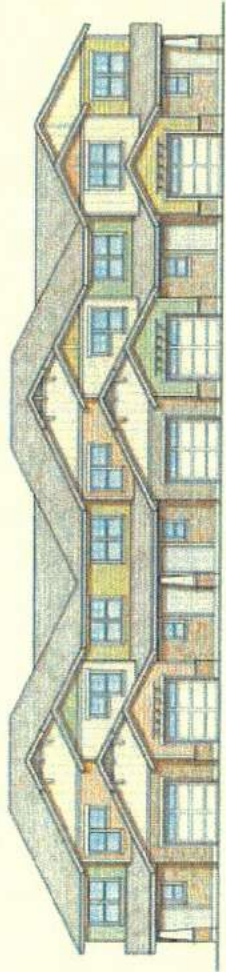




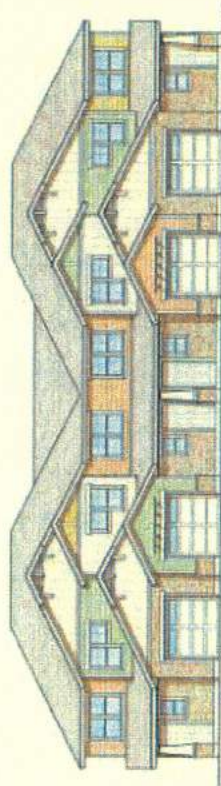


Exhibit C-2

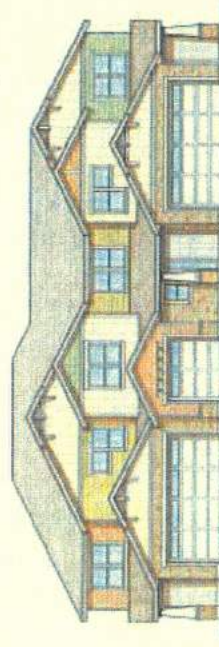
[Multi-Family Home Dwelling Renderings]



5-STORY FRONT ELEVATION
 North Side - 1/4" = 1'-0"



4-STORY FRONT ELEVATION
 North Side - 1/4" = 1'-0"



3-STORY FRONT ELEVATION
 North Side - 1/4" = 1'-0"

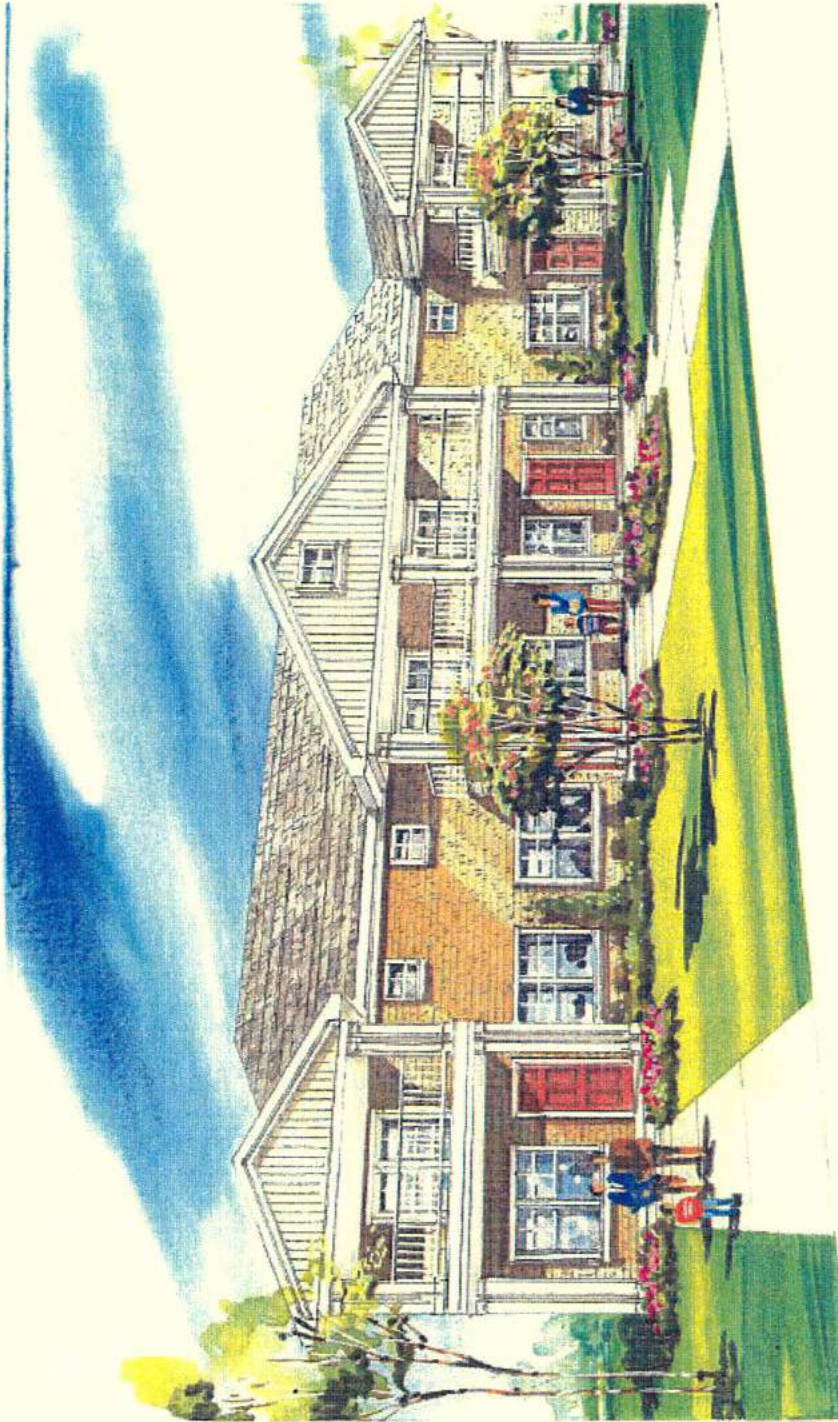
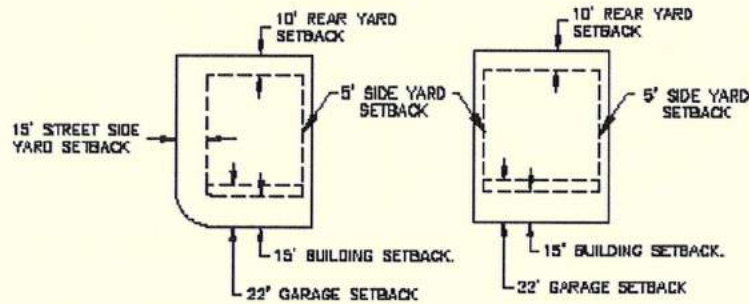


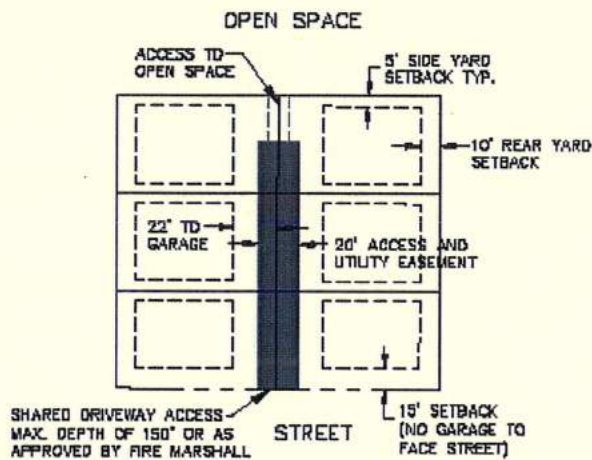
Exhibit D

**[Multi-Family & Patio/Garden Court/Cluster Home Development
Setback Exhibit]**

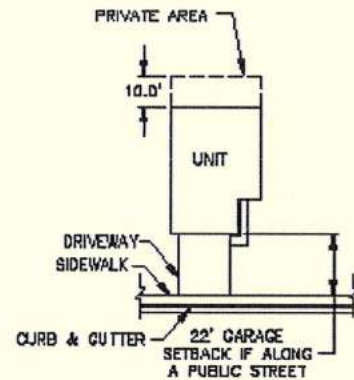
SILVERLAKE SETBACK EXHIBIT



TYPICAL CORNER LOT TYPICAL INTERIOR LOT
TYPICAL PATIO HOME/GARDEN COURT SETBACK DETAIL
 -NTS-



TYPICAL CLUSTER UNIT LAYOUT
 -NTS-



TYPICAL TOWNHOME UNIT
 -NTS-

Exhibit E

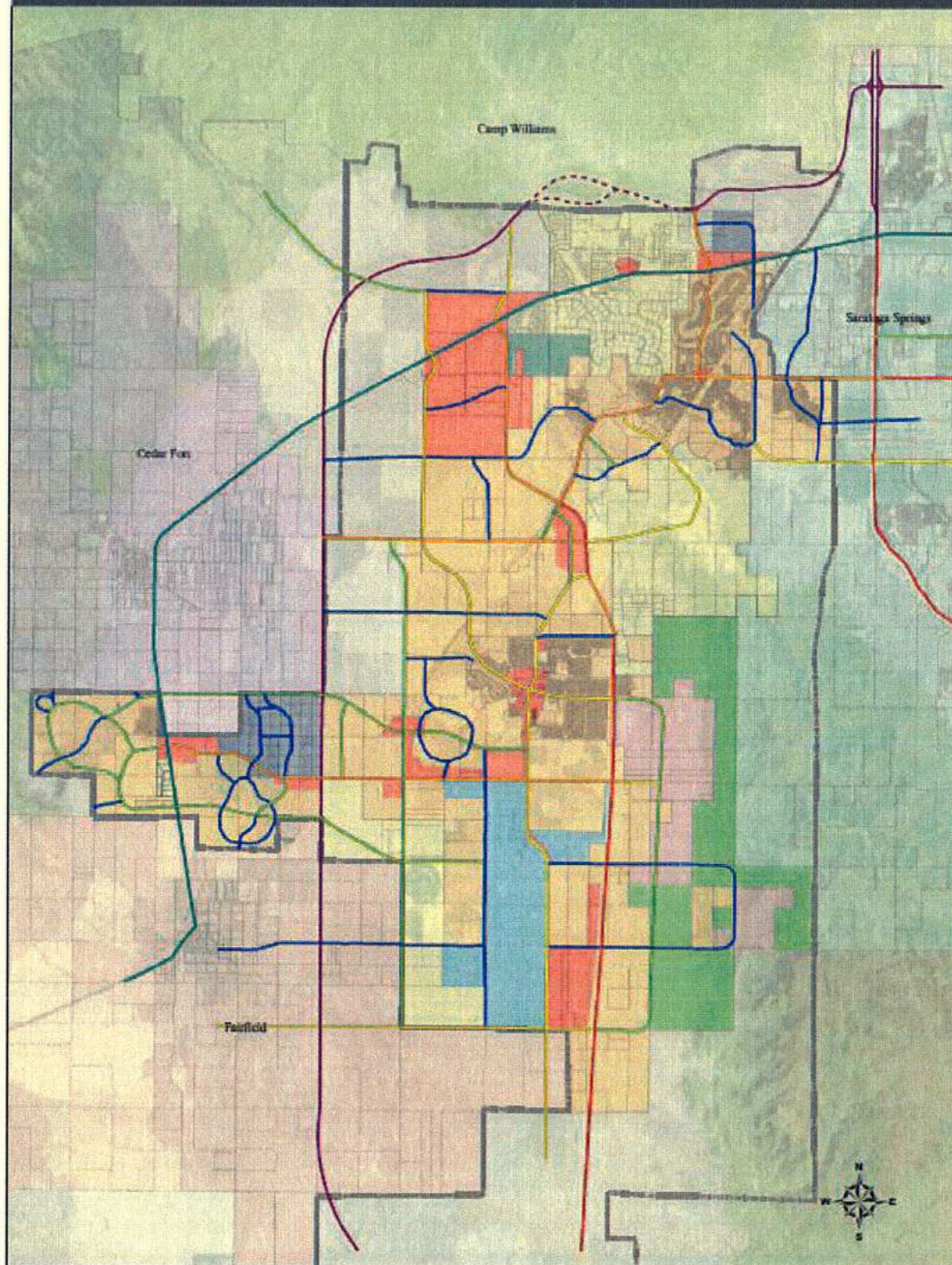
[Parks and Open Space Master Plan Exhibit 11]

Exhibit F

[City's Future Land Use and Transportation Corridors Map]

Eagle Mountain City-Future Land Use and Transportation Corridors

General Plan Map 2
July 16, 2014



Transportation Corridors

- Freeway
- Highway
- Major Arterial (7 lanes)
- Major Arterial (5 lanes)
- Minor Arterial (5 lanes)
- Major Collector (3 lanes)
- Minor Collector (2 lanes)
- All Proposed Freeway



- ## Land Use
- Agriculture/Forestry
 - Agriculture
 - Forest
 - Commercial/Residential
 - Commercial/Industrial
 - Industrial
 - Mixed-Use Commercial
 - Mixed-Use Residential
 - Rural Residential

Map Produced May 14, 2012 Map Produced by Mike H. Day

This map is a general representation of the future land use and transportation corridors for Eagle Mountain City. It is not intended to be used for legal purposes. The map is based on the latest available data and is subject to change without notice. The map is produced by Mike H. Day.

Exhibit G

[Legal Description of Property Owned by SLL]

Legal Descriptions

Tax I.D. No

58-040-0005 SE 1/4 OF SE 1/4 OF SEC. 28 T5S R1W SLB&M. ALSO DESCRIBED AS;;
COM FR SE COR. OF SEC. 28 T5S R1W SLB&M.; N 0 DEG 36' 41" E 1329.64 FT; N 89 DEG
24' 8" W 1327.13 FT; S 0 DEG 33' 48" W 1328.24 FT; S 89 DEG 20' 31" E 1326.02 FT TO
BEG. AREA 40.471 AC.

58-040-0006 SW 1/4 OF SE 1/4 OF SEC. 28 T5S R1W SLB&M. ALSO DESCRIBED AS;;
COM N 15.23 FT & W 1325.93 FT FR SE COR. OF SEC. 28 T5S R1W SLB&M.; N 89 DEG 20'
31" W 1326.02 FT; N 0 DEG 30' 54" E 1326.85 FT; S 89 DEG 24' 8" E 1327.13 FT; S 0 DEG
33' 48" W 1328.24 FT TO BEG. AREA 40.429 AC.

58-040-0113 SE 1/4 OF SW 1/4 SEC. 28 T5S R1W SLB&M. DESCRIBED AS FOLLOWS;;
COM FR S 1/4 COR. OF SAID SEC. 28; N 89 DEG 16' 10" W 1324.58 FT; N 0 DEG 33' 59" E
1324.62 FT; S 89 DEG 21' 57" E 1323.39 FT; S 0 DEG 30' 54" W 1326.85 FT TO BEG. AREA
40.295 AC.

58-040-0114 NE 1/4 OF SW 1/4 SEC. 28 T5S R1W SLB&M. DESCRIBED AS FOLLOWS;;
COM N 1326.8 FT & E 11.92 FT FR S 1/4 COR. OF SAID SEC. 28; N 89 DEG 21' 57" W
1323.39 FT; N 0 DEG 33' 59" E 1324.62 FT; S 89 DEG 27' 44" E 1322.2 FT; S 0 DEG 30' 54"
W 1326.85 FT TO BEG. AREA 40.259 AC.

58-040-0226 COM S 89 DEG 50' 21" E 110.7 FT FR N 1/4 COR. SEC. 28 T5S R1W SLB&M.;
S 89 DEG 50' 21" E 2529.05 FT; S 0 DEG 8' 41" W 1273.19 FT; W 1602.55 FT; N 3 DEG 34'
35" W 315.42 FT; N 31 DEG 33' 13" W 174.49 FT; N 68 DEG 29' 0" W 31.49 FT; N 44 DEG 46'
44" W 153.43 FT; N 7 DEG 27' 1" W 109.84 FT; N 61 DEG 38' 15" W 262.77 FT; N 19 DEG 36'
20" W 59.94 FT; N 40 DEG 18' 5" W 86.78 FT; N 88 DEG 44' 27" W 76.26 FT; N 55 DEG 40'
11" W 83.19 FT; N 36 DEG 26' 40" W 135.39 FT; N 10 DEG 51' 23" W 62.27 FT; N 38 DEG 27'
13" W 36.37 FT; N 12 DEG 10' 17" E 43.71 FT; N 64 DEG 0' 56" W 114.27 FT TO BEG. AREA
57.071 AC.

58-040-0315 COM N 397.38 FT & W 2653.05 FT FR E 1/4 COR. SEC. 28, T5S, R1W,
SLB&M.; S 57 DEG 40' 4" E 118.18 FT; N 39 DEG 37' 30" E .42 FT; S 18 DEG 54' 32" E 179.05
FT; S 23 DEG 2' 18" W 104.78 FT; S 26 DEG 14' 0" E 50.25 FT; N 89 DEG 27' 44" W 142.71
FT; N 0 DEG 30' 54" E 372.45 FT TO BEG. AREA 1.024 AC.

58-040-0316 COM S 2656.15 FT & E 1293.33 FT FR NW COR. SEC. 28, T5S, R1W, SLB&M.; N 0 DEG 34' 11" E 371.19 FT; S 54 DEG 5' 35" E 32.91 FT; S 54 DEG 5' 35" E 104.27 FT; N 88 DEG 6' 14" E 101.87 FT; S 81 DEG 57' 21" E 123.96 FT; S 81 DEG 57' 21" E 54.02 FT; N 9 DEG 26' 42" E 148.21 FT; ALONG A CURVE TO R (CHORD BEARS: N 11 DEG 50' 41" E 27.05 FT, RADIUS = 323 FT) ARC LENGTH = 27.06 FEET; S 80 DEG 33' 21" E 100.47 FT; S 80 DEG 33' 21" E 100.28 FT; N 6 DEG 34' 53" E 93.82 FT; N 69 DEG 56' 34" E 155.37 FT; S 82 DEG 59' 47" E 299.25 FT; S 57 DEG 40' 4" E 297.07 FT; S 0 DEG 30' 54" W 372.45 FT; N 89 DEG 27' 44" W 1322.2 FT TO BEG. AREA 13.116 AC.

58-040-0347 COM N 1374.66 FT & E 3.46 FT FR E 1/4 COR. SEC. 28, T5S, R1W, SLB&M.; S 0 DEG 8' 39" W 50.76 FT; N 89 DEG 38' 59" W 1323.98 FT; S 0 DEG 19' 44" W 275.2 FT; N 57 DEG 35' 5" W 53.93 FT; S 86 DEG 32' 35" W 75.33 FT; N 56 DEG 15' 26" W 61 FT; N 56 DEG 15' 26" W 64 FT; N 56 DEG 15' 26" W 79.07 FT; N 3 DEG 34' 38" W 488.11 FT; N 31 DEG 33' 15" W 159.91 FT; N 68 DEG 29' 0" W 28.39 FT; N 44 DEG 46' 45" W 167.12 FT; N 7 DEG 27' 4" W 105.5 FT; N 61 DEG 38' 15" W 259.58 FT; N 19 DEG 36' 22" W 64.98 FT; N 40 DEG 18' 6" W 70.97 FT; N 88 DEG 44' 25" W 72.44 FT; N 55 DEG 40' 11" W 94.76 FT; N 36 DEG 33' 54" W 13.94 FT; N 36 DEG 26' 40" W 131.44 FT; N 10 DEG 51' 23" W 61.81 FT; N 38 DEG 27' 13" W 42.05 FT; N 12 DEG 10' 17" E 35.94 FT; N 63 DEG 52' 20" W 145.59 FT; S 89 DEG 50' 14" E 56.62 FT; S 64 DEG 0' 56" E 114.27 FT; S 12 DEG 10' 17" W 43.71 FT; S 38 DEG 27' 13" E 36.37 FT; S 10 DEG 51' 23" E 62.27 FT; S 36 DEG 26' 40" E 135.39 FT; S 55 DEG 40' 11" E 83.19 FT; S 88 DEG 44' 27" E 76.26 FT; S 40 DEG 18' 5" E 86.78 FT; S 19 DEG 36' 20" E 59.94 FT; S 61 DEG 38' 15" E 262.77 FT; S 7 DEG 27' 1" E 109.84 FT; S 44 DEG 46' 44" E 153.43 FT; S 68 DEG 29' 0" E 31.49 FT; S 31 DEG 33' 13" E 174.49 FT; S 3 DEG 34' 35" E 315.42 FT; E 1602.24 FT TO BEG. AREA 4.200 AC.

58-040-0348 COM AT E 1/4 COR. SEC. 28, T5S, R1W, SLB&M.; N 89 DEG 27' 44" W 900.07 FT; N 5 DEG 3' 2" E 490.45 FT; ALONG A CURVE TO R (CHORD BEARS: N 9 DEG 18' 12" E 74.15 FT, RADIUS = 500 FT) ARC LENGTH = 74.22 FEET; N 13 DEG 33' 21" E 163.72 FT; N 57 DEG 35' 5" W 610.91 FT; N 0 DEG 19' 44" E 275.19 FT; S 89 DEG 38' 59" E 1323.98 FT; S 0 DEG 8' 39" W 1323.91 FT TO BEG. AREA 30.665 AC.

58-040-0349 COM AT E 1/4 COR. SEC. 28, T5S, R1W, SLB&M.; S 0 DEG 36' 41" W 1329.64 FT; N 89 DEG 24' 8" W 2654.27 FT; N 0 DEG 30' 54" E 1326.85 FT; S 89 DEG 27' 44" E 142.71 FT; S 26 DEG 14' 0" E 215.83 FT; N 69 DEG 39' 30" E 147.88 FT; S 87 DEG 7' 33" E 57.63 FT; S 58 DEG 4' 16" E 102.96 FT; N 63 DEG 49' 11" E 102.96 FT; S 87 DEG 7' 33" E 66.15 FT; S 26 DEG 2' 13" E 203.21 FT; N 38 DEG 9' 27" E 33.55 FT; S 35 DEG 27' 14" E 377.71 FT; S 89 DEG 53' 22" E 476.34 FT; S 42 DEG 30' 39" E 213.84 FT; S 71 DEG 22' 22" E 24.1 FT; ALONG A CURVE TO L (CHORD BEARS: N 5 DEG 37' 14" E 9.24 FT, RADIUS = 465 FT) ARC LENGTH = 9.24 FEET; S 84 DEG 57' 0" E 75.02 FT; N 5 DEG 3' 0" E 377.28 FT;

ALONG A CURVE TO L (CHORD BEARS: N 12 DEG 22' 46" W 143.77 FT, RADIUS = 240 FT) ARC LENGTH = 146.01 FEET; ALONG A CURVE TO R (CHORD BEARS: N 9 DEG 29' 30" W 17.36 FT, RADIUS = 25 FT) ARC LENGTH = 17.73 FEET; ALONG A CURVE TO L (CHORD BEARS: N 2 DEG 46' 28" E 21.01 FT, RADIUS = 75 FT) ARC LENGTH = 21.08 FEET; ALONG A CURVE TO R (CHORD BEARS: N 17 DEG 31' 31" E 19.38 FT, RADIUS = 25 FT) ARC LENGTH = 19.90 FEET; ALONG A CURVE TO L (CHORD BEARS: N 22 DEG 41' 19" E 145.45 FT, RADIUS = 240 FT) ARC LENGTH = 147.77 FEET; N 84 DEG 56' 58" W 40.01 FT; N 5 DEG 3' 2" E 59.49 FT; S 89 DEG 27' 44" E 900.1 FT TO BEG. AREA 65.042 AC.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	Cascade Collision Auto Repair (Concept Plan)
ITEM TYPE:	Concept Plan
APPLICANT:	Trevor Sharp

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Jessa Porter, Planning

BACKGROUND:

This commercial concept plan consists of a retail autobody shop on lot 1 of parcel 58.040.0498. The plan consists of an autobody shop on the northeast corner and an enclosed parking area for cars to be repaired at a later time to the southern portion of lot 1. This parcel is zoned Commercial Community (CC) and automobile service and repair (including autobody) is a permitted use (EMMC 17.35.030). The applicant is seeking feedback for lot 1. The building located to the west on lot 2 is to show how the rest of the parcel can be developed.

ITEMS FOR CONSIDERATION:

ZONING

This parcel is zoned Commercial Community (CC) and is given the Community Commercial land use designation on the City's Future Land Use and Transportation Map. EMMC 17.35.030 Land Use Table states that automobile service and repair (including autobody) is a permitted use in this zone.

ARCHITECTURAL STANDARDS (EMMC 17.72.040)

"D. Building Articulation. Buildings shall include facade modulations (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, varied front setbacks or staggered and jogged unit planes within the same structure, and other techniques to help identify residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited." The current site plan only shows one horizontal articulation on the south side of the building. We recommend that the applicant add more articulation to the building to better meet city code.

"L. Storage, Loading Areas, and Trash Enclosures. Storage and loading areas and trash enclosures shall be located out of view from public streets, and shall be screened and designed with the architectural style of the building including materials, colors, details, etc. Chain link fences and fencing with vinyl slats are prohibited as screening." The current concept plan does not show a trash enclosure location. We recommend the applicant look over City Code to make sure they meet standards outlined in this section.

OFF-STREET PARKING (EMMC 17.55.120)

"Automotive Service Stations. 1 stall per 500 square feet of gross finished floor area plus 2 stalls per service bay" (EMMC 17.55.120(C)). Based on the proposed square footage, the property will need a minimum of 33 spaces. The business does not use the standard service bay setup and so an Alternative Parking Requirement (EMMC 17.55.110(G)) could be used to determine how many vehicles may be in service (in building and awaiting service outside).

LANDSCAPING IN PARKING AREAS (EMMC 17.55.080)

"C1. Island on Doubled Rows of Parking. On doubled rows of parking stalls, there shall be one 40-foot-long by five-foot-wide landscaped island on each end of the parking rows, plus one 40-foot-long by five-foot-wide landscaped island to be placed at minimum of every 12 parking stalls. Each island on doubled parking rows shall include a minimum of two deciduous trees per planter having a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Other landscape installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscape islands. Xeriscaping is encouraged in these areas."

"C2. Islands on Single Rows of Parking. On single rows of parking there shall be one 20-foot-long by five-foot-wide landscaped island a minimum of every 12 stalls. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands. Xeriscaping is encouraged in these areas."

The applicant will need to amend their site plan to include landscape

islands per 12 parking stalls for both single and double parking rows.

VEHICLE ACCESS

The concept plan includes access to the property via Porter's Crossing and a right-in / right-out entrance on Pony Express Parkway.

REQUIRED FINDINGS:

There are no required findings for concept plan applications.

RECOMMENDATION:

The Planning Commission is recommended to review the concept plan and discuss the development intentions with the applicant. Any feedback provided by the Planning Commission is non-binding and may be used by the applicant and property owner to guide them in the preparation of subsequent development applications.

ATTACHMENTS:

[General Plan Wall Map](#)

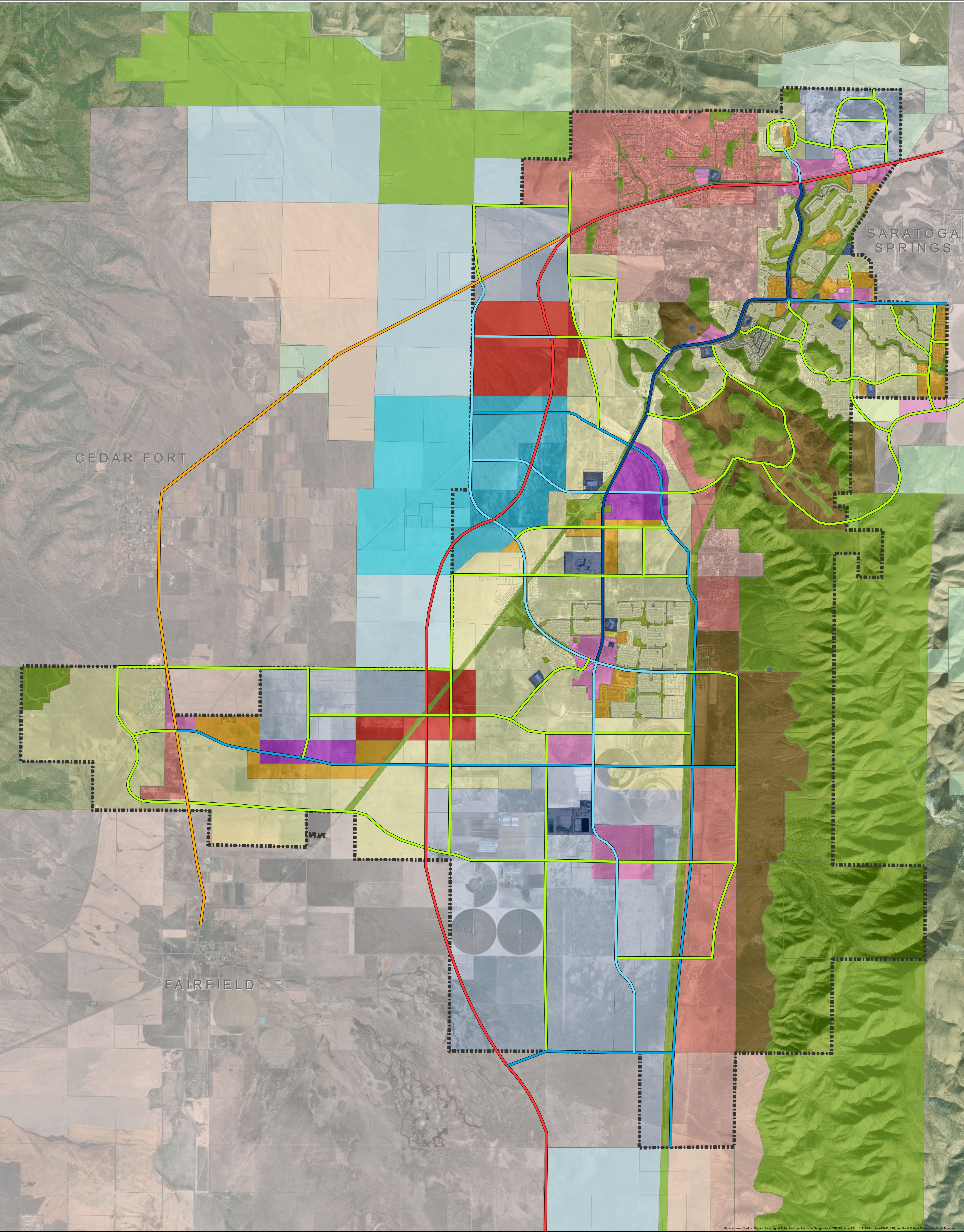
[Site Plan and Elevations](#)

[Lehi Site and Parking Examples](#)

Future Land Use & Transportation

General Plan Map

January 2020

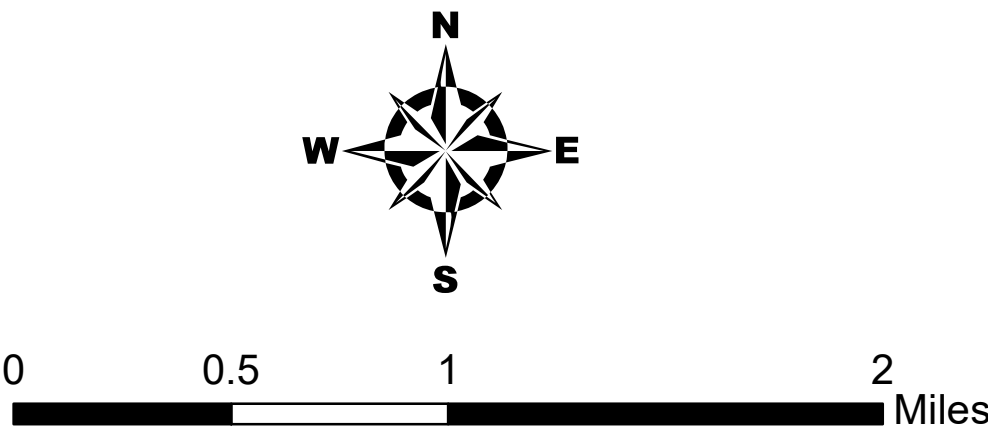


- Land Use**

 - Foothill Residential
 - Rural Density One
 - Rural Density Two
 - Neighborhood Residential One
 - Neighborhood Residential Two
 - Neighborhood Residential Three
 - Community Commercial
 - Town Center Mixed Use
 - Regional Commercial
 - Employment Center Campus
 - Business Park/Light Industry
 - Civic Uses and Schools
 - Parks and Open Space

- Future Transportation**

 - Freeway
 - Highway
 - Parkway
 - Major Arterial
 - Minor Arterial
 - Collector



Disclaimer: Eagle Mountain City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Eagle Mountain City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.

To all interested parties: Under the terms of a 1997 agreement between Eagle Mountain City and property owners Monte Vista Ranches and Eagle Mountain Properties, the undeveloped lands and allowed land uses within the Eagle Mountain Properties Master Development may be changed at any time at the direction of Monte Vista Ranches and Eagle Mountain Properties. Inquiries concerning the Eagle Mountain Properties Master Plan should be directed to Eagle Mountain Planning Office.



Preliminary Building Requirements:

Cascade Collision Repair **Approx. 16,455 sq.ft.**

August 31, 2020

Below is a partial list of items that need to be included in the Budget (this list is not comprehensive). Refer to the preliminary drawings for additional information. Include all items required to satisfy the building code, local ordinances and owner's needs.

Building Square footage = Approx. 19,455 sq.ft. (Footprint) and 2nd level

General Building Information: (Automotive Repair Center, Office)

1. Construction Type II-B
2. CMU exterior walls to be 7 5/8" standard 8x16 block. Reinforcing to be [#6@12"O.C](#) vertical each face and [#4@18"O.C](#) horizontal each face. (#5 min. at openings) 4,500 PSI concrete.
3. Contractor to review and understand additional elements that are shown on the exterior elevations and rendering that need to be included in your proposal.
4. Allow for the selection of 3 different block colors and face types to achieve desired look.
5. Steel joists and Decking
6. 20' Interior clear height.
7. Please include any impact fees, or permit fees; these will be required.
8. All drive in doors to have pipe bollards painted safety yellow.
9. All 14X16 insulated overhead door with (1 panel) view window. Steel Track Guards – painted safety yellow.
10. All concrete floors that are slab on grade are to be 7" concrete over 6" base. All concrete to be 4000 psi with min. w/ #4 @ 18" o.c. each way.
11. All required signage such as ADA, etc.. as required by code.
12. Provide clear story windows in show locations and transom windows as shown on elevations
13. Higher exterior walls to be covered in an EIFS system

Site Info:

1. Landscaping – As required per code. Note: that all landscaping to be Xeriscape as local jurisdiction will allow. See site plan for additional information. Also please note that the site landscape plan may need to meet requirements of the master development.
2. Provide utilities as required, water, sewer, gas, power, storm drainage, see site plan.

Roofing:

1. 45 mil reinforced TPO single ply membrane (color to be white) 1 roof access hatch and Ladder – OSHA approved. Note: roof insulation to be R-30 rigid insulation. (Contractor to provide 20 year warrantee to owner.). Provide a 60 mil TPO option

Electrical:

1. Electrical Service to be 600 amp service on a 75 KVA transformer.
2. Site lighting to be LED and achieved with the use of wall packs and pole lights. Note: that exterior lighting may need approval of the master development.

Mechanical:

1. Shop area to be fully conditioned.
2. RTU's

Plumbing:

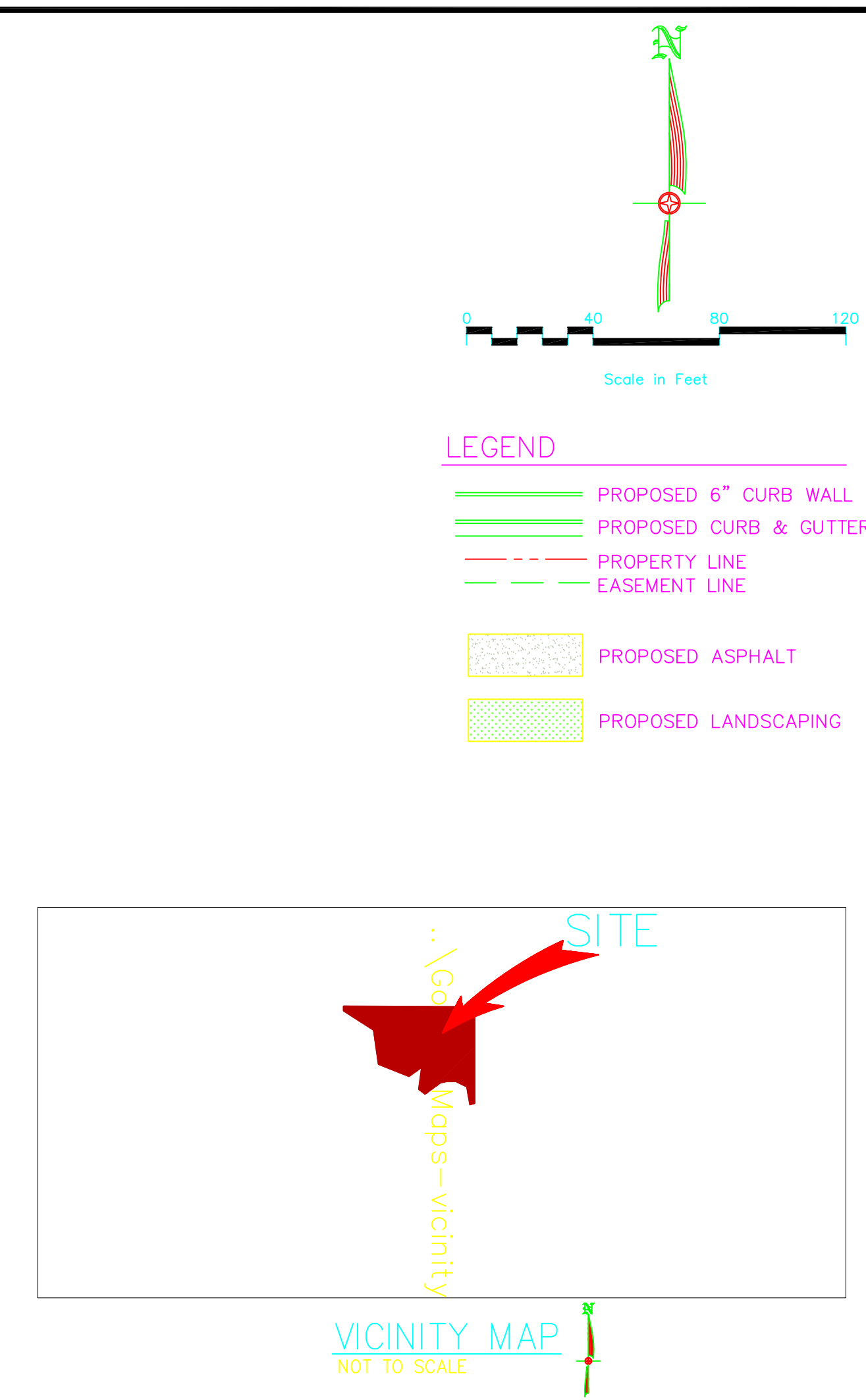
1. Fire Protection System as required for facility type.
2. Roof drains as required, and overflow drains are to be placed 18" off of finished grade.
3. Gas lines as required.

Interior Information:

1. Flooring to include:
 - a. Sealed Concrete – Concrete to receive sealant and all joints caulked and filled.
 - b. Main office waiting area, Level 2 corridor offices conference room to receive carpet tile
 - c. Restrooms to receive porcelain tile floor with ceramic wainscot up to 5'-0" painted gyp above wainscot.
 - d. Break room to get LVT
 - e. Stairs to be concrete w/ metal pan
2. Wall Insulation:
 - a. Provide a R-13 Rigid Wall Insulation – Thermax Light Duty White Vinyl or equal with white taped joints. Insulation to run from Deck to Floor or in accordance with comcheck. First 8'-0" to have painted ply wood applied.

Please Include the following items as alternates:

- Provide line item for aluminum air line system with drops at shown desired locations.



PROJECT AREAS:		SQ. FT. / ACRES
TOTAL TRACE	290,980	SQ. FT. / 6.68 ACRES
LOT 1	98,010	SQ. FT. / 2.25 ACRES
LOT 2	28,750	SQ. FT. / 0.66 ACRES
LOT 3	28,314	SQ. FT. / 0.65 ACRES
LOT 4	38,768	SQ. FT. / 0.89 ACRES
ROW DEDICATION	33,105	SQ. FT. / 0.76 ACRES
SLOPE AREA DEDICATION	50,530	SQ. FT. / 1.16 ACRES

NOTE:
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

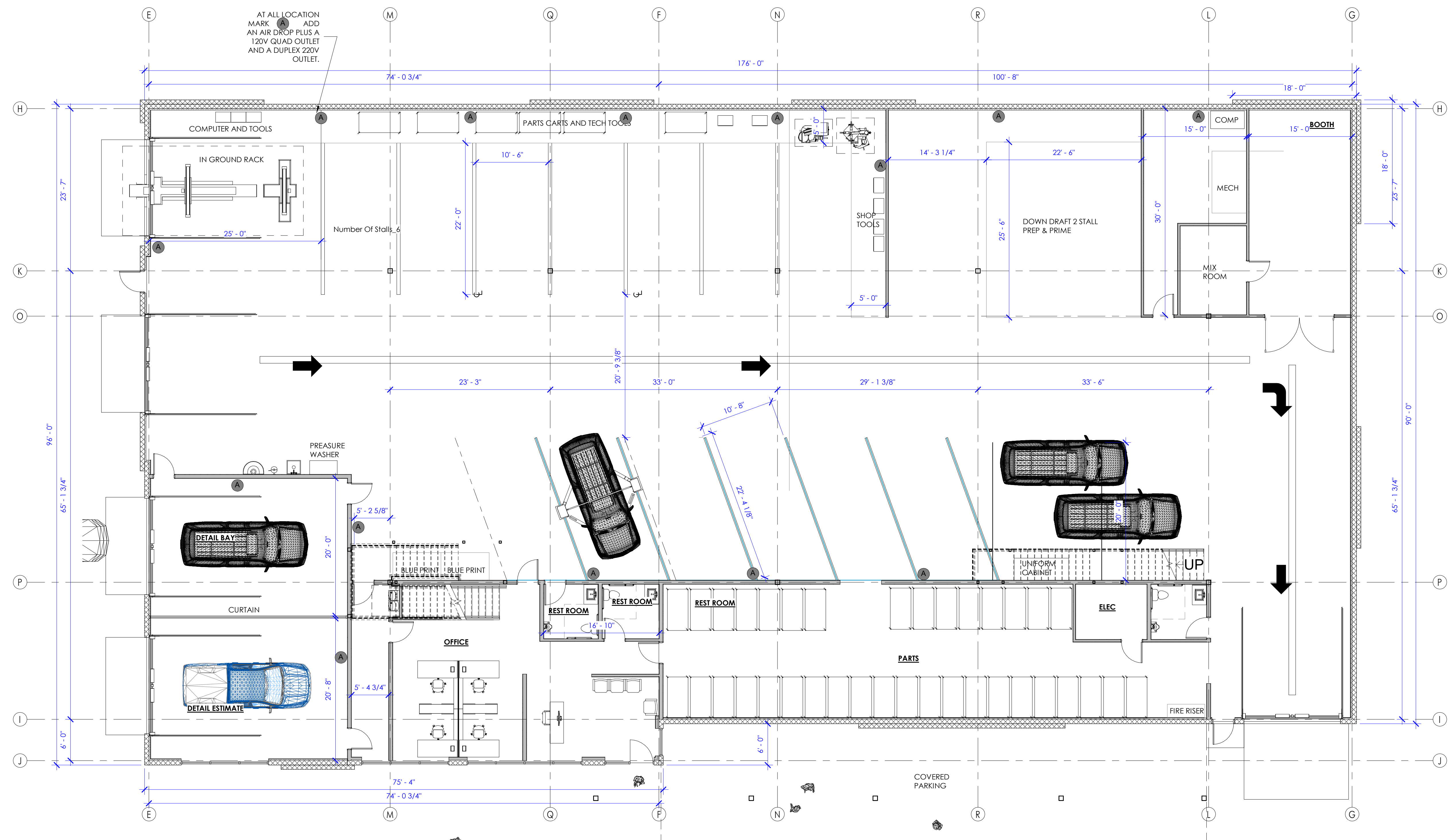
DESIGNER: SDT		PROJECT ENGINEER: SDT	
NO.	REVISIONS	BY	DATE

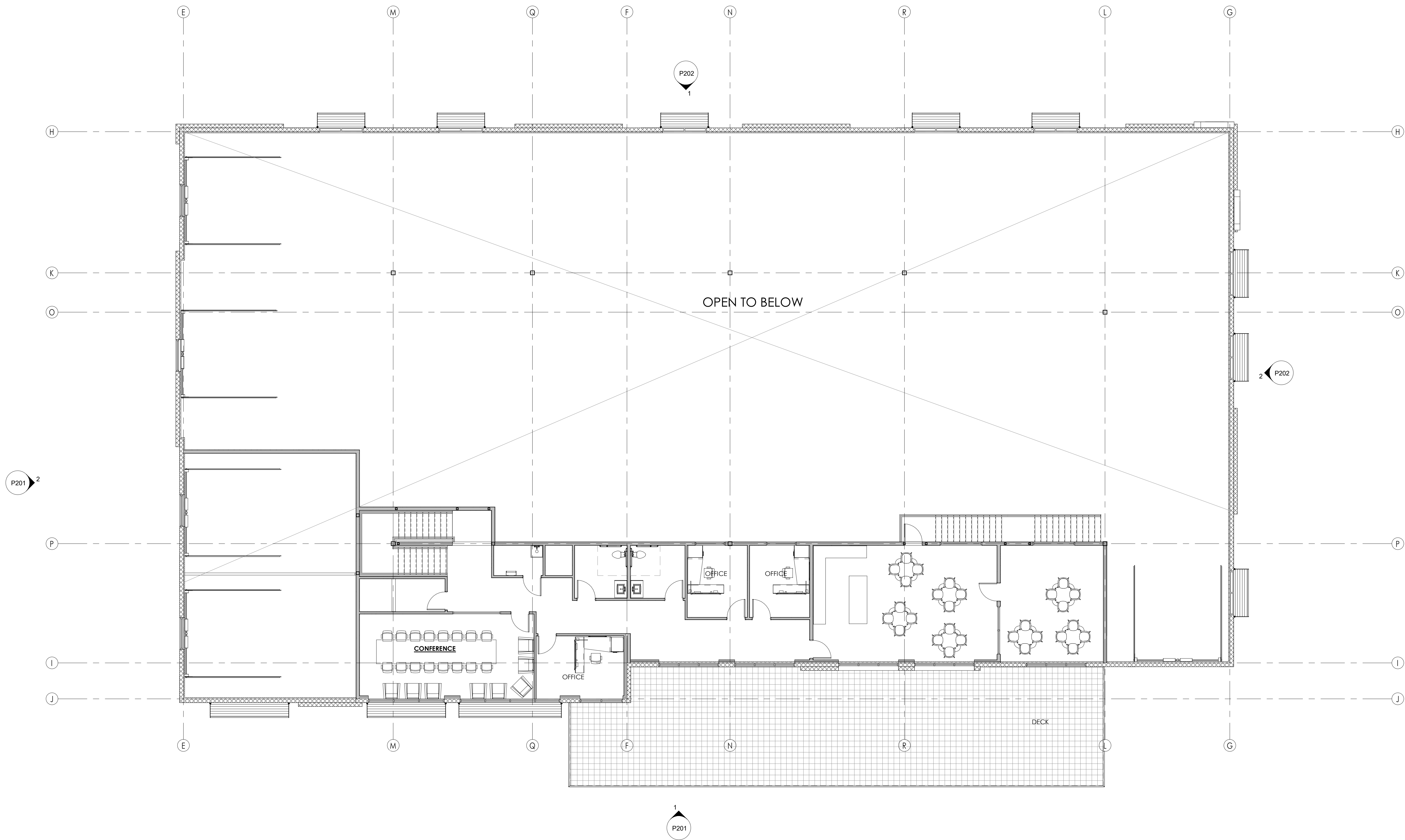
CIR
ENGINEERING, L.L.C.
3032 SOUTH 1030 WEST, SUITE 202
SLC, Utah 84119 - 801-849-6296

TREVOR SHARP EAGLE MOUNTAIN
PORTER CROSSING PKWY, EAGLE MOUNTAIN, UTAH
CONCEPT EXHIBIT

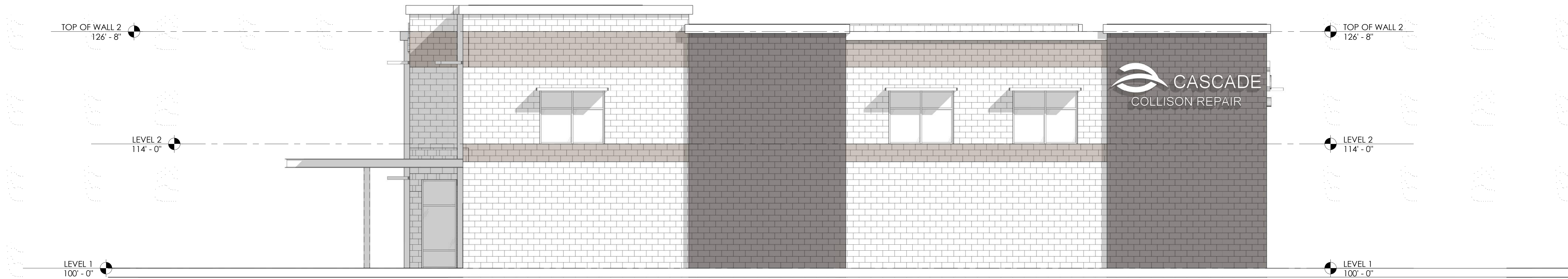
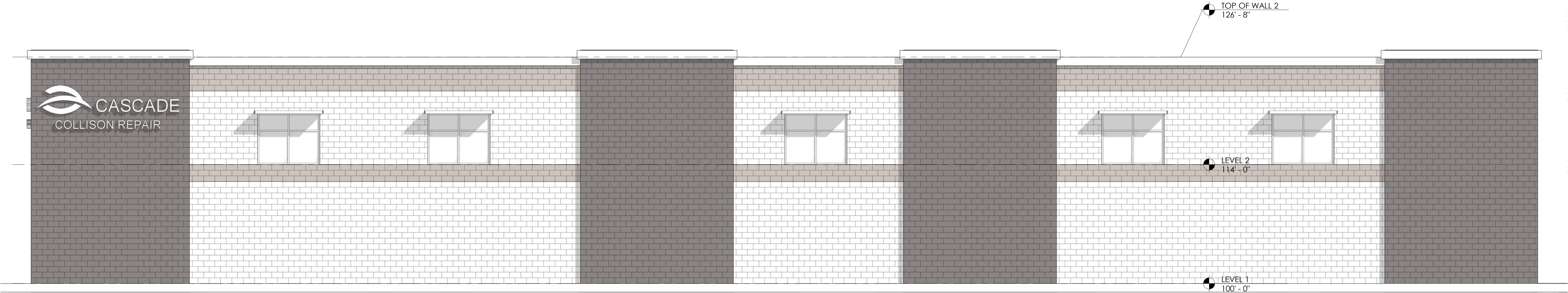
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EXH	
PROJECT ID	DATE:
A-1000	07/13/20
FILE NAME:	SCALE:
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Hwy 89

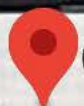
CoDev

Emmersion

89

N 1200 E

E Sta



Cascade Collision Repair



AutoZone Auto Parts
Auto parts store

N 1200 E



Western Union



El Mexiquense Grill
Takeout & Delivery



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	Parkway Plaza (Concept Plan)
ITEM TYPE:	Concept Plan
APPLICANT:	Jon Jensen

ACTION ITEM:

Yes

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

The commercial concept plan includes two buildings of three commercial spaces each on 1.52 acres of undeveloped land on the northwest corner of N Ranches Parkway and E Stonebridge Lane. The property is within The Ranches which was part of a master development plan and agreement that have since expired.

The city is currently working on rezoning commercial properties in The Ranches Master Development Plan to the relevant current commercial zoning districts. Depending on the timing of the applicant's request for site plan approval, the applicant may need to submit a rezone application if the city hasn't completed the rezoning process at that time.

The intended zoning district for the subject property is Commercial Community (CC).

ITEMS FOR CONSIDERATION:

ZONING

This parcel is designated as Community Commercial land use on the City's Future Land Use and Transportation Map. The subject property is within The Ranches, however, that development's Master Development Plan and Agreement have expired and all vested rights are no longer valid. The City is currently putting together a proposal rezone commercial properties in The Ranches to meet current zone designations. The proposed zoning district for the subject property is Commercial Community (CC). If the applicant chooses to move forward with this project in the future before the City completes the rezone process of commercial properties, the applicant will need to submit a rezone application along with the site plan application.

FIRE

In general, there were no concerns raised related to fire access and protection other than a notation that a new fire hydrant will need to be installed at the access point to the property.

PARKING (EMMC 17.55)

The concept plan includes 54 parking spaces. If all six tenant spaces are used for retail purposes, the parking requirement would be a minimum of 47 spaces. The concept however includes at least two drive-through restaurants. If the uses are four retail spaces and two drive-through restaurants, the minimum required off-street parking would be 69 spaces. Additionally, the current parking row at the western edge of the property does not comply with EMMC 17.55.080(C) and will need a landscape island to break up the long row of parking spaces.

PEDESTRIAN SAFETY AND ACCESS

A pedestrian crossing between the two buildings would help to improve pedestrian safety in the parking lot.

ARCHITECTURAL STANDARDS (EMMC 17.72)

The concept plan does not demonstrate required building articulation for the two buildings. The applicant should review and incorporate the commercial design requirements in EMMC 17.72 for their site plan application.

While the trash enclosure is properly sited away from view from the streets (EMMC 17.72.040(L)), its location may be difficult for truck access. It may be necessary to turn this enclosure at an angle to improve access.

Based on the current layout, there is excess parking lot at the center-left of the site as well as an unusable landscape island at the center-right. Per EMMC 17.72.030(D), sites should be designed in order to create functioning, usable spaces. If the parking areas directly adjacent to the buildings are adjusted, extra plaza space could be created along both buildings that could be utilized for seating or outdoor dining - while still providing adequate access for the drive-throughs.

REQUIRED FINDINGS:

There are no required findings for concept plan applications.

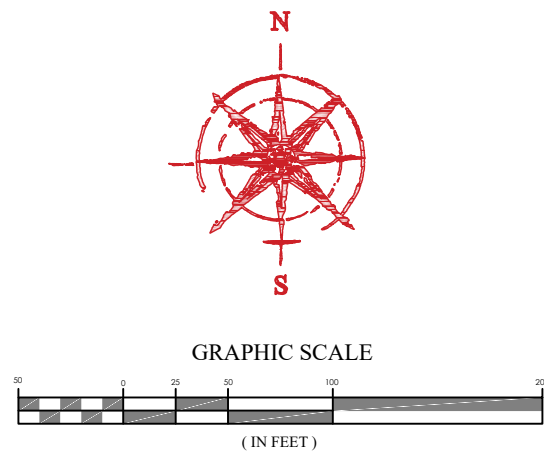
RECOMMENDATION:

The Planning Commission is recommended to review the concept plan and discuss the development intentions with the applicant. Any feedback provided by the Planning Commission is non-binding and may be used by the applicant and property owner to guide them in the preparation of subsequent development applications

ATTACHMENTS:

[Concept Plan](#)

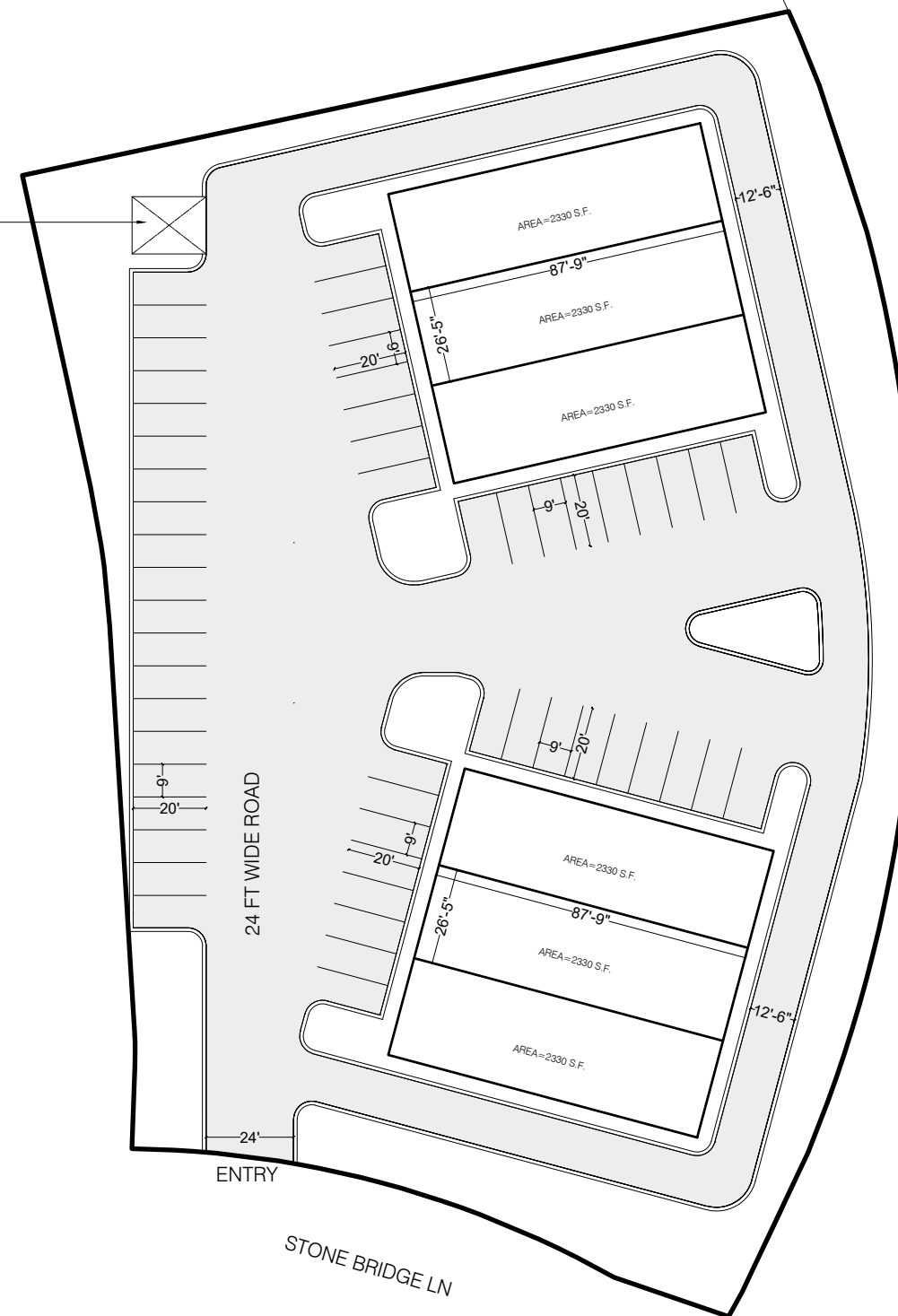
[City-Proposed Rezoning of Commercial Property \(The Ranches\)](#)



CONCEPT TABULATIONS

TOTAL ACREAGE	±66,162 SQ.FT.
TOTAL STALLS	56
TOTAL ROAD AREA	29,680 SQ.FT.
BUILDING 1 AREA	7,230 SQ.FT.
BUILDING 2 AREA	7,230 SQ.FT.

DUMPSTER



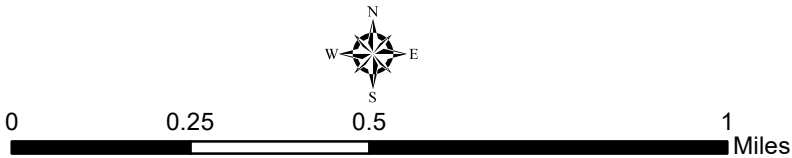
EAGLE MOUNTAIN PROJECT OPTION 3

EAGLE MOUNTAIN PROJECT
09/09/2020



**Proposed Zoning
Designations**

-  Commercial Neighborhood
-  Commercial Community



Disclaimer: Eagle Mountain City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Eagle Mountain City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.

Contact Eagle Mountain City
Engineering/GIS Department
801-789-6662



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment for Zoning and Lot Transitions (EMMC 17.60)
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

Based on recent applications for property development, the Planning Commission sought a way to better define and outline appropriate transitions between the various zoning districts in the development code. The proposed zoning transition table provides a listing of which zones can appropriately be placed adjoining to other zoning districts. This type of transition is best incorporated into EMMC 17.60.

EMMC 17.60 currently also includes lot size transitioning which identifies the requires lot size transitions that can be permitted within and between residential zoning districts. As part of the code amendment to include the zoning transition table, this amendment also includes updates to the lot size transition tables to better reflect the lot sizes established by the current residential zoning districts.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid of reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the proposed code amendments to EMMC 17.60 to the City Council as presented (or with minor changes as agreed upon at the meeting).

ATTACHMENTS:

17.60 Landscaping Buffering Fencing and Transitioning - REDLINES

17.60 Landscaping Buffering Fencing and Transitioning - CLEAN

Chapter 17.60

Landscaping, Buffering, Fencing and Transitioning

17.60.010 What this chapter does.

This chapter promotes the health, safety, and general welfare of the public through the appropriate use of landscaping, buffering, ~~and~~ fencing, and lot and zone transitioning. [Ord. O-05-2008 § 2 (Exh. A § 12.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.1)].

17.60.020 Purpose.

Properly placed landscaping can lessen the impact of dust, heat, erosion, and wind. Landscaping and fencing are also encouraged when used as buffers and screens against undesirable views. Lot and zone transitioning protect property values, enhance land use compatibility, and designate appropriate zone buffers. [Ord. O-05-2008 § 2 (Exh. A § 12.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.2)].

17.60.030 Improvements required.

All landscaping, buffering, and fencing requirements of this chapter shall apply to all newly constructed buildings (with the exception of single-family residences) and any structure that is being expanded or altered. Lot transitioning shall apply to all residential uses. Zone transitions shall apply to all zones and uses. [Ord. O-05-2008 § 2 (Exh. A § 12.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.3)].

17.60.150 Lot size transitioning.

New subdivisions that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or Camp Williams and BLM properties shall have lots that transition in accordance to the following standards:

A. Existing Subdivisions and Master Development Plans of Lower Density. All new developments that are proposing higher densities than existing or vested adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(1) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Table 17.60.150(1)

Lot Size Transitioning from Larger Lots to Smaller Lots						
Lot Size	1st-adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent lot minimum
4+ Acres	2 Acres	1 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier II	No Additional Buffering Required
3.99—1 Acre	1 Acre	1/2 Acre	1/4 Acre	Small Single-	No Additional Buffering Required	

				Family or Tier III	
.99 – .51 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier III	No-Additional-Buffering-Required	
.49 – .25 Acre	1/4 Acre	No-Additional-Buffering-Required			
Small Lot/Tier III	No-Buffering-Required				

Lot Size Transitioning from Larger to Smaller									
Lot Size	Minimum Lot Size for Adjacent Lots								
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th
5+ Acres	2.5 Acres	1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2
4.99 – 2.5 Acres	1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2	
2.49 – 1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2		
0.99 – 0.5 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2			
0.49 – 0.33 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2				
0.32 – 0.24 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2					
0.23 Acre – 8,500 sq ft	6,000 sq ft	MF1	MF2						
6,000 sq ft	MF1	MF2							
MF1	MF2								

B. Existing Subdivisions and Master Development Plans of Higher Density. All new developments that are proposing lower density than existing or vested adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(2) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Table 17.60.150(2)

Lot Size Transitioning from Smaller Lots to Larger Lots

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Lot-Size	1st-adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent lot minimum
Condo	Small Single-Family or Tier III	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required
Small Lot/Tier III	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No-Additional-Buffering Required	
.25 – .49 Acre	1/2 Acre	1 Acre	2 Acres			
.50 – 1 Acre	2 Acres					
1.1 – 3.99 Acre	No-Buffering Required					

Lot Size Transitioning from Smaller to Larger									
Lot Size	Minimum Lot Size for Adjacent Lots								
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th
MF2	MF1	6,000 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres
MF1	6,000 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres	
6,000 – 8,499 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres		
8,500 sq ft – 0.23 Acre	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres			
0.24 – 0.32 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres				
0.33 – 0.49 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres					
0.50 – 0.99 Acre	1 Acre	2.5 Acres	5+ Acres						
1 – 2.49 Acres	2.5 Acres	5+ Acres							
2.5 – 4.99 Acres	5+ Acres								

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From Large to small lots

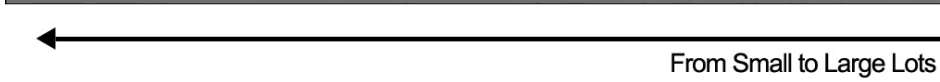


Figure 17.60.150(1) Lot Size Transitioning

C. Camp Williams or BLM. Proposed lots adjacent to Camp Williams or BLM land shall be a minimum of one acre in size. The planning commission may recommend and the city council may approve lots smaller than one acre in size when these bodies find that there have been adequate improvements to mitigate concerns with storm water runoff and wild land fires. All development within 1,000 feet of Camp Williams shall have a maximum density of 1.6 dwelling units per acre, and the minimum lot size shall be one-half acre.

D. Commercial Transitioning. Commercial developments adjacent to existing residential developments shall follow the buffering standards in Table 17.60.160(b) and provide walls that comply with the standards found in EMMC 17.60.110.

E. Modification of Lot Size Transitioning Requirement. The Planning Commission may recommend, and the City Council may approve, a modification to the requirements of EMMC 17.60.150 based on the

following: unique terrain, size and density of the project, allowance or incentives for larger lots, utility easements or power corridors, major road divisions, natural or artificial buffers, or open space buffers. [Ord. O-20-2017 § 2 (Exh. A); Ord. O-05-2008 § 2 (Exh. A § 12.15); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.15)].

17.60.160 Zones transitions.

The zone transition table found in Table 17.60.160(1) below identifies the compatible zones that may be adjacent to each zone. Each column is defined as:

A. Zone. The existing or proposed zone designation for the subject property.

B. Compatible Buffer. The permitted zones for land adjacent to the zone identified in the first column.

C. General Plan Category Compatibility. The future land use designation in the General Plan that the zone identified in the first column may be located within.

The “Zone Legend,” “Overlay Zone Legend,” and “General Plan Categories” found in Table 17.60.160(2) below are provided for reference.

Table 17.60.160(1)

<u>ZONE</u>	<u>COMPATIBLE BUFFER</u>	<u>GENERAL PLAN CATEGORY COMPATIBILITY</u>
<u>AG</u>	<u>RA1, RA2, RD1, RD2, FR, MEC, OS-I, OS-N</u>	<u>ARD1, ARD2, FR, OS, PO</u>
<u>RA1</u>	<u>AG, RA2, OS-I, OS-N</u>	<u>ARD1</u>
<u>RA2</u>	<u>AG, RA1, RD1, OS-I, OS-N</u>	<u>ARD1</u>
<u>RD1</u>	<u>AG, RA2, RD2, OS-I, OS-N</u>	<u>ARD2</u>
<u>RD2</u>	<u>AG, RD1, FR, R1, OS-I, OS-N</u>	<u>ARD2</u>
<u>FR</u>	<u>AG, RD2, R1, CN, OS-I, OS-N</u>	<u>FR</u>
<u>R1</u>	<u>RD2, FR, R2, CN, OS-I, OS-N</u>	<u>NR1</u>
<u>R2</u>	<u>R, R3, CN, OS-I, OS-N</u>	<u>NR1</u>
<u>R3</u>	<u>R2, RC, CN, OS-I, OS-N</u>	<u>NR1</u>
<u>RC</u>	<u>R3, MF1, MF2, CN, CC, OS-I, OS-N</u>	<u>NR2</u>
<u>MF1</u>	<u>RC, MF2, CN, CC, CR, CS, OS-I, OS-N</u>	<u>NR2, CC, CR</u>
<u>MF2</u>	<u>RC, MF1, CN, CC, CR, MEC, OP, CS, OS-I, OS-N</u>	<u>NR3, CC, CR, TCM</u>
<u>CN</u>	<u>FR, R1, R2, R3, RC, MF1, MF2, CC, MEC, OP, OS-I</u>	<u>CC, TCM</u>
<u>CC</u>	<u>RC, MF1, MF2, CN, CR, MEC, OP, LMD, OS-I</u>	<u>CC, ECC, TCM</u>
<u>CR</u>	<u>MF1, MF2, CC, MEC, OP, LMD, CS, OS-I</u>	<u>CR, ECC</u>
<u>MEC</u>	<u>AG, MF2, CN, CC, CR, OP, OS-I</u>	<u>ECC</u>
<u>OP</u>	<u>MF2, CN, CC, CR, MEC, OS-I</u>	<u>TCM, CC, CR, ECC</u>
<u>I</u>	<u>LMD, CS, OS-N</u>	<u>BPLI</u>
<u>LMD</u>	<u>I, CR, CC, CS, OS-N</u>	<u>BPLI</u>
<u>CS</u>	<u>MF1, MF2, CC, CR, I, LMD, OS-N</u>	<u>BPLI</u>
<u>OS-I</u>	<u>AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, CC, CN, CR, MEC, OP, OS-N</u>	<u>PO</u>

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<u>OS-N</u>	<u>AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, OP, I, LMD, CS, OS-I</u>	<u>PO</u>
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Table 17.60.160(2)

ZONE LEGEND			
<u>Rural Agricultural 1</u>	<u>RA1</u>	<u>Commercial Neighborhood</u>	<u>CN</u>
<u>Rural Agricultural 2</u>	<u>RA2</u>	<u>Commercial Community</u>	<u>CC</u>
<u>Rural Density 1</u>	<u>RD1</u>	<u>Commercial Regional</u>	<u>CR</u>
<u>Rural Density 2</u>	<u>RD2</u>	<u>Medical/Educational Campus</u>	<u>MEC</u>
<u>Foothill Residential</u>	<u>FR</u>	<u>Office Professional</u>	<u>OP</u>
<u>Residential 1</u>	<u>R1</u>	<u>Industrial</u>	<u>I</u>
<u>Residential 2</u>	<u>R2</u>	<u>Light Manufacturing/Distribution</u>	<u>LMD</u>
<u>Residential 3</u>	<u>R3</u>	<u>Commercial Storage</u>	<u>CS</u>
<u>Residential Cottage</u>	<u>RC</u>	<u>Improved Open Space</u>	<u>OS-I</u>
<u>Multi-Family 1</u>	<u>MF1</u>	<u>Natural Open Space</u>	<u>OS-N</u>
<u>Multi-Family 2</u>	<u>MF2</u>	<u>Agriculture</u>	<u>AG</u>
OVERLAY ZONE LEGEND			
<u>Ridgeline Protection Overlay</u>	<u>RL</u>	<u>Equine Overlay</u>	<u>EQ</u>
<u>Historical Site and Preservation Overlay</u>	<u>HP</u>	<u>Regional Technology and Industry Overlay</u>	<u>RTI</u>
<u>Extractive Industries Overlay</u>	<u>EIO</u>		
GENERAL PLAN CATEGORIES			
<u>Agricultural/Rural Density One</u>	<u>ARD1</u>	<u>Town Center Mixed Use</u>	<u>TCM</u>
<u>Agricultural/Rural Density Two</u>	<u>ARD2</u>	<u>Regional Commercial</u>	<u>RC</u>
<u>Foothill Residential</u>	<u>FR</u>	<u>Employment Center/Campus</u>	<u>ECC</u>
<u>Neighborhood Residential One</u>	<u>NR1</u>	<u>Business Park/Light Industry</u>	<u>BPLI</u>
<u>Neighborhood Residential Two</u>	<u>NR2</u>	<u>Civic Uses</u>	<u>CU</u>
<u>Neighborhood Residential Three</u>	<u>NR3</u>	<u>Parks and Open Space</u>	<u>PO</u>
<u>Community Commercial</u>	<u>CC</u>		

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17.60.160-170 Tables.

[No changes to this section other than section title number]

17.60.~~170~~180 Diagrams.

[No changes to this section other than section title number]

Chapter 17.60

Landscaping, Buffering, Fencing and Transitioning

17.60.010 What this chapter does.

This chapter promotes the health, safety, and general welfare of the public through the appropriate use of landscaping, buffering, fencing, and lot and zone transitioning. [Ord. O-05-2008 § 2 (Exh. A § 12.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.1)].

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17.60.150 Lot size transitioning.

New subdivisions that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or Camp Williams and BLM properties shall have lots that transition in accordance to the following standards:

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Table 17.60.150(1)

Lot Size Transitioning from Larger to Smaller									
Lot Size	Minimum Lot Size for Adjacent Lots								
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th
5+ Acres	2.5 Acres	1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2
4.99 – 2.5 Acres	1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2	
2.49 – 1 Acre	1/2 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2		

0.99 – 0.5 Acre	1/3 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2	
0.49 – 0.33 Acre	1/4 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2		
0.32 – 0.24 Acre	8,500 sq ft	6,000 sq ft	MF1	MF2			
0.23 Acre – 8,500 sq ft	6,000 sq ft	MF1	MF2				
6,000 sq ft	MF1	MF2					
MF1	MF2						

B. Existing Subdivisions and Master Development Plans of Higher Density. All new developments that are proposing lower density than existing or vested adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(2) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Table 17.60.150(2)

Lot Size Transitioning from Smaller to Larger									
Lot Size	Minimum Lot Size for Adjacent Lots								
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th
MF2	MF1	6,000 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres
MF1	6,000 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres	
6,000 – 8,499 sq ft	8,500 sq ft	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres		
8,500 sq ft – 0.23 Acre	1/4 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres			
0.24 – 0.32 Acre	1/3 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres				
0.33 – 0.49 Acre	1/2 Acre	1 Acre	2.5 Acres	5+ Acres					
0.50 – 0.99 Acre	1 Acre	2.5 Acres	5+ Acres						

1 – 2.49 Acres	2.5 Acres	5+ Acres	
2.5 – 4.99 Acres	5+ Acres		

From Large to Small Lots



From Small to Large Lots

Figure 17.60.150(1) Lot Size Transitioning

C. Camp Williams or BLM. Proposed lots adjacent to Camp Williams or BLM land shall be a minimum of one acre in size. The planning commission may recommend and the city council may approve lots smaller than one acre in size when these bodies find that there have been adequate improvements to mitigate concerns with storm water runoff and wild land fires. All development within 1,000 feet of Camp Williams shall have a maximum density of 1.6 dwelling units per acre, and the minimum lot size shall be one-half acre.

D. Commercial Transitioning. Commercial developments adjacent to existing residential developments shall follow the buffering standards in Table 17.60.160(b) and provide walls that comply with the standards found in EMMC 17.60.110.

E. Modification of Lot Size Transitioning Requirement. The Planning Commission may recommend, and the City Council may approve, a modification to the requirements of EMMC 17.60.150 based on the following: unique terrain, size and density of the project, allowance or incentives for larger lots, utility easements or power corridors, major road divisions, natural or artificial buffers, or open space buffers. [Ord. O-20-2017 § 2 (Exh. A); Ord. O-05-2008 § 2 (Exh. A § 12.15); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.15)].

17.60.160 Zones transitions.

The zone transition table found in Table 17.60.160(1) below identifies the compatible zones that may be adjacent to each zone. Each column is defined as:

A. Zone. The existing or proposed zone designation for the subject property.

B. Compatible Buffer. The permitted zones for land adjacent to the zone identified in the first column.

C. General Plan Category Compatibility. The future land use designation in the General Plan that the zone identified in the first column may be located within.

The “Zone Legend,” “Overlay Zone Legend,” and “General Plan Categories” found in Table 17.60.160(2) below are provided for reference.

Table 17.60.160(1)

ZONE	COMPATIBLE BUFFER	GENERAL PLAN CATEGORY COMPATIBILITY
AG	RA1, RA2, RD1, RD2, FR, MEC, OS-I, OS-N	ARD1, ARD2, FR, OS, PO
RA1	AG, RA2, OS-I, OS-N	ARD1
RA2	AG, RA1, RD1, OS-I, OS-N	ARD1
RD1	AG, RA2, RD2, OS-I, OS-N	ARD2
RD2	AG, RD1, FR, R1, OS-I, OS-N	ARD2
FR	AG, RD2, R1, CN, OS-I, OS-N	FR
R1	RD2, FR, R2, CN, OS-I, OS-N	NR1
R2	R, R3, CN, OS-I, OS-N	NR1
R3	R2, RC, CN, OS-I, OS-N	NR1
RC	R3, MF1, MF2, CN, CC, OS-I, OS-N	NR2
MF1	RC, MF2, CN, CC, CR, CS, OS-I, OS-N	NR2, CC, CR
MF2	RC, MF1, CN, CC, CR, MEC, OP, CS, OS-I, OS-N	NR3, CC, CR, TCM
CN	FR, R1, R2, R3, RC, MF1, MF2, CC, MEC, OP, OS-I	CC, TCM
CC	RC, MF1, MF2, CN, CR, MEC, OP, LMD, OS-I	CC, ECC, TCM
CR	MF1, MF2, CC, MEC, OP, LMD, CS, OS-I	CR, ECC
MEC	AG, MF2, CN, CC, CR, OP, OS-I	ECC
OP	MF2, CN, CC, CR, MEC, OS-I	TCM, CC, CR, ECC
I	LMD, CS, OS-N	BPLI
LMD	I, CR, CC, CS, OS-N	BPLI
CS	MF1, MF2, CC, CR, I, LMD, OS-N	BPLI
OS-I	AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, CC, CN, CR, MEC, OP, OS-N	PO
OS-N	AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, OP, I, LMD, CS, OS-I	PO

Table 17.60.160(2)

ZONE LEGEND			
Rural Agricultural 1	RA1	Commercial Neighborhood	CN
Rural Agricultural 2	RA2	Commercial Community	CC
Rural Density 1	RD1	Commercial Regional	CR
Rural Density 2	RD2	Medical/Educational Campus	MEC

Foothill Residential	FR	Office Professional	OP
Residential 1	R1	Industrial	I
Residential 2	R2	Light Manufacturing/Distribution	LMD
Residential 3	R3	Commercial Storage	CS
Residential Cottage	RC	Improved Open Space	OS-I
Multi-Family 1	MF1	Natural Open Space	OS-N
Multi-Family 2	MF2	Agriculture	AG
OVERLAY ZONE LEGEND			
Ridgeline Protection Overlay	RL	Equine Overlay	EQ
Historical Site and Preservation Overlay	HP	Regional Technology and Industry Overlay	RTI
Extractive Industries Overlay	EIO		
GENERAL PLAN CATEGORIES			
Agricultural/Rural Density One	ARD1	Town Center Mixed Use	TCM
Agricultural/Rural Density Two	ARD2	Regional Commercial	RC
Foothill Residential	FR	Employment Center/Campus	ECC
Neighborhood Residential One	NR1	Business Park/Light Industry	BPLI
Neighborhood Residential Two	NR2	Civic Uses	CU
Neighborhood Residential Three	NR3	Parks and Open Space	PO
Community Commercial	CC		

17.60.170 Tables.

[No changes to this section other than section title number]

17.60.180 Diagrams.

[No changes to this section other than section title number]



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment for Master Development Plans and Agreements (EMMC 16.10)
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

The Planning Commission and City Council have sought to revise and update the requirements for master development plans and agreements based on previous project proposals that have been submitted to the City. The proposed amendments help to fill in some of the questions and process flow that have been identified over the years. Additionally, the amendment sets standards for all master development agreements going forward.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid of reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the proposed code amendments to EMMC 16.10 to the City Council as presented (or with minor changes as agreed upon at the meeting)

ATTACHMENTS:

[16.10 Master Development Plans - REDLINES](#)

[16.10 Master Developments - CLEAN](#)

Chapter 16.10

Master Development ~~Plans~~

16.10.010 ~~What this chapter does~~Purpose.

This chapter establishes the requirements and review and approval processes for master development ~~s plans, master development plan agreements and required information to be submitted.~~ [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.1)]. As a growing city, master developments provide the community a way to better understand, plan for, and approve large development areas. Master developments help to ensure that these projects relate well to surrounding uses while also establishing public investments and benefits for the development and community.

~~16.10.020 Purpose.~~

~~Development of large tracts of land requires careful, detailed, and well-informed coordinated land use planning and additional planning, design and funding by or on behalf of the city for roads, water, sewer, dry utility infrastructure, parks and other kinds of public facilities and services to serve the public interest. It also involves major investments in land and infrastructure, which often take place before it is feasible for a developer to file an application specific enough to obtain development approval for a subdivision, site plan, building permit, etc. There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an economic analysis. Dependent upon the location of existing utilities and project size, the master development plan process may require all three plans to be reviewed and approved simultaneously.~~

~~A. Land Use Plan—Zoning Districts. Approval of a land use and zoning plan for a specified geographic area that is being proposed for development;~~

~~B. Utility Plan—Required Infrastructure. All off-site utilities and other public infrastructure that will be required to be installed in order to service the proposed development, including an estimated demand on all city utility systems;~~

~~C. Economic Analysis—Funding Mechanisms. Funding mechanisms to provide for all off-site utilities and other public infrastructure. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.2)].~~

16.10.~~030-020~~ Master development ~~plans approval~~ required.

Master development approvals are required for any development project that meets the criteria below. Master developments require the approval of a master development plan (MDP) and master development agreement (MDA).

A. ~~Parcel Projects~~ in Excess of ~~160-50~~ Acres. A master development approval plan ~~containing a land use plan, utility plan, and economic analysis~~ shall be required of any development ~~that is~~ in excess of ~~160-50~~ acres in size ~~or which has a gross density of 5.21 dwelling units per acre or higher. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered the same property for the purpose of this requirement. In such cases where multiple~~

~~property owners of contiguous land propose development together, such parcels shall be considered the same property for the purpose of this requirement. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development plans.~~

B. Projects in Excess of 200 Acres. Any proposed development of more than 200 acres in size must divide the project into separate master development applications of 200 acres or less. A master development approval may be granted, based on the criteria outlined in this chapter, in a phased approach in order to ensure adequate build out within the defined timeframe and benchmarks of an approved MDA before approving additional master developments of the larger project.

C. Property Ownership. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development applications.

~~BD. Annexations. A master development plan approval shall be required for property that is in excess of 160-50 acres and is pending annexation into the corporate boundaries of the city for the purposes of immediate development. This requirement may be waived by the City Council if they determine that the project does not include off-site infrastructure and/or includes only one proposed zoning district for development. Land that is in excess of 160 acres not intended for immediate development may be annexed into the city and shall be zoned as agricultural-Agriculture and may be proposed for development through a master development plan required upon the development of the property approval process at a later date.~~

~~C. City Council Discretion. Notwithstanding the requirement for a master development plan for parcels in excess of 160 acres, tThe city City council Council may require, at its discretion, a master development plan application and approval for any development within the city. That criteria may include, but is not limited to: off-site infrastructure, more than one zoning district, ridgelines, unique open space, or potential impacts to other properties. In certain cases, the planning commission may recommend that the city council waive the land use plan, utility plan, or economic analysis of the master development plan process depending upon the size of the parcel and location of the property to existing utilities. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].~~

16.10.040-030 General considerations.

The following general considerations apply to all proposed master development ~~s~~ plans:

A. ~~Densities and~~ Zoning Districts. ~~In granting approval of a master development plan, the city allows a developer or owner to vest the right to a specified use, or range of uses, and density, or range of densities, within a specified area.~~ A master development plan-proposal is a zoning-changerezone request and must contain specific proposed zoning districts and site use designations authorized by EMMC Title 17 for ~~each proposed major phase of the proposed master development plan and~~ all land within the ~~plan areamaster development. An application for a master development shall be processed as an application for a rezone request pursuant to EMMC 17.90.~~

B. ~~Zoning Map and~~ General Plan Amendments. If the proposed zoning, land uses, and/or major roads in the master development do not comply with the current Future Land Use & Transportation Corridors Map, the application shall be processed as an application for a Future Land Use & Transportation Corridors Map Amendment.~~An application for approval of a master development plan shall be~~

~~processed as an application for a zoning map amendment and general plan future land use plan and transportation corridor map amendment if necessary.~~

~~C. Master Development Plan. As outlined in this chapter, the application materials act as the MDP and guiding documents for the proposed development of the property. As the MDP is finalized through the review and approval process, the MDP will be used as a basis for the MDA.~~C. Licensed Professionals. Every master development plan, including all phases of future development, shall have professionally licensed engineers, landscape architects, and other design professionals directly involved in the project that shall be available during presentations to the planning commission and the city council. Review of applications for the approval of master development plans shall be guided by the criteria established in this title.

~~D. Development Approvals. Approval of a master development plan does not constitute approval to proceed with development. A developer is required to obtain subdivision and development approvals required by this title and other city ordinances. Separate permits or approvals are required to grade property, excavate, install utilities, subdivide or otherwise improve property as dictated by state statutes and the city's ordinances.~~

~~ED. Master Development Agreement. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, bonus density systems and phasing of the development shall be executed upon approval of the master development plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)]. An MDA will be executed between the applicant and City to specify the land uses, zoning, traffic circulation, public and private funding obligations, construction of public and private infrastructure and amenities such as trails and parks, impact fees or other development credits and obligations, off-site utility construction, excavation material processing, allowed earth removal methods, and phasing of the master development.~~

16.10.050-040 Application.

Property owners or their duly authorized agent shall make application for a master development ~~plan on forms prepared by the planning director to the planning department. A complete master development application includes the application form, all elements listed in this section below, and the application fee. No master development plan application shall be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.~~

A. Supporting Materials. All master development ~~plan~~ applications shall contain, at a minimum, the following information: ~~The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.~~

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject ~~parcel property~~ with relation to the other major areas of the city.
3. Traffic Plan. A plan showing the major street layout, street construction phasing, with and detailed traffic study prepared by a traffic engineer. Roadways included in the city's current

transportation plan within one-quarter mile of the project as well as within the project must be included in the traffic plan.

~~4. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of all property owners located within 600 feet of the proposed master development plan area (including a minimum of at least 25 adjacent property owners).~~

~~4. Fee. The processing application fee required by the current consolidated fee schedule approved by the city ~~City council~~ Council and public notice fee (to be calculated and paid prior to the first public meeting).~~

~~5. Project Team. A list of project team members including licensed professionals (engineers, landscape architects, etc.) directly involved in the project that shall be available during presentations to the Planning Commission and City Council.~~

B. Land Use Plan. Master development ~~plans applications that are required to submit~~ shall include a land use plan ~~shall submit the following in addition to the items identified in subsection A of this section that identifies the following:~~

1. Existing Conditions. A map showing the current zoning designations including all existing zoning and zoning overlay districts on the property along with existing physical characteristics of the site including waterways, natural washes, historical sites and features, areas with greater than 25% slope, geological information, fault lines, general soil data, and contour data at two-foot intervals.

2. Compatibility Statements. A statement explaining how the proposed development is compatible with surrounding land uses and other areas of the city and how internal compatibility will be maintained.

3. Environmental Impact Report. ~~Five~~ An environmental impact reports ~~and an electronic copy in an acceptable format~~ detailing potential impacts of the proposal on existing vegetation and wildlife, watercourses, sources of water, waste generation, noise, etc. Sensitive lands, historical sites, and endangered plants should be identified. ~~The planning director shall establish a format for this submission and identify those areas requiring specific attention.~~

~~4. Proposed Land Use and Zoning Map. A map together with a general description of the proposed development indicating the general development pattern, land uses, proposed densities, open spaces, parks and recreation, trails and any other important elements of the project. A map with details of the proposed development indicating the:~~

~~a. General development pattern – Phasing shall generally begin near existing roads and infrastructure and then move towards undeveloped areas;~~

~~b. Land uses – This shall include roads, water retention/detention, open spaces, parks and recreation, trails;~~

~~c. Proposed zoning districts – All proposed zoning districts shall be identified on a project map. The zoning districts are not required to be in a grid/box format and are~~

encouraged to follow natural contours and progression of development transitioning according to EMMC 17.60; and

4-d. Any other important elements of the project.

~~5. Zoning Districts. A compatibility statement that demonstrates compliance with the zoning district that exists on the subject property or the zoning district that is being proposed for the subject property.~~

~~6.5. Parks and Open Space Trail Plan. A plan showing the maps indicating how the proposed master plan development will comply with the city's City's current open space, parks, trails and recreation regulations Parks, Trails, and Open Space Master Plan. If any parks, open space, and/or trails will be developed in phases, the proposed phasing shall be outlined.~~

C. Utility Plans. Master development ~~plans applications that require a utility plan shall submit the following items in addition to those identified in subsection A of this section~~ shall include the following utility plans:

1. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan showing ~~the existing~~ roadways, drainage ways, vegetation, and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
 - a. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
 - b. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
 - c. A general discussion ~~description~~ of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
 - d. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils, ~~and~~ greases, and other pollutants are separated from storm water.
2. Infrastructure Map. A map showing the existing and proposed infrastructure including ~~proposed~~ roadways, utility locations and capacities, and the estimated impacts of the ~~proposed~~ master development ~~plan~~ on all public utilities including potable water, irrigation water, wastewater, transportation, fire protection, and solid waste, ~~parks and recreation demands of the proposed project.~~

D. ~~Economic Infrastructure Funding~~ Analysis. ~~Master development plans that require an economic analysis shall submit the following items in addition to those identified in subsection A of this section:~~

~~1. Financing Infrastructure. An financing infrastructure financing report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan development.~~ Engineering estimates of construction costs, based upon recent expenses incurred for

similar facilities in the area, may be used. The financial element may suggest the use of special improvement districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the ~~city~~City or the use of public finance authorization legally and practically available to the ~~city~~City. The plan shall include the use of property collateral of the development ~~proponent-applicant~~ to assure the ~~city~~City that the proposal will not unduly burden the ~~city~~City, adjoining landowners who will not voluntarily participate in the project, or other property owners in the city. The plan must show that the required infrastructure can be constructed by the developer or jointly by the city and the developer using the funding provided by the ~~developer-applicant~~ sponsored by publicly authorized financial methods proposed in the plan. ~~{Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.5)}~~.

16.10.050 Waivers.

An applicant may request in writing a waiver of specific required elements of a master development application or waiver from requirement of a master development approval.

A. Waiver for Elements of the Application.

1. At the time an application is submitted, the applicant must include a written request of any item they seek to not include or create as part of their application. The request shall include a brief description as to why the element does not apply to the proposed project.
2. During the review process as outlined in EMMC 16.10.060, the Planning Commission and City Council will review the request for the waiver along with the other submitted materials. The City Council may approve the request for the waiver, or if denied, the applicant will then be required to submit the outstanding materials which then will require review following the process outlined in EMMC 16.10.060.

B. Waiver of Requirement for Master Development Approval.

1. Upon submission of a written request to waive the requirement for master development approval, the Planning Commission will hold a public hearing to review the request. The Planning Commission will then make a recommendation to the City Council.
2. The City Council will hold a public hearing to review the waiver request and take final action to approve, amend, or reject the waiver request.

C. Criteria to Approve a Request for Waiver. The City Council may approve a request for waiver of either items listed above upon finding of one or more of the following:

1. The project's concept plan review (pursuant to EMMC 16.15) received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or

4. The strict application of EMMC 16.10 would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or pre-existing easement restrictions.

16.10.060 ~~Approval~~ Review and approval process.

Upon the completion of a concept plan ~~pursuant to EMMC 16.15, the developer shall~~ an applicant may file a ~~properly completed~~ master development ~~plan~~ application following the requirements of EMMC 16.10.040. The master development ~~plan~~ application shall not be construed as an absolute right upon submission ~~of an application~~ and does not require the approval body to take action based upon findings of facts. The master development is not valid and approved until the MDA is executed.

The City shall review the application in accordance with the following procedure~~The planning commission and city council shall review and take action on proposed master development plans in accordance with the following procedure:~~

A. Development Review Committee. Upon receipt of a complete master development application, a staff review by the Development Review Committee (DRC) with the applicant will be scheduled. The review will provide initial feedback and items for revision for the applicant to take into consideration prior to the public review. Additional DRC reviews may be necessary, depending on the feedback and requested changes.

AB. Planning Commission Review. Upon receipt of a complete master development plan application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed master development plan area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes. Upon completion of the DRC review process, the planning department shall schedule the application for a public hearing before the Planning Commission. The Planning Commission shall conclude their hearing with a recommendation of action to the City Council.

B. City Council Review. The city council, after receiving a recommendation from the planning commission, shall also conduct a public hearing. The notice requirements for this hearing are identical to the planning commission hearing. Upon completion of the Planning Commission review process, the City Council shall conduct a public hearing on the application.

1. If the City Council approves the MDP, the process will move forward to an MDA.
2. If the City Council denies the MDP, the applicant may apply for a master development on the property after one year from the date of denial, unless the City Council finds that there has been a substantial change in the application, circumstances, or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. Any future application will be considered a separate application and must follow the full application and review process as outlined in this chapter.

~~CD. Master Development Agreement. Prior to taking final action on a proposed master development plan, the city council shall also approve a master development plan agreement negotiated with the developer. This agreement shall set forth the vesting granted to the property, phasing of the development, expiration date of the agreement, timing of construction of public improvements, maintenance of improvements, and any other special conditions relating to lot design, performance standards, necessary off-site conditions or improvements, shared open space, parks, location of utilities, physical characteristics of the subject property and any other conditions or methodologies that need to be identified within the development agreement. An initial agreement shall be drafted by the City. Review of the agreement will take place first at the staff level. The agreement will then be reviewed at a public meeting held by the Planning Commission which will provide a recommendation to the City Council. The agreement review will conclude with a public meeting by the City Council which will then take action on the agreement and authorize staff to finalize the agreement and mayor to execute. Depending on the scale and scope of the project, the City Council may request a third-party legal review of the final agreement for compliance with local, state, and federal laws prior to executing the agreement. The agreement shall meet all requirements of EMMC 16.10.080.~~

~~D. Preliminary Plat Approval. An approved master development plan map may serve as a preliminary plat, allowing the project to proceed to final platting, if it provides the same level of detail as a preliminary plat with respect to each of the requirements found in Chapter 16.20 EMMC, Preliminary Plats.~~

~~The applicant shall inform the planning commission and the city council of their desire for a master development plan to serve as a preliminary plat at the time of application. [Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].~~

16.10.070 Criteria for ~~review of master development plans~~approval of MDPs.

~~A Master master development plans application~~ shall be evaluated using the following criteria. The ~~planning Planning commission Commission~~ and ~~city City council Council~~ will determine compliance with these criteria:

A. General Criteria.

1. Slope. Is the slope of each area designated for ~~a particular use or density~~development suitable for ~~that use or density~~the intended development? Does the application restrict development from areas with a slope greater than 25%?
2. Natural Hazards. Can the proposed ~~uses~~development reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. Does the application include development methods that will not accelerate runoff and erosion in a way that would have adverse downslope or downstream impacts?~~Given proper planning (as will be required at the time of an application for a major development permit), can the proposed uses and densities reasonably be established without accelerating runoff and erosion in a way that would have adverse downslope or downstream impacts?~~

4. Protection of Natural Channels and Ridgelines. Will the proposed ~~uses and densities~~development be reasonably compatible with the protection of natural channels and comply with the ridgeline protections as provided in EMMC 17.62, where applicable?
5. Flooding. Will the proposed ~~uses~~development be reasonably safe from flooding, including alluvial fan flooding?
6. Soil Characteristics. Is the soil in each area designated for ~~a particular use or density~~development generally suitable for that ~~use or density~~development? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of the Fairfield-Nephi Area, Utah, parts of Juab, Sanpete, and Utah Counties issued by the USDA Soil Conservation Service may be used in answering this question.

B. Criteria Related to Infrastructure.

1. Utilities. Can the proposed ~~uses and densities~~development be adequately served by ~~Eagle Mountain's planned municipal utilities existing and proposed utilities for the project area?~~
2. Streets. Does the street plan comply with the Transportation Master Plan? Can the proposed ~~uses and densities~~development be adequately served by ~~Eagle Mountain's planned network of major streets~~the City's Transportation Master Plan and the project's proposed local streets?
3. Water Rights. Is there legally enforceable documentation to the satisfaction of the city attorney that substantiates the ability of the developer to convey water rights to the ~~city~~City based on the ~~number of dwellings and commercial uses in the project and the area developed~~development need, including both building lots and common ~~usable~~improved open space?

C. Criteria Related to Compatibility.

1. Compatible ~~Densities~~Development – Adjacent Parcels. Will the proposed ~~uses and densities~~development be reasonably compatible with existing or planned uses on adjoining lands? Is the proposed plan consistent with the ~~Eagle Mountain City future land use plan map~~the City's Future Land Use Map or requested amendment? ~~The answer to these questions may be based on the standards established in EMMC 17.60.150 and 17.60.160. The answer to this question may be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.~~
2. Compatible ~~Densities~~Zones and Transitions – Internal Parcels. Will the proposed ~~uses and densities~~zones and residential lot size transitions be reasonably compatible with each other in accordance with EMMC 17.60.150 and 17.60.160? ~~The answer to this question shall be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.~~ Does the placement of proposed uses help buffer potentially incompatible uses from one another?
3. ~~Buffering Incompatible Uses. Does the placement of proposed uses and densities help buffer potentially incompatible uses from one another?~~

D. Criteria Related to Design.

1. Open Space.

- a. Does the proposed ~~densities-development~~ include the ~~planned-community~~ improved open space required by this title?
 - b. Does the proposed pattern of ~~uses-and-densities~~ development attempt to make effective use of the ~~planned-community~~ open space?
 - c. Does the development incorporate trails, parks, and other open spaces included in the City's Parks, Trails, and Open Space Master Plan?
 - 1-d. Does the plan attempt to combine open spaces into larger more usable parks and open spaces?
2. ~~Neighborhood Open Space. Are the proposed uses and densities consistent with the provisions of ample neighborhood open space? [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.7)].~~ Public Facilities. Does the proposed development include land designated for public uses including churches, schools, community centers, etc.?

16.10.080 Criteria for approval of MDAs.

The MDA shall include the following elements to ensure the method, timing, and requirements of construction throughout all phases of the master development. The MDA shall be a standard template originated by the City and modified as needed through the review process.

A. Development Rights and Responsibilities. The MDA shall include the approved development rights of the project and responsible parties for completion of project elements including but not limited to:

1. Vesting granted to the property;
2. Phasing of the development;
3. Construction and maintenance of public improvements;
4. Special conditions relating to lot design, necessary off-site conditions or improvements, open space and parks, location of utilities, physical characteristics of the property; and
5. Any other conditions or methodologies necessary for the master development's buildout.

B. Benchmarks. The applicant shall be required to take measurable action, upon the execution of the MDA through performance benchmarks including but not limited to:

1. A set time limit to apply for the first site plan and/or preliminary plat;
2. A set time limit from the approval of the first site plan and/or preliminary plat to begin site work;
3. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of curb, gutter, and road completion; and

4. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of open space, park, and/or trail completion.

C. Expiration of the Master Development. Master development approvals shall expire six (6) months from the date of approval by the City Council if an MDA has not yet been approved and signed by all applicable parties. MDAs shall:

1. Include an expiration of terms of the agreement with a set time limit determined at the approval of the MDA; and
2. Not extend longer than six (6) years from the signing of the agreement.

D. General Plan Compliance. A compatibility statement that confirms compliance with the City's Future Land Use Map, Master Transportation Plan, and General Plan documents.

E. Amendments and Extensions of Time. The MDA shall include sections for amendments and extensions of time to the MDA based on the requirements and allowances in this chapter at the time of the MDA approval.

16.10.090 Master development amendments.

A. Amendments. After a master development is approved and prior to completion of the full build out of the project, an amendment to the master development approval will require an approval for any proposed change to the MDP or MDA.

A proposed amendment may include, but is not limited to, changes that:

1. Alter the amount of land area for any use(s);
2. Require a rezoning of property;
3. Require an amendment to the General Plan's Future Land Use Map and/or Transportation Plan;
4. Require a plat amendment; or
5. Alter the timing of benchmarks or other terms in the MDA.

B. Amendment Review and Approval Process.

1. Application. An application for amendment must be submitted to the planning department. The application requirements will follow those outlined in EMMC 16.10.040, but will only require documents that are directly related to the particular amendment request.
2. Review. A review of the amendment request will follow EMMC 16.10.060.
3. Action. The City Council shall take the final action on the amendment request.

16.10.080-100 Expirations and extensions of approvals.

~~Master development plan approvals shall expire two years from the date of approval by the city council if a master development agreement has not yet been approved.~~

A. Expiration of Approval. A master development approval shall be determined to have expired when:

1. The MDA failed to be signed by both the City and the applicant(s); or
2. The term of the agreement has expired based on the set time limit.

AB. Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to the MDA expiration. An extension of time may be requested ~~by an applicant~~ with the following requirements:

1. A written, signed request for an extension ~~of time~~ shall be received by the planning ~~director~~ department at least three (3) months prior to the expiration date of the project.
2. The request ~~for an extension of time~~ shall specify any progress made on the project's MDA benchmarks and conditions of approval, ~~and~~ the reason(s) for the extension request, ~~along with and any~~ supporting documentation.

BC. Criteria for Approving Extensions of Time. The Planning Commission shall take final action on an extension of time request. The Planning Commission may approve up to two (2) two-year extensions of time to a master development that meets the following criteria. ~~It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:~~

1. The applicant ~~must have shown~~ has demonstrated a good faith effort to initiate the project by ~~systematically completing predevelopment conditions.~~ any applicable conditions and benchmarks; or
2. ~~The extension is necessary due to a delay in action by the City or other public agency. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.~~

CD. Appeals. An applicant may appeal of the planning director's ~~Planning Commission's decision.~~ final action on the extension of time request shall be submitted to the planning commission ~~City Recorder's Office~~ within fifteen (15) days of the date of the decision. The appeal will be considered by the City Council. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time. An appeal of the City Council's appeal decision shall be made to the district court within thirty (30) days of the City Council's decision.

~~D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O 16-2010 S 2 (Exh. A)].~~

Chapter 16.10

Master Developments

16.10.010 Purpose.

This chapter establishes the requirements and review and approval processes for master developments. As a growing city, master developments provide the community a way to better understand, plan for, and approve large development areas. Master developments help to ensure that these projects relate well to surrounding uses while also establishing the required public investments and benefits for the development and community.

16.10.020 Master development approval required.

Master development approvals are required for any development project that meets the criteria below. Master developments require the approval of a master development plan (MDP) and master development agreement (MDA).

A. Projects in Excess of 50 Acres. A master development approval shall be required for any development in excess of 50 acres in size.

B. Projects in Excess of 200 Acres. Any proposed development of more than 200 acres in size must divide the project into separate master development applications of 200 acres or less. A master development approval may be granted, based on the criteria outlined in this chapter, in a phased approach in order to ensure adequate build out within the defined timeframe and benchmarks of an approved MDA before approving additional master developments of the larger project.

C. Property Ownership. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development applications.

D. Annexations. A master development approval is required for property that is in excess of 50 acres and is pending annexation into the corporate boundaries of the city for the purposes of immediate development. This requirement may be waived by the City Council if they determine that the project does not include off-site infrastructure and/or includes only one proposed zoning district for development. Land that is not intended for immediate development may be annexed into the city and shall be zoned as Agriculture and may be proposed for development through a master development approval process at a later date.

E. City Council Discretion. The City Council may require a master development application and approval for any development within the city. That criteria may include, but is not limited to: off-site infrastructure, more than one zoning district, ridgelines, unique open space, or potential impacts to other properties.

16.10.030 General considerations.

The following general considerations apply to all proposed master developments:

A. Zoning Districts. A master development proposal is a rezone request and must contain specific proposed zoning districts and site use designations authorized by EMMC Title 17 for all land within the master development. An application for a master development shall be processed as an application for a rezone request pursuant to EMMC 17.90.

B. General Plan Amendments. If the proposed zoning, land uses, and/or major roads in the master development do not comply with the current Future Land Use & Transportation Corridors Map, the application shall be processed as an application for a Future Land Use & Transportation Corridors Map Amendment.

C. Master Development Plan. As outlined in this chapter, the application materials act as the MDP and guiding documents for the proposed development of the property. As the MDP is finalized through the review and approval process, the MDP will be used as a basis for the MDA.

D. Master Development Agreement. An MDA will be executed between the applicant and City to specify the land uses, zoning, traffic circulation, public and private funding obligations, construction of public and private infrastructure and amenities such as trails and parks, impact fees or other development credits and obligations, off-site utility construction, excavation material processing, allowed earth removal methods, and phasing of the master development.

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development to the planning department. A complete master development application includes the application form, all elements listed in this section below, and the application fee. Incomplete applications shall not be processed.

A. Supporting Materials. All master development applications shall contain, at a minimum, the following information:

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject property with relation to the other major areas of the city.
3. Traffic Plan. A plan showing the primary street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer. Roadways included in the city's current transportation plan within one-quarter mile of the project as well as within the project must be included in the traffic plan.
4. Fee. The application fee required by the current consolidated fee schedule approved by the City Council and public notice fee (to be calculated and paid prior to the first public meeting).
5. Project Team. A list of project team members including licensed professionals (engineers, landscape architects, etc.) directly involved in the project that shall be available during presentations to the Planning Commission and City Council.

B. Land Use Plan. Master development applications shall include a land use plan that identifies the following:

1. Existing Conditions. A map showing the current zoning designations including all existing zoning and zoning overlay districts on the property along with existing physical characteristics of the site including waterways, natural washes, historical sites and features, areas with greater than 25% slopes, geological information, fault lines, general soil data, and contour data at two-foot intervals.
2. Compatibility Statement. A statement explaining how the proposed development is compatible with surrounding land uses and other areas of the city and how internal compatibility will be maintained.
3. Environmental Impact Report. An environmental impact report detailing potential impacts of the proposal on existing vegetation and wildlife, watercourses, sources of water, waste generation, noise, etc. Sensitive lands, historical sites, and endangered plants should be identified.
4. Proposed Land Use and Zoning Map. A map with details of the proposed development indicating the:
 - a. General development pattern – Phasing shall generally begin near existing roads and infrastructure and then move towards undeveloped areas;
 - b. Land uses – This shall include roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zoning districts – All proposed zoning districts shall be identified on a project map. The zoning districts are not required to be in a grid/box format and are encouraged to follow natural contours and progression of development transitioning according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. Parks, Open Space, and Trails Plan. A plan indicating how the proposed master development will comply with the City's current Parks, Trails, and Open Space Master Plan. If any parks, open space, and/or trails will be developed in phases, the proposed phasing shall be outlined.

C. Utility Plans. Master development applications shall include the following utility plans:

1. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan showing roadways, drainage ways, vegetation, and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
 - a. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
 - b. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
 - c. A description of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.

- d. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils, greases, and other pollutants are separated from storm water.
2. Infrastructure Map. A map showing the existing and proposed infrastructure including roadways, utility locations and capabilities, and the estimated impacts of the master development on all public utilities including potable water, irrigation water, wastewater, transportation, fire protection, and solid waste.

D. Infrastructure Funding Analysis. An infrastructure financing report describing in reasonable planning-level detail the cost of all infrastructure required to serve the area of the proposed development. Engineering estimates of construction costs, based upon recent expenses incurred for similar facilities in the area, may be used. The financial element may suggest the use of special improvement districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the City or the use of public finance authorization legally and practically available to the City. The plan shall include the use of property collateral of the development applicant to assure the City that the proposal will not unduly burden the City, adjoining property owners who will not voluntarily participate in the project, or other property owners in the city. The plan must show that the required infrastructure can be provided by the applicant or jointly by the City and the applicant using the funding provided by the applicant sponsored by publicly authorized financial methods proposed in the plan.

16.10.050 Waivers.

An applicant may request in writing a waiver of specific required elements of a master development application or waiver from requirement of a master development approval.

A. Waiver for Elements of the Application.

1. At the time an application is submitted, the applicant must include a written request of any item they seek to not include or create as part of their application. The request shall include a brief description as to why the element does not apply to the proposed project.
2. During the review process as outlined in EMMC 16.10.060, the Planning Commission and City Council will review the request for the waiver along with the other submitted materials. The City Council may approve the request for the waiver, or if denied, the applicant will then be required to submit the outstanding materials which then will require review following the process outlined in EMMC 16.10.060.

B. Waiver of Requirement for Master Development Approval.

1. Upon submission of a written request to waive the requirement for master development approval, the Planning Commission will hold a public hearing to review the request. The Planning Commission will then make a recommendation to the City Council.
2. The City Council will hold a public hearing to review the waiver request and take final action to approve, amend, or reject the waiver request.

C. Criteria to Approve a Request for Waiver. The City Council may approve a request for waiver of either items listed above upon finding of one or more of the following:

1. The project's concept plan review (pursuant to EMMC 16.15) received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or
4. The strict application of EMMC 16.10 would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or pre-existing easement restrictions.

16.10.060 Review and approval process.

Upon completion of a concept plan review pursuant to EMMC 16.15, an applicant may file a master development application following the requirements of EMMC 16.10.040. The master development application shall not be construed as an absolute right upon submission and does not require the approval body to take action based upon findings of fact. The master development is not valid and approved until the MDA is executed.

The City shall review the application in accordance with the following procedure:

A. Development Review Committee. Upon receipt of a complete master development application, a staff review by the Development Review Committee (DRC) with the applicant will be scheduled. The review will provide initial feedback and items for revision for the applicant to take into consideration prior to the public review. Additional DRC reviews may be necessary, depending on the feedback and requested changes.

B. Planning Commission Review. Upon completion of the DRC review process, the planning department shall schedule the application for a public hearing before the Planning Commission. The Planning Commission shall conclude their hearing with a recommendation of action to the City Council.

C. City Council Review. Upon completion of the Planning Commission review process, the City Council shall conduct a public hearing on the application.

1. If the City Council approves the MDP, the process will move forward to an MDA.
2. If the City Council denies the MDP, the applicant may apply for a master development on the property after one year from the date of denial, unless the City Council finds that there has been a substantial change in the application, circumstances, or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. Any future application will be considered a separate application and must follow the full application and review process as outlined in this chapter.

D. Master Development Agreement. An initial agreement shall be drafted by the City. Review of the agreement will take place first at the staff level. The agreement will then be reviewed at a public

meeting held by the Planning Commission which will provide a recommendation to the City Council. The agreement review will conclude with a public meeting by the City Council which will then take action on the agreement and authorize staff to finalize the agreement and mayor to execute. Depending on the scale and scope of the project, the City Council may request a third-party legal review of the final agreement for compliance with local, state, and federal laws prior to executing the agreement. The agreement shall meet all requirements of EMMC 16.10.080.

16.10.070 Criteria for approval of MDPs.

A master development application shall be evaluated using the following criteria. The Planning Commission and City Council will determine compliance with these criteria:

A. General Criteria.

1. Slope. Is the slope of each area designated for development suitable for the intended development? Does the application restrict development from areas with a slope greater than 25%?
2. Natural Hazards. Can the proposed development reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. Does the application include development methods that will not accelerate runoff and erosion in a way that would have adverse downslope or downstream impacts?
4. Protection of Natural Channels and Ridgelines. Will the proposed development be reasonably compatible with the protection of natural channels and comply with the ridgeline protections as provided in EMMC 17.62, where applicable?
5. Flooding. Will the proposed development be reasonably safe from flooding, including alluvial fan flooding?
6. Soil Characteristics. Is the soil in each area designated for development generally suitable for that development? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of the Fairfield-Nephi Area, Utah, parts of Juab, Sanpete, and Utah Counties issued by the USDA Soil Conservation Service may be used in answering this question.

B. Criteria Related to Infrastructure.

1. Utilities. Can the proposed development be adequately served by existing and proposed utilities for the project area?
2. Streets. Does the street plan comply with the Transportation Master Plan? Can the proposed development be adequately served by the City's Transportation Master Plan and the project's proposed local streets?
3. Water Rights. Is there legally enforceable documentation to the satisfaction of the city attorney that substantiates the ability of the applicant to convey water rights to the City based on the development need, including both the building lots and common improved open space?

C. Criteria Related to Compatibility.

1. Compatible Development – Adjacent Parcels. Will the proposed development be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the City's Future Land Use Map or requested amendment? The answer to these questions may be based on the standards established in EMMC 17.60.150 and 17.60.160.
2. Compatible Zones and Transitions – Internal Parcels. Will the proposed zones and residential lot size transitions be reasonably compatible with each other in accordance with EMMC 17.60.150 and 17.60.160? Does the placement of proposed uses help buffer potentially incompatible uses from one another?

D. Criteria Related to Design.

1. Open Space.
 - a. Does the proposed development include the improved open space required by this title?
 - b. Does the proposed pattern of development attempt to make effective use of the open space?
 - c. Does the development incorporate trails, parks, and other open spaces included in the City's Parks, Trails, and Open Space Master Plan?
 - d. Does the plan attempt to combine open spaces into larger more usable parks and open spaces?
2. Public Facilities. Does the proposed development include land designated for public uses including churches, schools, community centers, etc.?

16.10.080 Criteria for approval of MDAs.

The MDA shall include the following elements to ensure the method, timing, and requirements of construction throughout all phases of the master development. The MDA shall be a standard template originated by the City and modified as needed through the review process.

A. Development Rights and Responsibilities. The MDA shall include the approved development rights of the project and responsible parties for completion of project elements including but not limited to:

1. Vesting granted to the property;
2. Phasing of the development;
3. Construction and maintenance of public improvements;
4. Special conditions relating to lot design, necessary off-site conditions or improvements, open space and parks, location of utilities, physical characteristics of the property; and
5. Any other conditions or methodologies necessary for the master development's buildout.

B. Benchmarks. The applicant shall be required to take measurable action, upon the execution of the MDA through performance benchmarks including but not limited to:

1. A set time limit to apply for the first site plan and/or preliminary plat;
2. A set time limit from the approval of the first site plan and/or preliminary plat to begin site work;
3. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of curb, gutter, and road completion; and
4. A set time limit from the approval of the first site plan and/or preliminary plat for all phases of open space, park, and/or trail completion.

C. Expiration of the Master Development. Master development approvals shall expire six (6) months from the date of approval by the City Council if an MDA has not yet been approved and signed by all applicable parties. MDAs shall:

1. Include an expiration of terms of the agreement with a set time limit determined at the approval of the MDA; and
2. Not extend longer than six (6) years from the signing of the agreement.

D. General Plan Compliance. A compatibility statement that confirms compliance with the City's Future Land Use Map, Master Transportation Plan, and General Plan documents.

E. Amendments and Extensions of Time. The MDA shall include sections for amendments and extensions of time to the MDA based on the requirements and allowances in this chapter at the time of the MDA approval.

16.10.090 Master development amendments.

A. Amendments. After a master development is approved and prior to completion of the full build out of the project, an amendment to the master development approval will require an approval for any proposed change to the MDP or MDA.

A proposed amendment may include, but is not limited to, changes that:

1. Alter the amount of land area for any use(s);
2. Require a rezoning of property;
3. Require an amendment to the General Plan's Future Land Use Map and/or Transportation Plan;
4. Require a plat amendment; or
5. Alter the timing of benchmarks or other terms in the MDA.

B. Amendment Review and Approval Process.

1. Application. An application for amendment must be submitted to the planning department. The application requirements will follow those outlined in EMMC 16.10.040, but will only require documents that are directly related to the particular amendment request.
2. Review. A review of the amendment request will follow EMMC 16.10.060.
3. Action. The City Council shall take the final action on the amendment request.

16.10.100 Expirations and extensions of approvals.

A. Expiration of Approval. A master development approval shall be determined to have expired when:

1. The MDA failed to be signed by both the City and the applicant(s); or
2. The term of the agreement has expired based on the set time limit.

B. Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to the MDA expiration. An extension of time may be requested with the following requirements:

1. A written, signed request for the extension shall be received by the planning department at least three (3) months prior to the expiration date of the project.
2. The request shall specify any progress made on the project's MDA benchmarks and conditions of approval, the reason(s) for the extension request, and any supporting documentation.

C. Criteria for Approving Extensions of Time. The Planning Commission shall take final action on an extension of time request. The Planning Commission may approve up to two (2) two-year extensions of time to a master development that meets the following criteria:

1. The applicant has demonstrated a good faith effort to initiate the project by completing any applicable conditions and benchmarks; or
2. The extension is necessary due to a delay in action by the City or other public agency.

D. Appeals. An appeal of the Planning Commission's final action on an extension of time request shall be submitted to the City Recorder's Office within fifteen (15) days of the date of the decision. The appeal will be considered by the City Council. An appeal of the City Council's appeal decision shall be made to the district court within thirty (30) days of the City Council's decision.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment for Open Space Zone Districts
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

The current development code includes zoning districts for residential, commercial, agricultural, and industrial uses. There are other uses of land that currently are permitted across each of these zones rather than set as their own use. One example is open space which includes parks, trails, and natural open space. By creating a zone code for this use, the city cannot only establish the uses and development requirements for land zoned as open space, but it will also provide a clearer picture of the actual land use.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid of reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the proposed code amendment to add EMMC 17.23 to the City Council as presented (or with minor changes as agreed upon at the meeting).

ATTACHMENTS:

[17.23 Open Space Zones - PROPOSED](#)

EMMC 17.23 Open Space Zones

17.23.010 What this chapter does.

This chapter establishes the land use regulations and protections for Open Space Zones in Eagle Mountain City. It establishes two types of open space zoning: Natural Open Space (OS-N) and Improved Open Space (OS-I).

17.23.020 Purpose and objective.

The purpose of the Open Space Zones is to preserve and enhance public and private open space, trails, natural areas, and improved park and recreational areas. These areas serve to provide opportunities for active and passive outdoor recreation; provide contrasts to the built environment; preserve scenic qualities; protect sensitive or fragile environmental areas such as wetlands, steep slopes, ridgelines, meadows, and natural washes; preserve the capacity and water quality of the stormwater drainage system; and provide pedestrian, equestrian, and bicycle transportation connections.

17.23.030 Area of designation.

The Open Space Zone shall include and be characterized by one or more of the following:

- A. Land currently or planned to be dedicated to the City as open space, parks, or recreation.
- B. Privately-owned parcels of developments designated as open space, parks, or recreation open to use by the general public.
- C. Publicly-owned or -operated (not municipal) land protected and managed as open space.

17.23.040 Land use table.

This land use table contains the various land uses that are permitted, special, and prohibited in the open space zones. Uses that are not listed in this table are prohibited.

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters)

S = Special (Special uses are permitted as long as they comply with the standards listed in Chapter 17.75 EMMC that are specific to that type of use)

Blank = Prohibited

Land Use Table

Open Space Uses

LAND USE	IMPROVED OPEN SPACE (OS-I)	NATURAL OPEN SPACE (OS-N)
Accessory buildings ¹	P	
Amphitheatre	P	
Botanical garden	P	
Cemetery	P	

Communication facilities and towers	S	S
Community garden	P	
Equestrian center, public	P	
Golf course	P	
Open space	P	P
Outdoor storage	S	S
Park	P	
Recreation, outdoor	P	
Rodeo, public	P	
Trails, improved	P	P
Trails, natural	P	P
Utilities, public and private	S	S
Zoological park	P	

¹ Such as barns (publicly-owned), garages, greenhouses, gardening sheds, recreation rooms, and similar structures that are customarily used in conjunction with the primary uses in this district

17.23.050 Development standards.

The development standards are required standards for the Open Space Zones in the city. The City Council, in consideration of a prior recommendation by the Planning Commission, may modify these requirements if in its judgment the modification does not interfere with the use, enjoyment, and character of adjacent properties.

A. Setback requirements for all structures.

1. Front: twenty-five feet (25')
2. Sides: ten feet (10')
3. Rear: twenty-five feet (25')

B. Building height for all structures. Maximum of thirty-five feet (35'), except for special uses which must comply with the height restrictions established in EMMC 17.75.

C. Site plan review. Any open space development within the Open Space Zones that is not reviewed and approved as part of a master development plan, master site plan, or preliminary plat must receive site plan review and approval subject to EMMC 17.100.

D. Architectural review. Any proposed buildings shall comply with the commercial development standards of EMMC 17.72.

E. Landscaping. Shall comply with the landscaping, planting, and fencing standards of EMMC 17.60. Lot size transitioning does not apply.

F. Lighting. All lighting within the Open Space Zones must comply with EMMC 17.56.

G. Parking. Parking shall be provided and designed to meet the requirements of EMMC 17.55.

H. Signs. Signage shall be permitted and treated as signage in a residential zone and shall meet the requirements and standards of EMMC 17.80.

I. Road and trail connections. Where the terrain allows, road and trail connections shall be made to adjoining properties through the Open Space Zones to provide emergency access, minimize the number of points of access to a road, or improve pedestrian and neighborhood circulation. Connections shall be made to existing and future roads and trails.

J. Utility lines. All utility lines running through the Open Space Zones must be located underground, except for high-capacity transmission lines.

17.23.060 Open space protection.

Open space may be protected using any of the three methods listed here. The methods to be used must be clearly established at the time a master development plan, master site plan, preliminary plat, or site plan is filed for review.

A. Dedication for public use. The open space may be dedicated to the City, or to another public agency, but only where it would constitute a part of a park, trail, or open space identified in the current Parks, Trails, and Open Space Plan, or if approved by the City.

B. Private land conservation. Any private land, whole or a portion of, that is identified and developed or used as open space may apply a conservation or similar easement on that land. The easement may be held by the City, another public agency, or a conservation nonprofit organization.

C. Homeowners' association. Every preliminary plan that includes natural or improved open space that will be owned and maintained by the lot owners shall be accompanied by proposed articles of incorporation and covenants for a homeowners' association in which all lot owners shall be members, and which is responsible for the maintenance and preservation of natural and improved open space required by this chapter. These documents shall be recorded with the final plat, upon their approval.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment for a Public Facilities Zone District
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

The current development code includes zoning districts for residential, commercial, agricultural, and industrial uses. There are other uses of land that currently are permitted across each of these zones rather than set as their own use. One example is public facilities which includes civic and public-gather locations such as a city hall, libraries, churches, meeting halls, and museums. By creating a zone code for this use, the city cannot only establish the uses and development requirements for land zoned as public facility, but it will also provide a clearer picture of the actual land use.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid of reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the proposed code amendment to add EMMC 17.31 to the City Council as presented (or with minor changes as agreed upon at the meeting).

ATTACHMENTS:

[17.31 Public Facilities Zone - PROPOSED](#)

EMMC 17.31 Public Facilities Zone

[PROPOSED]

17.31.010 What this chapter does.

This chapter establishes the land use regulations and requirements for the Public Facilities Zone in Eagle Mountain City.

17.31.020 Purpose and objective.

The Public Facilities Zone is established to provide areas for the location and establishment of facilities which, under public franchise or ownership, or private or nonprofit enterprises operating for the public convenience, benefit and necessity, provide public services such as electricity, gas, communication, transportation, water, sewage treatment, education, religious activities and other public assembly, cultural facilities, and government services.

This zone is intended to provide immediate recognition of such areas upon the official zoning map of the City. Typical uses permitted in the zone are schools, airports, utilities, public equipment storage areas, libraries, and city hall. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the zone would then be applied to all such facilities for ease of recognition.

17.31.030 Allowed uses.

The following uses shall be allowed within the Public Facilities Zone as permitted uses subject to this chapter:

- A. Cultural uses (theaters, museums, galleries, libraries, performing arts center, etc.)
- B. Public/civic building or facilities (city, county, state, or federally owned)
- C. Public safety facility (police, fire, ambulance)
- D. Public transportation facilities, including storage and stations

17.31.040 Special uses.

The following uses shall be allowed within the Public Facilities Zone as special uses subject to EMMC 17.75 and this chapter:

- A. Communication facilities and towers
- B. Outdoor storage
- C. Parking garage
- D. Reception / conference / meeting center
- E. Religious or cultural meeting halls

F. Schools (public, private, and charter)

G. Utilities, public and private

17.31.050 Development standards.

The development standards are required standards for the Public Facilities Zone in the city. The City Council, in consideration of a prior recommendation by the Planning Commission, may modify these requirements if in its judgment the modification does not interfere with the use, enjoyment, and character of adjacent properties.

A. Setback requirements for all structures.

1. Front: ten feet (10') minimum
2. Sides: none (equal to building height when adjacent to a residential zone)
3. Rear: twenty feet (20')

B. Building height for all structures. Maximum of thirty-five feet (35'). Height is measured from the average grade of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures.

C. Site plan review. Any development within the Public Facility Zone that is not reviewed and approved as part of a master development plan, master site plan, or preliminary plat must receive site plan review and approval subject to EMMC 17.100.

D. Architectural review. Any proposed buildings shall comply with the commercial development standards of EMMC 17.72.

E. Landscaping. Shall comply with the landscaping, planting, and fencing standards of EMMC 17.60. Lot size transitioning does not apply.

F. Lighting. All lighting within the Public Facilities Zone must comply with EMMC 17.56.

G. Parking. Parking shall be provided and designed to meet the requirements of EMMC 17.55.

H. Signs. Signage shall be permitted and treated as signage in a commercial zone and shall meet the requirements and standards of EMMC 17.80, except for schools which shall follow the school signage requirements and standards of that chapter.