



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

September 8, 2020, 5:30 PM

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

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 to EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning**

A discussion on the proposed zoning transition table and drafted code amendments to EMMC 17.60 to confirm latest revision to incorporate the table.

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

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

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

A discussion on the master development plan and agreement process and review of latest update to the proposed changes to EMMC 16.10 Master Development Plans.

[16.10 Master Developments Plans and Agreements - REDLINE VERSION](#)

[16.10 Master Developments Plans and Agreements - CLEAN VERSION](#)

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

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 Zone - PROPOSED](#)

1.D **DISCUSSION ITEM - Proposed Code Amendment to Add EMMC 17.31 Public Facilities**

[Zone](#)

Proposed code amendment to create a Public Facilities Zone with related permitted uses and development standards.

[17.31 Public Facilities Zone - PROPOSED](#)

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 [August 25, 2020, Planning Commission Minutes](#)
[PC Minutes 08.25.2020 - DRAFT](#)

5. Status Report

6. Action and Advisory Items

- 6.A [VDP Investment Commercial Property \(Concept Plan\)](#)
Concept plan review for the VDP Investment Commercial project consisting of nine retail units on a 1-acre property located at the southwest corner of Half Mile Road and Ranches Parkway.
[VDP Investment Concept Plan](#)
[Proposed Commercial Zoning in The Ranches](#)
- 6.B [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 Developments Plans and Agreements - REDLINE VERSION](#)
[16.10 Master Developments Plans and Agreements - CLEAN VERSION](#)

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 4th 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 8, 2020**

TITLE:	DISCUSSION ITEM - Proposed Code Amendment to EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:
Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

17.60 Landscaping Buffering Fencing and Transitioning - REDLINE VERSION

17.60 Landscaping Buffering Fencing and Transitioning - CLEAN VERSION

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)].

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	1/5 Acre	< 0.15 Acre and Multi-Family
3.99 – 1 Acre	1 Acre	1/2 Acre	1/4 Acre	1/5 Acre	< 0.15 Acre and Multi-Family	No Additional Buffering Required

1.99 - 1 Acre	1/2 Acre	1/4 Acre	1/5 Acre	< 0.15 Acre and Multi-Family	No Additional Buffering Required
0.99 – 0.5 Acre	1/4 Acre	1/5 Acre	< 0.15 Acre and Multi-Family	No Additional Buffering Required	
0.49 – 0.25 Acre	1/5 Acre	< 0.15 Acre and Multi-Family	No Additional Buffering Required		
0.24 – 0.15 Acre	< 0.15 Acre and Multi-Family	No Additional Buffering Required			
< 0.15 Acre and Multi-Family	No Buffering Required				

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 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
< 0.15 Acre and Multi-Family	1/5 Acre	1/4 Acre	1/2 Acre	1 Acre	2+ Acres	4+ Acres
0.15 – 0.24 Acre	1/4 Acre	1/2 Acre	1 Acre	2+ Acres	4+ Acres	No Additional Buffering Required
0.25 - 0.49 Acre	1/2 Acre	1 Acre	2+ Acres	4+ Acres	No Additional Buffering Required	
0.50 – 0.99 Acre	1 Acre	2+ Acres	4+ Acres	No Additional Buffering Required		
1 – 1.99 Acre	2+ Acres	4+ Acres	No Additional Buffering Required			
2 - 3.99 Acre	4+ Acres	No Additional Buffering Required				
4+ Acres	No Buffering Required					

From Large to small lots

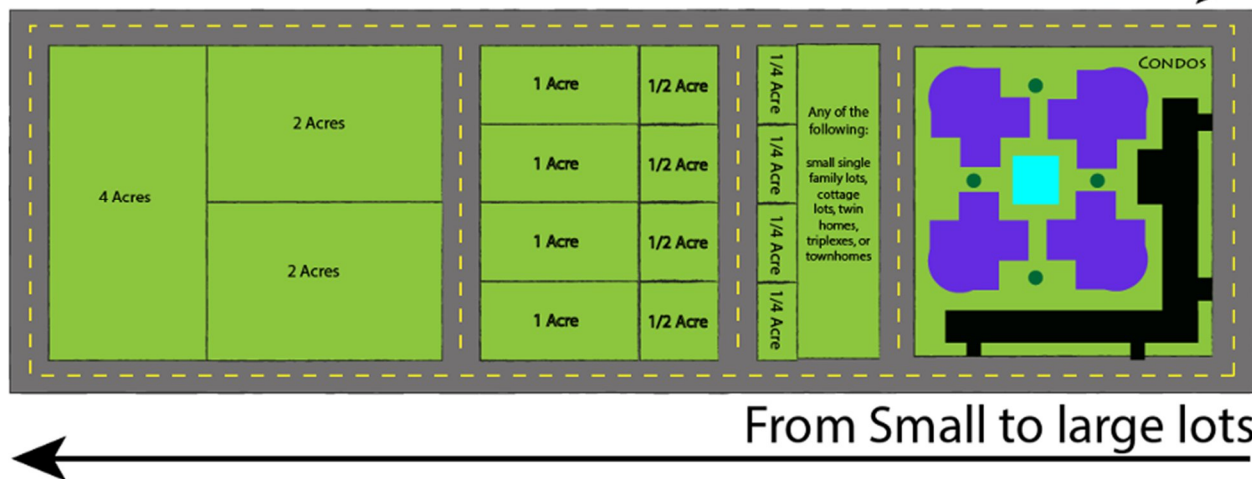


Figure 17.60.150(1) Lot Size Transitioning

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. [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 while also establishing appropriate zones to transition up or down in density for residential land uses. Each column is defined as:

- A. Zone. The existing or proposed zone designation for the subject property.
- B. Compatible Buffer. The permitted zone designation 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 is most appropriate.

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, OS-I, OS-N	ARD1, ARD2, FR, OS, PO
RA1	RA2, AG, OS-I, OS-N	ARD1
RA2	RA1, AG, OS-I, OS-N, RD1	ARD1
RD1	RD2, AG, OS-I, OS-N, RA2	ARD2
RD2	FR, AG, OS-I, OS-N, R1, RD1	ARD2
FR	AG, R1, OS-I, OS-N, RD2, CN	FR
R1	R2, OS-I, OS-N, FR, CN	NR1
R2	R3, OS-I, OS-N, R1, CN	NR1
R3	RC, R2, OS-I, OS-N, CN	NR1
RC	MF1, MF2, CN, R3, CC, OS-I, OS-N	NR2
MF1	MF2, RC, CN, CR, CC, OS-I, OS-N	NR2, CC, CR
MF2	CN, CC, CR, MEC, OP, OS-I, OS-N	NR3, CC, CR, TCM
CN	RF, R1, R2, R3, RC, MF1, MF2, OP, OS-I	CC, TCM
CC	CN, RC, MF1, MF2, OP, CR, LMD, OS-I	CC, ECC, TCM
CR	MF1, MF2, CC, OP, LMD, OS-I	CR, ECC
MEC	CR, CC, CN, OP, AG, OS-I, MF2	ECC
OP	CR, CC, CN, OS-I, MEC	TCM, CC, CR, ECC
I	LMD, CS, OS-N	BPLI
LMD	I, CR, CC, CS, OS-N	BPLI
CS	LMD, CR, CC, MF2, MF1, 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, 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
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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	Agricultural ¹	AG

¹ This is a placeholder until the category is adopted into the General Plan.

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]

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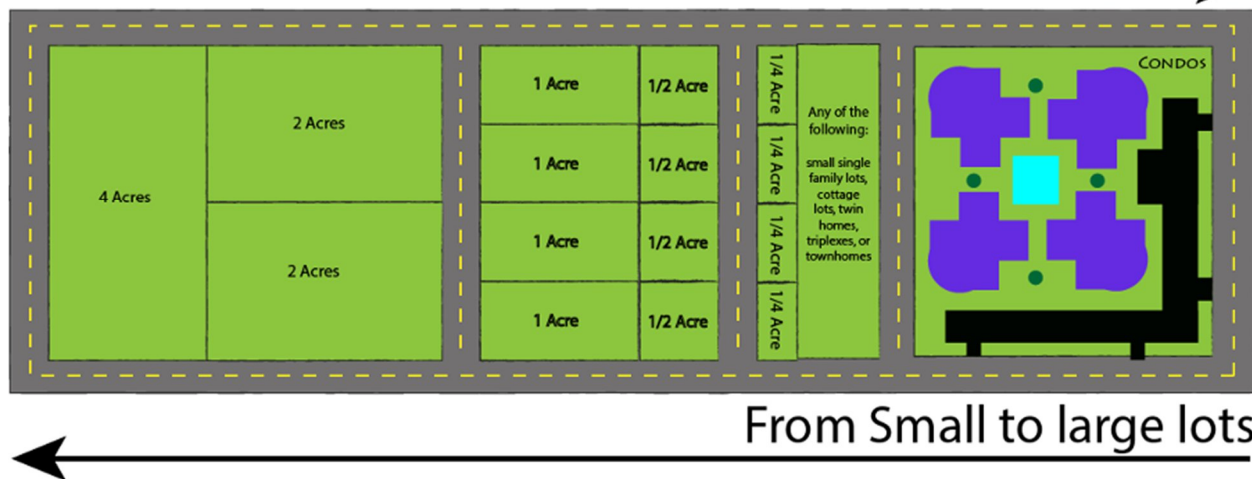


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MEC	CR, CC, CN, OP, AG, OS-I, MF2	ECC
OP	CR, CC, CN, OS-I, MEC	TCM, CC, CR, ECC
I	LMD, CS, OS-N	BPLI
LMD	I, CR, CC, CS, OS-N	BPLI
CS	LMD, CR, CC, MF2, MF1, OS-N	BPLI
OS-I	AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, CC, CN, CR, MEC, OP, OS-N	PO
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Table 17.60.160(2)

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Neighborhood Residential Three	NR3	Parks and Open Space	PO
Community Commercial	CC	Agricultural ¹	AG

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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 8, 2020**

TITLE:	DISCUSSION ITEM - Proposed Code Amendment to EMMC 16.10 Master Development Plans		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:
Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[16.10 Master Developments Plans and Agreements - REDLINE VERSION](#)

[16.10 Master Developments Plans and Agreements - CLEAN VERSION](#)

Chapter 16.10

MASTER DEVELOPMENT PLANS AND AGREEMENTS

16.10.010 What this chapter does.

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)].

16.10.020 Master development plans required.

A. Parcel in Excess of 50 Acres. A master development plan containing a land use plan, utility plan, and economic analysis shall be required of any development that is in excess of 50 acres in size. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered as separate properties and not part of the master development plan or agreement. In such cases where multiple property owners of contiguous land propose development together, such parcels shall be considered as separate properties, unless the property owners create a corporation to oversee the respective property development.

B. Annexations. A master development plan shall be 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. Land that is in excess of 50 acres may be annexed into the city and shall be zoned as agricultural and a master development plan and development agreement shall be required upon the development of the property.

C. City Council Discretion. The planning commission may recommend that the city council waive the land use plan, utility plan, infrastructure funding analysis, or master development agreement of the master development plan process depending upon the size of the parcel, location, and desired use. Notwithstanding the requirement for a master development plan for parcels in excess of 50 acres, the city council may require, at its discretion, a master development plan and agreement for any development within the city. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].

16.10.040 General considerations.

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

A. 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 scale of development within a specified area. A master development plan proposal is a zoning change 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 area.

B. Zoning Map Amendments. An application for approval of a master development plan shall be processed as an application for a rezone request.

C. General Plan Amendments. If the proposed zoning and land uses in the master development plan do not comply with the current Future Land Use and Transportation Corridors Map, the applicant shall submit a General Plan Amendment application along with the Master Development Plan application. These two applications shall be reviewed concurrently.

D. Master Development Agreement. Creation of a master development agreement that identifies land uses, zoning, residential uses, traffic circulation, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, off-site utility construction, excavation material processing, proposed methods of digging or blasting, and phasing of the development shall be executed upon approval. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development plan to the planning department. 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.

There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an infrastructure funding analysis. Dependent upon the location of existing utilities and project size, the master development plan process shall require both plans to be reviewed and approved simultaneously.

A. Supporting Materials. All master development plan 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 parcel with relation to the other major areas of the city.
3. Traffic Plan. A plan showing existing and proposed streets as shown in the current transportation master plan, the major street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer.
4. Fee. The processing fee required by the current consolidated fee schedule approved by the city council and a public notice fee (to be calculated and paid prior to each public meeting).
5. Project Team. Outline 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 the city council.

B. Land Use Plan. Master development plans shall submit the following in addition to the items identified in subsection A of this section:

1. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, natural washes, historical sites, areas with greater than 25% slopes, areas within the ridgeline protection overlay zone, 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 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.
4. Land Use and Zoning Map. A map together with a general description of the proposed development indicating the:
 - a. General development pattern – Phasing shall be required from existing roads and adjoining developments first, and then moving towards undeveloped areas;
 - b. Land uses – Including roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zones – Rezone proposals should not attempt to be in a grid format but rather showing a natural progression of buffers and lot transition according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. General Plan Compliance Statement. A compatibility statement that demonstrates compliance with the City's Future Land Use Map (or proposed future land use), Master Transportation Plan, and General Plan documents.
6. Parks, Open Space, and Trails Plan. A plan showing the maps indicating how the proposed master plan will comply with the city's open space, parks, trails and recreation regulations, including compliance with applicable guidance from the city's current Parks, Open Space, and Trails 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 that require a utility plan shall submit the following items in addition to those identified in subsection A of this section:

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 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 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, solid waste, parks and recreation demands of the proposed project.

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

- 1. Financing Infrastructure. A financing infrastructure report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan. 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 proponent to assure the city that the proposal will not unduly burden the 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 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 Approval process.

Upon the completion of a concept plan, the developer shall file a properly completed master development plan application. 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 planning commission and city council shall review and take action on the proposed master development plans in accordance with the following procedure. An approved master development plan is not valid until a master development agreement for the project is approved.

A. Development Review Committee. Upon receipt of a complete master development plan 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 revisions for the applicant to take into consideration prior to public review and approval.

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 department 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.

C. 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.

D. Master Development Plan approval.

E. Master Development Agreement approval. An initial agreement shall be drafted by the city. Review of the agreement will take place first at the staff level, then to the planning commission in work session(s) review as required to properly review and amend. Upon completion of the planning commission work session(s), the agreement shall be noticed according to Utah State Code 52-4 for the next planning commission policy session once the agreement has been revised based on the work session(s). The planning commission will make a recommendation to the city council. The city council will take the agreement into their work session as a discussion item and give staff direction to make specific changes to the language and exhibits. The agreement will then be noticed according to Utah State Code 52-4 for the next city council meeting work session and policy session. Upon review by the city council, the agreement will then go to a third party legal counsel for review. Final review and approval of the agreement will be presented to the city council and shall not be altered without following the amendment process outlined in EMMC 16.10.070(D) . The agreement shall meet all requirements in EMMC 16.10.070.

F. 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.

[Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].

16.10.060 Criteria for review of master development plans.

Master development plans 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 a particular use or density suitable for that use or density?

2. Natural Hazards. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. 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 Ridgeline Protection Overlay Zone. Will the proposed uses and densities be reasonably compatible with the protection of natural channels and comply with the Ridgeline Protection Overlay Zone?
5. Flooding. Will the proposed uses 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 generally suitable for that use or density? 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 be adequately served by Eagle Mountain's planned municipal utilities?
2. Streets. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major 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 based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common usable open space?

C. Criteria Related to Compatibility.

1. Compatible Densities – Adjacent Parcels. Will the proposed uses and densities be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the Eagle Mountain City future land use plan map? 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 Zones and Transitions – Internal Parcels. Will the proposed zones and transitions be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed zones and transitions will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.
3. Buffering Incompatible Uses. Does the placement of proposed uses help buffer potentially incompatible uses from one another in accordance with EMMC 17.60?

D. Criteria Related to Design.

1. Open Space. Do the proposed densities include the planned community open space required by this title? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space?
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)].

16.10.070 Criteria for review of master development agreements.

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. The master development agreement shall be a standard template originated by the city, containing all elements required in this section. Any changes requested by the applicant shall be requested by addendum to the original document.

A. Benchmarks. The developer shall be required to take measurable action, upon the approval of of the master development plan and agreement through performance benchmarks:

1. Applicant holds title to land or has documented legal right to improve the land - with a set time limit to complete this element from the date of city council approval.
2. Applicant shall receive approval for the site plan and first preliminary plat within a set time limit of the master development agreement approval.
3. Excavation or land disturbance begins within a set time limit of site plan and preliminary plat approvals
4. All phase curb, gutter and roads are completed within a set time limit from approval of site plan and preliminary plat.
5. All phases of open space, parks, and/or trails are completed within a set time limit from approval of site plan and preliminary plat.

B. Expiration of the master development plan and agreement. The master development plan and agreement will automatically revoke all land use vesting and zoning within the respective parcels identified in the master development plan and agreement. A rezone will automatically come before the planning commission's next meeting to be zoned according to the current General Plan future land use map. Expiration occurs when:

1. The term of the agreement has expired;
2. The master development agreement failed to be signed by both the city and the applicant(s) in accordance with EMMC 16.10.080;

3. Any land in the master development plan and agreement is rezoned outside of the initial approval process; or
4. Any reconfiguring of lots, roads, or open space that alters the approved exhibits and/or preliminary plats.

C. Renewals and extensions of time

1. Extensions shall follow the process outlined in EMMC 16.10.080(A).
2. Renewals of previously approved but incomplete preliminary plat will not be considered. Extensions of time to complete the approved preliminary plat shall follow the process outlined in EMMC 16.10.080(A) and meet the requirements of EMMC 16.10.080(B).

D. Amendments. A master development plan and agreement will require approval of an amendment when:

1. After approvals, the master development plan or site plan is altered to accommodate schools, churches, roads, eminent domain.
2. After approvals, the developer finds geographical, topographical, water, sewer, economical issues or any other factor that would alter the approved plan and agreement and that would prohibit them from using the land according to approvals and vested rights.
3. Language, exhibits, or annexing land into the agreement

E. Criteria related to expiration of development agreements

1. Development Agreements shall not extend longer than five (5) years from the signing of the agreement.
2. Development Agreements shall be set to expire upon the approval of a rezone requested by the developer.

F. Church and school sites. All church sites and school sites shall be identified by the acreage required by the respective church entity or school district as part of the master development plan and agreement. If the developer chooses to sell land to a church or school district after the fact, it shall be required to make an amendment to the master development agreement. The developer shall not seek to transfer units or decrease lot sizes within the phase or project to accommodate this choice.

16.10.080 Expirations and extensions of approvals.

Master development plan approvals shall expire six (6) months from the date of approval by the city council if a master development agreement has not yet been approved and signed by all applicable parties.

A. Extensions of Time. 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 department prior to the expiration date of the project. Approval request of the extension shall be brought before the planning commission for approval consideration.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. 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 commission shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning commission may approve 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 a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. 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.

C. Appeals. An applicant may appeal the planning commission's decision to the city council within 15 days of the date of the decision. The applicant may then appeal a decision of the city council to the district court within thirty (30) days of the city council's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Expiration of approvals. Process to follow EMMC 16.10.070(B).

E. 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. It shall be in compliance with the current development code at the time of resubmittal. [Ord. O-16-2010 § 2 (Exh. A)].

Chapter 16.10

MASTER DEVELOPMENT PLANS AND AGREEMENTS

16.10.010 What this chapter does.

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)].

16.10.020 Master development plans required.

A. Parcel in Excess of 50 Acres. A master development plan containing a land use plan, utility plan, and economic analysis shall be required of any development that is in excess of 50 acres in size. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered as separate properties and not part of the master development plan or agreement. In such cases where multiple property owners of contiguous land propose development together, such parcels shall be considered as separate properties, unless the property owners create a corporation to oversee the respective property development.

B. Annexations. A master development plan shall be 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. Land that is in excess of 50 acres may be annexed into the city and shall be zoned as agricultural and a master development plan and development agreement shall be required upon the development of the property.

C. City Council Discretion. The planning commission may recommend that the city council waive the land use plan, utility plan, infrastructure funding analysis, or master development agreement of the master development plan process depending upon the size of the parcel, location, and desired use. Notwithstanding the requirement for a master development plan for parcels in excess of 50 acres, the city council may require, at its discretion, a master development plan and agreement for any development within the city. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].

16.10.040 General considerations.

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

A. 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 scale of development within a specified area. A master development plan proposal is a zoning change 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 area.

B. Zoning Map Amendments. An application for approval of a master development plan shall be processed as an application for a rezone request.

C. General Plan Amendments. If the proposed zoning and land uses in the master development plan do not comply with the current Future Land Use and Transportation Corridors Map, the applicant shall submit a General Plan Amendment application along with the Master Development Plan application. These two applications shall be reviewed concurrently.

D. Master Development Agreement. Creation of a master development agreement that identifies land uses, zoning, residential uses, traffic circulation, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, off-site utility construction, excavation material processing, proposed methods of digging or blasting, and phasing of the development shall be executed upon approval. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development plan to the planning department. 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.

There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an infrastructure funding analysis. Dependent upon the location of existing utilities and project size, the master development plan process shall require both plans to be reviewed and approved simultaneously.

A. Supporting Materials. All master development plan 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 parcel with relation to the other major areas of the city.
3. Traffic Plan. A plan showing existing and proposed streets as shown in the current transportation master plan, the major street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer.
4. Fee. The processing fee required by the current consolidated fee schedule approved by the city council and a public notice fee (to be calculated and paid prior to each public meeting).
5. Project Team. Outline 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 the city council.

B. Land Use Plan. Master development plans shall submit the following in addition to the items identified in subsection A of this section:

1. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, natural washes, historical sites, areas with greater than 25% slopes, areas within the ridgeline protection overlay zone, 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 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.
4. Land Use and Zoning Map. A map together with a general description of the proposed development indicating the:
 - a. General development pattern – Phasing shall be required from existing roads and adjoining developments first, and then moving towards undeveloped areas;
 - b. Land uses – Including roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zones – Rezone proposals should not attempt to be in a grid format but rather showing a natural progression of buffers and lot transition according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. General Plan Compliance Statement. A compatibility statement that demonstrates compliance with the City's Future Land Use Map (or proposed future land use), Master Transportation Plan, and General Plan documents.
6. Parks, Open Space, and Trails Plan. A plan showing the maps indicating how the proposed master plan will comply with the city's open space, parks, trails and recreation regulations, including compliance with applicable guidance from the city's current Parks, Open Space, and Trails 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 that require a utility plan shall submit the following items in addition to those identified in subsection A of this section:

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 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 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, solid waste, parks and recreation demands of the proposed project.

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

- 1. Financing Infrastructure. A financing infrastructure report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan. 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 proponent to assure the city that the proposal will not unduly burden the 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 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 Approval process.

Upon the completion of a concept plan, the developer shall file a properly completed master development plan application. 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 planning commission and city council shall review and take action on the proposed master development plans in accordance with the following procedure. An approved master development plan is not valid until a master development agreement for the project is approved.

A. Development Review Committee. Upon receipt of a complete master development plan 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 revisions for the applicant to take into consideration prior to public review and approval.

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 department 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.

C. 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.

D. Master Development Plan approval.

E. Master Development Agreement approval. An initial agreement shall be drafted by the city. Review of the agreement will take place first at the staff level, then to the planning commission in work session(s) review as required to properly review and amend. Upon completion of the planning commission work session(s), the agreement shall be noticed according to Utah State Code 52-4 for the next planning commission policy session once the agreement has been revised based on the work session(s). The planning commission will make a recommendation to the city council. The city council will take the agreement into their work session as a discussion item and give staff direction to make specific changes to the language and exhibits. The agreement will then be noticed according to Utah State Code 52-4 for the next city council meeting work session and policy session. Upon review by the city council, the agreement will then go to a third party legal counsel for review. Final review and approval of the agreement will be presented to the city council and shall not be altered without following the amendment process outlined in EMMC 16.10.070(D) . The agreement shall meet all requirements in EMMC 16.10.070.

F. 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.

[Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].

16.10.060 Criteria for review of master development plans.

Master development plans 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 a particular use or density suitable for that use or density?

2. Natural Hazards. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. 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 Ridgeline Protection Overlay Zone. Will the proposed uses and densities be reasonably compatible with the protection of natural channels and comply with the Ridgeline Protection Overlay Zone?
5. Flooding. Will the proposed uses 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 generally suitable for that use or density? 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 be adequately served by Eagle Mountain's planned municipal utilities?
2. Streets. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major 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 based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common usable open space?

C. Criteria Related to Compatibility.

1. Compatible Densities – Adjacent Parcels. Will the proposed uses and densities be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the Eagle Mountain City future land use plan map? 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 Zones and Transitions – Internal Parcels. Will the proposed zones and transitions be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed zones and transitions will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.
3. Buffering Incompatible Uses. Does the placement of proposed uses help buffer potentially incompatible uses from one another in accordance with EMMC 17.60?

D. Criteria Related to Design.

1. Open Space. Do the proposed densities include the planned community open space required by this title? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space?
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)].

16.10.070 Criteria for review of master development agreements.

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. The master development agreement shall be a standard template originated by the city, containing all elements required in this section. Any changes requested by the applicant shall be requested by addendum to the original document.

A. Benchmarks. The developer shall be required to take measurable action, upon the approval of the master development plan and agreement through performance benchmarks:

1. Applicant holds title to land or has documented legal right to improve the land - with a set time limit to complete this element from the date of city council approval.
2. Applicant shall receive approval for the site plan and first preliminary plat within a set time limit of the master development agreement approval.
3. Excavation or land disturbance begins within a set time limit of site plan and preliminary plat approvals
4. All phase curb, gutter and roads are completed within a set time limit from approval of site plan and preliminary plat.
5. All phases of open space, parks, and/or trails are completed within a set time limit from approval of site plan and preliminary plat.

B. Expiration of the master development plan and agreement. The master development plan and agreement will automatically revoke all land use vesting and zoning within the respective parcels identified in the master development plan and agreement. A rezone will automatically come before the planning commission's next meeting to be zoned according to the current General Plan future land use map. Expiration occurs when:

1. The term of the agreement has expired;
2. The master development agreement failed to be signed by both the city and the applicant(s) in accordance with EMMC 16.10.080;

3. Any land in the master development plan and agreement is rezoned outside of the initial approval process; or
4. Any reconfiguring of lots, roads, or open space that alters the approved exhibits and/or preliminary plats.

C. Renewals and extensions of time

1. Extensions shall follow the process outlined in EMMC 16.10.080(A).
2. Renewals of previously approved but incomplete preliminary plat will not be considered. Extensions of time to complete the approved preliminary plat shall follow the process outlined in EMMC 16.10.080(A) and meet the requirements of EMMC 16.10.080(B).

D. Amendments. A master development plan and agreement will require approval of an amendment when:

1. After approvals, the master development plan or site plan is altered to accommodate schools, churches, roads, eminent domain.
2. After approvals, the developer finds geographical, topographical, water, sewer, economical issues or any other factor that would alter the approved plan and agreement and that would prohibit them from using the land according to approvals and vested rights.
3. Language, exhibits, or annexing land into the agreement

E. Criteria related to expiration of development agreements

1. Development Agreements shall not extend longer than five (5) years from the signing of the agreement.
2. Development Agreements shall be set to expire upon the approval of a rezone requested by the developer.

F. Church and school sites. All church sites and school sites shall be identified by the acreage required by the respective church entity or school district as part of the master development plan and agreement. If the developer chooses to sell land to a church or school district after the fact, it shall be required to make an amendment to the master development agreement. The developer shall not seek to transfer units or decrease lot sizes within the phase or project to accommodate this choice.

16.10.080 Expirations and extensions of approvals.

Master development plan approvals shall expire six (6) months from the date of approval by the city council if a master development agreement has not yet been approved and signed by all applicable parties.

A. Extensions of Time. 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 department prior to the expiration date of the project. Approval request of the extension shall be brought before the planning commission for approval consideration.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. 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 commission shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning commission may approve 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 a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. 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.

C. Appeals. An applicant may appeal the planning commission's decision to the city council within 15 days of the date of the decision. The applicant may then appeal a decision of the city council to the district court within thirty (30) days of the city council's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Expiration of approvals. Process to follow EMMC 16.10.070(B).

E. 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. It shall be in compliance with the current development code at the time of resubmittal. [Ord. O-16-2010 § 2 (Exh. A)].



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 8, 2020**

TITLE:	DISCUSSION ITEM - Proposed Code Amendment to Add EMMC 17.23 Open Space Zone		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:
Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[17.23 Open Space Zone - PROPOSED](#)

EMMC 17.23 Open Space Zone

[PROPOSED - OPT 2]

17.23.010 What this chapter does.

17.23.020 Purpose and objective.

17.23.030 Area of designation.

17.23.040 Land use table.

17.23.050 Development standards.

17.23.060 Open space protection.

17.23.010 What this chapter does.

This chapter establishes the land use regulations and protections for the Open Space Zone 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 Zone 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, ridge lines, 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	P
Communication facilities and towers	S	S
Community garden	P	
Equestrian center, public	P	
Golf course	P	P
Open space	P	P
Outdoor storage	S	S
Park	P	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 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: 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 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 Open Space 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 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 Zone 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 Zone must be located underground.

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 8, 2020**

TITLE:	DISCUSSION ITEM - Proposed Code Amendment to Add EMMC 17.31 Public Facilities Zone		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:
Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[17.31 Public Facilities Zone - PROPOSED](#)

EMMC 17.31 Public Facilities Zone

[PROPOSED]

17.31.010 What this chapter does.

17.31.020 Purpose and objective.

17.31.030 Allowed uses.

17.31.040 Special uses.

17.31.050 Development standards.

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 8, 2020**

TITLE:	August 25, 2020, Planning Commission Minutes		
ITEM TYPE:	Minutes		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[PC Minutes 08.25.2020 - DRAFT](#)



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

August 25, 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

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

CITY STAFF PRESENT: Pete Kane, Long-Range Planning Manager; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:42 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Proposed Code Amendments to EMMC 17.70 Accessory Apartments

This item was discussed after item 1.D.

Planner Jessa Porter explained staff recommends moving the Tiny Homes on Wheels standards within the Accessory Apartments section to the Detached Structures standards subsection as a more appropriate location.

Discussion ensued regarding the desirability of inclusion and the location of standards for tiny homes on wheels. Commissioner Everett advocated for the standards to be included and stated allowing tiny homes on wheels assists the City in meeting the affordable housing requirements.

Ms. Porter explained the exclusion of tiny homes on wheels from Municipal Code could cause confusion and enforcement difficulties.

Commissioner Wood recommended for tiny homes on wheels to include a requirement for the occupants to be family relations to the owners of the primary residential dwelling.

Commissioner Wright noted the family relation standards regarding accessory apartments also allows for the occupancy of two unrelated individuals.

Discussion ensued regarding the relationship requirements for tiny homes of wheels occupants, existing tiny homes on wheels currently within the City, and the desirability of permitting tiny homes on wheels.

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

This item was removed from the work session agenda.

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

This item was removed from the work session agenda.

1.D. DISCUSSION ITEM – Zoning Transition Table

This item was discussed at the start of the work session.

Commissioner Wood explained he had made some adjustments to the table and verbiage before the meeting to improve consistency.

Discussion ensued regarding the inclusion or removal of the residential transition up and residential transition down columns from the zone transition table, confusion regarding the transitioning up and down indications, the compatible buffer designations, and zone transition verbiage to be added to EMMC 17.60 Landscaping, Buffering, Fencing and Transitioning. The Planning Commission determined to remove the residential transition up and residential transition down columns from the zone transition table.

Commissioner Wood explained his recommended amendments to the lot size transitioning table in order to update the verbiage due to tier language being removed from Municipal Code and to be in accordance with current standards.

Long-range Planning Manager Pete Kane noted that Commissioner Wood's suggestion to designate lot size minimums may cause confusion as some lot sizes could be included in several categories and recommended retaining the acreage lot size ranges indicated in current zone standards.

Discussion ensued regarding the Lot Size Transitioning Tables lot size range indicator options, resulting interpretation concerns, and desired corrections to the adjacent lot requirements.

Commissioner Wells expressed concern regarding the impact of the range designations on existing property owners due to permitted acreages for adjacent properties. Commissioner Wood said that frontage requirements mitigate homeowner lot size transition concerns.

Commissioner Wood advocated retaining the lot size up and down transitioning for the lot size transitioning tables.

Commissioner Wright expressed concern regarding agricultural land that is designated as a different use on the General Plan Future Land Use Map and stated buffering requirements were not required along the Agricultural zone.

Discussion ensued regarding Agricultural land use buffering.

Commissioner Everett explained Agricultural standards require compatible transitioning from existing developers and require minimum lot size but not a maximum lot sizes for adjacent properties.

Commissioner Wells expressed concerns that owners of multifamily units may not desire to abut agricultural uses or large lots with animals. Commissioner Wood stated the zone transitioning table standards will mitigate transitioning concerns if approved and adopted by the City Council.

Commissioner Everett stated the Future Land Use Map's intention is to prevent transitioning concerns and incompatible adjacent land uses.

1.E. DISCUSSION ITEM – Proposed Code Amendments to EMMC 16.10 Master Development Plans

This item was discussed after item 1.D.

Commissioner Wells suggested a phasing requirement to be added to the Application item for any proposed and phased parks in a development. Mr. Kane recommended also adding a phasing requirement to Criteria for Review of Master Development Agreement (MDA) and the benchmark section, not included in this section of the MDA standards.

Commissioner Wells expressed concern regarding the timing of the third-party legal counsel review after City Council approval of the MDA. Discussion ensued regarding changing the recommended amendment from “upon approval of the City Council” to “upon review by the City Council” prior to the legal review.

Commissioner Wells expressed concern that the six months from the approval of the site plan and preliminary plat timeframe requirement for the completion of all phase curb, gutter, and road may be insufficient due to winter and other weather construction constraints. Mr. Kane inquired if the Planning Commission desired a standard timeframe requirement for all projects or if the standards should indicate a timeframe will be required and set in accordance with each specific project.

Discussion ensued regarding phase infrastructure installation.

Commissioner Wood explained the suggested amendment changes the approval authority for MDA timeframe extensions from the City Council to the Planning Commission and should the amendments not be approved, the authority will be retained by the City Council.

1.F. DISCUSSION ITEM – Proposed Code Amendments to EMMC 17.60.120 (R) and EMMC 16.35.090.

This item was removed from the work session agenda.

Commissioner Wood adjourned the work session at 6:40 p.m.

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

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

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 11, 2020 Planning Commission Minutes

MOTION: *Commissioner Wright moved to approve the August 11, 2020 minutes as discussed. Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

5. Status Report

Planning Manager Michael Hadley stated the Hoofbeats for Healing rezone and the Marketplace at Eagle Mountain Town Center master site plan and preliminary plat were approved at the City Council's meeting the previous week.

6. Action and Advisory Items

6.A. B & H Property (Rezone and General Plan Amendment)

Mr. Hadley presented the item. The item was tabled at the August 11, 2020 meeting. The property is located west of the Brylee Estates and north of Brandon Park on approximately 162 acres. The property is currently zoned Agriculture and the General Plan designation for the area is a combination of Employment Center/Campus (EEC) and Neighborhood Residential One (NR1). The application requests a General Plan Amendment to retain the NR1 designation with R2 zoning on 52.26 acres of the property and adding the General Plan Neighborhood Residential Three (NR3) designation with MF2 zoning on 27.90 acres of the property. The R2 zone allows the applicant to propose a variety of single-family lot sizes with a minimum lot size of 8,000 square feet and an average lot size of ¼ acre. The MF2 zone allows a maximum density of 20 units per acre or 558 total units. The 80.17 acres on the northern portion of the property, proposed as Business, does not comply with the General Plan. The northern portion is not being developed at this time and is excluded from this rezone and General Plan amendment request.

The eastern and middle portion of the proposal complies with the General Plan NR1 designation. The west portion does not comply with the General Plan land uses: the proposal identifies the lower-right corner of this area for MF2 zoning although the General Plan land use designation is NR1, and the northwest corner which is designated as ECC but requested as MF2 zoning. The requested zones in this western portion conflict with the General Plan. The proposed uses and densities are compatible with adjacent and current land uses, can be accommodated with public services, and is not expected to have significant negative impacts on surrounding property values. Traffic generation is within the capabilities of the streets serving the property. A proposed future freeway intersects the northwest corner of the property and Aviator Avenue on the south of the property will most likely have an access onto the proposed freeway.

Commissioner Wood expressed concern regarding the increase in density.

Mr. Hadley stated the Brylee Estates development is to the east of the property with lots ranging from 6,000 to 9,000 square feet.

Applicant representative Andy Flamm clarified that Fieldstone has townhomes to the east of the project. He explained he requested the MF2 zone as he had understood from the feedback he had received in the previous meeting that the MF2 zone offered the product desired for that location. He placed smaller lots around the perimeters of the R2 area to buffer between the larger lots in the center of the project and the adjacent uses. Mr. Flamm displayed the original plan presented to the Planning Commission and City Council and stated the feedback he had received was to retain the commercial property and to offer a variety of home options. The original plan proposed 32.80 acres of commercial, 68.78 acres of MF2, 29.97 acres of RD2, and 29.77 acres of RC. He stated they had considered R1 for the southeastern portion of the property, but the homes would be adjacent to commercial and MF2 uses and determined the R2 zone to be more appropriate for the area.

Commissioner Wood advocated for creative, seamless lot size transitioning rather than grid development layouts and said the proposal included too much multifamily and recommended transitioning with single-family homes. He said the General Plan layout intended for the development to follow the curve of the future freeway and recommended commercial uses abutting the future freeway.

Mr. Flamm stated he had been informed the triangle shape/line for the land use designation in the southwest corner is arbitrary. He explained his intention is to develop a community. He is not attempting to maximize density and had understood the Planning Commission had desired multi-family uses in that area based upon feedback during the previous meeting. He explained as this was a concept plan, he only included a generic housing layout and can implement more creativity in the site plan design and that an increase in housing types will compartmentalize and create a grid layout.

Commissioner Wood suggested using road break and curvature transitions to prevent a grid layout.

Commissioner Everett said he concurred with Commissioner Wood's preference for curved roadways to reduce traffic speed and increase community aesthetics and he agreed the number of townhomes proposed is too high; however, he supports multi-family uses abutting the major

roadways. He stated he typically opposes General Plan amendments, but he supports an amendment as appropriate for this area and project.

Commissioner Wells agreed with the previous Commissioners' statements. She said she felt the level of detail provided for the project was appropriate for a rezone and General Plan amendment application. She suggested locating multifamily units along the north border of the residential area to buffer the ECC uses.

Commissioner Wright expressed appreciation to the applicant for his flexibility addressing varying and conflicting feedback. He stated support of granting a rezone for the residential area; however, he expressed concern recommending approval to the City Council as he believed the application required further amendments.

Mr. Hadley recommended moving the application forward with the conditions stipulating the Commission's desired amendments.

Mr. Flamm requested that the Planning Commission provide guidelines regarding their desired density ratios or acreage numbers for each residential zone.

Discussion ensued regarding the zone acreages and locations requested in the application and desired amendments to the project to address concerns.

Commissioner Wells expressed discomfort with drafting complicated conditions to the City Council during a meeting without adequate time to review and consider the recommendations.

Commissioner Wood concurred with Commissioner Wells' and expressed concern the application was not compliant with the zone transitioning table standards discussed during work session and stated the application must adhere to the unapproved, unadopted standards as the standards had been presented prior to the discussion of the application.

Discussion ensued regarding concerns recommending approval of the application, drafting conditions, and concerns regarding delaying the application.

Mr. Hadley stated the Planning Commission could recommend denial to the City Council to allow the application to move forward.

Commissioner Wells inquired if a recommendation for denial can include an explanation regarding the decision, the areas of concern, and suggestions to address their concerns.

Commissioner Wood stated a recommendation for denial requires findings of fact of the application. This application does not comply with the General Plan and the requested MF2 zone is not compatible with the General Plan.

Commission Everett expressed concern recommending denial to move the project forward if the Planning Commission has concerns regarding a project but does not desire for the project to be denied by the City Council. He said the Planning Commission's purpose is to resolve concerns

and prepare projects for the City Council. He desired to fulfill their roles as a Planning Commission before recommending the application to the City Council. He recommended tabling the item to allow more time for the applicant to amend the project if desired, and for the Planning Commission to determine their appropriate recommendations to address their concerns.

Commissioner Wood concurred with Commissioner Everett and stated recommending an application to the City Council without remedying concerns failed to meet the responsibility of the Planning Commission.

Commissioner Wells clarified she desired to determine a creative solution to fulfill their responsibilities while allowing the project to move forward but stated a willingness to table the item if desired by the other Commissioners.

Commission Everett recommended for Mr. Flamm to add high-density units along the north and west boundaries of the residential portion of the property with appropriate lot size transitioning to the larger lots and suggested possibly adding commercial uses along the south border of the property.

Commissioner Wright suggested the addition of Commercial Neighborhood or Commercial Community along the south border of the property along Aviator Avenue and recommended R3 zoning along the north border of the property as an appropriate transition. He requested for the MF2 acreage to be reduced in half and incorporated into the existing residential area and advocated for retaining the existing ECC as a commercial use and withdrawing the General Plan amendment request.

Commissioner Wells concurred with the recommendation for commercial uses along Aviator Avenue.

Commissioner Wood recommended for Mr. Flamm to implement appropriate buffering between the NR1 and ECC areas. He concurred with Commissioner Wright's recommendation for the applicant to withdraw the General Plan amendment and retain the western portion of the property as the ECC General Plan designation and to add commercial uses along Aviator Avenue. He directed Mr. Flamm to use the lot transitioning table standards and recommended the R2 zoning as an appropriate buffer for the eastern edge of the development.

Mr. Flamm reviewed and clarified the Planning Commission recommendations. He expressed concern regarding the feedback as it conflicted with the direction he had received from the City Council.

MOTION: *Commissioner Everett moved to table the B & H Property rezone and General Plan amendment. Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

6.B. PUBLIC HEARING – SilverLake 28 (Site Plan)

Mr. Hadley presented the item and stated the SilverLake South development preliminary plat was recommended for approval by the Planning Commission on September 20, 2019, and approved by the City Council on October 1, 2019. The SilverLake 28 site plan is part of the SilverLake South preliminary plat and includes 10 single-family lots and 64 townhome units for a total of 74 lots.

The overall general landscape plan for SilverLake South has been approved with the preliminary plat and the open space will be maintained by the homeowner's association. The exteriors of the multifamily dwellings shall contain masonry materials including stone, brick, and fiber cement siding such as Hardie board. The proposed site plan includes two-car garages for all units. Townhome standards require two stalls per dwelling unit; based on the parking requirements and number of units, Plat 28 requires 21 guest parking stalls and one ADA parking stall. The site plan includes seven stalls. The product is the same as from previous phases and the park will be improved by the developer and deeded to the City during a future phase of the project.

Staff recommends that a recommendation for approval to the City Council include the condition the applicant shall pay a landscape cash escrow to the City of \$2,810.40 per lot/unit.

Commissioner Wells inquired if the two-car garages reduced the parking stall requirement. Mr. Hadley stated he was not aware of any guest parking exemptions; however, a reduced parking requirement might be included in the master development agreement (MDA).

Commissioner Wood expressed concern regarding the proposed private road, Silver Spring Way, connecting two collector roads, Golden Eagle Road and Golden Meadow Crossing, and recommended widening Silver Spring Way and making it a public road.

Mr. Hadley verified the City Council had approved the fencing exemption for the reinforced vinyl fencing along Golden Eagle Road in the SilverLake South development.

Commissioner Everett expressed his opinion the vinyl fencing along Golden Eagle Road is not aesthetically pleasing.

Commissioner Wright inquired regarding the landscaping plan for this portion of the project, the lighting plan, the MDA requirements for the pocket park, and required clarification regarding the park to the northwest of the project.

Mr. Hadley explained the pocket park was a private park and not required by the MDA or counted towards the open space requirement. The tot lot and northwest park were included in the original plan for the project and the applicant desired to postpone deeding the park to the City until the park was improved and contiguous with the development as it was excluded from the area within Plat 28.

Applicant representative Bronson Tatton explained the pocket park had been listed in the open space requirement calculation; however, the park was not necessary to meet the improved open space requirement and can be removed for clarity, if desired. The pocket park was added to improve the livability for the townhome residents. He stated Golden Eagle Road, SilverLake Parkway, and Woodhaven Boulevard are minor collector roads and as the development and

infrastructure expand, a connectivity network reduces the traffic flow to connecting roads and the majority of the traffic flow will be along Golden Eagle Road. The development design includes townhome units along private roads.

Commissioner Wood expressed concern that the private roads are being used by residents as local roads and increase potential safety concerns for both vehicular and pedestrian traffic.

Mr. Tatton verified sidewalks will be installed along both sides of Silver Spring Way and expressed concern widening the road will alter the preliminary plat.

Discussion ensued regarding traffic concerns, road widths, and safety concerns.

Mr. Tatton explained the townhome units have full driveways that can accommodate four vehicles providing two garage stalls for residents and two driveway stalls for guest parking without obstructing the sidewalk and pedestrian traffic.

Commissioner Wood advocated for the future phases of the project to include public roads and sidewalks along both sides of the roads.

Commissioner Everett expressed concern the townhomes are not compliant with Municipal Code standard requirements for garages placed on the front façade to be staggered and set back to minimize their appearance from the street and that garages shall never dominate the street-facing façade of a building. He requested that Mr. Tatton address his fencing concerns and reiterated his disapproval of the vinyl fencing as a detriment to the development and the City, the expressed disfavor for allowing multiple fencing types along roadways.

Mr. Tatton recognized Commissioner Everett's right to his opinion and stated he had received the appropriate approval for the fencing from the City Council.

Commissioner Wood stated his surprise and expressed concern the City Council had approved three types of fencing along a major roadway.

Commissioner Wood opened the public hearing at 8:06 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 stated his disappointment the MDA had not been included in the packet materials and desired for the City Engineer to determine if the proposed roadway configuration presented safety concerns. He noted the other issues discussed during the meeting had been previously approved with other plats for the project.

Commissioner Everett stated that even though the townhome elevations had been approved during previous phases of the project, the Planning Commission should recommend denial of the project to the City Council due to the failure of the townhome elevations to meet Municipal Code garage design and location standards. Commissioner Wood noted the MDA may permit an exemption regarding the townhouse elevations.

Commissioner Wright expressed concern regarding the inadequate number of guest parking stalls provided.

Discussion ensued regarding the MDA requirements and exemptions.

Commissioner Wells expressed her willingness to make a recommendation to the City Council with conditions; however, she concurred it would be beneficial to be able to review the MDA before making a decision.

Commissioner Wright recommended tabling the application to allow time to review the MDA requirements.

Mr. Hadley verified the lighting plan and landscaping plan had been submitted and approved by staff.

MOTION: *Commissioner Wright moved to table the SilverLake 28 site plan until the Planning Commission is provided the master development agreement, the landscaping plan, and the lighting plan by staff and the applicant works with staff to provide the additional 14 required guest parking stalls. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. Those voting nay: Erin Wells. The motion carried with a vote of 3:1.*

Commissioner Wells clarified her dissenting vote was due to being unsure if an additional 14 parking stalls were required as the townhomes had two-car garages.

6.C. Ault Farms (Concept Plan)

Mr. Kane presented the item and stated the initial concept plan was reviewed by the Planning Commission on December 10, 2019, and the City Council on January 21, 2020. Feedback included concern with the proposed density, incompatible proposed land uses compared to the General Plan, reluctance with the request that commercial land in the plan may revert to residential if not developed within a set timeframe, concerns regarding the creation of new zoning districts not currently in standards, and questions regarding the need to utilize property designated as Business Park land use for residential purposes.

The property includes 2,995 lots on 750 acres with land uses including 983 single-family lots, 796 townhome lot/units, 296 four and six-pack lots, 460 apartment units, 460 condominium units, 12 acres of commercial property, and area reserved for open space.

The applicant has been working closely with the developers from the projects to the east of the subject property to ensure proper connections and traffic flow. The concept plan also includes several connections throughout the development including pedestrian crossings for the safe movement of residents and visitors. The majority of the subject property is identified in the General Plan Future Land Use Map as Neighborhood Residential One (NR1). The southwest corner of the

subject property has been designated as Business Park/Light Industry (BPLI). While most of the concept single-family areas comply with the General Plan land use designation, the townhomes, apartments, and condos do not comply with the land use designation. The concept plan proposes using half of the area designated for BPLI for apartments which is not a compatible land use based on the General Plan designation and would reduce the overall commercial/industrial potential of the subject property. Staff recommends additional commercial use would be appropriate on the north side of the proposed major arterial road across from where commercial use is currently noted as it would provide a commercial entryway to the development.

Applicant representative Pete Evans with Flagship Homes explained Flagship Homes is working in conjunction with other developers to create a master plan and install infrastructure in the area. He presented images to provide context for the area, the project, and adjacent developments. Changes to the concept plan include a reduction in the overall density unit count; an increase in the BPLI area; and additional detail including coordination with adjacent property owners, infrastructure and utility planning and design, a completed transportation impact study, an environmental report, an economic study, and a completed open space master plan. He explained the second concept plan integrates product types throughout the development and adds road curvature and connectivity to surrounding trails and open space, provides buffering to surrounding uses, and clusters density around transportation corridors.

Commissioner Everett thanked the applicant for addressing previous feedback and for considering the project in conjunction with adjacent developments. He said the location of the higher-density units near the transportation corridor as appropriate and expressed his approval of the road curvature.

Commissioner Wells stated her favor for the road design, connectivity, and pedestrian-friendly walkways. She disapproved of the amount of density requested for the project for an area with an NR1 General Plan designation; however, some high-density housing may be appropriate to transition from commercial uses. She concurred with the staff recommendation to add commercial uses on the north side of the proposed major arterial. She advocated to retain the full acreage of commercial development indicated in the General Plan and suggested the commercial uses could be relocated to other areas of the development.

Commissioner Wright concurred with Commissioners Everett and Wells and recommended for the development to adhere to the General Plan and the proposed zone transitioning guidelines discussed during the work session. He expressed concern the concept plan designations and acreages do not correspond with the updated zoning district regulations and recommended for the applicant to review the updated residential zone standards. He advocated for General Plan amendments in this area to accommodate commercial uses and lot size transitions. However, the majority of the development should correspond with the NR1 General Plan designation. He requested for Commissioners and the City Council to support the General Plan designations for the area. He stated that other updated and proposed Municipal Code standard amendments will impact this development.

Commissioner Wood thanked the applicant for providing curved roads for safety and aesthetical considerations. He requested for the applicant to review Municipal Code standards and amend the

plan to comply with minimum lot frontage standards and side setbacks. He recommended the development of rental apartments in the City to meet resident needs; however, he stated he was not in favor of the apartment development as presented. He advocated for commercial use development along major roadways and stated his disfavor for single-family residential units along major roadways. He concurred with Commissioner Wells that the concept plan proposed too high of density. He requested that the inclusion of the proposed acreage for each area in the concept plan in addition to the number of units.

Mr. Evans verified the concept plan excluded approximately 200 acres of the southern portion of the property with a BPLI General Plan designation and stated the concept plan includes approximately 550 acres of the 750-acre property.

Commissioner Wood stated the eastern portion of the concept plan does not comply with the Foothill Residential General Plan designation.

Mr. Evans explained the housing product proposed for the northern portion of that area is intended to buffer an approved twin home development.

Commissioner Wood indicated that the twin home project was not supported by the Planning Commission.

Mr. Evans clarified the commercial uses proposed for the southwest area north of the apartments would be commercial rather than a business park/light industrial use. He stated his intention in proposing unique zones was to increase product diversity and specificity to provide a better overall master development. He said he will work with staff to match their desired product types with City standards. He expressed his willingness to evaluate the appropriate product type for the major roadways. He explained the four and six pack lots are single-family units with a shared driveway such as a housing cluster or patio homes.

6.D. Triumph (Concept Plan)

Commissioner Wood recessed the meeting at 9:09 p.m. and reconvened the meeting at 9:15 p.m.

Mr. Kane presented the item and stated the concept plan includes 252 single-family lots with 184 ½-acre lots and 68 1/3-acre lots and 3.53 acres of open space with three trail/pedestrian accesses. The development is centered around Lake Mountain Road and includes one additional north connection to Tiffany Lane, three connection points to the east, a southern connection via Lake Mountain Road, and no connections within the development to the west. The General Plan and Future Land Use Map designate the parcel as Rural Density Two. The 1/3-acre lots in the concept plan do not meet the zoning or land use designations but may be appropriate as a transition to the proposed single-family development directly to the north which currently is conceived as 8,000 to 10,000 square-foot, single-family lots.

Commissioner Wood expressed concern regarding the alignment of the concept plan with a proposed major arterial road on the Transportation Master Plan.

Commissioner Wright inquired if the development is located within the utility corridor.

Ms. Porter stated the Scarlet Ridge project to the east of the development has proposed 1/2-acre and one-acre lots for the project.

Applicant representative Scot Hazard explained he has proposed reducing the major arterial road to the west of the project to a more appropriate level of service indicated by recent traffic studies as the Transportation Master Plan was adopted before the zoning code amendments. He explained the intended road widths and connections for the project. He explained the powerline corridor is outside of the Triumph property and he proposed 1/3-acre lots to buffer along the powerline corridor and westbound connectivity is provided through the powerline corridor at the northern and southern edges of the project. He explained he is requesting zoning different than the General Plan due to offering a housing price point compatible with homes along a powerline corridor and in review with staff he recommended rezoning the area as Foothill Residential (FR) with the intent of keeping 1/3 acre lot as a minimum. The developers in the area are working in conjunction to provide utilities to the Lake Mountain foothill area. As the projects different developments will be selling homes at the same time, the developers of each project would like to offer slightly different products in order to not compete with each other.

Commissioner Wood expressed concern regarding the location of the park with a single access off a major roadway.

Discussion ensued regarding traffic concerns about the proposed widths and locations of roads in the concept plan in relation to the Transportation Master Plan.

Commissioner Everett stated his willingness to consider an FR rezone. However, he expressed concern about implementing civic uses within the concept plan. He concurred with Commissioner Wood's concerns regarding the location of the park on a major roadway.

Mr. Hazard stated he had not included civic uses as the likelihood of the identified site in the concept plan changing and expressed his willingness to relocate the park.

Commissioner Wright stated he is unlikely to support an FR rezone because the Scarlet Ridge development with an R2 zone would be surrounded by FR acreages. He noted although the FR allows for 1/4-acre lots, the zone requires an average lot size of 1/2 acre. He concurred with the concerns expressed regarding road alignment and the impact on the powerline corridor.

Mr. Hazard explained his purpose in proposing an FR rezone was not to reduce the average lot size. He stated he desires to offer a variety of product types, especially in relation to the surrounding developments to reduce competition with other developers.

Commissioner Wells concurred regarding the traffic concerns expressed by other Commissioners. She agreed with Commissioner Wright's concerns regarding an FR rezone. She stated her support for lot size buffering with the Ault Farms subdivision and the powerline corridor. She expressed concern the concept plan did not provide appropriate buffering along existing large lots to the south.

Commissioner Wright concurred with Commissioner Wells' concerns regarding respecting existing residents through the required lot size transitioning.

Commissioner Wood advocated for the retention of large lot areas designated on the General Plan to preserve rural areas within the City.

6.E. PUBLIC HEARING – Development Code Amendment for Master Development Plans and Agreements

Commissioner Wood explained the item will be tabled and moved to the next meeting.

Commissioner Wood opened the public hearing at 9:53 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment.

MOTION: *Commissioner Wood moved to table a development code amendment for master development plans and agreements and continue the public hearing to the next meeting. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

7. Discussion Items

8. Next scheduled meeting

Commissioner Wells stated she will not be in attendance at the next meeting.

9. Adjournment

MOTION: *Commissioner Everett moved to adjourn the meeting at 9:54 pm. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:54 p.m.

Approved by the Planning Commission on September 8, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 8, 2020**

TITLE:	VDP Investment Commercial Property (Concept Plan)
ITEM TYPE:	Concept Plan
APPLICANT:	Van Nguyen

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Jessa Porter, Planning

BACKGROUND:

This commercial concept plan consists of nine retail units on approximately 1 acre of undeveloped land at the southwest corner of Half Mile Road and Ranches Parkway. The Ranches Master Development Plan and Agreement have expired and all vested rights are now invalid.

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 approvals, 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 Neighborhood (CN).

ITEMS FOR CONSIDERATION:

ZONING

This parcel is designated as Community Commercial land use on the City's Future Land Use and Transportation Map. The Ranches Master Development Plan and Agreement have expired and all vested rights are no longer valid. The City is currently developing a rezone of commercial properties in the Ranches to meet current zone designations. If the rezone of commercial properties throughout The Ranches is approved, the subject property of commercial will be zoned Commercial Neighborhood. 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 any other applications to be

approved.

ARCHITECTURAL STANDARDS (EMMC 17.72)

City code for architectural standards regarding trash enclosures (EMMC 17.72.040 (L)) states "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 consolidation of trash areas between businesses is encouraged." The proposed location of the trash enclosure is adjacent to Ranches Parkway and is not compliant with the architectural standards code. A more appropriate location may be the southwest corner with required screening. While the concept plan doesn't show building design and articulation, it is recommended the applicant review EMMC 17.72.040 for future application submissions to make sure they are compliant with commercial design standards.

PARKING (EMMC 17.55)

Table 17.55.120(c) states that there is a minimum of 1 stall for each 300 square feet of gross floor area for buildings if the intended use is retail. Based on the concept building square footage, the minimum parking requirement (if all units are retail) would be 44 parking stalls and 2 ADA stalls.

VEHICLE ACCESS

The concept includes access to the property via Half Mile Road near the western end of the property. This access would be preferred as it maximizes the distance to the road intersection.

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:

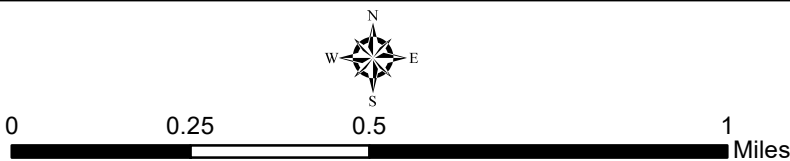
VDP Investment Concept Plan

Proposed Commercial Zoning in The Ranches



Proposed Zoning Designations

-  Commercial Neighborhood
-  Commercial Community



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



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
SEPTEMBER 8, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment for Master Development Plans and Agreements (EMMC 16.10)		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:			
APPLICANT:	Staff		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

PRESENTED BY:

Pete Kane

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).

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.

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

16.10 Master Developments Plans and Agreements - REDLINE
VERSION

16.10 Master Developments Plans and Agreements - CLEAN
VERSION

Chapter 16.10

MASTER DEVELOPMENT PLANS AND AGREEMENTS

16.10.010 What this chapter does.

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)].

16.10.020 Master development plans required.

A. Parcel in Excess of 50 Acres. A master development plan containing a land use plan, utility plan, and economic analysis shall be required of any development that is in excess of 50 acres in size. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered as separate properties and not part of the master development plan or agreement. In such cases where multiple property owners of contiguous land propose development together, such parcels shall be considered as separate properties, unless the property owners create a corporation to oversee the respective property development.

B. Annexations. A master development plan shall be 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. Land that is in excess of 50 acres may be annexed into the city and shall be zoned as agricultural and a master development plan and development agreement shall be required upon the development of the property.

C. City Council Discretion. The planning commission may recommend that the city council waive the land use plan, utility plan, infrastructure funding analysis, or master development agreement of the master development plan process depending upon the size of the parcel, location, and desired use. Notwithstanding the requirement for a master development plan for parcels in excess of 50 acres, the city council may require, at its discretion, a master development plan and agreement for any development within the city. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].

16.10.040 General considerations.

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

A. 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 scale of development within a specified area. A master development plan proposal is a zoning change 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 area.

B. Zoning Map Amendments. An application for approval of a master development plan shall be processed as an application for a rezone request.

C. General Plan Amendments. If the proposed zoning and land uses in the master development plan do not comply with the current Future Land Use and Transportation Corridors Map, the applicant shall submit a General Plan Amendment application along with the Master Development Plan application. These two applications shall be reviewed concurrently.

D. Master Development Agreement. Creation of a master development agreement that identifies land uses, zoning, residential uses, traffic circulation, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, off-site utility construction, excavation material processing, proposed methods of digging or blasting, and phasing of the development shall be executed upon approval. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development plan to the planning department. 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.

There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an infrastructure funding analysis. Dependent upon the location of existing utilities and project size, the master development plan process shall require both plans to be reviewed and approved simultaneously.

A. Supporting Materials. All master development plan 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 parcel with relation to the other major areas of the city.
3. Traffic Plan. A plan showing existing and proposed streets as shown in the current transportation master plan, the major street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer.
4. Fee. The processing fee required by the current consolidated fee schedule approved by the city council and a public notice fee (to be calculated and paid prior to each public meeting).
5. Project Team. Outline 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 the city council.

B. Land Use Plan. Master development plans shall submit the following in addition to the items identified in subsection A of this section:

1. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, natural washes, historical sites, areas with greater than 25% slopes, areas within the ridgeline protection overlay zone, 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 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.
4. Land Use and Zoning Map. A map together with a general description of the proposed development indicating the:
 - a. General development pattern – Phasing shall be required from existing roads and adjoining developments first, and then moving towards undeveloped areas;
 - b. Land uses – Including roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zones – Rezone proposals should not attempt to be in a grid format but rather showing a natural progression of buffers and lot transition according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. General Plan Compliance Statement. A compatibility statement that demonstrates compliance with the City's Future Land Use Map (or proposed future land use), Master Transportation Plan, and General Plan documents.
6. Parks, Open Space, and Trails Plan. A plan showing the maps indicating how the proposed master plan will comply with the city's open space, parks, trails and recreation regulations, including compliance with applicable guidance from the city's current Parks, Open Space, and Trails 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 that require a utility plan shall submit the following items in addition to those identified in subsection A of this section:

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 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 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, solid waste, parks and recreation demands of the proposed project.

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

- 1. Financing Infrastructure. A financing infrastructure report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan. 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 proponent to assure the city that the proposal will not unduly burden the 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 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 Approval process.

Upon the completion of a concept plan, the developer shall file a properly completed master development plan application. 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 planning commission and city council shall review and take action on the proposed master development plans in accordance with the following procedure. An approved master development plan is not valid until a master development agreement for the project is approved.

A. Development Review Committee. Upon receipt of a complete master development plan 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 revisions for the applicant to take into consideration prior to public review and approval.

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 department 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.

C. 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.

D. Master Development Plan approval.

E. Master Development Agreement approval. An initial agreement shall be drafted by the city. Review of the agreement will take place first at the staff level, then to the planning commission in work session(s) review as required to properly review and amend. Upon completion of the planning commission work session(s), the agreement shall be noticed according to Utah State Code 52-4 for the next planning commission policy session once the agreement has been revised based on the work session(s). The planning commission will make a recommendation to the city council. The city council will take the agreement into their work session as a discussion item and give staff direction to make specific changes to the language and exhibits. The agreement will then be noticed according to Utah State Code 52-4 for the next city council meeting work session and policy session. Upon review by the city council, the agreement will then go to a third party legal counsel for review. Final review and approval of the agreement will be presented to the city council and shall not be altered without following the amendment process outlined in EMMC 16.10.070(D) . The agreement shall meet all requirements in EMMC 16.10.070.

F. 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.

[Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].

16.10.060 Criteria for review of master development plans.

Master development plans 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 a particular use or density suitable for that use or density?

2. Natural Hazards. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. 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 Ridgeline Protection Overlay Zone. Will the proposed uses and densities be reasonably compatible with the protection of natural channels and comply with the Ridgeline Protection Overlay Zone?
5. Flooding. Will the proposed uses 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 generally suitable for that use or density? 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 be adequately served by Eagle Mountain's planned municipal utilities?
2. Streets. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major 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 based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common usable open space?

C. Criteria Related to Compatibility.

1. Compatible Densities – Adjacent Parcels. Will the proposed uses and densities be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the Eagle Mountain City future land use plan map? 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 Zones and Transitions – Internal Parcels. Will the proposed zones and transitions be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed zones and transitions will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.
3. Buffering Incompatible Uses. Does the placement of proposed uses help buffer potentially incompatible uses from one another in accordance with EMMC 17.60?

D. Criteria Related to Design.

1. Open Space. Do the proposed densities include the planned community open space required by this title? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space?
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)].

16.10.070 Criteria for review of master development agreements.

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. The master development agreement shall be a standard template originated by the city, containing all elements required in this section. Any changes requested by the applicant shall be requested by addendum to the original document.

A. Benchmarks. The developer shall be required to take measurable action, upon the approval of the master development plan and agreement through performance benchmarks:

1. Applicant holds title to land or has documented legal right to improve the land - with a set time limit to complete this element from the date of city council approval.
2. Applicant shall receive approval for the site plan and first preliminary plat within a set time limit of the master development agreement approval.
3. Excavation or land disturbance begins within a set time limit of site plan and preliminary plat approvals
4. All phase curb, gutter and roads are completed within a set time limit from approval of site plan and preliminary plat.
5. All phases of open space, parks, and/or trails are completed within a set time limit from approval of site plan and preliminary plat.

B. Expiration of the master development plan and agreement. The master development plan and agreement will automatically revoke all land use vesting and zoning within the respective parcels identified in the master development plan and agreement. A rezone will automatically come before the planning commission's next meeting to be zoned according to the current General Plan future land use map. Expiration occurs when:

1. The term of the agreement has expired;
2. The master development agreement failed to be signed by both the city and the applicant(s) in accordance with EMMC 16.10.080;

3. Any land in the master development plan and agreement is rezoned outside of the initial approval process; or
4. Any reconfiguring of lots, roads, or open space that alters the approved exhibits and/or preliminary plats.

C. Renewals and extensions of time

1. Extensions shall follow the process outlined in EMMC 16.10.080(A).
2. Renewals of previously approved but incomplete preliminary plat will not be considered. Extensions of time to complete the approved preliminary plat shall follow the process outlined in EMMC 16.10.080(A) and meet the requirements of EMMC 16.10.080(B).

D. Amendments. A master development plan and agreement will require approval of an amendment when:

1. After approvals, the master development plan or site plan is altered to accommodate schools, churches, roads, eminent domain.
2. After approvals, the developer finds geographical, topographical, water, sewer, economical issues or any other factor that would alter the approved plan and agreement and that would prohibit them from using the land according to approvals and vested rights.
3. Language, exhibits, or annexing land into the agreement

E. Criteria related to expiration of development agreements

1. Development Agreements shall not extend longer than five (5) years from the signing of the agreement.
2. Development Agreements shall be set to expire upon the approval of a rezone requested by the developer.

F. Church and school sites. All church sites and school sites shall be identified by the acreage required by the respective church entity or school district as part of the master development plan and agreement. If the developer chooses to sell land to a church or school district after the fact, it shall be required to make an amendment to the master development agreement. The developer shall not seek to transfer units or decrease lot sizes within the phase or project to accommodate this choice.

16.10.080 Expirations and extensions of approvals.

Master development plan approvals shall expire six (6) months from the date of approval by the city council if a master development agreement has not yet been approved and signed by all applicable parties.

A. Extensions of Time. 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 department prior to the expiration date of the project. Approval request of the extension shall be brought before the planning commission for approval consideration.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. 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 commission shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning commission may approve 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 a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. 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.

C. Appeals. An applicant may appeal the planning commission's decision to the city council within 15 days of the date of the decision. The applicant may then appeal a decision of the city council to the district court within thirty (30) days of the city council's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Expiration of approvals. Process to follow EMMC 16.10.070(B).

E. 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. It shall be in compliance with the current development code at the time of resubmittal. [Ord. O-16-2010 § 2 (Exh. A)].

Chapter 16.10

MASTER DEVELOPMENT PLANS AND AGREEMENTS

16.10.010 What this chapter does.

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)].

16.10.020 Master development plans required.

A. Parcel in Excess of 50 Acres. A master development plan containing a land use plan, utility plan, and economic analysis shall be required of any development that is in excess of 50 acres in size. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered as separate properties and not part of the master development plan or agreement. In such cases where multiple property owners of contiguous land propose development together, such parcels shall be considered as separate properties, unless the property owners create a corporation to oversee the respective property development.

B. Annexations. A master development plan shall be 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. Land that is in excess of 50 acres may be annexed into the city and shall be zoned as agricultural and a master development plan and development agreement shall be required upon the development of the property.

C. City Council Discretion. The planning commission may recommend that the city council waive the land use plan, utility plan, infrastructure funding analysis, or master development agreement of the master development plan process depending upon the size of the parcel, location, and desired use. Notwithstanding the requirement for a master development plan for parcels in excess of 50 acres, the city council may require, at its discretion, a master development plan and agreement for any development within the city. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].

16.10.040 General considerations.

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

A. 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 scale of development within a specified area. A master development plan proposal is a zoning change 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 area.

B. Zoning Map Amendments. An application for approval of a master development plan shall be processed as an application for a rezone request.

C. General Plan Amendments. If the proposed zoning and land uses in the master development plan do not comply with the current Future Land Use and Transportation Corridors Map, the applicant shall submit a General Plan Amendment application along with the Master Development Plan application. These two applications shall be reviewed concurrently.

D. Master Development Agreement. Creation of a master development agreement that identifies land uses, zoning, residential uses, traffic circulation, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, off-site utility construction, excavation material processing, proposed methods of digging or blasting, and phasing of the development shall be executed upon approval. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.10.040 Application.

Property owners or their duly authorized agent shall make application for a master development plan to the planning department. 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.

There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an infrastructure funding analysis. Dependent upon the location of existing utilities and project size, the master development plan process shall require both plans to be reviewed and approved simultaneously.

A. Supporting Materials. All master development plan 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 parcel with relation to the other major areas of the city.
3. Traffic Plan. A plan showing existing and proposed streets as shown in the current transportation master plan, the major street layout, street construction phasing, and detailed traffic study prepared by a traffic engineer.
4. Fee. The processing fee required by the current consolidated fee schedule approved by the city council and a public notice fee (to be calculated and paid prior to each public meeting).
5. Project Team. Outline 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 the city council.

B. Land Use Plan. Master development plans shall submit the following in addition to the items identified in subsection A of this section:

1. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, natural washes, historical sites, areas with greater than 25% slopes, areas within the ridgeline protection overlay zone, 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 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.
4. Land Use and Zoning Map. A map together with a general description of the proposed development indicating the:
 - a. General development pattern – Phasing shall be required from existing roads and adjoining developments first, and then moving towards undeveloped areas;
 - b. Land uses – Including roads, water retention/detention, open spaces, parks and recreation, trails;
 - c. Proposed zones – Rezone proposals should not attempt to be in a grid format but rather showing a natural progression of buffers and lot transition according to EMMC 17.60; and
 - d. Any other important elements of the project.
5. General Plan Compliance Statement. A compatibility statement that demonstrates compliance with the City's Future Land Use Map (or proposed future land use), Master Transportation Plan, and General Plan documents.
6. Parks, Open Space, and Trails Plan. A plan showing the maps indicating how the proposed master plan will comply with the city's open space, parks, trails and recreation regulations, including compliance with applicable guidance from the city's current Parks, Open Space, and Trails 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 that require a utility plan shall submit the following items in addition to those identified in subsection A of this section:

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 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 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, solid waste, parks and recreation demands of the proposed project.

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

- 1. Financing Infrastructure. A financing infrastructure report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan. 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 proponent to assure the city that the proposal will not unduly burden the 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 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 Approval process.

Upon the completion of a concept plan, the developer shall file a properly completed master development plan application. 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 planning commission and city council shall review and take action on the proposed master development plans in accordance with the following procedure. An approved master development plan is not valid until a master development agreement for the project is approved.

A. Development Review Committee. Upon receipt of a complete master development plan 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 revisions for the applicant to take into consideration prior to public review and approval.

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 department 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.

C. 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.

D. Master Development Plan approval.

E. Master Development Agreement approval. An initial agreement shall be drafted by the city. Review of the agreement will take place first at the staff level, then to the planning commission in work session(s) review as required to properly review and amend. Upon completion of the planning commission work session(s), the agreement shall be noticed according to Utah State Code 52-4 for the next planning commission policy session once the agreement has been revised based on the work session(s). The planning commission will make a recommendation to the city council. The city council will take the agreement into their work session as a discussion item and give staff direction to make specific changes to the language and exhibits. The agreement will then be noticed according to Utah State Code 52-4 for the next city council meeting work session and policy session. Upon review by the city council, the agreement will then go to a third party legal counsel for review. Final review and approval of the agreement will be presented to the city council and shall not be altered without following the amendment process outlined in EMMC 16.10.070(D) . The agreement shall meet all requirements in EMMC 16.10.070.

F. 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.

[Ord. O-25-2016 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].

16.10.060 Criteria for review of master development plans.

Master development plans 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 a particular use or density suitable for that use or density?

2. Natural Hazards. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?
3. Storm Water Runoff. 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 Ridgeline Protection Overlay Zone. Will the proposed uses and densities be reasonably compatible with the protection of natural channels and comply with the Ridgeline Protection Overlay Zone?
5. Flooding. Will the proposed uses 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 generally suitable for that use or density? 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 be adequately served by Eagle Mountain's planned municipal utilities?
2. Streets. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major 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 based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common usable open space?

C. Criteria Related to Compatibility.

1. Compatible Densities – Adjacent Parcels. Will the proposed uses and densities be reasonably compatible with existing or vested uses on adjoining lands? Is the proposed plan consistent with the Eagle Mountain City future land use plan map? 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 Zones and Transitions – Internal Parcels. Will the proposed zones and transitions be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed zones and transitions will comply with this title and EMMC Title 17, including the performance standards designed to help ensure land compatibility.
3. Buffering Incompatible Uses. Does the placement of proposed uses help buffer potentially incompatible uses from one another in accordance with EMMC 17.60?

D. Criteria Related to Design.

1. Open Space. Do the proposed densities include the planned community open space required by this title? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space?
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)].

16.10.070 Criteria for review of master development agreements.

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. The master development agreement shall be a standard template originated by the city, containing all elements required in this section. Any changes requested by the applicant shall be requested by addendum to the original document.

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2. Applicant shall receive approval for the site plan and first preliminary plat within a set time limit of the master development agreement approval.
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4. All phase curb, gutter and roads are completed within a set time limit from approval of site plan and preliminary plat.
5. All phases of open space, parks, and/or trails are completed within a set time limit from approval of site plan and preliminary plat.

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