



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

August 9, 2022, 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

1. Discussion Items

1.A DISCUSSION - Community District Node Overlay Zones

Review of background, existing draft(s), and status of community district node overlay zones.

[17.34 Community District Node Overlay Zones - draft](#)

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 July 26, 2022 Planning Commission Minutes

[PC 07.26.22 DRAFT Minutes](#)

5. Status Report

6. Action and Advisory Items

6.A ACTION ITEM/PUBLIC HEARING “Eagle Mountain Municipal Code Regarding Small Cell Wireless (5G) Facilities

City-proposed development code amendment containing standards for small cell wireless facilities.

[Small Cell Wireless Facilities Code](#)

6.B ACTION ITEM/PUBLIC HEARING “Eagle Mountain Municipal Code Regarding Water Efficiency Standards

City-proposed development code amendments regarding water efficiency standards, amending various sections of the Municipal Code, detailed in the report.

[Water Efficient Landscape Standards](#)

6.C [ACTION ITEM - Harmony A-14 Site Plan](#)

Site plan approval of 38 single-family lots and open space within the Harmony development on 4.29 acres at Annabell Street and Rachel Way; Parcel 59:045:0143.

[Harmony Development Agreement \(2\).pdf](#)

[Harmony A14 - Elevations Renderings - 7.28.2022.pdf](#)

[RL Harmony 14 Landscape 8.5.22.pdf](#)

[RL Harmony Civil 8.5.22.pdf](#)

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.



EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2022

TITLE:	DISCUSSION - Community District Node Overlay Zones		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY N/A

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

PRESENTED BY:

Steve Mumford / Robert Hobbs

RECOMMENDATION:

Discuss and provide feedback

BACKGROUND:

An overlay zone has been requested during the last several years by some members of the City Council to allow for more compact, walkable, higher density developments near future transit stations, commercial areas, and major intersections/roadways. The overlay zones are intended to create designated areas within the city's neighborhoods to act as focal points of activity and development, relieving development pressure on other portions of the city that are intended to be protected or more rural, while also improving the capacity for better transportation systems and providing services and amenities on a local level. These nodes are established in varying intensity levels and reflect the implementation of the Framework Map of the General Plan (attached).

The overlay zones include:

- City Center Node - a "downtown" main street style of commercial and office uses, with a mixture of uses that may include residential or office above retail.
- Community Node - a community business district style of commercial and office uses serving multiple surrounding neighborhoods, with a mixture of uses that may include residential or office above retail or residential above office.
- Neighborhood Node - a small collection of retail and service uses

focused on a corner or single block, serving the immediate surrounding neighborhood.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

N/A

PLANNING COMMISSION ACTION/RECOMMENDATION:

N/A

ATTACHMENTS:

[17.34 Community District Node Overlay Zones - draft](#)

EMMC 17.34 Community District Node Overlay Zones

[PROPOSED]

17.34.010 What this chapter does.

This chapter establishes the land use regulations and protections for the Community District Node Overlay Zones in Eagle Mountain City. It establishes three types of community district node overlay zoning: City Center Node (N-CC), Community Node (N-C), and Neighborhood Node (N-N).

17.34.020 Purpose and objective.

The purpose of the Community District Node Overlay Zones is to create designated areas within the city's neighborhoods to act as focal points of activity and development. The development of the nodes can act as a way to relieve development pressure on other portions of the city that are intended to be protected or more rural, while also improving the capacity for better transportation systems and providing services and amenities on a local level. These walkable, denser nodes are established in varying intensity levels and reflect the implementation of the Framework Map of the General Plan. They are typically served and located near existing and future major intersections, highways, and mass transit stops.

The node types of the Community District Node Overlay Zones are described as:

A. **City Center Node.** A "Downtown" Main Street style of commercial and office uses. Mixture of uses in a horizontal or vertical format (e.g. residential or office above retail; residential above office).





B. Community Node. A community business district style of commercial and office uses serving multiple surrounding neighborhoods. Mixture of uses in a horizontal or vertical format (e.g. residential or office above retail; residential above office).



C. Neighborhood Node. A small collection of retail and service uses focused on a corner or single block, serving the immediate surrounding neighborhood. Mixture of uses in a horizontal format (e.g. different uses adjacent to each other).



17.34.030 Area of designation.

The Community District Node Overlay Zones shall be applied to areas as noted by the Framework Map of the General Plan (see Figure 17.34.070(1)). Not all neighborhoods in the city may have a node, a neighborhood may include multiples of a node type, and not all node types may be within a neighborhood.

A node must be centered on an existing or future major intersection or mass transit stop. A future intersection or mass transit stop is defined as one identified in the current Transportation Master Plan at the time of a request for the overlay zone mapping.

Each node overlay shall be limited in size to no more than:

- A. City Center Node – 200 acres;
- B. Community Node – 150 acres; and
- C. Neighborhood Node – 100 acres.

17.34.040 Land use table.

This land use table contains the various land uses that are permitted, special, and prohibited in the Community District Node Overlay Zones. The land use table supersedes the land uses of the underlying zoning. 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

Any use not specifically allowed by this overlay or an underlying zoning district shall be prohibited.

Land Use Table

Community District Node Uses

LAND USE	CITY CENTER NODE (N-CC)	COMMUNITY NODE (N-C)	NEIGHBORHOOD NODE (N-N)
RESIDENTIAL USES			
Dwelling (single-family)			P
Dwelling (multi-family, 10 to 30 units/bldg)			P
Dwelling (multi-family, 20 to 40 units/bldg)		P	
Dwelling (multi-family minimum of 50 units/bldg)	P		

Accessory apartment (detached or within the primary residence)			P
Mixed-use residential ¹	P	P	P
Assisted living facility (up to 12 residents)	S	S	S
Assisted living facility (12+ residents)	S	S	
Bed and Breakfast		P	P
Residential facility for persons with a disability	S	S	S
Home businesses	P	P	P
CIVIC USES			
Cultural and Entertainment Uses (theaters, museums, galleries, libraries, performing arts studios, movies, etc.)	P	P	
Public parks, trails, and recreation	P	P	P
Public building or facilities (city owned)	P	P	P
Religious or cultural meeting halls	S	S	S
School, public or charter	S	S	S
Transit stop (bus, light rail)	P	P	P
UTILITY USES			
Utilities, public and private	S	S	S
Communication facilities and towers	S	S	S
COMMERCIAL USES			
Animal care service	S	S	S
Athletic instruction, including dance, gymnastics, martial arts, etc.	P	P	P
Banks and credit unions	P	P	P
Brewery (ancillary to a restaurant)	P	P	
Child day care center or preschool	P	P	P
Convenience store; corner market	P	P	P
Dialysis center	P	P	
Fitness center	P	P	P
Food trucks	P	P	P
Grocery store, small/neighborhood (generally < 30,000 sq. ft.)	P	P	P
Grocery store, medium/community (generally 30,000 – 75,000 sq. ft.)	P	P	
Grocery store, large/regional (generally > 75,000 sq. ft.)	P		
Hotel ²	P	P	
Laundry services (no on-site dry cleaning)	P	P	P
Mortuary	P	P	
Office (medical, health care, professional)	P	P	P
Outdoor sales and display (including storage of materials, products, and equipment incidental to an allowed use)	S	S	S
Parking garage ³	S	S	
Pharmacy (retail)	P	P	P

Plant and tree nursery/garden center (with outside display; min. 1 acre lot)	S	S	
Reception/conference/meeting center	S	S	S
Restaurant or bakery	P	P	P
Retail sales, general ⁴	P	P	
Retail sales, neighborhood (generally < 5,000 sq. ft.) ⁵	P	P	P
Retail sales, regional (generally > 55,000 sq. ft.)	P		
Salon (hair, nails, etc.)	P	P	P
State liquor store	P	P	
Tobacco specialty business	S	S	

¹ A mixed-use residential building must include a minimum 50% of gross floor area for a permitted or special residential use and a minimum of 50% of ground floor gross floor area for any other non-residential permitted or special use allowed in the particular zoning overlay district.

² Hotels offering extended stay must include a mix of extended stay and standard rooms (maximum 70 percent extended stay).

³ Parking garages that are incorporated into a building with other uses may not utilize more than 70% of the ground floor gross floor area.

⁴ Includes arts and crafts sales, body art facility, electronic media rental and sales, hardware and home improvement, pet store, and uses deemed similar or appropriate by the city.

⁵ Includes bookstore, copy center or postal center, floral sales, ice cream or dessert shop, and uses deemed similar or appropriate by the city.

17.34.050 Development standards.

The development standards are required standards for the Community District Node Overlay Zones in the city. The development standards table below supersedes the development standards of the underlying zoning.

Community District Node Development Standards

	CITY CENTER NODE (N-CC)	COMMUNITY NODE (N-C)	NEIGHBORHOOD NODE (N-N)
Maximum Land Area of Node for Residential Use ¹	25%	40%	60%
Maximum Height of Structures ²	65' (50' ³)	50' (45' ³)	40' (35' ³)
Setback Requirements ⁴			
Front	10' min; 30' max	10' min; 25' max	10' min; 15' max
Rear	15' min (35' min ³)	15' min (30' min ³)	15' min (25' min ³)
Side	None (20' min ³)	None (15' min ³)	None (10' min ³)

¹ Excluding Mixed-use Residential

² Height is measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures.

³ If adjacent to a residential use (existing or future based on General Plan designation) that is not in a Community District Node Overlay Zone.

⁴ The city council, in consideration of a prior recommendation by the planning commission, may modify these requirements if in its judgment the modification comply with the following: does not interfere with the use, enjoyment, and character of adjacent properties; the success of the business necessitates the setbacks, proven by data or research; the setbacks are not solely to provide space for parking between the building and the street; and topography or natural features make it impossible or impracticable to place the building within the setback.

A. Parking. The required parking as identified in Table 17.55.120(c) shall be reduced by 10% for non-residential uses to determine parking requirements in a Community District Node Overlay Zone. Developments must comply with all other requirements of EMMC 17.55 for off-street parking. Shared parking (EMMC 17.55.100) is highly encouraged to help minimize the amount of surface parking in the node.

B. Lighting. Developments must comply with the requirements of EMMC 17.56 for outdoor lighting. Light fixture style and design is encouraged to be consistent within node district, but encouraged to vary between each node as a way to provide a sense of identity and place that is distinctive and unique.

C. Landscaping, Buffering, Fencing and Transitioning.

1. Developments must comply with the requirements of EMMC 17.60.
2. Courtyards. Developments (except for single-family dwellings) are encouraged to be designed to incorporate plaza or courtyard areas to encourage use of the area as a resting, social, and relaxing space. Such areas shall be allowed on any side of a building. These areas are characterized as being well landscaped areas which include benches, shade features, and certain other amenities such as public art, water features, or a pedestrian-scale tower clock.
3. Rooftops. Developments (except for single-family dwellings) are encouraged to incorporate courtyards and landscaping on rooftops where possible.

D. Design Standards. Developments must comply with the requirements of EMMC 17.72 for site and architectural design. Architectural elements and language are encouraged to be repeated between developments within a node district, however each individual node district is encouraged to have its own unique look and style to set it apart from the other node districts in the city.

17.34.060 Conflict regulations.

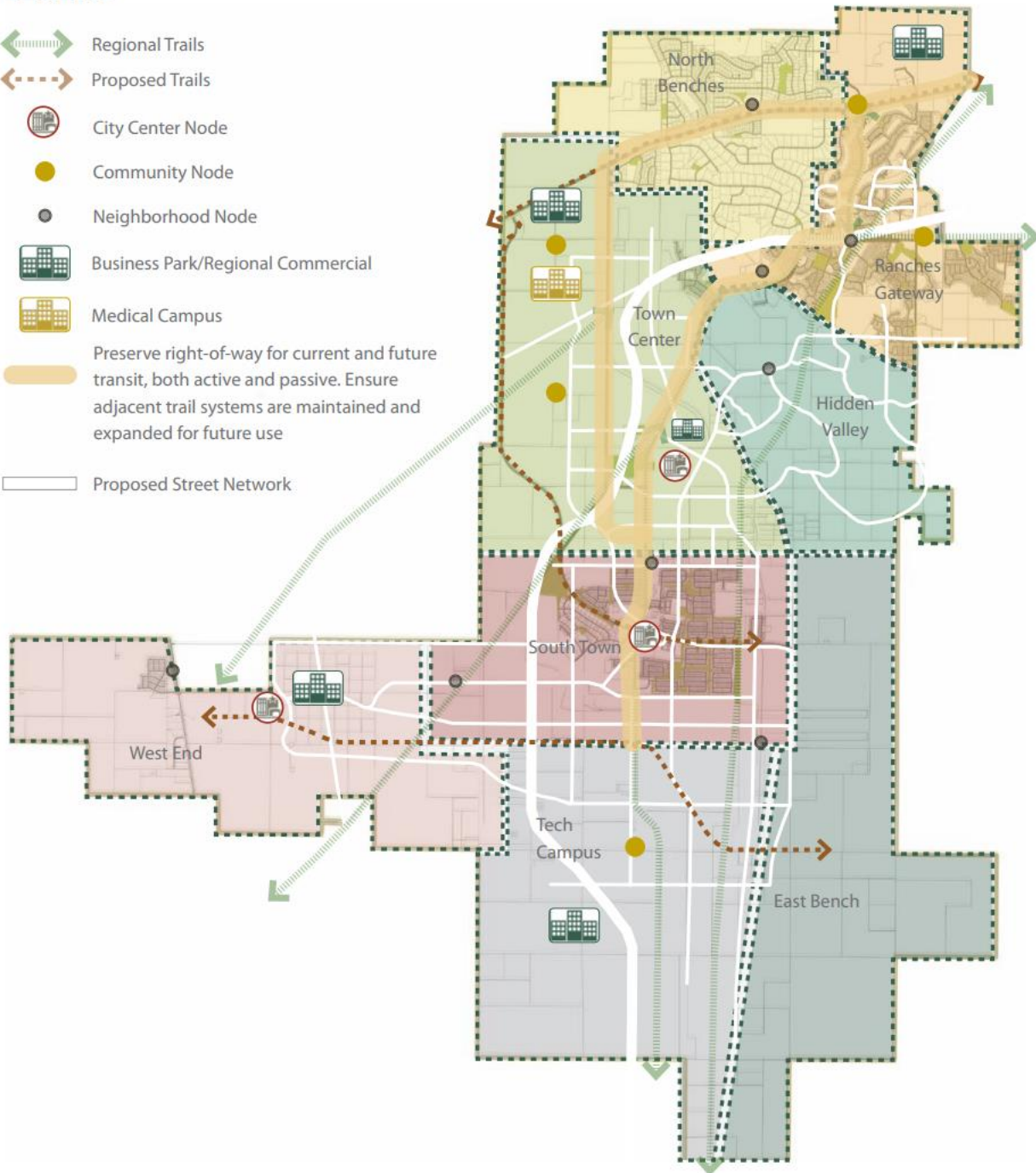
Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this chapter, this chapter shall govern unless enforcement will result in a violation of the federal, state, county or city statutes, codes, or laws.

17.34.070 General Plan Framework Map.

Figure 17.34.070(1)

LEGEND

-  Regional Trails
-  Proposed Trails
-  City Center Node
-  Community Node
-  Neighborhood Node
-  Business Park/Regional Commercial
-  Medical Campus
-  Preserve right-of-way for current and future transit, both active and passive. Ensure adjacent trail systems are maintained and expanded for future use
-  Proposed Street Network





EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2022

TITLE: ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code Regarding Small Cell Wireless (5G) Facilities

ITEM TYPE: Development Code Amendment

APPLICANT: Evan Berrett - Assistant to the City Administrator

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Evan Berrett, Admin

BACKGROUND:

Communications technologies continue to advance, bringing higher speeds, greater connectivity, and opening the door to new capabilities. The latest generation of wireless communications technology comes in the form of small cell wireless facilities, providing a new infrastructure to build what is known as 5G upon. The small cell wireless facilities differ greatly from current cellular communications network broadcasting equipment, and the deployment of this technology is being strongly supported by the U.S. Federal Government.

Currently, small cell wireless technology is found in very few, high-density locations where it can be of most use. Although communications providers regularly state that 5G networks are being setup nationwide, the 5G networks they speak of are on existing upgraded equipment and not using the new small cell wireless facilities. Small cell wireless facilities operate on a different range of electromagnetic frequencies that cannot penetrate buildings, trees, or people. Consequently, their range of use is greatly restricted. Small cell wireless facilities are typically installed on electric transmission poles, street lights, or on standalone poles 200-500 feet from one another, at times collocating with equipment from other communications providers. Although currently there are very limited deployments of this small cell wireless facility technology, many government entities, including cities, are preemptively preparing code to ensure deployments are done in a way that does not create issues for the locale.

The State of Utah passed the Small Wireless Facilities Deployment Act in 2018 that allows local governments certain capabilities to regulate the placement, installation, design, and removal of small cell wireless facilities. The Act also allows cities to collect application fees and right of way use fees from the communications companies. Several cities around Utah have already

codified restrictions and processes based on what is allowed through the Act. Eagle Mountain City staff have reviewed the code of other cities, communicated with stakeholders, and done significant research into the impacts of small cell wireless facilities and what Eagle Mountain City can legally do to promote the optimal outcome.

The draft ordinance brings together similar language to what other cities such as Herriman, Ogden, and Saratoga Springs currently have in place. Eagle Mountain City is limited to do much more than what is proposed, especially regarding averting any potential health concerns due to the 1996 U.S. Telecommunications Act which prohibits local regulation of these technologies based on health concerns. However, staff believes that the draft ordinance will adequately ensure that small cell wireless facilities are congregated in locations sufficiently distant from residences while protecting the aesthetics of our city.

ITEMS FOR CONSIDERATION:

City Council has previously been provided presentations regarding 5G communications technologies, specifically small cell wireless facilities. Feedback received indicated a concern about the potential number of new poles that may be installed in the City to accommodate the effective deployment of small cell wireless facilities. A former draft of the ordinance did not push communications companies to collocate where possible, due to the knowledge after speaking directly with communications company engineers from Verizon and AT&T that collocation is not preferred and may impact the effectiveness of their equipment. The new draft code now requires communications companies to demonstrate that new poles are necessary, rather than collocating on existing poles. This approach assumes that Eagle Mountain City has a greater desire to see the aesthetics of the city preserved over a desire for rapid deployment of small cell wireless facilities.

REQUIRED FINDINGS:

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

RECOMMENDATION:

Staff recommends the approval of this small cell wireless facilities code and the establishment of the accompanying, yet-to-be-created permitting processes and procedures to ensure that Eagle Mountain City is prepared for the deployment of small cell wireless facilities before the technology arrives

in our City to avoid any undesirable consequences.

ATTACHMENTS:

[Small Cell Wireless Facilities Code](#)



EAGLE MOUNTAIN CITY

STAFF REPORT

AUG 9, 2022

Project: ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code
Regarding Small Cell Wireless (5G) Facilities

Applicant: Evan Berrett – Assistant to the City Administrator

Request: Approval of addition to Municipal Code

Type of Action: Action Item/Public Hearing

Background

Communications technologies continue to advance, bringing higher speeds, greater connectivity, and opening the door to new capabilities. The latest generation of wireless communications technology comes in the form of small cell wireless facilities, providing a new infrastructure to build what is known as 5G upon. The small cell wireless facilities differ greatly from current cellular communications network broadcasting equipment, and the deployment of this technology is being strongly supported by the U.S. Federal Government.

Currently, small cell wireless technology is found in very few, high-density locations where it can be of most use. Although communications providers regularly state that 5G networks are being setup nationwide, the 5G networks they speak of are on existing upgraded equipment and not using the new small cell wireless facilities. Small cell wireless facilities operate on a different range of electromagnetic frequencies that cannot penetrate buildings, trees, or people. Consequently, their range of use is greatly restricted. Small cell wireless facilities are typically installed on electric transmission poles, street lights, or on standalone poles 200-500 feet from one another, at times collocating with equipment from other communications providers. Although currently there are very limited deployments of this small cell wireless facility technology, many government entities, including cities, are preemptively preparing code to ensure deployments are done in a way that does not create issues for the locale.

The State of Utah passed the Small Wireless Facilities Deployment Act in 2018 that allows local governments certain capabilities to regulate the placement, installation, design, and removal of small cell wireless facilities. The Act also allows cities to collect application fees and right of way use fees from the communications companies. Several cities around Utah have already codified restrictions and processes based on what is allowed through the Act. Eagle Mountain City staff have reviewed the code of other cities, communicated with stakeholders, and done significant research into the impacts of small cell wireless facilities and what Eagle Mountain City can legally do to promote the optimal outcome.

The draft ordinance brings together similar language to what other cities such as Herriman, Ogden, and Saratoga Springs currently have in place. Eagle Mountain City is limited to do much more than what is proposed, especially regarding averting any potential health concerns due to the 1996 U.S. Telecommunications Act which prohibits local regulation of these technologies based on health concerns. However, staff believes that the draft ordinance will adequately ensure that small cell wireless facilities are congregated in locations sufficiently distant from residences while protecting the aesthetics of our city.

Recommendation

City Council has previously been provided presentations regarding 5G communications technologies, specifically small cell wireless facilities. Feedback received indicated a concern about the potential number of new poles that may be installed in the City to accommodate the effective deployment of small cell wireless facilities. A former draft of the ordinance did not push communications companies to collocate where possible, due to the knowledge after speaking directly with communications company engineers from Verizon and AT&T that collocation is not preferred and may impact the effectiveness of their equipment. The new draft code now requires communications companies to demonstrate that new poles are necessary, rather than collocating on existing poles. This approach assumes that Eagle Mountain City has a greater desire to see the aesthetics of the city preserved over a desire for rapid deployment of small cell wireless facilities.

Staff recommends the approval of this small cell wireless facilities code and the establishment of the accompanying, yet-to-be-created permitting processes and procedures to ensure that Eagle Mountain City is prepared for the deployment of small cell wireless facilities before the technology arrives in our City to avoid any undesirable consequences.

PUBLIC UTILITIES AND SERVICES

Chapters:

- 13.05 Public Works Administration and General Provisions
- 13.10 Telecommunications and Cable System/Video Provider Franchises
- 13.12 Small Cell Communications Facilities**
- 13.15 Power and Gas
- 13.20 Water and Sewer
- 13.25 Water Rights
- 13.30 Outdoor Sprinkler Irrigation Use
- 13.35 Septic and Wastewater Disposal Systems
- 13.75 Eagle Mountain City Storm Water Ordinance

13.12.010.--- DEFINITIONS

***“Abandoned facilities”** means facilities no longer in service or physically disconnected from the operating facilities, or from any other facilities, or from any other facilities that are in use or that still carry service. Facilities are deemed to be abandoned facilities if they are not properly permitted with the city*

***“Administrative Review”** means ministerial review of an Application by Eagle Mountain City relating to the review and issuance of a Permit, including review by the City Engineer or his/her designee to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.*

***“Antenna”** means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.*

“City”, or “The City” means Eagle Mountain City, Utah

“Collocate” means to install or mount a on an existing Support Structure, an existing Tower, or on an existing

“Communications Facility” means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

“Communications Service” means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

“Communications Service Provider” means a provider of Communications Services and includes a cable operator, as defined in 47 U.S.C. § 522(5), a provider of information service, as information service is defined in 47 U.S.C. Sec 153(24), a telecommunications carrier, as defined in 47 U.S.C. Sec 153(51); or a wireless provider.

“Decorative Pole” means a Pole that is specially designed and placed for aesthetic purposes

“Discretionary Review” means review of an Application by Eagle Mountain City relating to the review and issuance of a Permit that is other than an Administrative Review.

“Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.

“Emergency” means any event that may threaten public health or safety, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged facilities, downed aerial facilities, downed poles or service outages whether to one customer or an area of the city.

“Ordinary Maintenance and Repair” means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

“Master License Agreement” means an agreement between a wireless provider and the city that sets for the general terms and conditions pursuant to which the wireless provider may install and operate wireless facilities in the public way.

“Pole” means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located within the Public Right of Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

“Provider” means a Communications Service Provider or a Wireless Services Provider and includes any Person that owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.

“Public Utility Easement” means, unless otherwise specified or restricted by the terms of the easement, the area on, below, or above a property in which the property owner has dedicated an easement for use by utilities. Public Utility Easement does not include an easement dedicated solely for Eagle Mountain City use, or where the proposed use by the Provider is inconsistent with the terms of any easement granted to Eagle Mountain City.

“Rate” means a recurring charge.

“Replace” or “Replacement” means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable Eagle Mountain City [charter/code regulations], in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

“Small Wireless Facility” means A type of wireless facility: (a) on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (b) for which all wireless equipment associated with the wireless facility, whether ground mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: (i) electric meter; (ii) concealment element; (iii) telecommunications demarcation box; (iv) grounding equipment; (v) power transfer switch; (vi) cut-off switch; (vii) vertical cable run for the connection of power or other service; (viii) wireless provider antenna; or (ix) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

“State” means the State of Utah.

“Support Structure” means a structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

“Tower” means any structure in the Public ROW built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

“Wireless Facility” means the equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

“Wireless Infrastructure Provider” includes a person authorized to provide a telecommunications service in the City. It does not include a wireless service provider.

“Wireless Services” means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

“Wireless Services Provider” means a Person who provides Wireless Services.

13.12.015.--- DECLARATION OF PURPOSE AND INTENT

A. Purpose. The purpose of this chapter is to establish the requirements for the siting and use of wireless facilities in a manner that facilitates the delivery of wireless services within the city, while minimizing associated adverse impacts. The goals of this chapter are to:

1. Provide for the managed development and installation, maintenance, modification, and removal of wireless services infrastructure in the city to provide adequate wireless communication coverage, without unreasonably discriminating against wireless providers of functionally equivalent services including all of those who install, maintain, and operate wireless facilities;
2. Promote and protect the public health, safety, and welfare, and specifically, protecting aesthetic values, by reducing the visibility of wireless facilities and structures to the fullest extent possible through techniques including but not limited to camouflage/concealment, design techniques, and undergrounding of wireless facilities and the equipment associated therewith, where appropriate;
3. Encourage the deployment of smaller, less intrusive wireless facilities to supplement existing telecommunications facilities;
4. Encourage owners and users of wireless facilities and structures to locate them, to the extent possible, where the adverse impact on the community is minimized;
5. Enhance the ability of wireless providers to provide such wireless services to the community quickly, effectively, and efficiently; and
6. Effectively manage wireless facilities in the public way.

B. Scope.

1. This chapter shall provide the basic local scheme for providers of wireless services and systems that require the use of the public ways, including providers of both the system and service, and those providers of the system only.
2. The requirements set forth in this chapter shall apply to all wireless facilities and structures located within the public way, and to all applications to locate or modify wireless facilities and structures within city public ways. This chapter shall apply to all future wireless providers and to all wireless providers in the city prior to the effective date hereof, whether operating with or without a license.
3. The activities regulated by this chapter are subject to terms of the Small Wireless Facilities Deployment Act, Utah Code Title 54, Chapter 21, or its successor.

C. Excluded Activity. This chapter shall not apply to video service systems, wireline backhaul facilities, or macro wireless facilities.

13.12.020.--- ORDERS, RULES, AND REGULATIONS

In addition to the requirements set forth in this chapter, the city may adopt such orders, rules and regulations which are reasonably necessary to accomplish the purposes of this chapter and are consistent herewith.

13.12.025.--- MASTER LICENSE AGREEMENT REQUIRED

- A. Any wireless provider desiring to install, repair, maintain, remove, and replace wireless facilities in the public way shall first enter into a master license agreement with the city, except to the extent exempted by federal or state law.
- B. The city is empowered and authorized to grant nonexclusive master license agreements on a nondiscriminatory basis governing the installation, operation, use and maintenance of wireless facilities in the city's public way in accordance with the provisions of this

section.

- C. The city shall grant a master license agreement to a wireless provider pursuant to a City Council ordinance, non-codified, authorizing the negotiation and execution of a master license agreement. Acceptance of the master license shall occur by the wireless provider executing the authorized master license agreement within 30 days of recordation of the authorizing ordinance. Any amendment or extension thereof will also require city council approval.
- D. The term of a master license agreement may be renewed if the wireless provider is in compliance with the master license agreement and all applicable laws, rules, and regulations, including this Chapter.
- E. This section shall only apply to wireless facilities. If a wireless provider has telecommunications systems that may be used for multiple purposes, such as a wireline backhaul facility, cable television, telecommunication services as defined in Utah Code Chapter 10-1-401 et seq., or video services system, then such provider shall obtain a franchise agreement per Chapter 13.10.030 or other applicable City law for each permitted purpose.
- F. Before offering or providing any wireless services pursuant to the master license agreement, a wireless provider shall obtain all other regulatory approvals, permits, authorizations, or licenses for the offering or providing of such services from the appropriate federal, state, and local authorities, if required, and, upon request of the city, shall submit to the city evidence of the same, such as a license from the FCC or certificate from the Utah Public Service Commission.
- G. The grant of a master license agreement will not excuse the wireless provider from obtaining (i) any permit or other authorization required to engage in or carry on any business within the city as required by the laws, rules, and regulations of the city, (ii) any other permit, agreement or authorization required in connection with the use of property or facilities owned by third parties, or (iii) any other permit or authorization required in connection with excavating or performing other work in or along the public way.
- H. Wireless providers shall comply with all applicable federal, state, and city laws, rules and regulations, including those of the FCC.
- I. Except to the extent exempted by applicable law, any wireless provider acting without a master license agreement on the effective date of the ordinance codified in this Chapter shall request issuance of a master license agreement from the city within 90 days of the effective date of the ordinance codified in this chapter. If such request is made, the wireless provider may continue to provide services during the course of negotiations. If a timely request is not made, or if a master license agreement is not granted, the wireless provider shall remove its equipment from the public way within 30 days of notice from the city.
- J. A master license agreement shall not convey title, equitable or legal, in the public way. A master license agreement is a license to occupy the public way on a nonexclusive basis for the limited purposes and time period stated in the agreement.
- K. A master license agreement granted pursuant to this chapter shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this chapter, including, but not limited to, defining events of default, procedures for accessing the bond/security fund, and rights of termination or revocation.
- L. In the event a wireless provider continues to operate all or any of its wireless facilities after the terms of the master license has expired, such wireless provider shall continue to

comply with all applicable provisions of this chapter and the master license agreement, including, without limitation, all compensation provisions; provided, that any such continued operations shall in no way be construed as a renewal or other extension of the master license agreement, nor as a limitation on the remedies available to the city as a result of such continued operation after the term, including, but not limited to, damages and restitution.

13.12.030.--- PERMITS REQUIRED

- A. An applicant shall obtain a permit prior to:
 - 1. Collocating a small wireless facility in a public right-of-way;
 - 2. Installing a new, modified, or replacement stand-alone pole or other structure associated with a small wireless facility in a right-of-way.
- B. **Exceptions to Permitting:** Unless the work requires the closing of sidewalks or vehicular lanes in the public right of way, an application for a permit is not required for:
 - 1. Routine maintenance of a small wireless facility or support structures for a small wireless facility;
 - 2. The replacement of one small wireless facility with another small wireless facility of substantially similar or smaller size;
 - 3. Non-substantial modifications.
- C. A wireless provider shall give notice to the city of an activity described in subsection 3 at least five (5) business days prior to conducting the activity.
- D. All construction practices and activities shall be in accordance with the Permit and approved final plans and specifications. Eagle Mountain City and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. All work that does not comply with the Permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall be removed at the sole expense of the Permittee. Eagle Mountain City may stop work in order to assure compliance with the provision of this Chapter.
- E. No permit issued under this chapter shall be valid for a period longer than 12 months unless construction has commenced within that period and is thereafter diligently pursued to completion. If construction begins but is inactive for more than 90 days, the permit expires.

13.12.035.--- USE OF RIGHT-OF-WAY FOR SMALL WIRELESS FACILITIES AND UTILITY POLES

- A. No person shall install, construct, modify, or otherwise place any small wireless facility within the public right-of-way except pursuant to the provisions of this chapter.
- B. All references to small wireless facilities in this chapter shall refer only to small wireless facilities in the right-of-way and upon Eagle Mountain City property and not small wireless facilities located anywhere outside of these spaces.
- C. Subject to the provisions of this Chapter and along, across, upon or under a right-of-way, a wireless provider may:
 - 1. Collocate a small wireless facility, including collocation on a City pole;
 - 2. Install, operate, modify, maintain, or replace:
 - a. a stand-alone pole owned by a wireless provider for use with a small wireless facility in approved areas of the city; or

- b. equipment described in Utah Code Annotated subsection 54-21-101(25)(b)(i) through (ix) required for a wireless provider's operation or collocation of small wireless facilities.
- D. An applicant may not install a new stand-alone pole or a small wireless facility, including any associated equipment, upon or under a residential street or residential property without the City's discretionary written consent.
- E. Microwave, macro towers, and other wireless backhaul facilities are not permitted within the right-of-way.

13.12.040.--- GENERAL PUBLIC ROW INSTALLATION REQUIREMENTS

- A. **General Work Requirements.** The Permittee shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and public ROW protection requirements of applicable laws, applicable codes, and any generally applicable Eagle Mountain City guidelines, standards and practices, and any additional commonly accepted safety and public ROW protection standards, methods and devices (to the extent not inconsistent with applicable laws).
- B. **Traffic Control.** Unless otherwise specified in the Permit, the Permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The Permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by Eagle Mountain City.
- C. **Interference.** The Permittee shall not interfere with any existing facilities or structures in the public ROW, and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any public ROW
- D. **Utility Locates.** Before beginning any excavation in the Public ROW, the Permittee shall comply with Utah Code Annotated section 54-8a.

13.12.045.--- SMALL WIRELESS FACILITIES; RESTRICTIONS

- A. A small wireless facility, including associated poles, equipment and structures, installed under this chapter shall:
 - 1. Shall be located such that it in no way impedes, obstructs, or hinders the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW, violate applicable law, violate or conflict with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.
 - 2. Shall be placed in alignment with existing trees, utility poles, and streetlights.
 - 3. Shall be located at intersecting property lines as much as possible.
- B. A small wireless facility, including associated poles, equipment and structures, installed under this chapter shall not:

4. Be located within two feet of a curb, provided that this restriction does not apply to an existing utility pole that is used for collocation unless the pole is proposed to be replaced;
 5. Utilize guy wires to support, provided that this restriction does not apply to an existing utility pole with a guy wire;
 6. Obstruct, damage, or interfere with:
 - a. another utility facility in a right-of-way; or
 - b. a utility's use of the utility's facility in a right-of-way.
 7. Be located adjacent to a commercial establishment, such as a shop or restaurant, where it negatively impact the business.
 8. Be located in-front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building.
- C. No new stand-alone poles shall be permitted unless the applicant demonstrates to the City Engineer's satisfaction that no existing tower, pole, or support structure can reasonably accommodate the applicants proposed wireless facility.

13.12.050.--- DESIGN STANDARDS APPLICABLE TO ALL SMALL WIRELESS FACILITIES

- A. **Integrated Design Consideration:** Small wireless facilities, including equipment associated with the small wireless facility, shall be integrated into the stand-alone pole, utility pole or authority pole where possible and generally shall be installed in a manner minimizing the visual impact.

Whether the small wireless facility is collocated or is placed on its own pole:

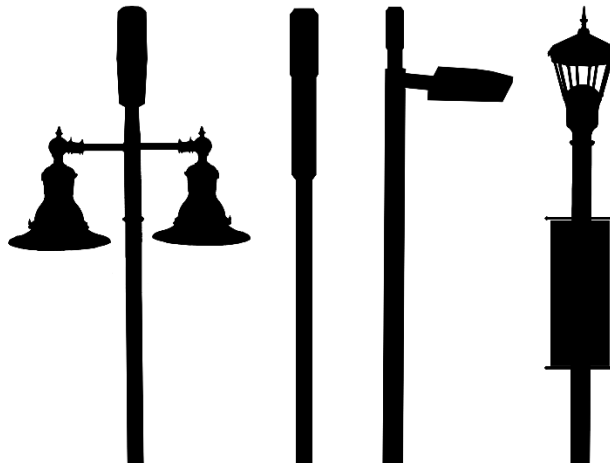
1. Small wireless facilities should not be readily noticed;
 2. All equipment, including electric meters, should be located on or within the pole unless prohibited by the owner of a pole used for collocation, in which case an alternative power meter box must be approved by the engineering department;
 3. A small wireless facility and associated equipment located on the exterior of a pole shall be enclosed in a shroud or enclosure painted to match the existing pole color;
 4. All small wireless facilities shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only);
 5. Cable runs should be inside of the pole to the maximum extent practicable;
 6. Poles used for collocation shall be designed to separate different pole users, such as through dual chamber or tri-chamber design.
 7. Wireless facility equipment on the outside of a utility pole within an enclosure shall be placed at least 8 feet above the public way, unless otherwise permitted by city;
 8. Shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other applicable governmental authority; and
 9. Signs located at the small wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by applicable governmental authority. Commercial advertising is strictly prohibited.
- B. **Antennae:**
1. Each individual antenna shall be located entirely within a shroud enclosure of not more than three (3) cubic feet in volume. All antennas associated with the small wireless facility shall not exceed a combined space of six (6) cubic feet.

2. The diameter of the antenna or antenna enclosure should generally not exceed the diameter of the top of the wireless support structure pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole.
3. In no case shall the maximum diameter of the shroud be wider than one and one half times the diameter of the top of the pole.
4. Unless technologically infeasible or otherwise appropriate based on neighborhood context, all antenna shall be mounted to the top of the wireless support structure pole, aligned with the centerline of the structure.
5. Antennas shall be generally cylindrical in shape.
6. The shroud enclosure should be cylindrical in shape and capable of accepting paint to match the wireless support structure.

C. Height Limitations: Except for small wireless facilities on a residential street:

1. The height of a structure used for collocation of a small wireless facility, including the wireless facility, measured at the base of the structure shall not exceed 40 feet.
2. The height of stand-alone pole shall not exceed 40 feet in height. Including any antenna.

D. Attachment. The shroud enclosure shall be securely strapped to the wireless support structure pole using stainless steel banding straps. Through-bolting or use of lag bolts on publicly owned wireless support structures is prohibited.



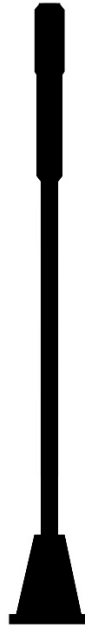
Example of poles and streetlights that would meet design standards within this chapter.

13.12.055.--- DESIGN STANDARDS APPLICABLE TO COLLOCATED SMALL WIRELESS FACILITIES:

Collocated small wireless facilities shall, in addition to the requirements of section 13.12.050 also meet the following design standards:

- A. Where equipment intended for collocation of small wireless facilities cannot reasonably be incorporated into the pole in accordance with section 13.12.050, it may be installed within a ground-mounted cabinet at the base of or under the pole.
 1. The ground-mounted cabinet shall meet the same separation standards as required for a new utility pole from trees and drive approaches;
 2. For an above ground cabinet:
 - a. Shall be secured to a concrete foundation or slab with a breakaway design in the event of collisions; and

- b. Shall not exceed three feet in height, unless special conditions exist that would result in the cabinet encroaching into the sidewalk or to within two feet of the curb.
- c. Shall mimic the color and design of nearby poles and other utilities in the immediate vicinity.
- d. No horizontal flat spaces greater than 1.5 inches shall exist on the equipment cabinet to prevent cups, trash, and other objects from being placed on the equipment cabinet as seen in the example on the following page.



Example of pole with ground cabinet that would meet design standards within this chapter
13.12.060.--- DESIGN STANDARDS APPLICABLE TO SMALL WIRELESS FACILITIES ON NEW STAND-ALONE UTILITY POLES:

If an applicant proposes to install a new stand-alone utility pole in connection with a small wireless facility, the pole and facilities shall, in addition to the requirements of section 13.12.050 and 13.12.055 meet the following design standards:

- A. Design of the pole shall be cylindrical, painted black and shall match the aesthetics of existing streetlight poles and streetlights installed adjacent to the pole.
- B. Together with the small wireless facility components shall be sized to be visually pleasing.
 - 1. The equipment associated with the small wireless facility shall be hidden per the requirements found in 13.12.050, provided a ground mounted cabinet is not in use per 13.12.055
 - 2. All hardware connections shall be hidden from view;
 - 3. Each pole component shall be architecturally compatible with existing Eagle Mountain City poles to create a cohesive aesthetic.

13.12.065.--- DESIGN STANDARDS APPLICABLE TO DECORATIVE POLES

Small wireless facilities located on decorative poles shall, in addition to any other requirements of this Chapter, meet the following design standards:

- A. If necessary, to collocate a small wireless facility, a wireless provider may replace a decorative pole, if the replacement pole reasonably conforms to the design aesthetic of the displaced decorative pole as approved by the planning manager. A replacement pole does not reasonably conform to the design aesthetic if it extends the current pole height by more than 25%. Replacement poles that also contain streetlights must conform to City lighting standards to maintain dark skies objectives.

13.12.070.--- DESIGN STANDARDS APPLICABLE TO SMALL WIRELESS FACILITIES LOCATED ON TOPS OR SIDES OF BUILDINGS:

- A. **Facilities Placed on Top of Buildings.** When facilities extend above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact on the building's silhouette. Screening panels shall be approved by the Community Development Director. Generally screening panels shall not exceed five (5) feet in height above the existing building's roofline.
- B. **Facilities Placed on Sides of Buildings.** Facilities which are side-mounted on buildings shall be reasonably camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building.

13.12.075.--- UNDERGROUNDING

- A. A wireless provider will place newly constructed lines and cables underground whenever practicable.
- B. Any request by a wireless provider for location of any overhead or aerial facilities (other than the antennas or other facilities required to remain above ground in order to be functional) shall be considered by city in accordance with applicable rules and regulations.

13.12.080.--- APPLICATION PROCESS

- A. Applications for the installation or collocation of a small wireless facility shall be filed with the City Engineer on a form or forms to be furnished by the City Engineer.
- B. The appropriate application fee shall be paid to the City as set forth in subsection 13.12.090
- C. Eagle Mountain City shall advise the Applicant in writing of its final decision.
- D. A pre-application meeting is encouraged prior to submitting an application for small cell wireless facilities. The purpose of the pre-application meeting is to discuss the nature of the proposed deployment, review process and schedule, and application plans, policies, and regulations.
- E. Application Time Frame. A final decision shall be issued for applications for small cell wireless facilities within 60 calendar days subject to the following:
 - 1. The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.
 - 2. Applicant shall submit any supplemental documentation and information to the City.
 - 3. City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.
 - 4. Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

5. This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.
- F. The City Engineer may, with support of the City Administrator and City Attorney, waive minor variances from the requirements of this chapter and approve applications by administrative review rather than discretionary review.
- G. After an application has been approved, the applicant shall obtain any required permits, including right of way, excavation or electrical permits, prior to commencing installation or construction of the small wireless facility.
- H. Eagle Mountain City may require payment of an additional permit application fee in the event Eagle Mountain City determines, in its sole discretion, that material changes to an application after submission amount to a new application and will materially increase the time and/or costs of the permit review process.
- I. A permit from Eagle Mountain City authorizes an Applicant to undertake only the activities in the public right-of-way and/or Eagle Mountain City property specified in the application and permit, and in accordance with this chapter and any general conditions included in the permit. A permit does not authorize attachment to or use of existing poles, towers, support structures, or other structures in the public right-of-way that are not the property of Eagle Mountain City; a Permittee or Provider must obtain all necessary approvals from the owner of any pole, tower, support structure or other structure prior to any attachment or use. A permit does not create a property right or grant authorization to the Applicant to interfere with other existing uses of the public right-of-way.
- J. If construction of an approved small wireless facility is not complete within 270 days after an application has been approved, the approval shall lapse, and a new application will be required for the designated location.
- K. Applications are public records that may be made publicly available pursuant Utah Code Annotated section 63G-2-305. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and Eagle Mountain City shall treat the information as proprietary and confidential, subject to Utah Code Annotated section 63G-2-305 and Eagle Mountain City’s determination that the Applicant’s request for confidential or proprietary treatment of application materials is reasonable. Eagle Mountain City shall not be required to incur any costs to protect the application materials from disclosure, other than Eagle Mountain City’s routine procedures for complying with Utah Code Annotated section 63G-2-305.

13.12.085.--- PROCEDURE FOR ADMINISTRATIVE REVIEW OF APPLICATIONS

- L. City shall review a complete application, including a consolidated application of up to 25 small wireless facilities, and approve or deny the application within the time frames and subject to the standards contained in Utah Code Annotated section 54-21-302(3) through (9).
- M. Third Party Review: In certain instances, there may be a need for expert review by a third party of the technical data submitted by the applicant. The City may require such a technical review, to be paid for by the applicant. The selection of the third-party expert will be by mutual agreement between the applicant and the City. Such mutual agreement is not to be unreasonably withheld by either party. The third-party expert shall have recognized training and qualifications in the field of radio frequency engineering or structural engineering, as appropriate. The expert review is

intended to be a site-specific review of technical aspects of the small wireless facility and other matters as described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters, or the structural requirements for accommodating collocation. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City or other interested parties. Based on the results of the third-party review, the City may require changes to the application for the small cell wireless facilities that comply with the recommendations of the expert.

- N. Applicant shall provide maps to the City Engineer showing the location of equipment in rights-of-way after construction.

13.12.090.--- FEES

- A. Unless a wireless provider is subject to the municipal telecommunications license tax under Title 10, Chapter 1, Part 4 Utah Code Annotated, for the right to use and occupy the right-of-way:
1. The wireless provider shall pay to the city an annual fee equal to the greater of:
 - a. 3.5% of all annual gross revenue related to the wireless provider's use of the right-of-way within the city; or
 - b. \$250 annually for each small wireless facility located in the city.
 2. The annual fee, together with the fee described in subsection C, shall be paid on or before December 31, with the fee for any new small wireless facility installed in the prior year pro-rated by the number of months after the facility has been approved. Upon written request by city to the wireless provider, payments shall be made on a monthly basis.
 3. Annually, on or before December 31, a provider required to make a payment under subsection A.1. shall provide the city with a report of gross revenue upon which payments are calculated and a description, of reasonable specificity, of the small wireless facilities which have generated the revenue.
 - a. Such report shall include such information related to such payment as the city may reasonably request.
 - b. The records pertaining to the reports and payment required by this chapter, including but not limited to any records deemed necessary or useful by the city to calculate or confirm gross revenue, and all other records of the wireless provider reasonably required by city to assure compliance by the wireless provider with the terms of this chapter shall be open to inspection by the city and its duly authorized representatives upon reasonable notice at all reasonable business hours of the wireless provider.
- B. With each application to locate a small wireless facility within the city, an applicant shall pay an application fee of:
1. \$100 per small wireless facility on the same application where the application requests collocation of the facility; or
 2. \$250 per small wireless facility on the same application where the application requests the installation, modification or replacement of a stand-alone pole associated with the facility
- C. The wireless provider shall pay the city an annual fee for each collocated small cell wireless device on a city pole in the amount of \$50 per pole.

- D. Other fees: A wireless provider or applicant shall pay all other applicable fees established by Eagle Mountain City.
- E. Except as otherwise provided in a master license agreement, and under the conditions of 13.12.100, the Provider may remove its communications facilities and poles (if applicable) from the public right-of-way any time, upon not less than thirty (30) days prior written notice to Eagle Mountain City, and may cease paying to Eagle Mountain City any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the public right-of-way. In no event shall a Provider be entitled to a refund of fees paid prior to the removal of its communications facilities.

13.12.095.--- DAMAGE AND REPAIR

- A. If a wireless provider's activity disrupts or causes damage to a right-of-way, the wireless provider shall restore or repair the right-of-way to substantially the same condition as before the disruption or damage and in accordance with city's engineering standards.
- B. If a wireless provider fails to make a repair required by the City under Subsection A. within a reasonable time after written notice or the damage causes an urgent safety hazard, the City may:
 - 1. make the required repair; and
 - 2. charge the wireless provider the reasonable, documented, actual cost for the repair.

13.12.100.--- REMOVAL OF SMALL WIRELESS FACILITIES

- A. **Abandoned System:** In the event that:
 - a. The use of any portion of a small wireless facility is discontinued for a continuous period of twelve (12) months, and thirty (30) days after no response to written notice from the City to the last known address of the wireless provider,
 - b. The term of the applicable master license agreement has expired; or
 - c. Any small wireless facility has been installed in the rights of way without complying with the requirements of this Chapter or master license agreement, a wireless provider shall be deemed to have abandoned such small wireless facility.
- B. **Removal Abandoned Facility:** The City, upon such terms as it may impose, may give a wireless provider written permission to abandon, without removing, any small wireless facility, or portion thereof, directly constructed, operated or maintained under a master license agreement. Unless such permission is granted or unless otherwise provided in this Chapter, a wireless provider shall remove within a reasonable time the abandoned small wireless facility and shall restore, using prudent construction standards, any affected rights of way to their former state at the time such system was installed and in accordance with the then adopted engineering standards, so as not to impair their usefulness. In removing its facilities and equipment, a wireless provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights of way in as good condition as that prevailing prior to such removal without materially interfering with any authority pole or other utility wires, poles or attachments. The City shall have the right to inspect and approve the condition of the rights of way, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Chapter and any security fund provided in a master license agreement shall continue in full force and effect during the period of removal and until full compliance by a wireless provider with the terms and conditions of this section.
- C. **Transfer Of Abandoned Facility To City:** Upon abandonment of a small wireless facility located upon a pole that has replaced a city street light, a wireless provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to

the City the ownership of such poles or equipment allowed to remain within the right-of-way. If a street light has collocated facilities, the pole should first be offered to the other provider.

- D. **Removal of Above-Ground System:** At the expiration of the term for which a master license agreement is granted, or upon its revocation or earlier expiration, in any such case without renewal, extension or transfer, the City shall have the right to require a provider to remove, at its expense, all above-ground portions of small wireless facilities, including poles, within a reasonable period of time, which shall not be less than one hundred eighty (180) days.
- E. **Leaving Underground System:** Upon written approval by city, a wireless provider may abandon underground portions of a small wireless facility in place so long as it does not materially interfere with the use of the rights of way or with the use thereof by any public utility, cable operator or other person.
- F. **Default:** If a wireless provider defaults under any provision of this chapter and such default is not cured within 30 days following notice by city to wireless provided of its default, city shall maintain all its rights and remedies, at law and in equity, including the ability to charge fines, recover fees and costs. In the alternative, the city may remove the small wireless facilities and associated equipment and charge the reasonable, documented, actual cost to the wireless provider.
- G. **Emergency removal:** The city retains the right and privilege to dismantle, remove, or temporarily relocate any small wireless facility located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any serious public health or safety emergency. If circumstances permit, the city shall notify the wireless provider in writing and provide the wireless provider a reasonable opportunity to move its own wireless facilities prior to cutting or removing a wireless facility and shall notify the wireless provider after cutting or removing a wireless facility. Any removal shall be at the wireless providers sole cost. Should the wireless facility be collocated on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal.

13.12.105.--- OTHER REQUIREMENTS

- A. **Insurance and bonding.** A wireless provider will be responsible for carrying and maintaining insurance and bonds as may be required in the master license agreement or otherwise by the city and in connection with obtaining a permit.
- B. **Indemnity.** A wireless provider shall indemnify, save harmless, and defend City, its officers and employees, from and against all losses, claims, counterclaims, demands, actions, damages, costs, charges, and causes of action of every kind or character, including attorneys' fees, arising out of or in connection with such provider's wireless facilities or use of the public way, unless and to the extent caused by the city's negligence.
- C. **Tree trimming.** A wireless provider may trim trees overhanging the public way to prevent the branches of such trees from coming in contact with the wireless facilities only with permission and under the direction of the city's urban forester and at the wireless provider's expense.
- D. **Electrical Service.** A wireless provider is solely responsible for establishing electrical power service for its small wireless facilities and for the payment of all electrical utility charges associated with the small wireless facility.
 - 1. A wireless provider shall have a separate electrical meter installed for each small wireless facility.
 - 2. A wireless provider shall obtain a building permit for installation of such electrical service as required by the city.

- E. **Hazardous materials.** A wireless provider shall not possess, use, generate, release, discharge, store, dispose of, or transport any hazardous materials on, under, in, above, to, or from any public way except in compliance with all applicable environmental laws and pre-approved by city. Wireless provider shall promptly reimburse city for any fines or penalties levied against city because of wireless provider's failure to comply with environmental laws.
- F. **Inspections.** All small wireless facilities and wireless provider-owned structures shall be maintained by the wireless provider in a clean and good condition, free of graffiti, and rusting, excessive dirt, and peeling paint. The city shall have the authority to conduct inspections of the small wireless facilities and structures at any time to determine whether such facilities and structures comply with the requirements of this chapter.
- G. **Additional requirements.** Wireless facilities will be subject to any additional requirements set forth in the applicable master license agreement and permit.



EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2022

TITLE: ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code Regarding Water Efficiency Standards

ITEM TYPE: Development Code Amendment

APPLICANT: Evan Berrett - Assistant to the City Administrator

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Evan Berrett, Admin

BACKGROUND:

Utah has been in a state of severe drought for the past two years, straining water resources. When the state is not in a drought period, water resources will still be strained due to limited sourcing and high growth. The Cedar Valley does not provide annual runoff or surface water sources. Underground aquifers provide reliable sources of water, if they are able to adequately replenish over time. Eagle Mountain is also at risk of enhanced water restrictions due to Utah's "Doctrine of Prior Appropriation" which essentially means that those of earlier and consistent water acquisition has rights to water before those who acquire rights to water later.

Eagle Mountain City is projected to continue to grow substantially over the next 40 years, potentially tripling in that time. A recently completed wastewater re-use study conducted by Barr Engineering showed that if all re-use strategies are implemented, Eagle Mountain would still be unable to meet the water demand 40 years from now. Therefore, the City must consider other means of reducing water depletion to enhance overall water supply.

Currently, every single-family residential lot is allocated 0.9 acre/feet of water. The typical Eagle Mountain resident fills their lot primarily with turf grass. Given Eagle Mountain's abnormally high median household size of over 4.3 persons per household, having plenty of turf space is expected. A recently completed analysis of water use behaviors in Eagle Mountain by Utah State University showed that the actual average water use equated to about 0.65 acre/feet of water per year. The analysis also showed that despite using less water than allocated, residents are applying twice as much water as needed on their lawns. Several agencies, universities, and other reliable sources have identified irrigation of turf grass as the largest use of water and the biggest opportunity for reducing overall water depletion.

Several agencies now provide rebate programs to encourage homeowners to examine their front and side yards as opportunities to eliminate turf grass. The general reasoning for this is that front and side yards are commonly landscaped with turf grass and yet rarely used for activities, only for aesthetics. Eagle Mountain City residents are currently eligible to use rebates from the Central Utah Water Conservancy District (CUWCD) for making changes to their park strips or front and side yards. Residents will lose access to these rebates at the end of 2022 if Eagle Mountain City does not enhance its landscaping solutions.

Many residents have expressed through social media and other communications channels an interest in removing their lawns in favor of landscape that is easier to manage and uses less water. Several properties can be seen throughout Eagle Mountain who have either already undergone conversions or are in the process. These conversions are seen at properties both large and small but have mixed results. In some cases, conversions were made that included introducing materials or using methods that violate existing Eagle Mountain city code. Other conversions were successful to begin with but either made some errors that affect the overall effect or did not adequately design and install a landscape that would reduce the maintenance and have consequently seen massive growth of weeds or other issues.

Residents who have made conversions to their landscapes did so before the landscaping was put in, or only when they had the sufficient money on hand to make it possible. Despite the available rebates, a complete Localscapes conversion of the front and side yards can still cost the average family \$1,500 - \$2,000 based on analysis done on current Eagle Mountain properties.

In past conversations, home builders and developers have expressed interest in and started making changes towards more water efficient landscapes. Again, the results have been inconsistent, often only partially successful, and at times actually creating greater inefficiency. Developers have also expressed concerns with the increased costs of landscaping enhancements. It is simply cheaper to install turf grass rather than localscape or xeriscape landscaping. Eagle Mountain City staff have determined that opportunity exists to reduce the water rights allocations per lot to reduce costs to developers.

Furthermore, although residential irrigation is a significant majority of the

water use in the city, Eagle Mountain residents have repeatedly felt some contradiction or hypocrisy in messaging due to commercial, institutional, or other property types having grass in areas that are unnecessary. The City of Las Vegas, Nevada recently enacted a ban of non-functional turf, or in other words, turf that serves no other purpose than to add to aesthetics of a property. Eagle Mountain City has non-functional turf in many neighborhoods, commercial developments, on city property, and so forth.

ITEMS FOR CONSIDERATION:

Modifications to Existing Code

Eagle Mountain City has a few codes that would be in conflict with or redundant to the proposed water efficiency standards. The following changes are proposed:

- **Remove: 17.60.070.D:** No landscaping shall be composed of more than 70 percent in turf.
- **Remove: 17.60.070.B:** Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation.
- **Remove: 17.60.090.B.1:** At least 50 percent of the required landscape area shall be live vegetation.
- **Remove: 17.60.090.B.1:** All water-wise landscaped areas shall be improved with a drip irrigation system.
- **Modify: 17.35.050.E:** All landscaping shall comply with the standards in **Chapter 60EMMC**, Landscaping, Buffering, Fencing and Transitioning. Landscaping in parking lots shall comply with **Chapter 17.55 EMMC**.
- **Modify: 17.37.050.E:** All landscaping shall comply with the standards in **Chapter 60EMMC**, Landscaping, Buffering, Fencing and Transitioning. Landscaping in parking lots shall comply with **Chapter 17.55 EMMC**.
- **Modify: 16.35.105.6:** All park or open space areas require sod (not grass seed) **in functional areas** with an improved irrigation system, flower/planter beds with irrigation, and other improvements.
- **Modify: 17.60.110:** The required buffer areas are required to be landscaped with ~~turf grasses~~, live ground cover, or an approved xeriscaping that meets the following requirements:

- **Modify: 17.10.020:** “Other plantings” shall mean any shrubs, ~~grass~~ or ground cover planted within street rights-of-way or easements, or in proximity thereto, or on adjoining property.

REQUIRED FINDINGS:

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

RECOMMENDATION:

The Central Utah Water Conservancy District in conjunction with the Jordan Valley Water Conservancy District has developed and distributed a recommended draft water efficiency standard for cities to adopt. This standard primarily impacts front and side yard water efficiency measures in new home construction projects. Locascapes, the practice of using highly water efficient and functional landscape designs comprised of native vegetation is the focus of the standard. Several cities including Herriman, South Jordan, Bluffdale, and Salt Lake City have already adopted this standard and in some cases word for word.

Eagle Mountain City staff reviewed the draft standard and found that while everything would indeed promote the ideal use of front yard and side yard spaces while maximizing water efficiency, there were some aspects that would be too burdensome to enforce, are unnecessarily specific or prohibitive, and also lacked some needed direction in other areas of concern. Consequently, Eagle Mountain City staff made several modifications to the draft standard and those modifications are seen in the draft code being shared with you.

Indoor Fixture Requirements: The standard requires water sense labelled plumbing fixtures in new homes. This requirement will result in no change for most builders as many are already installing Water Sense labelled fixtures.

Smart Irrigation Controller: All new homes will need to have a smart irrigation controller installed. Again, most new homes are already being outfitted with these controllers already.

Prohibition of Non-Functional Turf: Similar to Las Vegas, NV, non-

functional turf would be prohibited. Staff and City Council will need to expand on current efforts to reduce non-functional turf during plat and site plan reviews.

Grass in Park Strips and on Slopes: Grass would be prohibited in park strips and on slopes greater than 25%. Park strips would still be required to have some plants, trees, etc. Lawns are also to be free of obstructions. For example, trees should not be planted in the middle of a grass area due to that tree either leading to obstruction of irrigation or adapting with over-irrigation to compensate.

Limit of Grass in Front & Side Yards: Front and side yards would be limited to 35% of the total landscaped area. Properties that have back yards that are half the size of the combined square footage of the front and side yards or smaller would be permitted to have 50% of the front or side yards be lawn with the expectation that their front or side yards are providing activity areas that the back yard might not be able to.

Irrigation Design: Irrigation must be appropriate for the type of landscape, irrigation types will be on separate valves, and so forth. This is an element that city staff are working to expand our capability to monitor.

50% Plant Cover and use of Mulch: Per Localscape design principles, we are not aiming for zeroscape wherein residents would be simply converting to a sheet of gravel that could lead to weed management issues and potentially negative impacts on property values. 50% plant cover promotes the use of other mulches that, when properly installed, keep properties weed free and add a positive impact to the neighborhood.

Commercial and other Properties: Lawn space limited to 20% of the total landscaped area.

Eagle Mountain's draft code strips away much of the Localscapes requirements from the CUWCD provided standard. These requirements, while positive, would be overly burdensome to residents and limit their use and design of their landscapes too much. The draft code also modifies some of the standard to apply to the entire property when logical. Additionally, Eagle Mountain would be unique in Utah by prohibiting non-functional turf,

and making exceptions for properties that are designed with smaller back yards.

City staff believes that this draft code would be an effective way to reduce the overall water demand from new residential properties over the next 40 years. Enforcement apparatuses are being explored and we hope to assist residents any way possible to ensure they are successful with conversions. We also anticipate builders being satisfied with a potential reduction in the water rights allocation per property. Given the current water use data of properties, and the reduced water use these standards would promote, we believe that we can reduce the water rights allocation per property from 0.9 acre/feet to 0.75 acre/feet, saving developers about \$2,700 per property. Those savings more than makeup the cost of installing landscapes that meet this standard instead of using turf grass throughout.

ATTACHMENTS:

[Water Efficient Landscape Standards](#)



EAGLE MOUNTAIN CITY

STAFF REPORT

AUGUST 9, 2022

Project: ACTION ITEM/PUBLIC HEARING – Eagle Mountain Municipal Code
Regarding Water Efficiency Standards

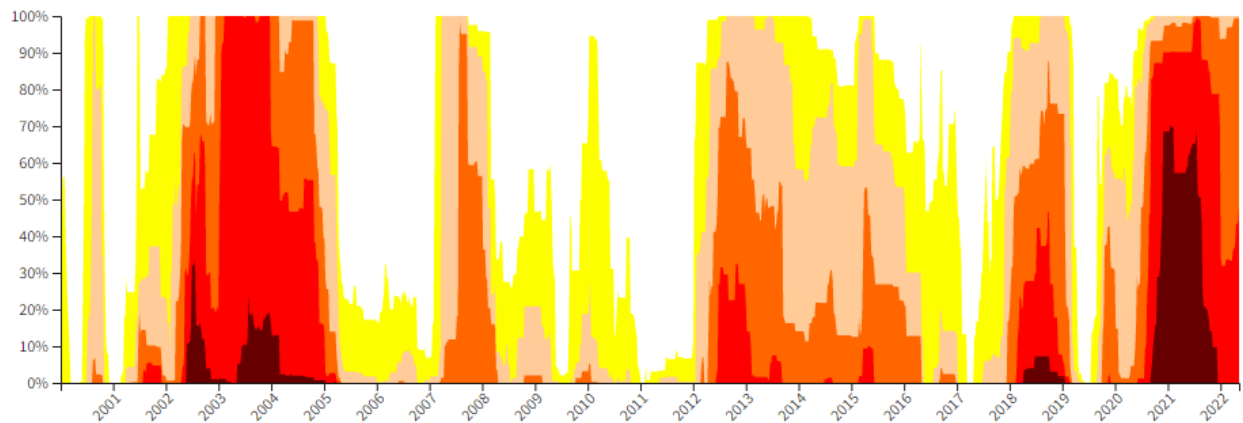
Applicant: Evan Berrett – Assistant to the City Administrator

Request: Approval of addition to Municipal Code & changes to existing codes

Type of Action: Action Item

Background

Utah has been in a state of severe drought for the past two years, straining water resources. When the state is not in a drought period, water resources will still be strained due to limited sourcing and high growth. The Cedar Valley does not provide annual runoff or surface water sources. Underground aquifers provide reliable sources of water, if they are able to adequately replenish over time. Eagle Mountain is also at risk of enhanced water restrictions due to Utah's "Doctrine of Prior Appropriation" which essentially means that those of earlier and consistent water acquisition has rights to water before those who acquire rights to water later.



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In past conversations, home builders and developers have expressed interest in and started making changes towards more water efficient landscapes. Again, the results have been inconsistent, often only partially successful, and at times actually creating greater inefficiency. Developers have also expressed concerns with the increased costs of landscaping enhancements. It is simply cheaper to install turf grass rather than localcape or xeriscape landscaping. Eagle Mountain City staff have determined that opportunity exists to reduce the water rights allocations per lot to reduce costs to developers.

Furthermore, although residential irrigation is a significant majority of the water use in the city, Eagle Mountain residents have repeatedly felt some contradiction or hypocrisy in messaging due to commercial, institutional, or other property types having grass in areas that are unnecessary. The City of Las Vegas, Nevada recently enacted a ban of non-functional turf, or in other words, turf that serves no other purpose than to add to aesthetics of a property. Eagle Mountain City has non-functional turf in many neighborhoods, commercial developments, on city property, and so forth.

Recommendation

The Central Utah Water Conservancy District in conjunction with the Jordan Valley Water Conservancy District has developed and distributed a recommended draft water efficiency standard for cities to adopt. This standard primarily impacts front and side yard water efficiency measures in new home construction projects. Localscapes, the practice of using highly water efficient and functional landscape designs comprised of native vegetation is the focus of the standard. Several cities including Herriman, South Jordan, Bluffdale, and Salt Lake City have already adopted this standard and in some cases word for word.

Eagle Mountain City staff reviewed the draft standard and found that while everything would indeed promote the ideal use of front yard and side yard spaces while maximizing water efficiency, there were some aspects that would be too burdensome to enforce, are unnecessarily specific or prohibitive, and also

lacked some needed direction in other areas of concern. Consequently, Eagle Mountain City staff made several modifications to the draft standard and those modifications are seen in the draft code being shared with you.

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Smart Irrigation Controller: All new homes will need to have a smart irrigation controller installed. Again, most new homes are already being outfitted with these controllers already.

Prohibition of Non-Functional Turf: Similar to Las Vegas, NV, non-functional turf would be prohibited. Staff and City Council will need to expand on current efforts to reduce non-functional turf during plat and site plan reviews.

Grass in Park Strips and on Slopes: Grass would be prohibited in park strips and on slopes greater than 25%. Park strips would still be required to have some plants, trees, etc. Lawns are also to be free of obstructions. For example, trees should not be planted in the middle of a grass area due to that tree either leading to obstruction of irrigation or adapting with over-irrigation to compensate.

Limit of Grass in Front & Side Yards: Front and side yards would be limited to 35% of the total landscaped area. Properties that have back yards that are half the size of the combined square footage of the front and side yards or smaller would be permitted to have 50% of the front or side yards be lawn with the expectation that their front or side yards are providing activity areas that the back yard might not be able to.

Irrigation Design: Irrigation must be appropriate for the type of landscape, irrigation types will be on separate valves, and so forth. This is an element that city staff are working to expand our capability to monitor.

50% Plant Cover and use of Mulch: Per Localscape design principles, we are not aiming for zeroscape wherein residents would be simply converting to a sheet of gravel that could lead to weed management issues and potentially negative impacts on property values. 50% plant cover promotes the use of other mulches that, when properly installed, keep properties weed free and add a positive impact to the neighborhood.

Commercial and other Properties: Lawn space limited to 20% of the total landscaped area.

Eagle Mountain's draft code strips away much of the Localscapes requirements from the CUWCD provided standard. These requirements, while positive, would be overly burdensome to residents and limit their use and design of their landscapes too much. The draft code also modifies some of the standard to apply to the entire property when logical. Additionally, Eagle Mountain would be unique in Utah by prohibiting non-functional turf, and making exceptions for properties that are designed with smaller back yards.

City staff believes that this draft code would be an effective way to reduce the overall water demand from new residential properties over the next 40 years. Enforcement apparatuses are being explored and we hope to assist residents any way possible to ensure they are successful with conversions. We also anticipate builders being satisfied with a potential reduction in the water rights allocation per property. Given the current water use data of properties, and the reduced water use these standards would promote, we believe that we can reduce the water rights allocation per property from 0.9 acre/feet to 0.75 acre/feet, saving developers about \$2,700 per property. Those savings more than makeup the cost of installing landscapes that meet this standard instead of using turf grass throughout.

Staff is recommending to insert the new standards into existing code sections, rather than create a new separate section. The following pages include all of the proposed changes to code. Staff reviewed existing code to find redundant or incompatible sections, increase clarity in other areas, and so forth.

Conclusion

The City's rapid growth and limited water supply creates an environment wherein water efficient landscaping standards are a reasonable expectation. Eagle Mountain City staff have worked hard to consider all the implications and benefits of this draft code and believe it is the right path forward at this time. We look forward to the feedback and concerns shared by City Council as we work to refine the code to maximize the impact while minimizing any burdens on residents.

Homebuilder Feedback of Draft Standards:

Staff has also reached out to several homebuilders to gather additional feedback on the draft code. Responses have generally been positive, mostly questions seeking clarification. Some concern was shared about where trees can be located, and whether it is reasonable to require 50% of the landscape area to have living plant over at ground plane.

7.10.020 Definitions

D. “Other plantings” shall mean any shrubs, ~~grass~~ or ground cover planted within street rights-of-way or easements, or in proximity thereto, or on adjoining property.

16.35.105 Park and improved open space requirements.

6. All **functional** park ~~or open space~~ areas require sod (not grass seed) with an improved irrigation system, flower/planter beds with irrigation, and other improvements. Parks shall be designed with a mixture of shrubs, trees, ornamental plantings, and grass areas. The landscape treatments shall be designed to enhance the sense of place while remaining water-wise.

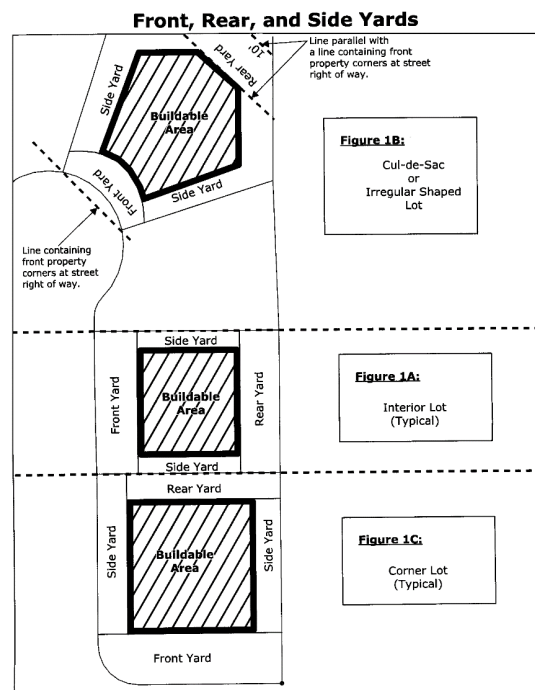
7. Other non-functional improved open space areas may be improved with drought-resistant grasses or other waterwise landscaping approved by the City.

17.10.030 Definitions

“Active Recreation Areas” means areas of the landscape dedicated to active recreation where Lawn may be used as the playing surface (ex. sports fields and play areas).

“Drought-resistant Grasses” means grasses that once established, will require limited or no regular irrigation for adequate appearance, growth and disease resistance.

“Front Yard” is yard extending across the full width of the lot, the depth of which is the shortest distance between the main building and the front lot line.



“Hardscape” means durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

“Lawn” means ground that is covered with grass or turf that is regularly mowed.

“Mulch” is any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

“Nonfunctional Turf” is an irrigated grass area not providing functional use and generally maintained for aesthetic purposes only.

“Planting Beds” are areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

“Rear Yard” is yard extending across the full width of the lot and more or less opposite to the front lot line. The depth of the rear yard is the shortest distance between the rear of the main building and the rear lot line. See Front Yard.

“Side Yard” is yard between a building and the adjacent side lot line, extending from the front yard setback to the rear yard setback. On corner lots, the side yard adjacent to a street shall extend from the front yard setback to the rear lot line. The width of the required side setback shall be the shortest distance between the side of the main building and the side lot line. See Front Yard.

“Small Residential Lots” are, for the purposes of landscaping restrictions, lots with a total square footage of 3,000 square feet or less.

“Total Landscaped Area” is the improved areas of the property that incorporate all of the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

17.25.050 Generally applicable provisions.

A. Yard Landscaping. The front and side yards must be improved prior to occupancy of each home in accordance with the approved yard landscaping plan approved in conjunction with the final plat for the development. Improvements shall ~~include sod, irrigation, trees, and shrubs, and may include some water-wise landscaping~~ comply with requirements of EMMC 17.60. In cases of drought conditions or weather not conducive to the successful establishment of living plant material ~~inclement weather~~, the builder or property owner may pay a \$2,000 cash escrow per lot to the city and shall complete the landscaping no later than ~~six months~~ one year after the issuance of the certificate of occupancy.

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.~~

17.60.040 General landscape provisions.

The following landscape provisions shall be adhered to by all land uses unless otherwise noted:

- A. Park Strips. Park strips adjacent to residential dwellings shall be landscaped and maintained by the property owner whose property abuts the park strip.
- B. Landscape Maintenance. All landscaped areas shall be maintained by watering of landscaping, removal of weeds, the cutting of lawn or any other activities required to maintain healthy and aesthetically pleasing landscaping. Topping of trees as a pruning technique is prohibited.
- C. Tree Clearance. Trees which project over any sidewalk shall be pruned clear of all branches between the ground and a height of eight feet for that portion of the foliage located over the sidewalk.
- D. Clear Vision Triangles. No landscaping over three feet in height shall be allowed within a clear vision triangle as shown in this chapter except trees with single trunks that are pruned such that all branches and foliage are removed to a height of at least eight feet. [Ord. O-05-2008 § 2 (Exh. A § 12.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.4)].

- E. Active Recreation Areas means areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).
- F. Landscaped areas shall be provided with a Water Sense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- G. Nonfunctional turf is prohibited.
- H. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in Lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.
- I. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and Planting Beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
- J. At least 3-4 inches of Mulch, permeable to air and water, shall be used in planting beds to control weeds and improve the appearance of the landscaping. Approved materials shall be used in areas located within a public right-of-way.
- J. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the Landscaping Requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.

17.60.070 Planting standards.

The planting standards are the minimum size of landscaping that the city will accept towards meeting the landscaping required in this chapter. The planning commission and city council shall use the planting standards in evaluation of any landscaping plan. The following are planting standards for required landscaping that shall be followed for all new development:

- A. Trees. Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement.
- B. Ornamental Trees. All ornamental trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line.
- ~~C.~~ Shrubs. All shrubs shall be a minimum of one-gallon containerized stock planted that will attain a height of at least two feet.
- ~~D. —Turf. No landscaping shall be composed of more than 70 percent in turf.~~
- E. ~~Drought Tolerant Plants. Fifty percent of all tree and shrub species shall be required to be drought tolerant.~~
- F. Weed Barrier. Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment. [Ord. O-05-2008 § 2 (Exh. A § 12.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.7)].

17.60.080 Design applications.

The planning commission and city council shall use the following design applications in evaluation of any landscaping plan:

- A. Selection of Plants. Plants shall be selected for texture, form, color, pattern of growth and adaptability to local conditions.
- B. ~~Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation.~~
- C. Berming. Landscaped berming is required as a headlight screen or buffer surrounding all parking areas and between different land uses; particularly between nonresidential and residential uses or single-family and multifamily uses. [Ord. O-05-2008 § 2 (Exh. A § 12.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.8)].

17.60.090 Required landscaping.

- ~~A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the RA1, RA2, RD1, RD2, and FR zones and the agriculture areas). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.170(a), Required Landscape Improvements for Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate.~~
- B. ~~Water-Wise Landscaping Standards.~~ The following are the minimum standards for ~~water-wise~~ landscaping **improvements** for any park strip, median, or landscaped area located within a public right-of-way, a commercial, or industrial development:
 - 1. Bark, lawn clippings, chipped wood, and similar loose materials are not permitted.
 - 2. Decorative rock material shall be a minimum of one-inch aggregate, and shall be at least three inches deep and be placed completely on top of a weed fabric barrier that allows the permeation of water. Rock materials shall not exceed the height of the sidewalk/trail or the top back of curb, when placed along a public right-of-way.
 - 3. White quartz rock, lava rock, and gravel, or any other material that approximates the color of concrete, are not permitted.~~At least 50 percent of the required landscape area shall be live vegetation.~~
- C. At maturity, landscape areas shall have enough plant material to create at least 50% living plant cover at the ground plane, **not including tree canopies.**
- D. Live vegetation shall be distributed throughout the landscape area and shall not be segregated.
- E. The following requirements shall apply to front and side yards of single-family residential properties.
 - 1. Lawn shall not be installed in Park Strips, Trails, or on slopes greater than 25% or 4:1 grade, and be less than 8 feet wide at its narrowest point. To the extent reasonably practicable, Lawn shall be free from obstructions (trees, signs, posts, valve boxes, etc.).
 - 2. Lawn areas in the front and side yards shall not exceed the greater of 250 square feet, or 35% of the total landscaped area.
 - 1. Single family residential properties 0.25 acres or smaller wherein the combined square footage of the front and side yards is twice as large or greater as the rear yard square footage shall be permitted lawn areas up to 50% of the total landscaped area in the front and side yards.
 - 2. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement of the landscaping requirements in section i, are exempt from the 8 feet minimum width Lawn area requirement.
- F. The following requirements shall apply to commercial, industrial, institutional, and multi-family properties

1. In common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.
 2. Commercial, industrial, and multifamily dwellings shall improve landscaped areas with a minimum of one approved deciduous/evergreen tree per 1,000 square feet of landscaped area.
- G. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the Landscaping Requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.
- H. ~~All water-wise landscaped areas shall be improved with a drip irrigation system.~~
- I. Any individual, corporation, or other entity that uses water-wise landscaping in an area within a public right-of-way shall be responsible for any damage caused by rocks or other materials that migrate onto a sidewalk, trail, street, storm drain, or other public facility, regardless of how such migration occurs. [Ord. O-36-2020 § 2 (Exh. A); Ord. O-08-2016 § 2 (Exh. A); Ord. O-05-2008 § 2 (Exh. A § 12.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.9)].

17.60.110 Required buffer widths and improvements.

Table 17.60.170(b), Required Buffer Widths and Improvements, defines the presumptive standards for minimum required buffer widths and improvements for adjacent land uses. Where the combination of land uses is not found in the table, the planning director shall make a recommendation to the planning commission. The planning commission shall then determine an appropriate buffering requirement. The planning commission may also approve alternative buffering requirements that may be more or less restrictive than the standards contained in the table when the planning commission determines that the alternative standard eliminates nuisance concerns. Required buffers may be crossed by driveways, utility lines, sidewalks, and trails. Permitted freestanding signs may be based in required buffers. Outdoor sales, displays, or storage shall not be permitted within a required buffer. The required buffer areas are required to be landscaped with ~~turf grasses~~, live ground cover, or an approved xeriscaping that meets the following requirements:

~~17.60.170 Tables.~~

~~Table 17.60.170(a) Required Landscape Improvements—Trees for Multifamily—~~

Landscaped Area	Deciduous/Evergreen Trees	Percentage of Turf in Multifamily*
Less Than 1,000	1	80
1,001—3,000	2	80
3,001—5,000	5	80
5,001—7,000	6	50
7,001—9,000	7	50
9,001—11,000	8	50
11,001—13,000	9	50
13,001+	10	50



EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2022

TITLE:	ACTION ITEM - Harmony A-14 Site Plan
ITEM TYPE:	Site Plan
APPLICANT:	Flagship Homes, Bronson Tatton

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

David Stroud, Planning

BACKGROUND:

Bronson Tatton with Flagship Homes requests site plan approval of 38 single-family lots and associated open space. The proposed site plan is within the Harmony development. The preliminary plat was approved on March 25, 2014, and a development agreement was approved by the City Council on January 6, 2015. The location of the proposal is identified in the agreement as "Alternative Design Block" which permits flexibility in the type of residential units proposed. Within the Harmony development, there are four areas with this designation and a permitted total of 182 units. This proposal will utilize 38 of the units with 144 remaining to be located in the three Alternative Design Block (ADB) areas.

Open space is proposed with amenities consisting of covered and uncovered benches, ornamental garden, lawn area, and a covered picnic area. The agreement requires a minimum of 10,374 square feet of open space (273 square feet per lot) and the applicant proposes 22,770 square feet or 599 square feet per lot. As per the development agreement, "the location and type of improvements/amenities are to be approved as part of the final plat application." Final plat is not applied for at this time so the Planning Commission and City Council are to approve the site plan, which contains the park improvements, and such approval will then be incorporated into the final plat approved by staff. The development agreements states that approval within the ADB will be approved through the site plan and final plat process. The intent of the ADB is to foster creativity and variation of neighborhood design and limit the typical pattern of development under standard zoning.

ITEMS FOR CONSIDERATION:

Staff review of the site plan is consistent with the Development Agreement provided the applicant corrects any existing redlines of the proposal. Staff feels the existing redlines are minor in nature and can be finalized, with a condition of the Planning Commission, prior to scheduling the item with the City Council.

ITEMS FOR CONSIDERATION:

The following standards found in 17.100.050 shall be considered when making a motion to the City Council:

A. Use of property: The applicant proposes to develop the property in compliance with this provision and applicable standards of the Harmony Development Agreement.

Other considerations:

1. Picket fencing is proposed around the common area. There is no indication of fencing along the ROW or between the lots.
2. If no interior fencing, staff prefers to see the landscaping maintained by the HOA for consistency and aesthetic reasons.
3. Two private street lights will be installed on the east and west side of the north alley. Potential for a public street light on the southwest corner of the development.
4. Architectural plans are included with staff report and are compliant with the agreement. The DA requires two materials/textures on the front façade and wrap around to the at least the first window. Also, garage door are to be carriage-style or decorative. The applicant proposes garage doors with a row of windows at the top of the door.

B. Screening requirements: Screening requirements are not applicable to this type of development.

C. Access requirements: Two access points are shown from Rachel Way in a u-shaped configuration. Unified Fire has approved the configuration with no alley connection to the west with Browning Street or to the east with Annabell Street.

D. Conveyance of Water Shares: To be completed prior to recording of the final plat.

Compliance with the approved Harmony Development Agreement.

REQUIRED FINDINGS:

Site plan approvals are based upon compliance with City Code requirements and requirements of applicable development agreements. The approval criteria for site plans can be found in

EMMC §17.100, and the Harmony Development Agreement is attached to this report.

RECOMMENDATION:

Staff recommends the Planning Commission forward a motion of approval of the Harmony A-14 site plan to the City Council, for the reasons set forth in the staff report and in the meeting and with the following condition:

A. All redlines shall be corrected prior to scheduling with the City Council.

ATTACHMENTS:

[Harmony Development Agreement \(2\).pdf](#)

[Harmony A14 - Elevations Renderings - 7.28.2022.pdf](#)

[RL Harmony 14 Landscape 8.5.22.pdf](#)

[RL Harmony Civil 8.5.22.pdf](#)



DEVELOPMENT AGREEMENT

EAGLE MOUNTAIN CITY And EAGLE MOUNTAIN PROPERTIES, LLC For HARMONY PRELIMINARY PLAT

ENT 93083:2018 PG 1 of 16
JEFFERY SMITH
UTAH COUNTY RECORDER
2018 Sep 27 4:30 pm FEE 60.00 BY CS
RECORDED FOR EAGLE MOUNTAIN CITY

This Development Agreement for the Harmony Preliminary Plat (this "Agreement") is entered into as of the 6th day of January, 2015, by and between Eagle Mountain City, Utah, a Utah Municipal Corporation (the "City") and Eagle Mountain Properties, LLC, a Utah limited liability company ("Developer").

This Agreement is made with reference to the following facts:

A. Developer has received conditional approval from the City Planning Commission for a new preliminary plat known as Harmony (the "Project"), which is attached as Exhibit "B."

B. The Project consists of approximately 772 acres of land (the "Property") located west of Pony Express Parkway, south and southwest of the existing Overland Trails Subdivision. A legal description of the Property is attached as Exhibit "A."

C. The Project is zoned as residential and commercial in accordance with the Eagle Mountain Properties Master Development Plan, and will be improved in compliance with procedures and standards in the Eagle Mountain 1997 Interim Development Code, as well as the Public Works Standards and Specifications, Building Codes, Fire Codes, etc. that are in effect at the time an application for final plat approval is submitted to the City, and the terms of this Development Agreement.

D. The parties wish to define the rights and responsibilities of the parties with respect to the development of the land and funding of improvements in the Harmony Preliminary Plat.

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

1 Governing Standards. The Project shall be governed by the procedures, standards and requirements of the Eagle Mountain City 1997 Interim Development Code and the Public Works Standards and Specifications, Building Codes, Fire Codes, this Agreement, and the preliminary plat, etc. that are in effect at the time a substantially complete application for final plat approval is submitted to the City. All plats and site plan applications submitted after December 22, 2017 shall be governed by the preliminary plat and this Agreement, and the City

Code and standards and specifications at the time of submittal.

2 Zoning, Density and Land Use Standards. The Project is zoned as residential and commercial in accordance with the Eagle Mountain Properties Master Development Plan, and the uses for the Project are regulated by the Eagle Mountain Properties Master Development Agreement.

2.1 Project Areas and Densities. The total Project calculations are as follows:

Total Land Area:	772.49 acres
Total Acreage in Single-Family Lots:	344.30 acres
Total Acres Alternative Design Blocks:	17.690 acres
Total Multi-Family Acreage:	92.186 acres
Total Acreage Commercial	26.806 acres
Total Acreage Church Sites (6 sites)	23.845 acres
Total Acreage Schools	28.88 acres
Total Open Space	40.64 acres
Total Improved Open Space	35.98 acres
Single-Family Lots	2,360 lots
Alternative Design Block Units (maximums)	182 units
Multi-Family Units (conceptual, not vested)	1,935 units
Total # of Units (conceptual, not vested)	4,477 units
Single-Family Density	4.23 lots/acre
Multi-Family Density (conceptual, not vested)	21 units/acre
Overall Density	5.8 units/acre

The Developer acknowledges that the Eagle Mountain Properties Master Development Agreement expires December 22, 2017. Despite that expiration, the Harmony project is vested with the Single-Family density, the street configuration, and the lot layouts. Any multi-family or commercial site plan or final plat application for this project submitted after that date shall comply with the current City Code at the time of submittal. The City makes no guarantee or warranty that the maximum multi-family densities can be achieved and the parties acknowledge that as development progresses certain market, infrastructure, and/or other similar constraints beyond the control of the parties may be presented which could prevent the practical use of all vested densities. Future City Codes shall not apply to the single-family areas unless the Council, on the record, finds that a compelling, countervailing public interest would be jeopardized without applying such ordinance, amendment or standard to the Property.

3 Church Sites. The Project includes six church sites located throughout the development. In the event the church sites are not purchased, and remain undeveloped, the owner may elect to re-plat these blocks to a density of up to 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in any

re-platted church block shall have a width of less than fifty feet, and no multi-family product may be platted on the church blocks. No lot or street configurations are vested for these parcels.

4 Junior High School Site. The Junior High School block has been reserved for a future school. In the event the School District does not choose this block for another school, the school block may be platted to a maximum density of 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in this re-platted block shall have a width of less than fifty feet, and no multi-family product may be platted on the school blocks. No lot or street configurations are vested for these parcels.

5 Improved Open Spaces and Trails. The Project contains 40.64 acres of total open space, including parks, decorative open space areas, and 4.66 acres of land to be preserved for the historic Pony Express Trail corridor. The open space breakdown is as follows:

Improved Park Area (Acres)

A	1.49
B	0.31
C	1.90
D	0.27
E	3.13
F	0.86
G	1.06
H	1.62
I	1.79
J	4.23
K	3.70
L	13.84

Unimproved Open Space Area (Acres)

M	4.66
---	------

Improved Open Space Area (Acres)

N	0.23
O	0.20
P	0.20
Q	0.17
R	0.07
S	0.06
T	0.21
U	0.40
V	0.15

W

0.09

- 5.1 Improved Open Space. The Project currently contains the following open space areas: twelve (12) areas to be improved by Developer as parks for a total of 34.2 acres; and ten (10) open space areas to be improved by Developer with decorative landscaping, park benches, etc. for a total of 1.78 acres; and a 4.66-acre area to remain as unimproved open space, reserved for the future improvement of the historic Pony Express Trail corridor. These open space areas are to be designed in detail (including type and quality of amenities and improvements) according to the City Code in effect at the time a substantially complete application for final plat or site plan approval is submitted to the City. All parks which are used as open space should have drainage piped through the park so that the park becomes usable and nuisance water is allowed to flow through, and spill over when flows begin to exceed historical runoff. Also, a pad for pavilions, tot lots, and other amenities should be provided above the pond water mark to allow full use of these facilities without increasing the required maintenance. These will be designed with each phase of development.
- 5.2 Trails. An inter-connective trail system has been included between all of the parks and the schools in the Project. Trails are included along the major roadways, as required, and widened sidewalks are included along some neighborhood streets. There are a total of 10.30 miles of widened sidewalk and trails within this development. The "development" trails shall be built along with the infrastructure for each associated subdivision, according to the Harmony "typical road cross sections" approved with this preliminary plat, or the City's current standards in effect at the time a substantially complete application for final plat or site plan approval is submitted to the City.
- 5.3 Linear Park. The linear park in the center of the project shall continue until it intersects with Many Bears Street on the north and Pole Canyon Boulevard on the south, to provide a linear park and trail connection through the project.

6 Park Completion / Timing. A park must be designated with each final plat for partial improvement along with required infrastructure for that plat at time of submittal. Parks must be improved at a rate of at least 2.5 acres/400 lots, or approximately 273 square feet per lot. For example, Plat A-1 includes 34 lots, so 9,282 square feet of park space plus amenities must be improved in a park within 1,320 feet of the plat as part of the infrastructure improvements for that plat. The location and type of improvements/amenities are to be approved as part of the final plat application. A fee-in-lieu of improved open space may be approved at the discretion of the approval authority along with each final plat application.

- 7 Alternative Block Designs. Blocks A through D (to be added to the Preliminary

Plat) are to be platted and designed as either single-family detached cluster home, patio home, or garden court developments, as defined in the Eagle Mountain Municipal Code Section 17.10.030, or other similar product as approved by the Planning Commission and City Council. The homes/lots fronting onto a green court may have a minimum frontage of 35 feet, and the homes/lots fronting a public street may have a minimum frontage of 40 feet, with no garages facing the public street. The fronts of homes shall face the public street or the green court. The final design will be approved at the Final Plat and Site Plan stage. The City makes no guarantee that the density maximum shown on the preliminary plat for these areas can be achieved.

8 Lot Layout / Lot Size Variation. There shall be a variety of lot sizes throughout the Harmony plat, with no single street having more than four lots in a row that are less than 52 feet wide; or, in other words, for every four lots in a row, that are less than 52 feet, the next lot shall be at least 52 feet wide. No more than three homes of the same elevation or color shall be located along a single row of homes.

9 Driveways. Residential driveways shall be a minimum of 22 feet in length from the property line.

10 Multi-Family Review. All multi-family or commercial site plans or plat applications for this project shall comply with the Eagle Mountain City 1997 Interim Development Code if submitted before the expiration of the Eagle Mountain Properties Master Development Agreement (October 7, 2017). All multi-family and commercial applications submitted after the expiration date shall comply with the then current City Code at the time of submittal to the City of a complete application including all required application fees. The multi-family areas are not vested with density, and any reference to the number of units on the Preliminary Plat is conceptual and informational only. The multi-family areas must be designed with density and product transitions between the single family lots and the high density or commercial areas. Appropriate density and product transitioning will be determined at the time of site plan applications.

11 Corner Lots. All corner lots shall contain a "corner cutoff" setback to allow for proper distance for gas and electric utilities to round the corners of a lot while still keeping the required distance from a building foundation. This includes taking a triangle out of the potential building pad measuring five feet each direction at the corner of the setbacks.

12 Phasing of Construction. Phasing shall generally follow the phasing included in the Harmony Project Overall Phase Index, but the City understands that variations to this phasing for various reasons will occur. Every phase shall include approved emergency vehicle access and turnaround, and no more than fifteen (15) lots may be built on a dead-end street or cul-de-sac.

13 Traffic Studies / Road Failures. All roads within the development that are not

included in the City's Master Transportation Plan or Future Land Use and Transportation Corridors Plan must be paid for by the Developer. The City Engineer shall have the discretion to require traffic studies with each final plat application. If, according to developer's traffic study, the next plat would likely reduce the level of service to level of service D or worse as defined in the North American highway LOS standards Highway Capacity Manual (HCM) and AASHTO Geometric Design of Highways and Streets ("Green Book"), on Eagle Mountain Boulevard, Pony Express Parkway, or SR73, the developer would be required to fund the difference between the project cost and any impact fees previously collected by the City toward the required road project, under the terms of the Eagle Mountain Properties Master Development Agreement (2.6.7). In that event, an impact fee credit, if requested, will then be applied to the future development of the Project to effectively reimburse the owner/developer for this additional cost over time.

14 Utility Services and Infrastructure Improvements. Except as provided in a reimbursement agreement which may be entered between the City and the Developer, the Developer agrees to dedicate to the City all required easements, property, and rights of way necessary for the construction and location of City owned utilities, utility facilities, roads, and other public ways within the boundaries of Harmony at the time of final plat recordation. Any easements, property, and rights of way shall be conveyed to the City free and clear of any encumbrances.

15 Off-Site Utilities. Necessary off-site utility improvements must be completed to the satisfaction of the City Engineer and City Energy Director (or gas and electric companies) prior to issuance of any building permits in a phase that requires such off-site improvements.

16 Storm Drainage. Storm drain detention basins designed and built to the City's adopted specifications must be installed prior to issuance of any building permits for lots that would drain into such basin. Easements are required for all offsite storm drain infrastructure. Detention ponds that are designed to allow for a discharge may be designed as temporary retention ponds until the phasing allows for the completion of the offsite outfall storm drain, provided that an overflow storm drain can be provided. Drainage plans are required to be submitted along with each final plat for approval. Developer agrees to comply with drainage standards in the City Code at the time of final plat and/or building permit submittal.

17 Street Names. The street names provided with this Preliminary Plat are considered reserved, following any changes required by City Staff. The names shown on the preliminary plat for several streets will require name changes for addressing and safety purposes, as well as to avoid duplication or confusion. These include: Doris Parkway (changed to Pole Canyon Boulevard), Brittany Street, Oquirrh View, Gracie Way, and Natahki Street (to be changed to Shumate Street), and others. Street names will require review and approval by the City Staff prior to any final plat approvals.

18 Not-A-Part. The areas labeled "Not a Part" on the preliminary plat are not a part of the Project, and are not vested with any density, road configuration, or lot layout (this includes the future multi-family areas, the Kent & Deborah Sievers property, and the Mountain Trails Elementary School site).

19 Fencing. Six-foot high privacy fencing or a decorative wall is required to be installed by the developer for all rear lots along a collector or arterial road. This fencing shall be included in any improvement completion assurance (bond) with the City and shall be installed along with the infrastructure for the subdivision.

20 Architectural Standards. All homes on lots within the project shall have 'carriage' style, or decorative, garage doors. The front of all homes will have at least two textures, including rock, brick, stucco, or decorative material, similar to Hardy board. The texture shall wrap around the front of the home at least until the first windows along each side of the home. Typical vinyl siding will not be used on the front of the homes.

21 Home Owner's Association. The Harmony Development, including the commercial and multi-family areas, will be part of the Harmony Home Owner's Association (HOA). All of the parks and public spaces, identified as parcels 'A' through 'W' on the Harmony Preliminary Plat, will be dedicated to Eagle Mountain City with their respective final plats. All trail corridors and certain other spaces, 'M' through 'W', will be maintained by the HOA, which will have rights of access for that maintenance. All other parks and open space areas are to be maintained by Eagle Mountain City.

22 Expirations. Due to the magnitude of the Harmony Development, this Preliminary Plat Approval shall continue in full force and effect for 10 years after the date of the Harmony Development Agreement, which is the 6th day of January, 2015, and shall be automatically renewed for continuing periods of five (5) additional years on every five (5) year anniversary of the effective date of the Harmony Development Agreement. This automatic renewal and extension shall occur unless the City Council finds that a compelling, countervailing and substantial public harm will result from an automatic five year renewal prior to the date that the renewal would have otherwise occurred.

23 Developer's Remedies Upon Default. Developer acknowledges and agrees that Developer's sole and exclusive remedy under this Agreement shall be specific performance of the development rights granted in this Agreement and City's obligations under this Agreement. In no event shall city be liable to developer, its successors or assigns, for any indirect, special, punitive, incidental, or consequential damages, including, without limitation, lost profits, costs of delay, or liabilities to third parties for any breach or default under the terms of this Agreement and related to its duties under this Agreement. This provision shall not affect the respective rights and responsibilities of City or Developer under any other agreement or contract between them, or for any causes of action arising beyond the terms and provisions of this Agreement.

24 City's Remedies Upon Default. Upon default of any terms or conditions of this Agreement, City may require specific performances of Developer's obligations and City may withhold issuance of any building permits or further approvals with the Project until Developer has fully complied with the terms and conditions of this Agreement.

25 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors, heirs and assigns of the parties hereto, and to any entities resulting from the reorganization, consolidation, or merger of any party hereto. This Agreement shall be recorded against the Property and shall be deemed to run with the land and shall be binding on Developer and all successors and assigns of any of the foregoing.

26 Integration. This Agreement supersedes any previous agreement, representation, or understanding between the parties relating to the subject matter hereof; provided however, that the Development Code of the City shall govern the procedures and standards for approval of each subdivision and public improvement.

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

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

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

30 Governing Law. This Agreement is entered into in Utah County in the State of Utah and shall be construed in accordance with the laws of the State of Utah.



Dated this 6 day of January, 2015.

EAGLE MOUNTAIN PROPERTIES, LLC



John Walden Managing Member

Dated this 7 day of January, 2015.

ATTEST:

EAGLE MOUNTAIN CITY

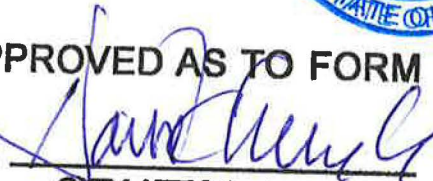


Fionnuala Kofoed, City Recorder



Christopher Pengra, Mayor



APPROVED AS TO FORM
BY: 

CITY ATTORNEY



Exhibit A

[Legal Description & Existing Site Plan]





Exhibit B

93083:2018 PG 14 of 16

[Harmony Preliminary Plan and Plat]

A handwritten signature in black ink, appearing to be a stylized 'M' or 'W'.

LEGEND

- PARKS AND OPEN SPACE
- UNIMPROVED OPEN SPACE
- TRAILS
- CIVIC
- CHURCH
- COMMERCIAL
- MULTI-FAMILY RESIDENTIAL
- SINGLE-FAMILY RESIDENTIAL
- ALTERNATIVE DESIGN BLOCK

INFORMATION TABLE

LAND USE	ACRES	PERCENT
TOTAL ACRES IN ZONING	100.00	100%
TOTAL ACRES ALTERNATIVE DESIGN BLOCKS	10.00	10%
TOTAL ACRES SINGLE-FAMILY RESIDENTIAL	40.00	40%
TOTAL ACRES COMMERCIAL	10.00	10%
TOTAL ACRES CIVIC	10.00	10%
TOTAL ACRES CHURCH	10.00	10%
TOTAL ACRES MULTIFAMILY RESIDENTIAL	10.00	10%
TOTAL ACRES PARKS AND OPEN SPACE	10.00	10%
TOTAL ACRES TRAILS	10.00	10%
TOTAL ACRES UNIMPROVED OPEN SPACE	10.00	10%

OPEN SPACE TABULATION

LAND USE	ACRES	PERCENT
TOTAL ACRES IN ZONING	100.00	100%
TOTAL ACRES ALTERNATIVE DESIGN BLOCKS	10.00	10%
TOTAL ACRES SINGLE-FAMILY RESIDENTIAL	40.00	40%
TOTAL ACRES COMMERCIAL	10.00	10%
TOTAL ACRES CIVIC	10.00	10%
TOTAL ACRES CHURCH	10.00	10%
TOTAL ACRES MULTIFAMILY RESIDENTIAL	10.00	10%
TOTAL ACRES PARKS AND OPEN SPACE	10.00	10%
TOTAL ACRES TRAILS	10.00	10%
TOTAL ACRES UNIMPROVED OPEN SPACE	10.00	10%

A-14 location

[illegible]

OPEN SPACE TABULATION

12345	1234567	12345	1234567
A	1.19	4	1.16
J	3.41	5	1.21
C	3.31	6	1.00
D	2.27	7	1.20
E	1.14	8	1.17
F	3.36	9	1.07
G	1.16	10	1.00
H	1.14	11	1.11
I	1.17	12	1.16
J	1.21	13	1.11
K	1.10	14	1.10
L	1.14	15	1.14

LEGEND

- | | |
|---|---------------------------|
|  | PARKS AND OPEN SPACE |
|  | UNIMPROVED OPEN SPACE |
|  | TRAILS |
|  | CIVIC |
|  | CHURCH |
|  | COMMERCIAL |
|  | MULTI-FAMILY RESIDENTIAL |
|  | SINGLE-FAMILY RESIDENTIAL |
|  | ALTERNATIVE DESIGN BLOCK |





Material and colors may change based on buyer selections



Amber B

Basement	847sqft
Cold Storage	69sqft
Main Floor	896sqft
Upper Floor	1063sqft
TOTAL FINISHED	1960sqft
TOTAL	2876sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		AMBER - B Elevations		LOT NUMBER:
Date		07/19/22		A5.1
Job				
				Sheet



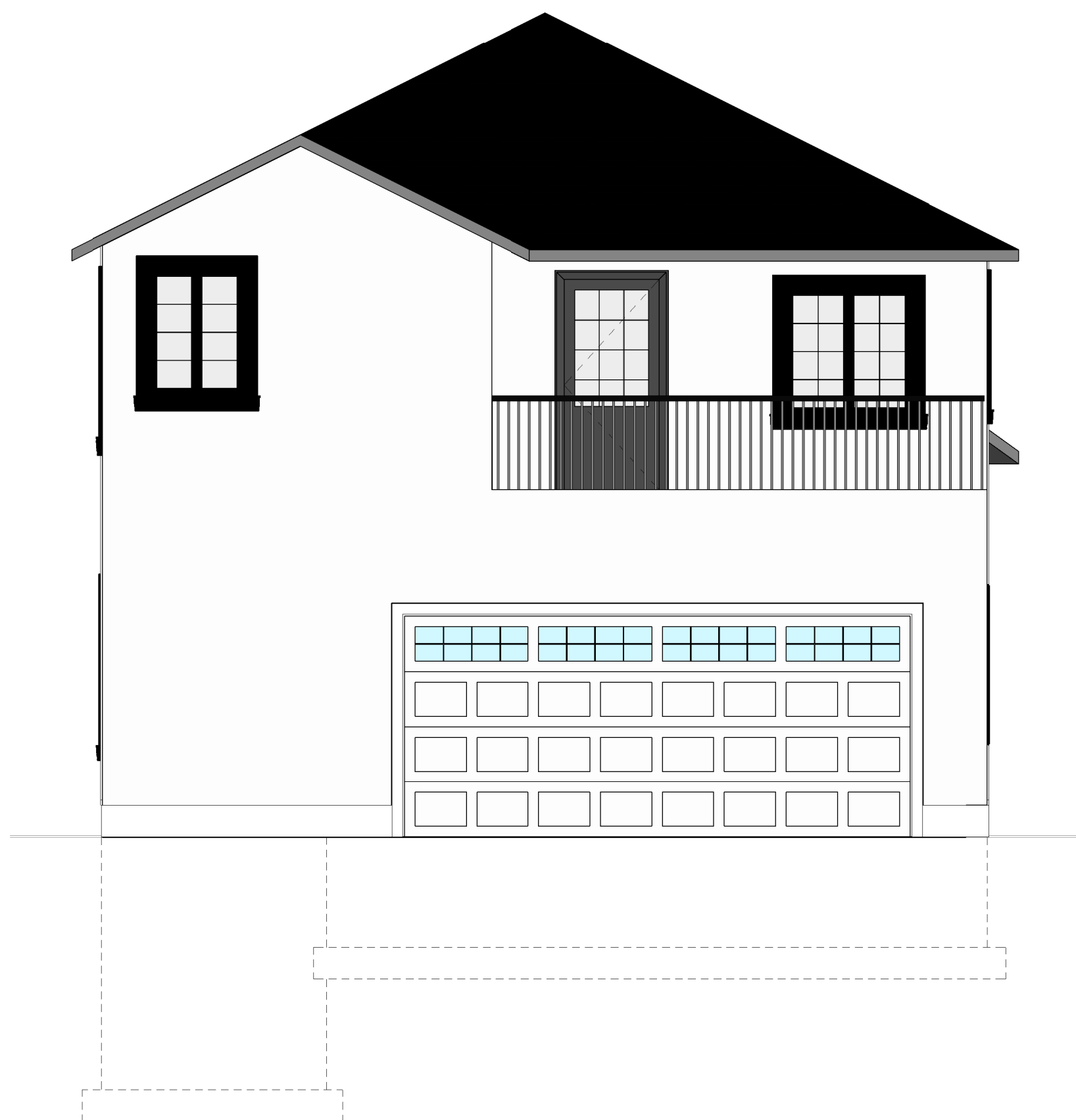
FRONT ELEVATION A

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION A

SCALE: 1/4" = 1'-0"



REAR ELEVATION A

SCALE: 1/4" = 1'-0"



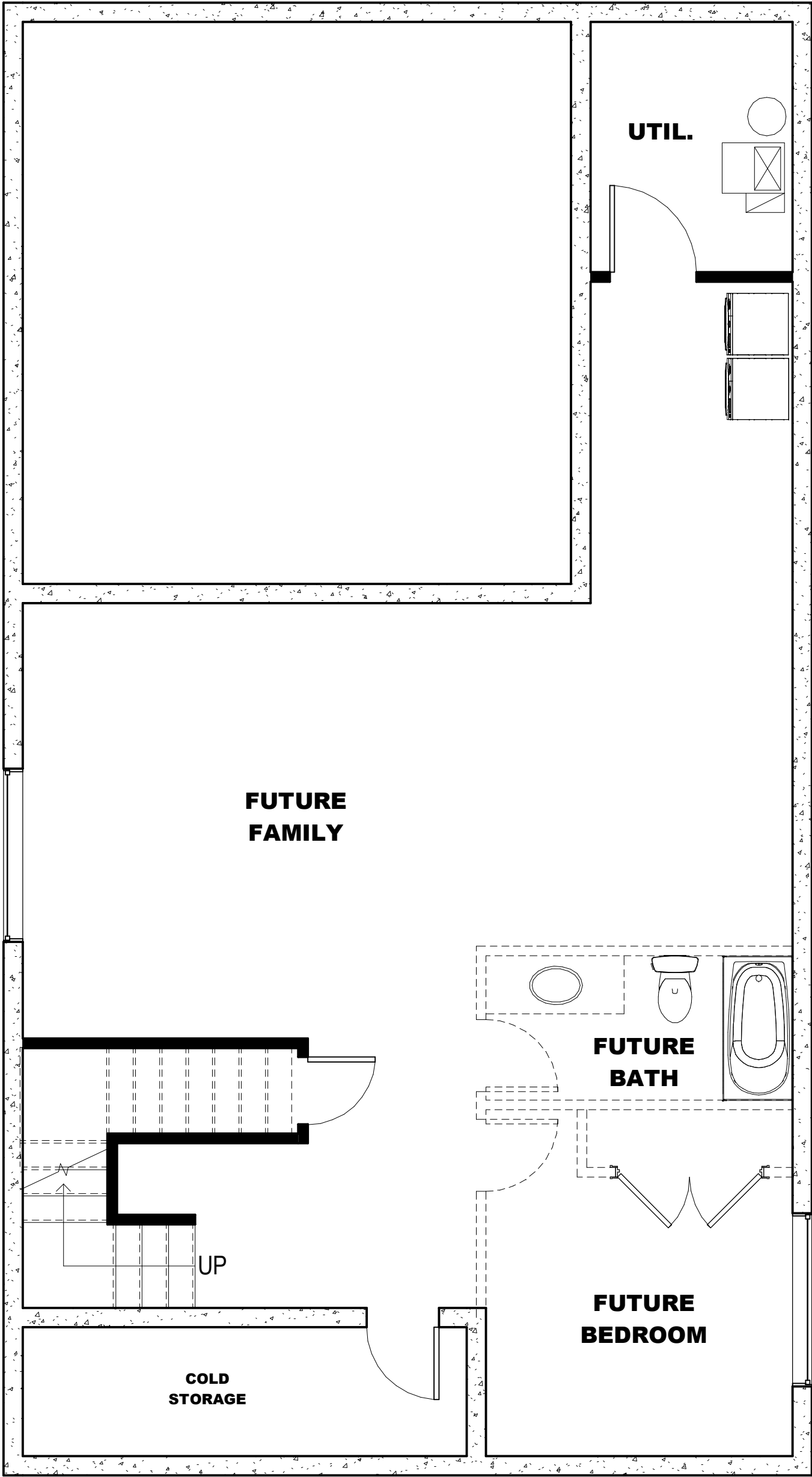
LEFT ELEVATION A

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725	AMBER - B Exterior Elevations		LOT NUMBER: A3.1
	Date	07/19/22	
Job			Sheet

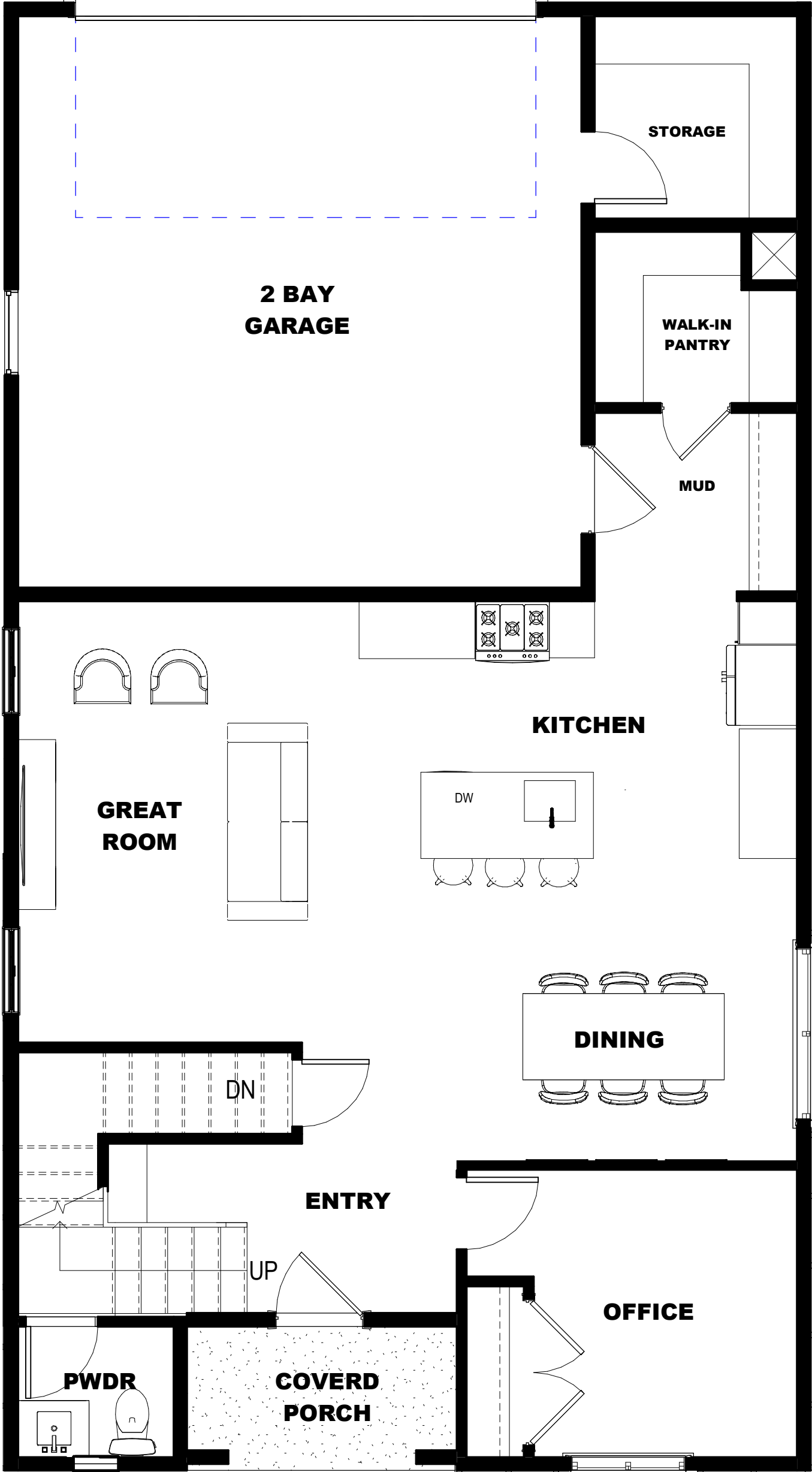
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Scale



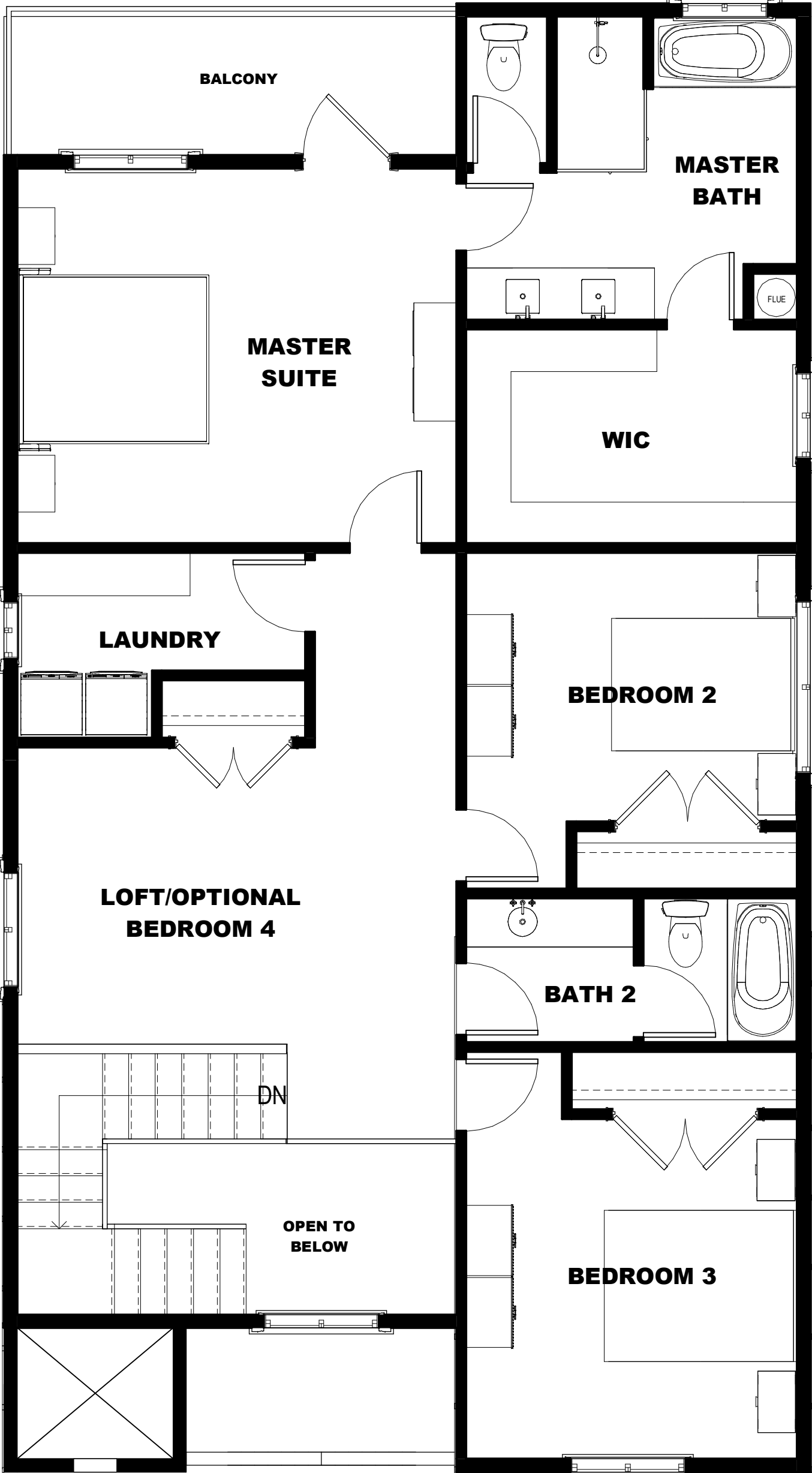
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		AMBER - B	
Date		07/19/22	
Job		Floor Plans	
Sheet	A2.1A	LOT NUMBER:	

Scale 1/4" = 1'-0"



Material and colors may change based on buyer selections



Amber C

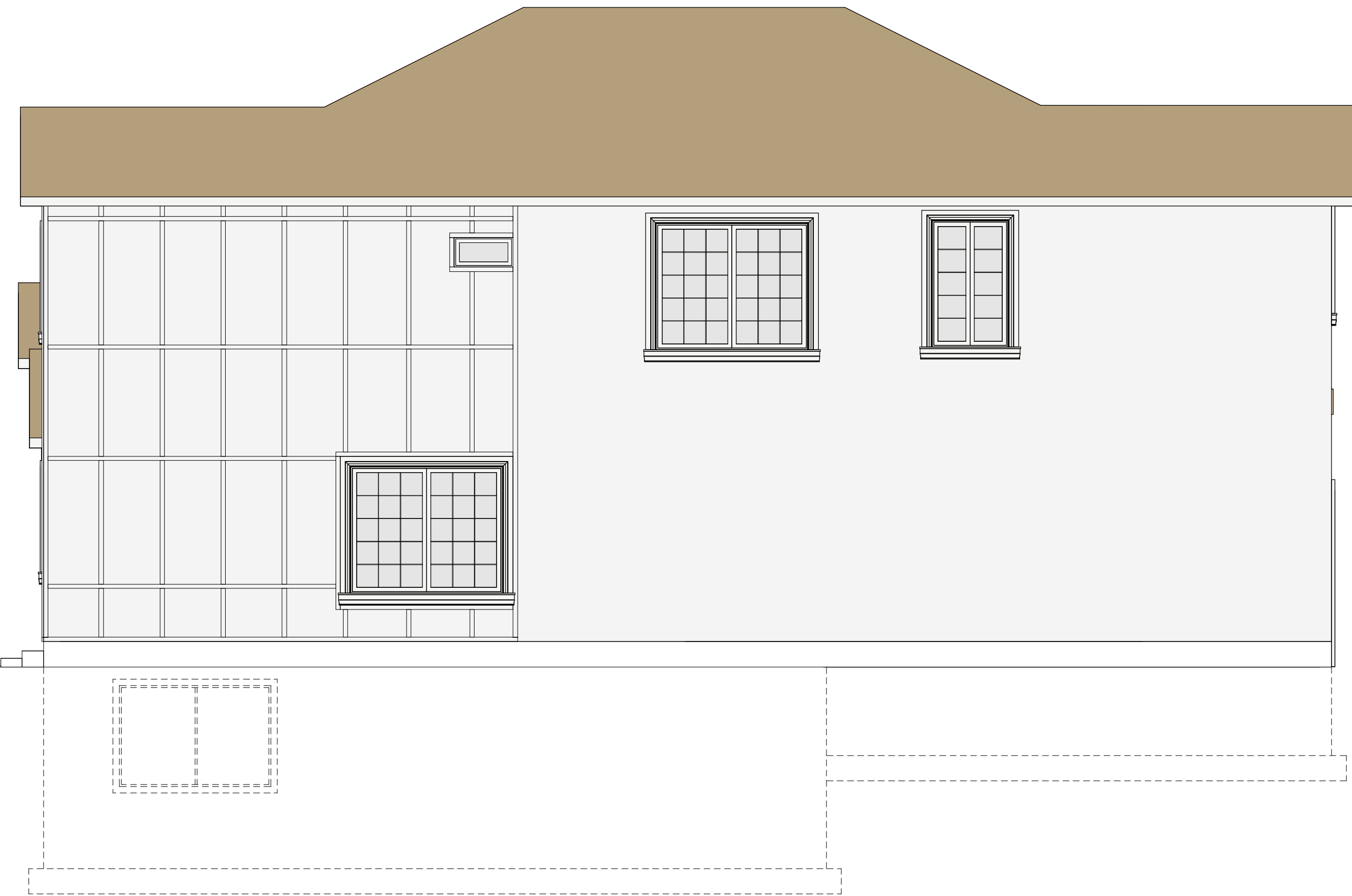
Basement	847sqft
Cold Storage	69sqft
Main Floor	896sqft
Upper Floor	1063sqft
TOTAL FINISHED	1960sqft
TOTAL	2876sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		AMBER - C Elevations		LOT NUMBER:
Date		07/19/22		A5.1
Job				
		Sheet		



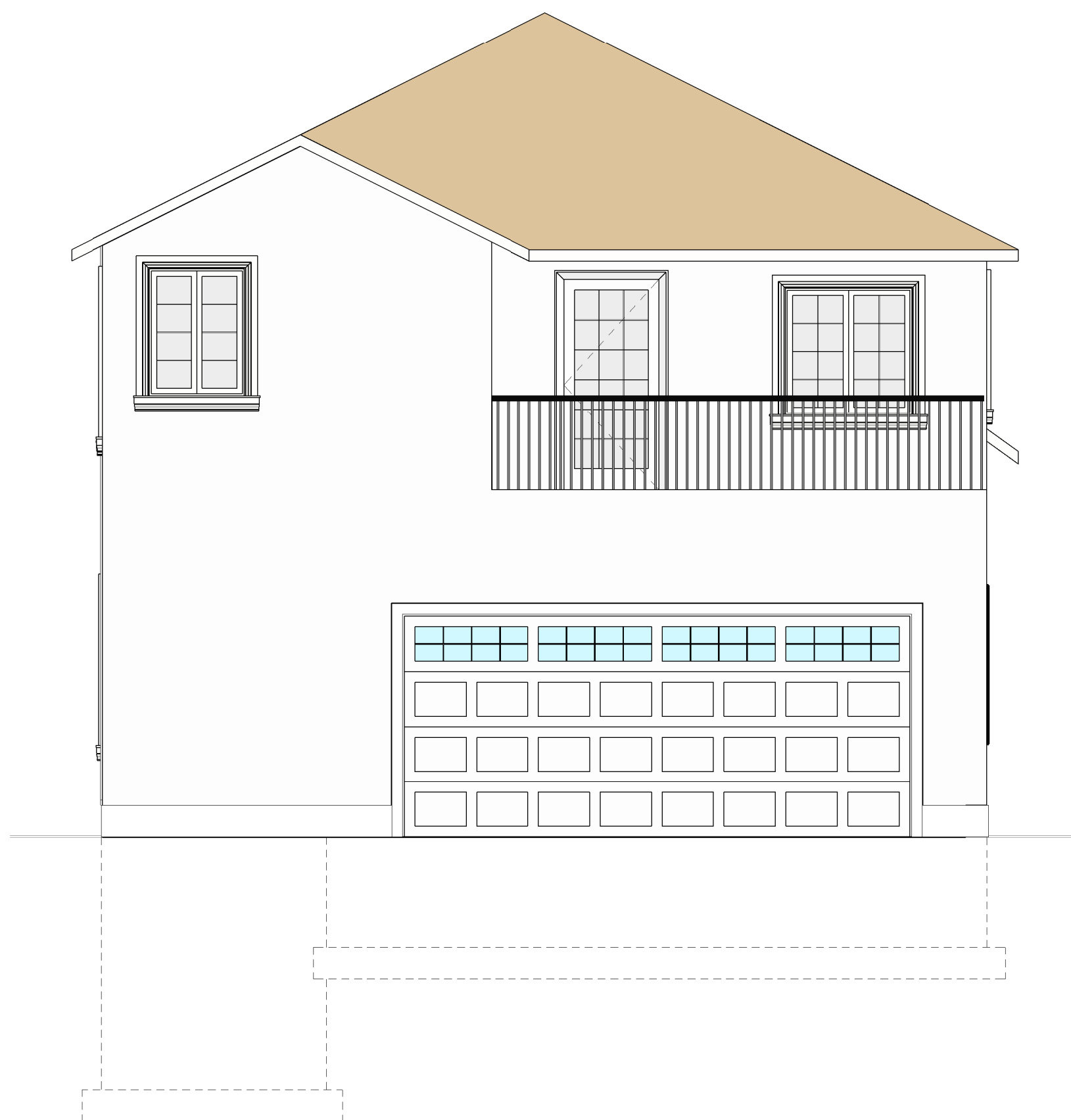
FRONT ELEVATION A

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION A

SCALE: 1/4" = 1'-0"



REAR ELEVATION A

SCALE: 1/4" = 1'-0"



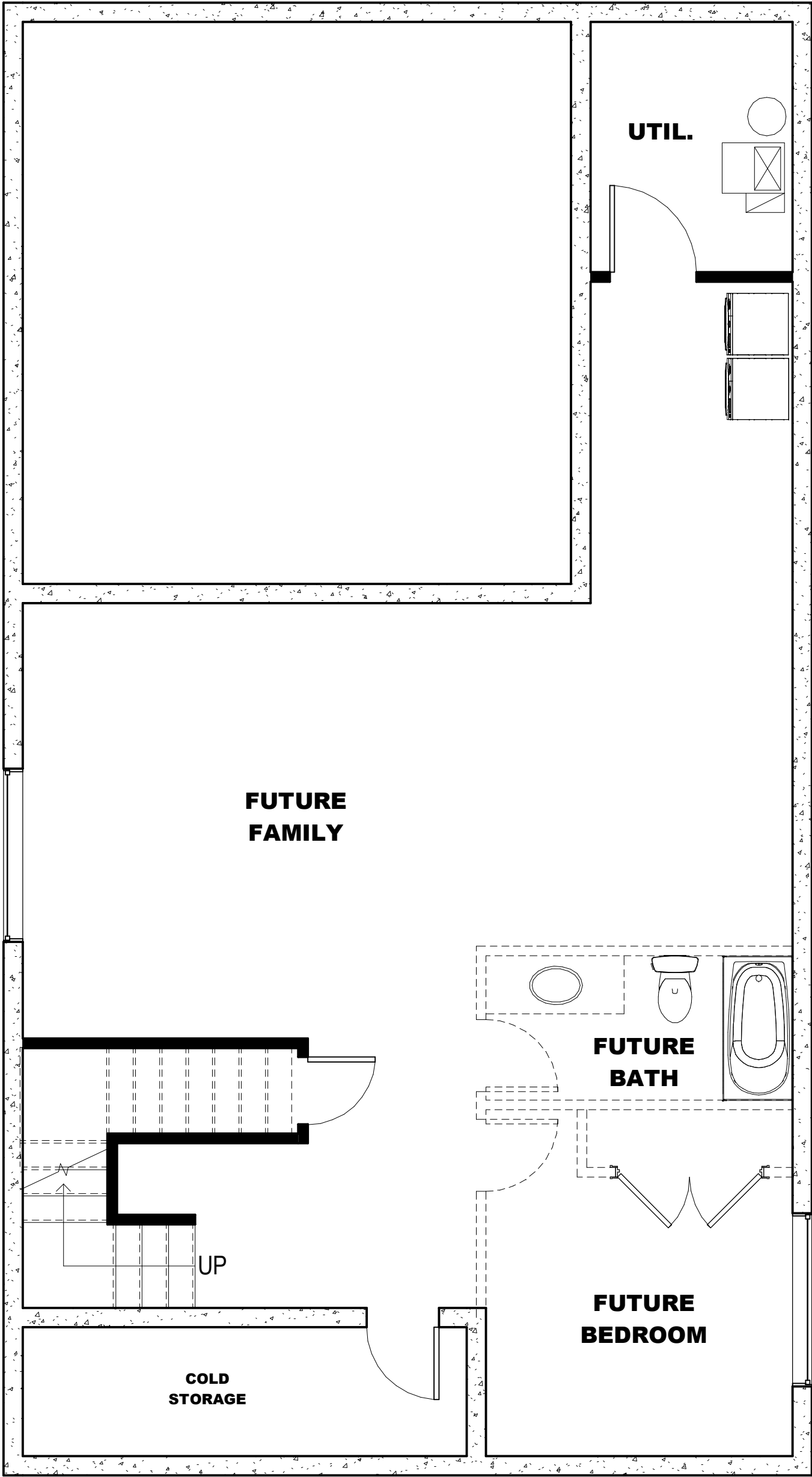
LEFT ELEVATION A

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		AMBER - C Exterior Elevations	LOT NUMBER:	A3.1
Date	07/19/22		Sheet	
Job				

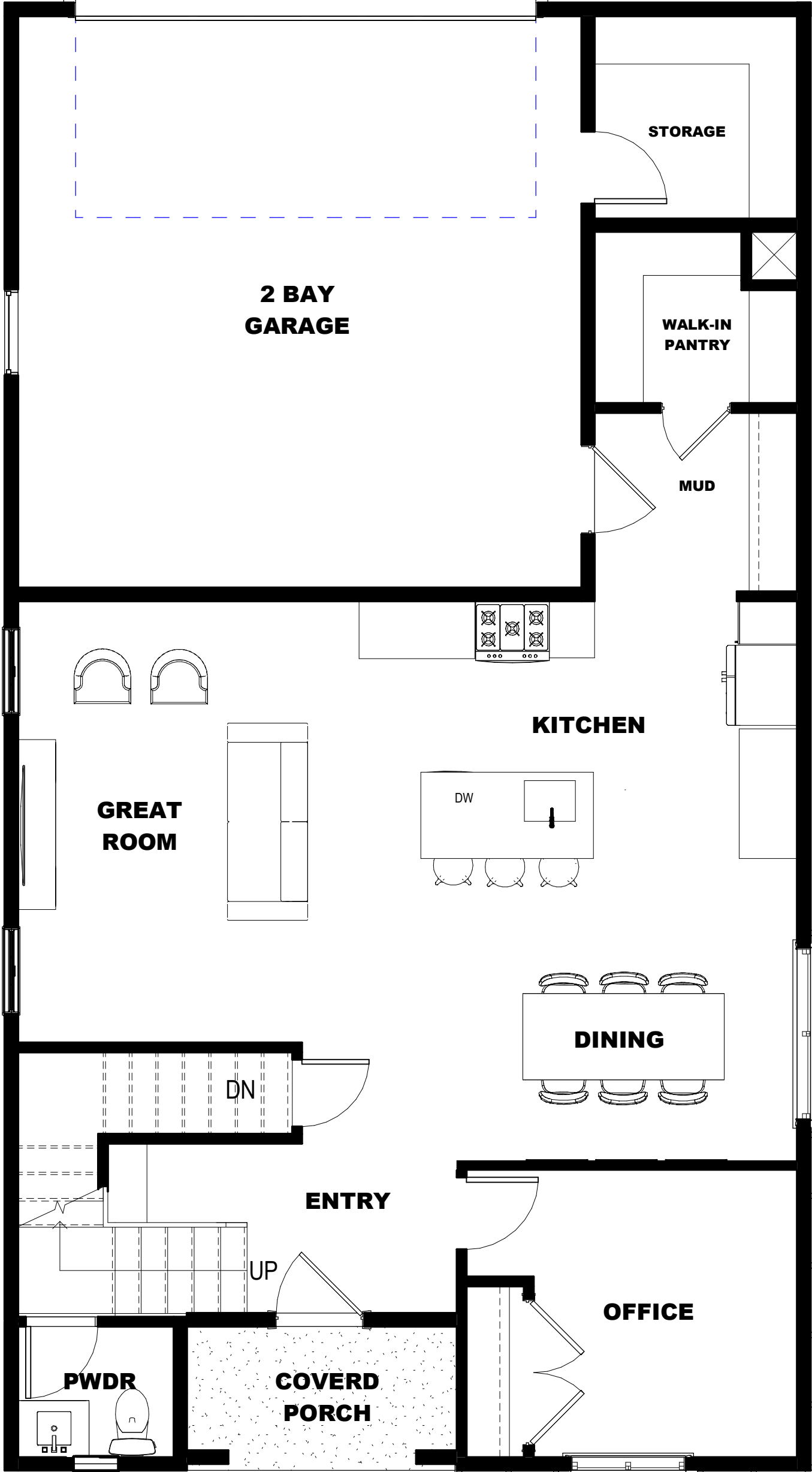
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Scale



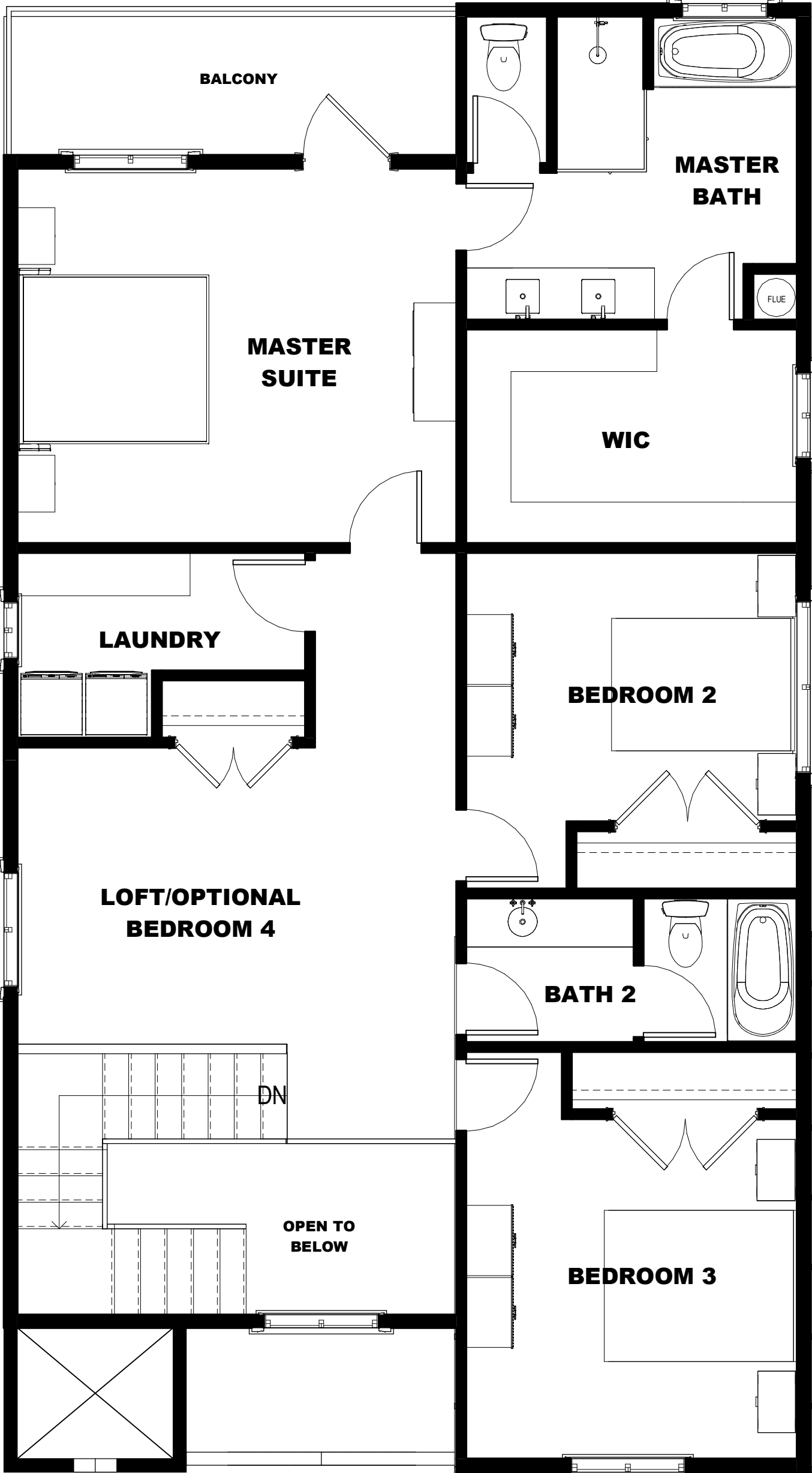
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		AMBER - C	
Date		07/19/22	
Job		Floor Plans	
Sheet		A2.1A	LOT NUMBER:

Scale 1/4" = 1'-0"





Material and colors may change based on buyer selections

JASPER B

Basement	799sqf
Cold Storage	112sqft
Main Floor	801sqft
Upper Floor	1067sqft
TOTAL FINISHED	1868sqft
TOTAL	2712sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725	JASPER - B	LOT NUMBER:
Date	07/14/22	A4.2A
Job		Sheet



Scale



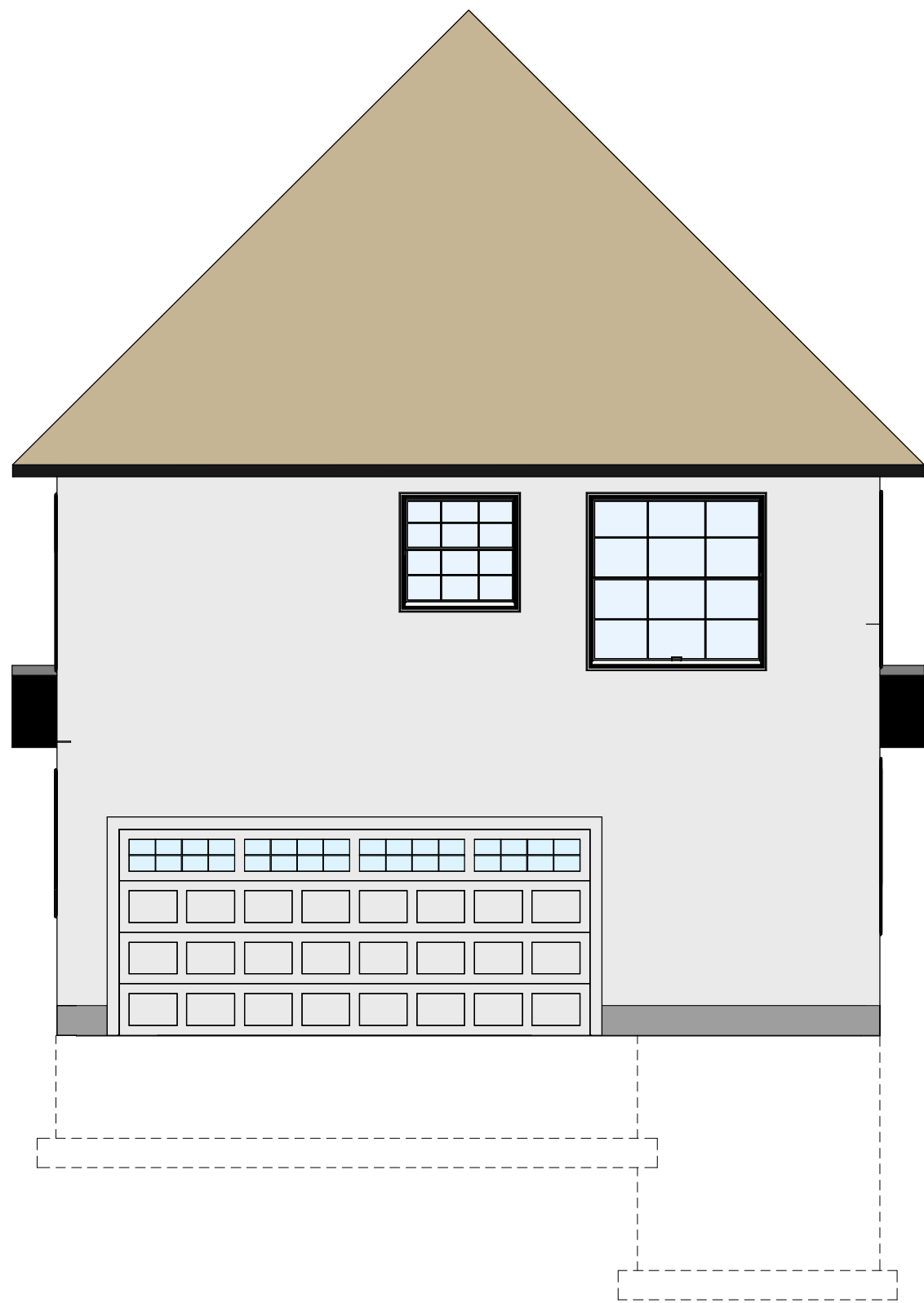
FRONT ELEVATION B

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION B

SCALE: 1/4" = 1'-0"



REAR ELEVATION B

SCALE: 1/4" = 1'-0"



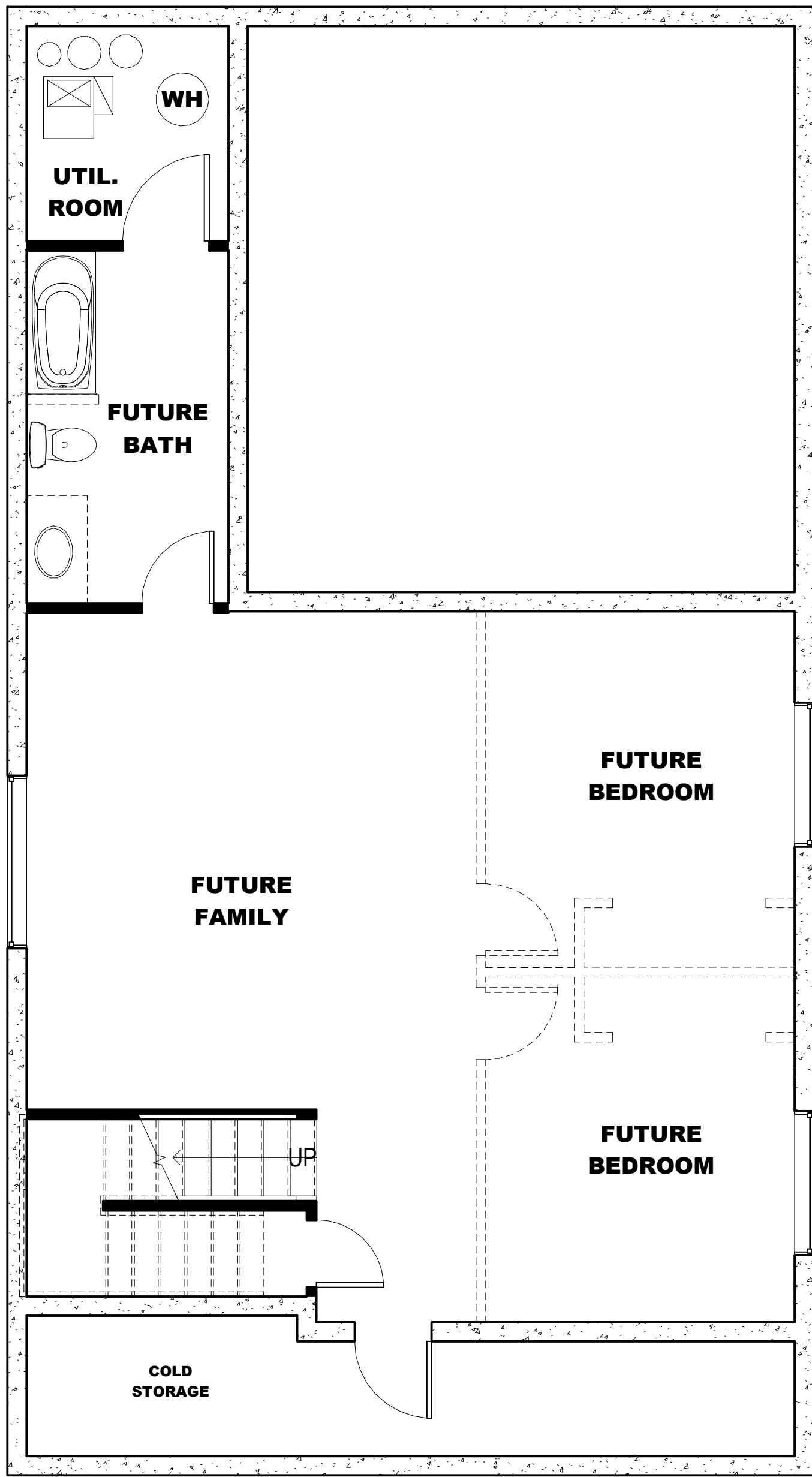
LEFT ELEVATION B

SCALE: 1/4" = 1'-0"



AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		JASPER - B Exterior Elevations	LOT NUMBER:
Date			A3.1
Job		Sheet	

3/16" = 1'-0"



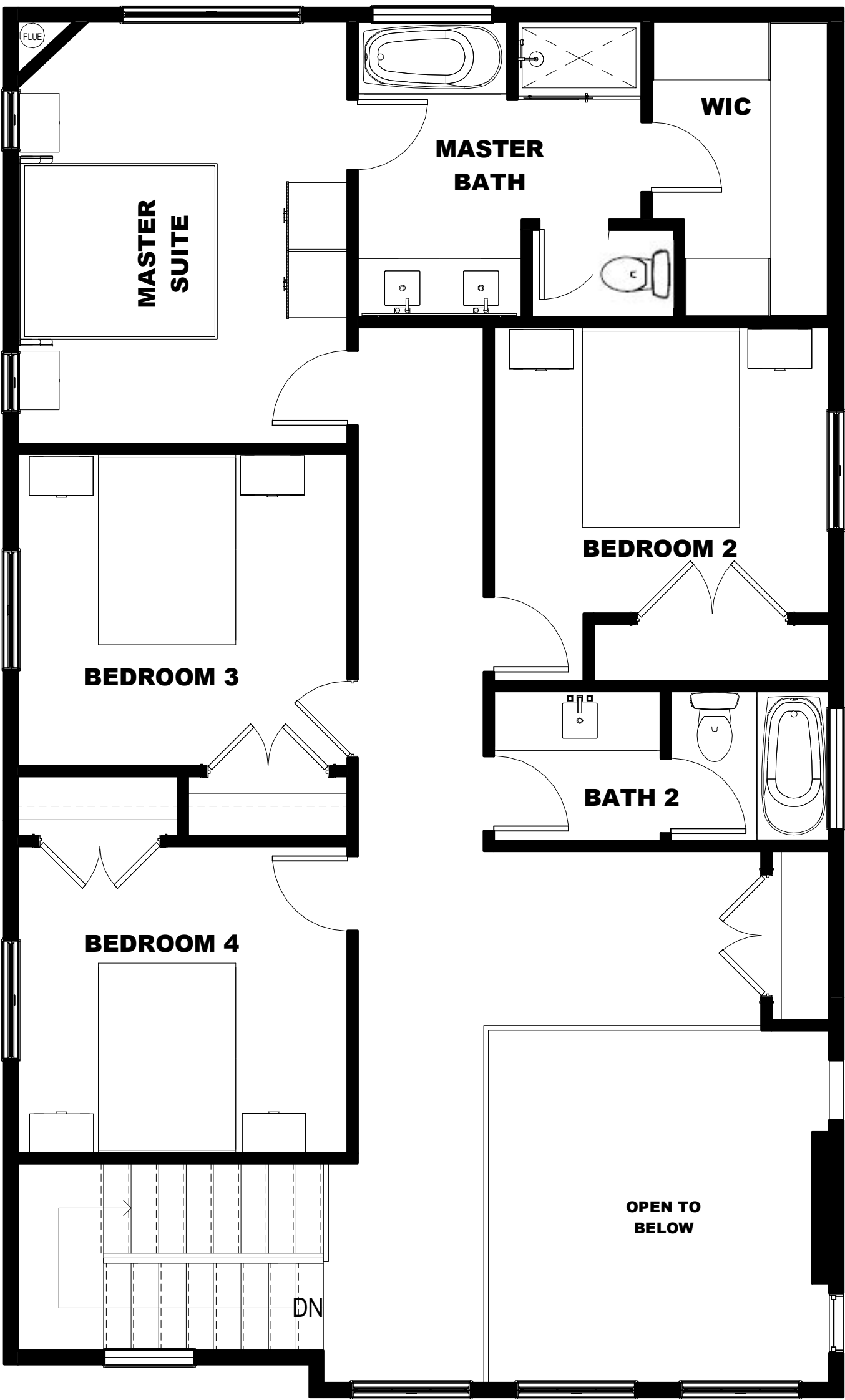
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		JASPER - B Floor Plans		Sheet A2.1A	LOT NUMBER:
Date	07/14/22				
Job					

Scale 1/4" = 1'-0"





Material and colors may change based on buyer selections

JASPER C

Basement	799sqf
Cold Storage	112sqft
Main Floor	801sqft
Upper Floor	1067sqft
TOTAL FINISHED	1868sqft
TOTAL	2712sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		JASPER - C Elevations		LOT NUMBER:
Date	07/14/22		A4.2A	
Job			Sheet	

Scale



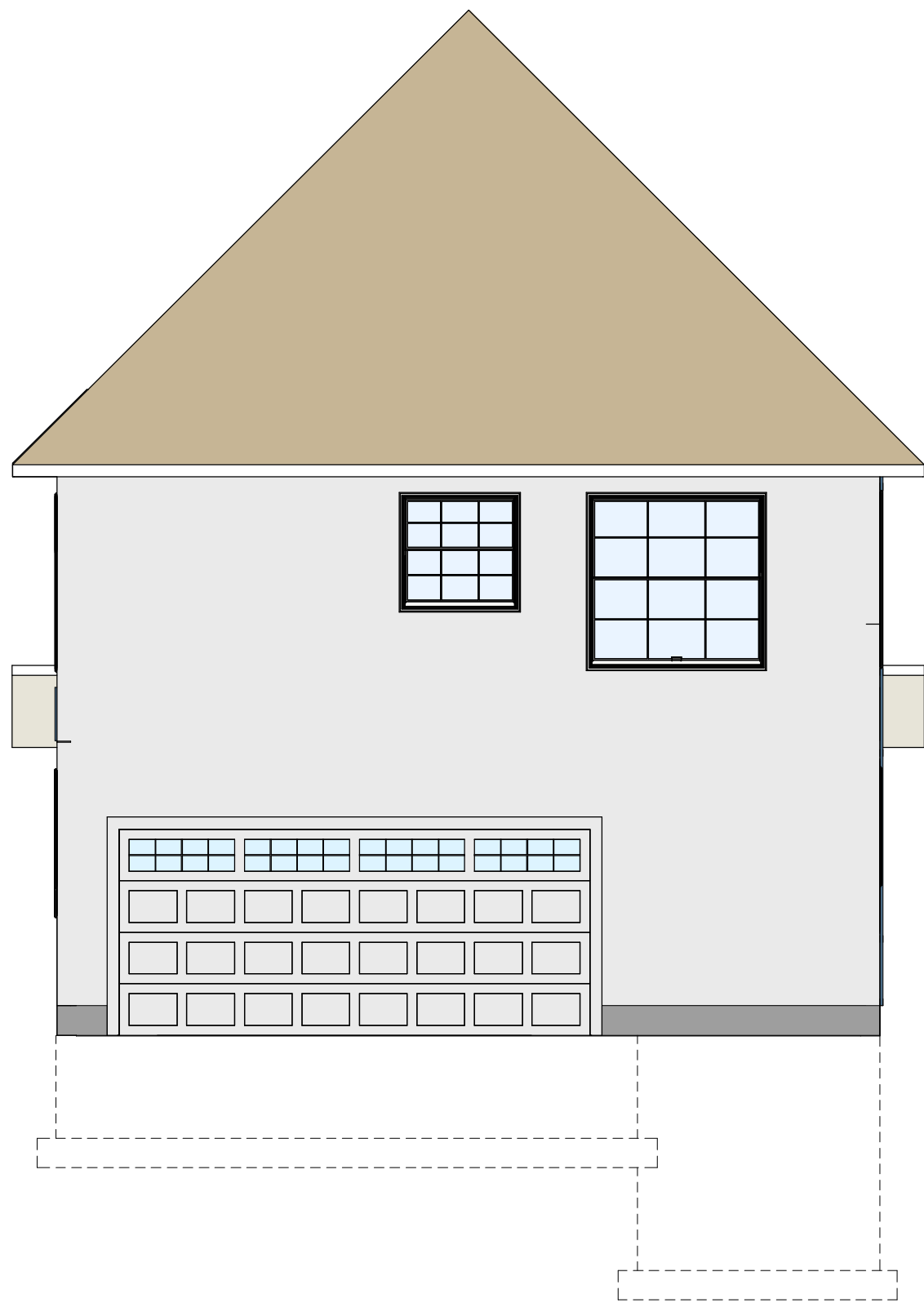
FRONT ELEVATION C

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION C

SCALE: 1/4" = 1'-0"



REAR ELEVATION C

SCALE: 1/4" = 1'-0"

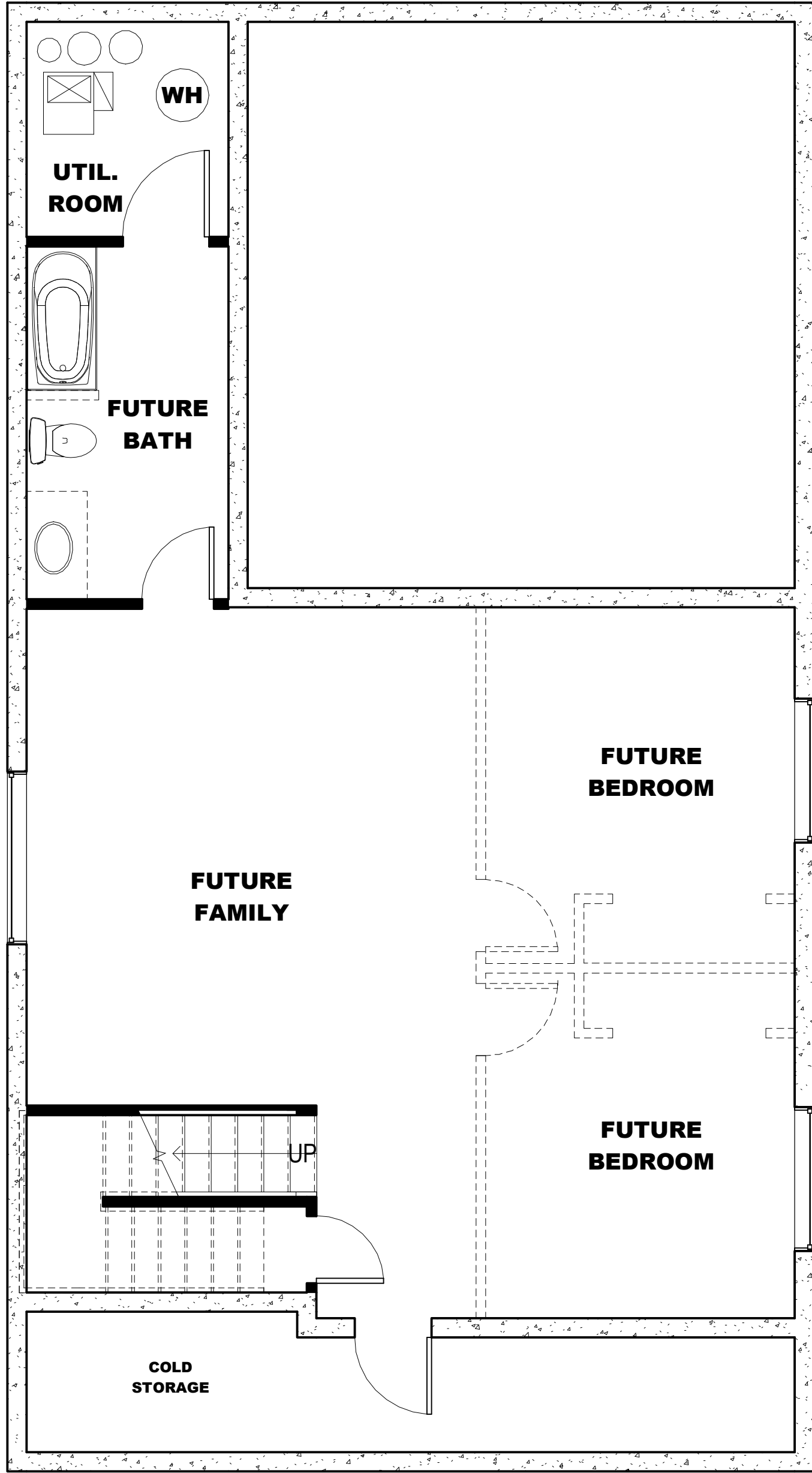


LEFT ELEVATION C

SCALE: 1/4" = 1'-0"



AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725	JASPER - C Exterior Elevations		LOT NUMBER: A3.1	3/16" = 1'-0"
	Date	07/14/22		
Job			Sheet	Scale



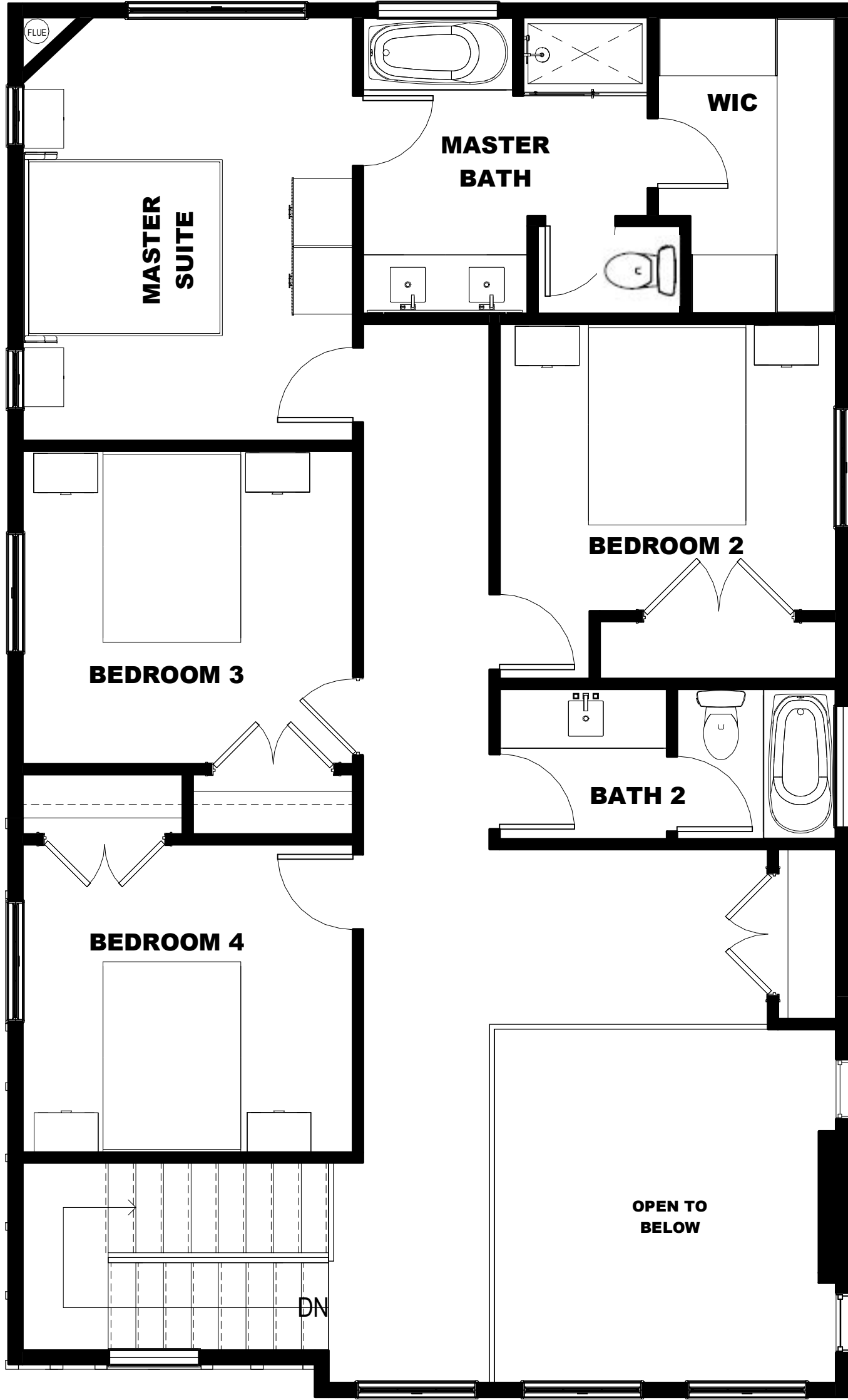
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		JASPER - C	
Date		07/14/22	
Job		Floor Plans	
Sheet	A2.1A	LOT NUMBER:	

Scale 1/4" = 1'-0"





Material and colors may change based on buyer selections

COBELT B

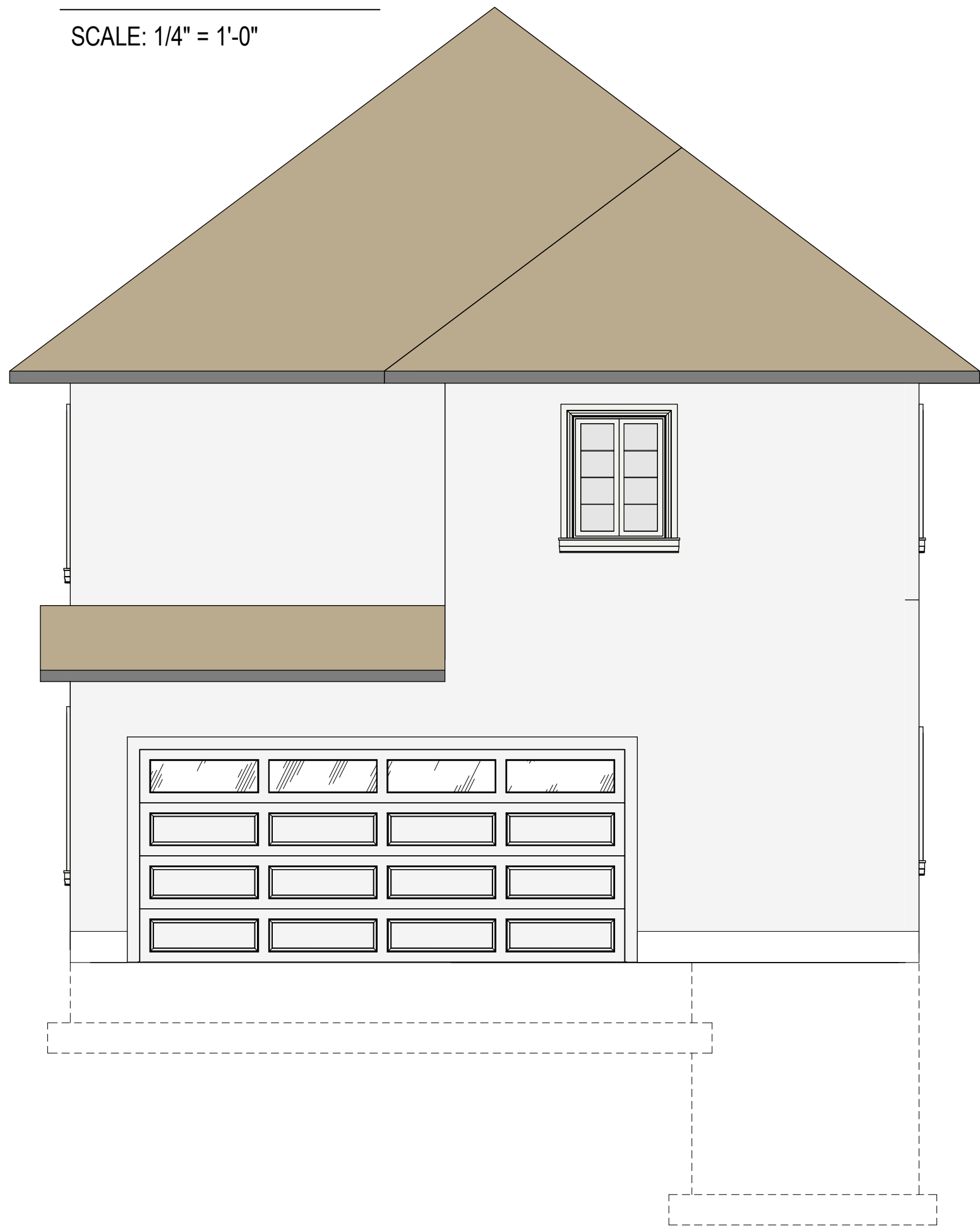
Basement	847sqft
Cold Storage	69sqft
Main Floor	864sqft
Upper Floor	1148sqft
TOTAL FINISHED	2012sqft
TOTAL	2928sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		COBELT - B Perspectives	LOT NUMBER: A3.2
Date	07/22/22		Sheet
Job			



FRONT ELEVATION B

SCALE: 1/4" = 1'-0"



FRONT ELEVATION B

SCALE: 1/4" = 1'-0"



FRONT ELEVATION B

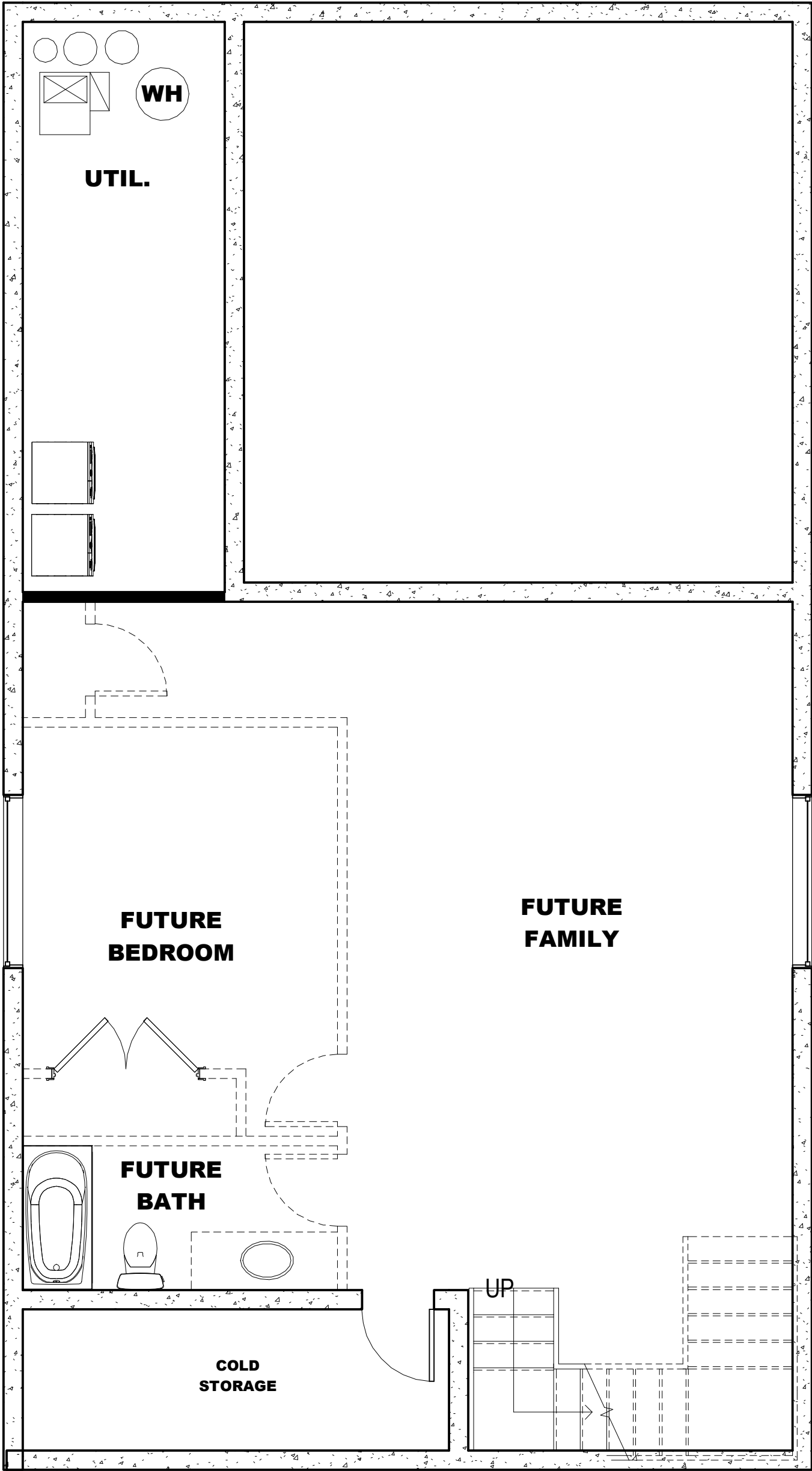
SCALE: 1/4" = 1'-0"



FRONT ELEVATION B

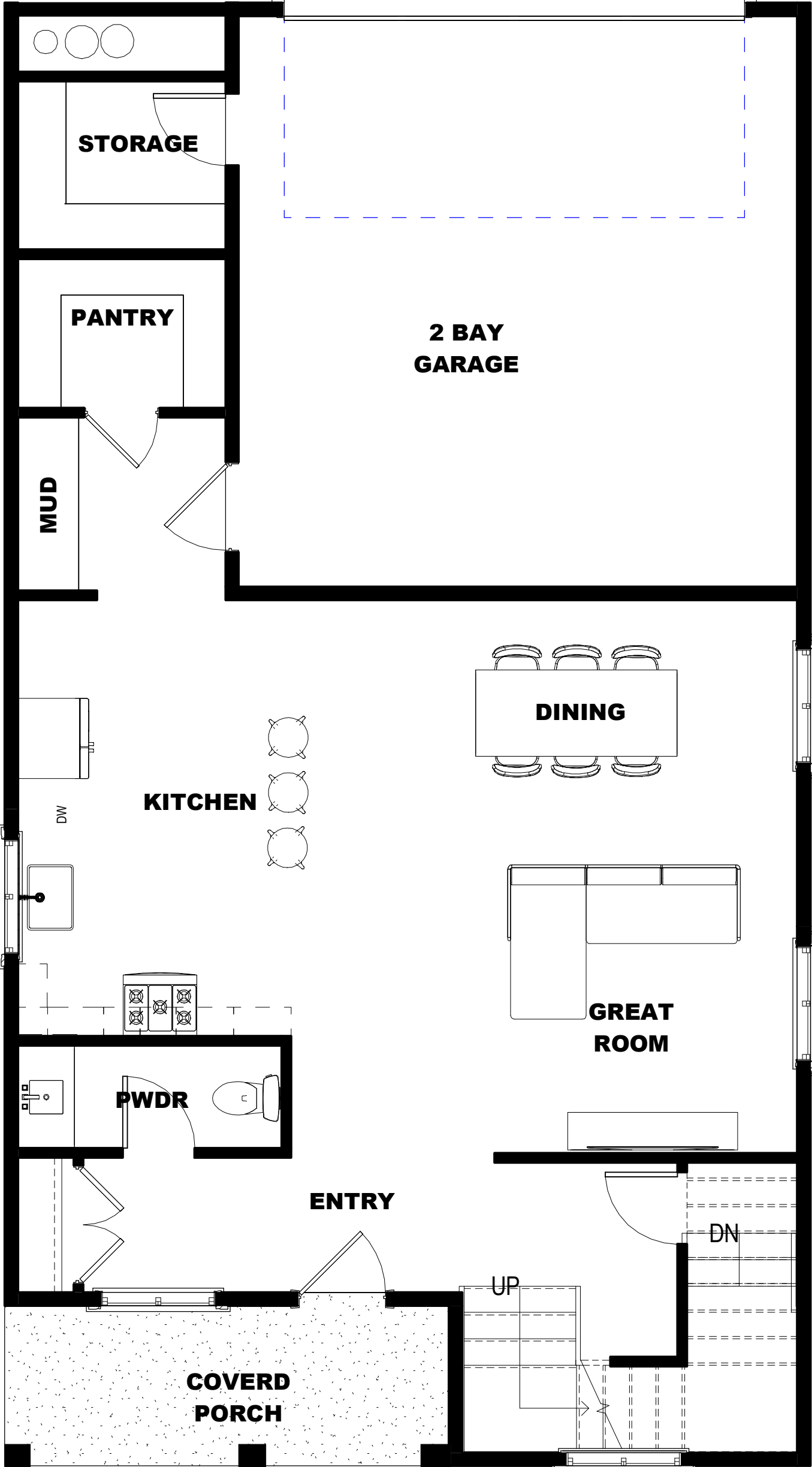
SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		COBELT - B Exterior Elevations		LOT NUMBER:
Date	07/22/22		A3.1	
Job				Sheet



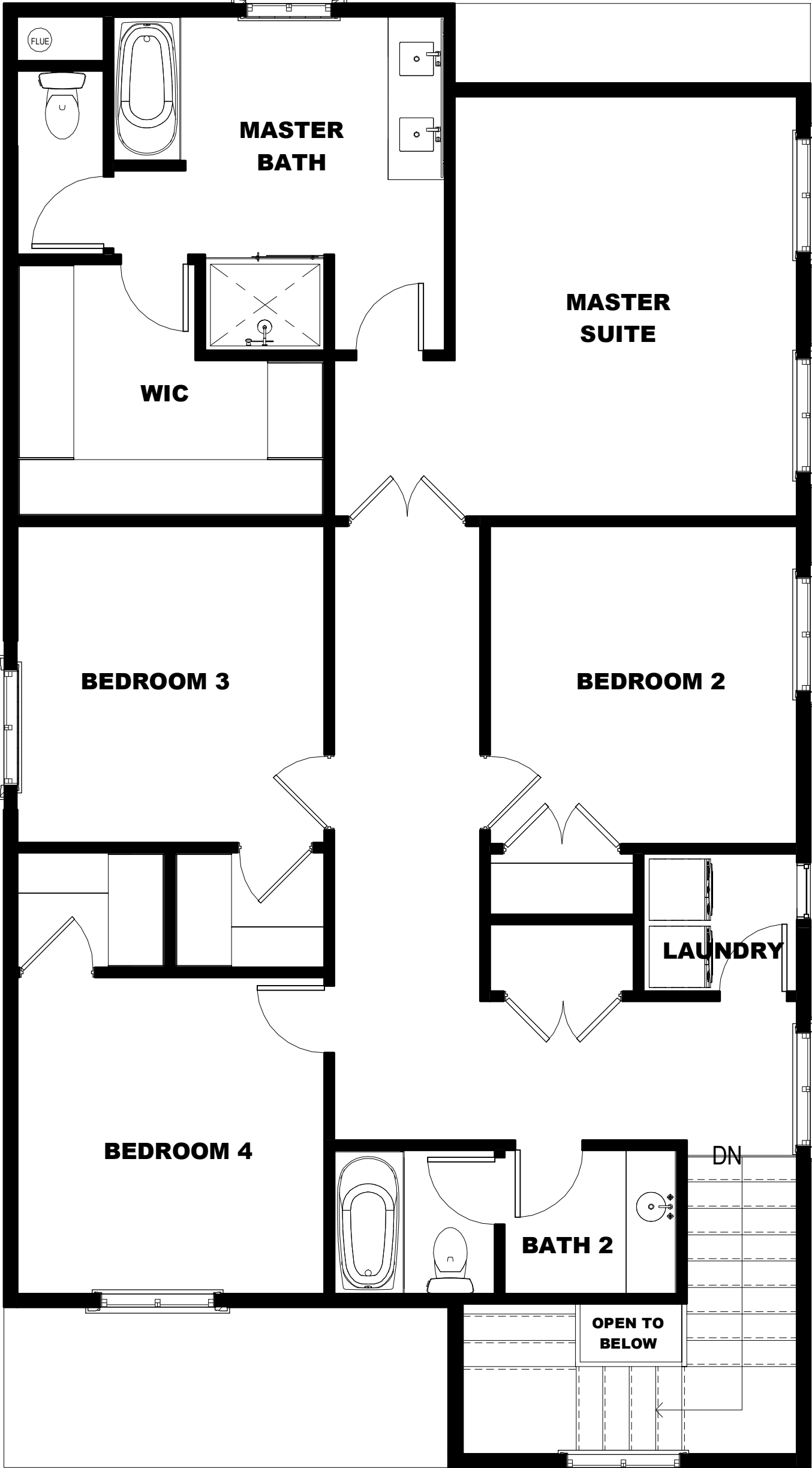
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		COBELT - B	
Date		07/22/22	
Job		Floor Plans	
Sheet	A2.1A	LOT NUMBER:	

Scale 1/4" = 1'-0"





Material and colors may change based on buyer selections

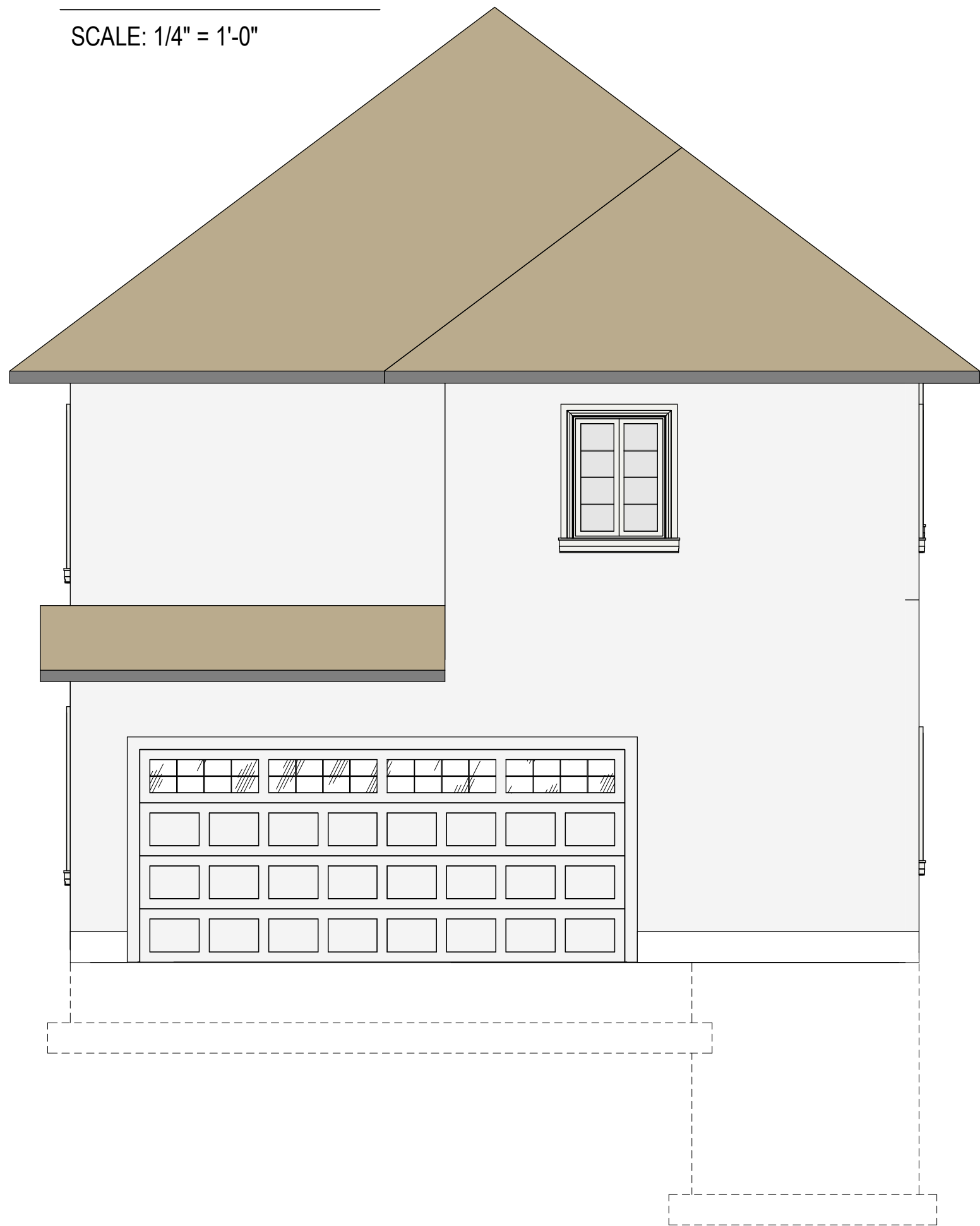
COBELT C

Basement	847sqft
Cold Storage	69sqft
Main Floor	864sqft
Upper Floor	1148sqft
TOTAL FINISHED	2012sqft
TOTAL	2928sqft

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725	COBELT - C	Perspectives	LOT NUMBER:
Date	07/22/22	Sheet	A3.2
Job			Scale



FRONT ELEVATION C
SCALE: 1/4" = 1'-0"



FRONT ELEVATION C
SCALE: 1/4" = 1'-0"

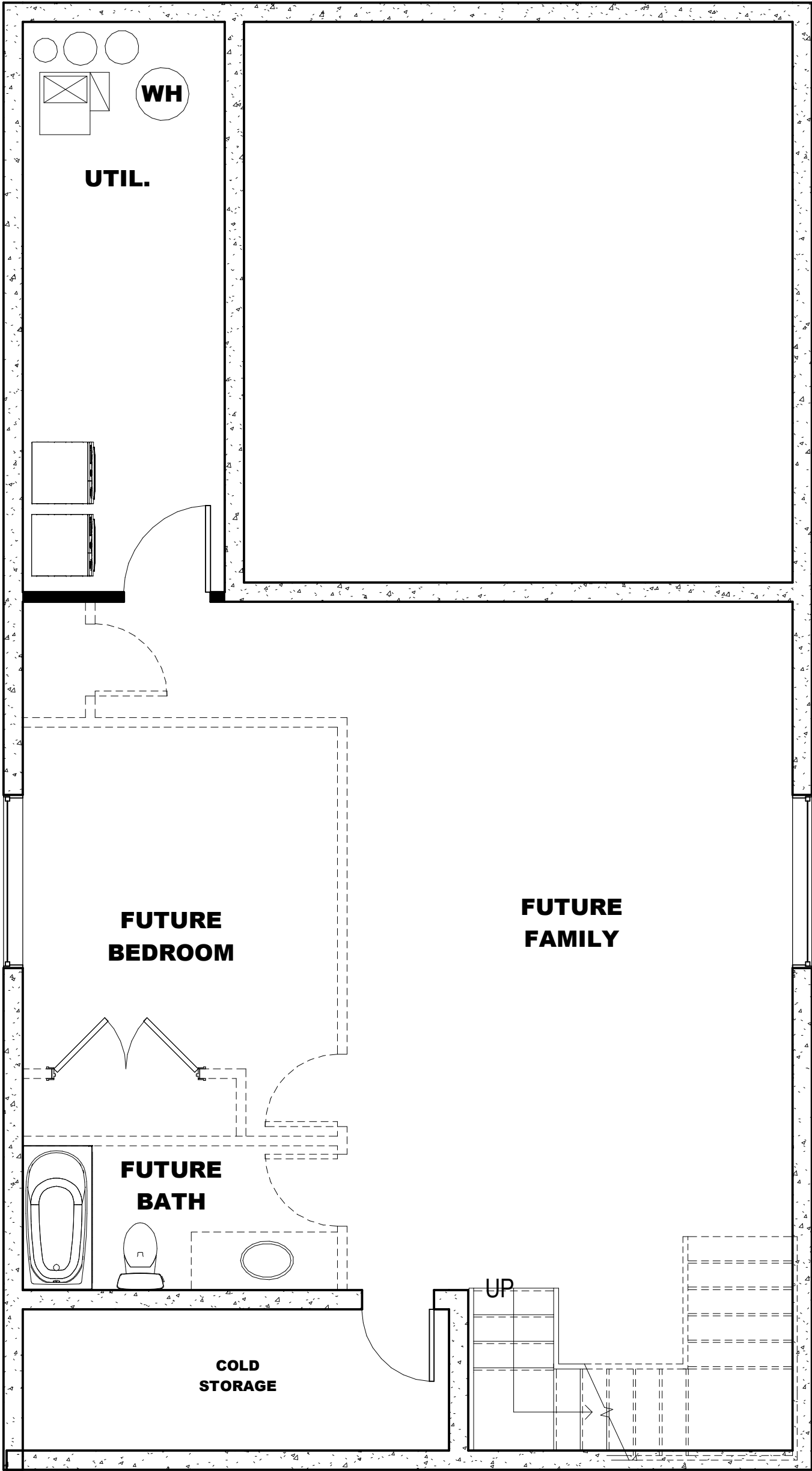


FRONT ELEVATION C
SCALE: 1/4" = 1'-0"



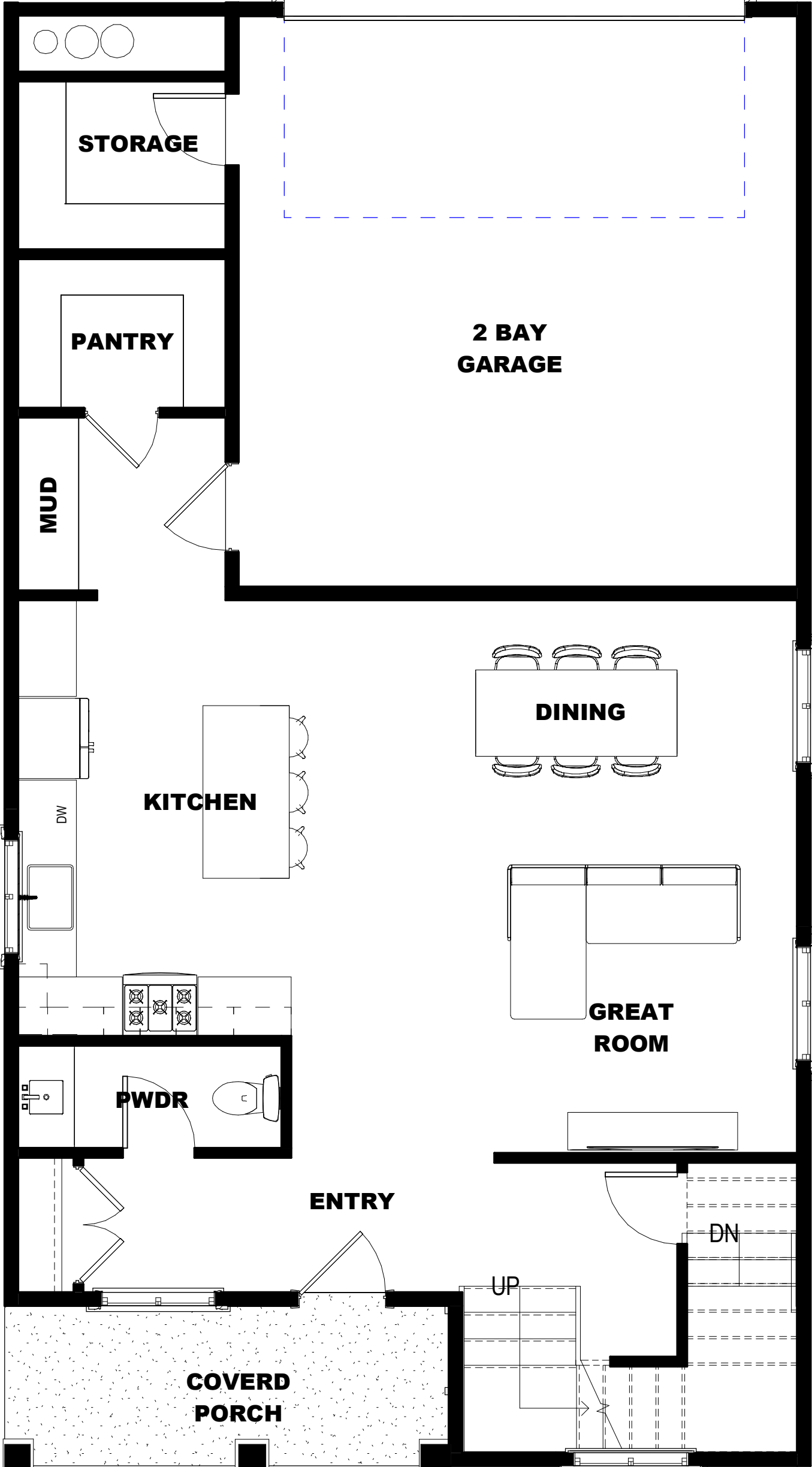
FRONT ELEVATION C
SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		COBELT - C Exterior Elevations		Sheet A3.1	LOT NUMBER:
Date	07/22/22				
Job					



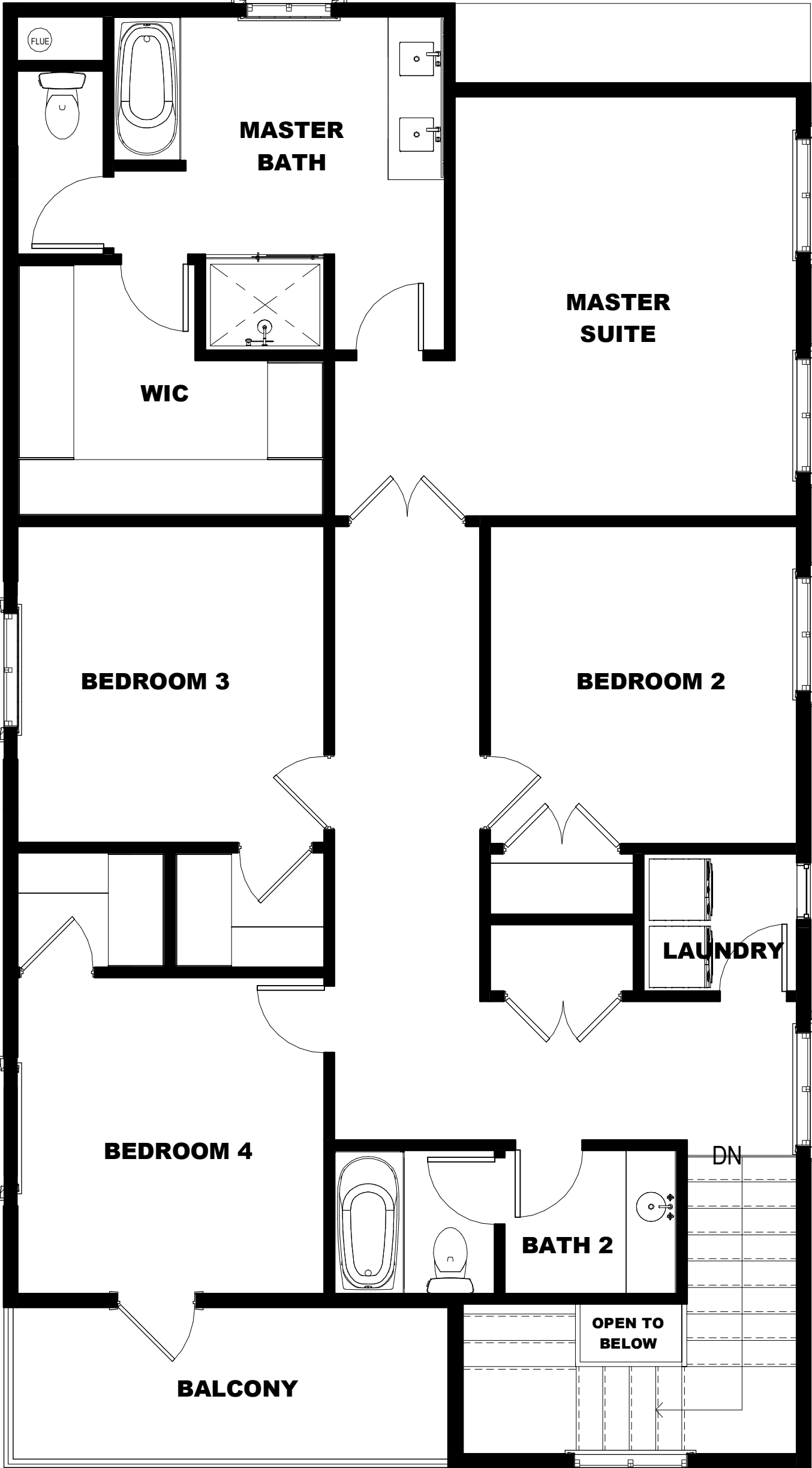
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



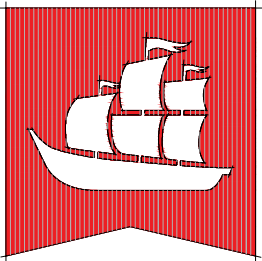
SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

AMANDA HACKETT EAGLE MOUNTAIN, UT 646-804-3725		COBELT - C	
Date		07/22/22	
Job		Floor Plans	
Sheet	A2.1A	LOT NUMBER:	

Scale 1/4" = 1'-0"





flagship
homes

300 South 1350 East, 2nd Floor
Lehi | Utah | 84043



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

CUSTOM COVERED
SWINGS (2)

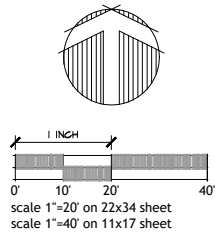
ORNAMENTAL
GARDEN

BENCH (4)

ANNABELL STREET

ORNAMENTAL
GARDEN

SHADE STRUCTURE
WITH PICNIC TABLE
(2)



HARMONY A14

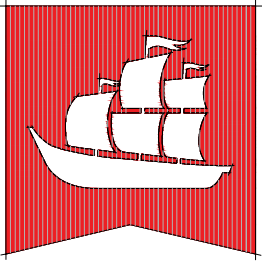
HARMONY MASTER PLANNED COMMUNITY
Eagle Mountain . Utah

Details? Other
amenities?

MAY 2022

LANDSCAPE
overview

L1.1



flagship
homes

300 South 1350 East, 2nd Floor
Lehi | Utah | 84043



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

HARMONY A14
HARMONY MASTER PLANNED COMMUNITY
Eagle Mountain . Utah

M A Y 2 0 2 2

LANDSCAPE
plant schedule

L1.2

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	GAL	SIZE
	Acer tataricum 'Hot Wings' / Hot Wings Tatarian Maple Mature Size: H20' W24'	B & B	1.5"-2.0"	
	Acer truncatum x platanoide 'Pacific Sunset' / Pacific Sunset Maple Mature Size: H30' W25'	B & B	2"Gal	
	Cedrus atlantica 'Glauca' / Blue Atlas Cedar Mature Size: H30' W15'	B & B		10-12' HT.
	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine Mature Size: H20-25' W10-12'	B & B		10-12' HT.
	Prunus virginiana 'Canada Red' / Canada Red Chokecherry Mature Size: H20-30' W20-25'	B & B	2"Gal	
SHRUBS	BOTANICAL / COMMON NAME	SIZE		
	Caryopteris x clandonensis 'Grand Bleu' / Grand Bleu Mature Size: H3' W3'	5 gal		
	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac Mature Size: H3' W3'	5 gal		
	Stipa tenacissima / Mexican Feather Grass Mature Size: H2' W2'	1 gal		
ANNUALS/PERENNIALS	BOTANICAL / COMMON NAME	SIZE		
	Agastache aurantiaca 'Apricot Sprite' / Apricot Sprite Hyssop Mature Size: H24-30" W36"	1 gal		
	Centranthus ruber / Red Valerian Mature Size: H24-30" W36"	1 gal		
	Nepeta x faassenii 'Walkers Low' / Walkers Low Catmint Mature Size: H24-30" W36"	1 gal		
	Penstemon digitalis 'Huskies Red' / Husker Red Beard-Tongue Mature Size: H30" W24"	1 gal		
	Sedum spectabile 'Autumn Joy' / Stonecrop Mature Size: H18-24" W18-24"	1 gal		
GRASSES	BOTANICAL / COMMON NAME	SIZE		
	Bouteloua gracilis 'Blonde Ambition' / Blue Grama Mature Size: H30-36" W30-36"	1 gal		
	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass Mature Size: H3-5' W2-3'	1 gal		
	Helictotrichon sempervirens 'Blue Oats' / Blue Oat Grass Mature Size: H2-3' W2-3'	1 gal		
GROUND COVERS	BOTANICAL / COMMON NAME	CONT		
	Gray/Brown Crusher Fines	mulch		
	Planting Bed Area Mulch (3" depth) Mulch at a minimum of 3" depth with weed barrier fabric (Dewitt Pro-5)	mulch		
	Turf Sod Bluegrass / Kentucky Bluegrass	sod		

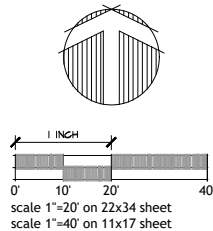
Don't recommend
Acer, would try a
different species

Recommend other
color than gray

Symbology not shown
on previous page.

If wood mulch, not
permitted in public ROW

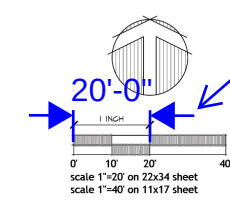
Symbology no show
on grass area on
previous page.





OPEN SPACE LEGEND

- 1 Custom Covered Bench Swings (2)
 - 2 Ornamental Garden
 - 3 Decorative Picket Fence (775 LF)
 - 4 Benches (4)
 - 5 Open Lawn Area
 - 6 Rose Garden
 - 7 Covered Picnic Tables (2)
 - Common Area
 - Private Yard
- *Waterwise landscaping principles implemented



Irrigation plan? Previous comment.

Bark? Rock? Bark not permitted in public ROW.

Plan only shows fencing around park. No other fencing? Fencing will be installed on interior. What style? Along ROW in front/side yards? Picket? Need to specify.

Specify if parkstrip is to be maintained by HOA or adjacent property owner.

HARMONY PHASE 'A' PLAT '14'
CONSTRUCTION PLANS
EAGLE MOUNTAIN, UTAH

prepared for:
FLAGSHIP HOMES
300 SOUTH 1350 EAST, ST 2ND FLOOR
LEHI, UT 84043
PHONE: (801)766-4442

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

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

EAGLE MOUNTAIN CITY GENERAL NOTES:
SEWER-
Pipe bedding: 3/4" gravel required 6" below, on the sides & 12" above the pipe (minimum).
Depth : Sewer main/laterals to maintain 4' of cover (minimum) from finished grade, 3' minimum from top of pipe at time of installation.
Separation: sewer mains & laterals to maintain 10' separation (minimum) from culinary water mains & laterals.
Sewer Y's: 3' minimum separation between sewer Y's.
Lateral stubs: A) stubs must extend 15' into property and be marked with 2x4 painted green B) All laterals must be GIS (shot in) at the Y's and stubs. Also slopes (2% min. on 4" pipe) to be checked before backfill.
Manholes: manholes to be within 1' of finished grade. 12" of whirly gig form (max) and no flat rings allowed. 12" of 3/4" gravel required under manholes/boxes.
WATER-
Valves: 1. Valves must be flanged to tee's (fittings). 2. Valves 12" and larger to be butterfly valves.
Bedding: sand must meet AASHTO (A-3) gradation with 100% passing the #4 sieve. 6" below pipe on the sides & 12" above pipe (minimum).
Depth: water main & laterals must maintain 4' cover from finished grade (minimum), 3' minimum from top of pipe at time of installation. Max depth 72" from finished grade.
Services & Fittings: services & fittings to maintain 3' minimum separation from pipe joints and other fittings.
Setters: all setters to be 21" tall (minimum), have unions at the base and be dual check model, also 3/4" setters to have double braces. Setters to be set at: 18" to 22" from the top of setter to top of lid.
Water can lid: all lids to say "Eagle Mountain" on them recessed with a hole for the ERT and to be set at level to 1" above the plane of the curb & sidewalk.
Water Can: the water can for 3/4" & 1" services will need to be 36" tall minimum and 21" inside diameter. Water can for 1-1/2" to 2" service will need to follow APWA specifications.
Hydrants: hydrants to be 5' bury (minimum).
Laterals: all laterals need to be GIS (shot in) at the corp. stop & setter, and also visual inspection on poly inserts before backfill. Water laterals to extend 15' into property and be marked with a 2x4 painted blue. All poly lines to have visual poly insert inspection.
Tracer wire: run tracer wire along main & extend up setters and hydrants, do not run up valve boxes.
Water fittings: all water fittings to be checked for thrust blocks (pre & post) and GIS (shot before backfill.
Vertical separation: water main to maintain 18" minimum separation from storm drain or other obstacles/utilities.
Water line fittings: all fittings to have mega-lug followers.
Water Main Line: NO DEFLECTION or bending of pipe will be allowed in the water lines and bend fittings will be required. All fittings to be Mega-lug fittings.
STORM DRAIN-
Bedding: 3/4" gravel 6" below and on sides of pipe & 12" above pipe (minimum).
ADS: all ADS pipe to be 16" brand.
Collars: collars to be 1'x1' around pipe, 4000 psi concrete, inspection is needed pre & and post collar pour.
Man holes: manholes to be within 1' of finished grade. 12" of whirly gig form (max) and no flat rings allowed. 12" of 3/4" gravel required under manholes/boxes
ROAD SECTION-
Proof rolls: proof roll required on all sections of road: i.e. sub-grade, sub-base, and curb base and road base. Curb stakes required for sub-grade inspection and string line required for sub-base and road base inspection.
UTBC: state spec. road base required for all roads, commercial base acceptable for the sidewalks & trails.
Collars: all collars to be 1' wide by 1' deep with a 6000 psi concrete with 1.5# fiber mesh per cubic yard (3/4" monofilament) required for all street collars, Manhole covers and water valve towers to be 1/2" down from asphalt edge and concrete to be 3/4" to 3/8" down from asphalt edge.

RBallif reviewed 7/28/22 no Comment
S. Lehmitz reviewed 07/28/2022 - No Comments
Brad Hickman - Reviewed - 08/01/2022 - No Comments
DDeVoogd/UFA reviewed 8/1/2022 - No Comments
dstroud reviewed 8.4.22

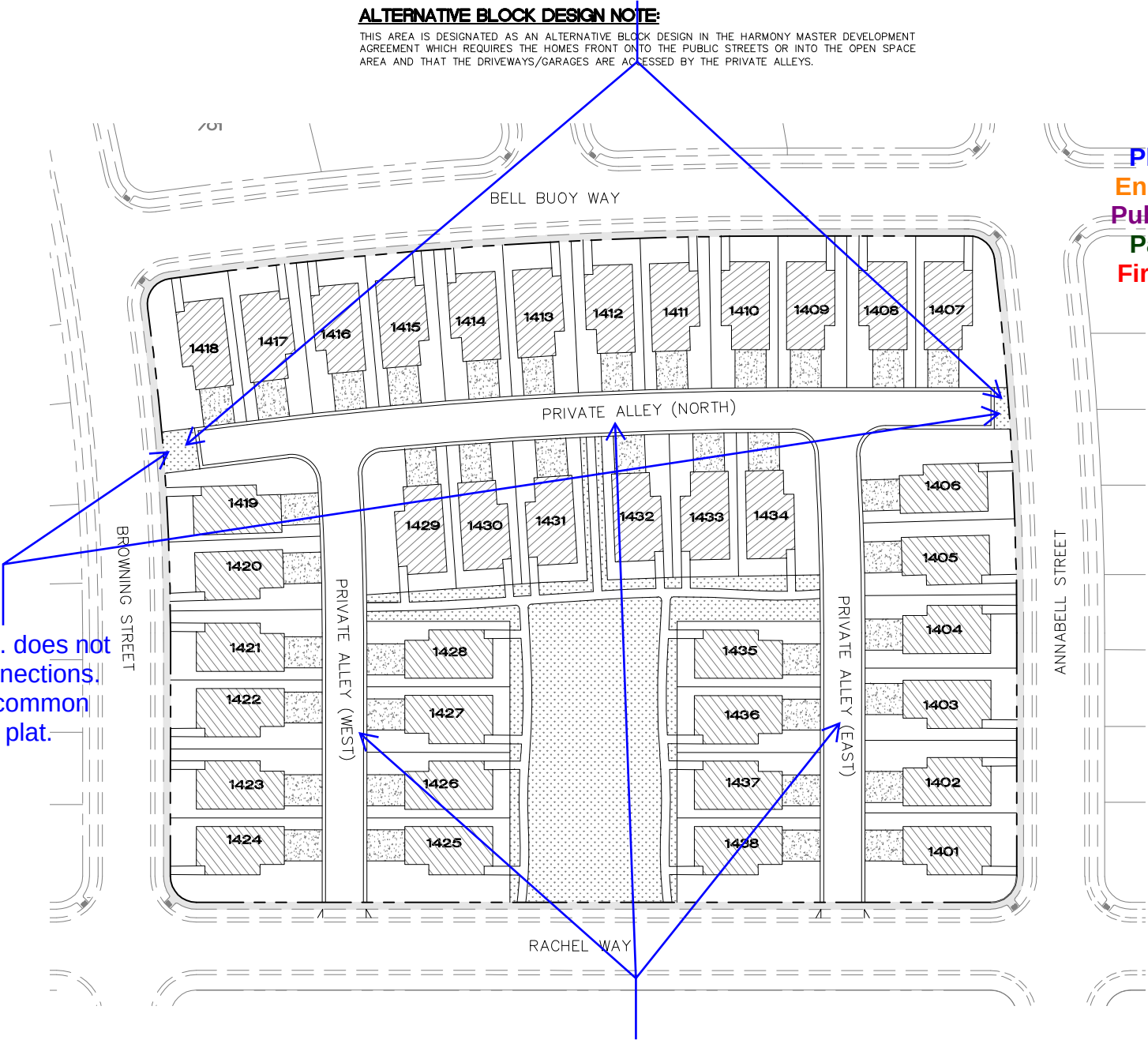
M BAHR 8-2-22
COMMENTS
BMcRae 8/2/22 -
No Comments
SMumford 8/3/22
Comments

SHEET INDEX

Table with 2 columns: SHEET NO., SHEET NAME. Rows include COVER SHEET, UTILITY PLAN, GRADING & DRAINAGE PLAN, PRIVATE ALLEY (NORTH) PLAN AND PROFILE, PRIVATE ALLEY (EAST AND WEST) PLAN AND PROFILE, and FINAL PLAT.

Landscape plan shows concrete or planting bed, this plan shows grass, plat shows connection to each public ROW.

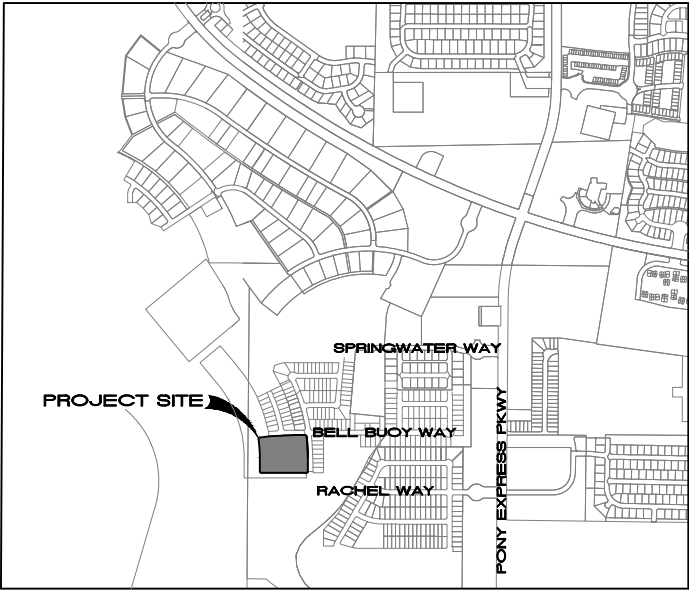
ALTERNATIVE BLOCK DESIGN NOTE:
THIS AREA IS DESIGNATED AS AN ALTERNATIVE BLOCK DESIGN IN THE HARMONY MASTER DEVELOPMENT AGREEMENT WHICH REQUIRES THE HOMES FRONT ONTO THE PUBLIC STREETS OR INTO THE OPEN SPACE AREA AND THAT THE DRIVEWAYS/GARAGES ARE ACCESSED BY THE PRIVATE ALLEYS.



Fire Dept. does not need connections. Place in common space on plat.

Need names as lots are to be addressed off alleys.

Should be addressed off of the external public streets.



VICINITY MAP

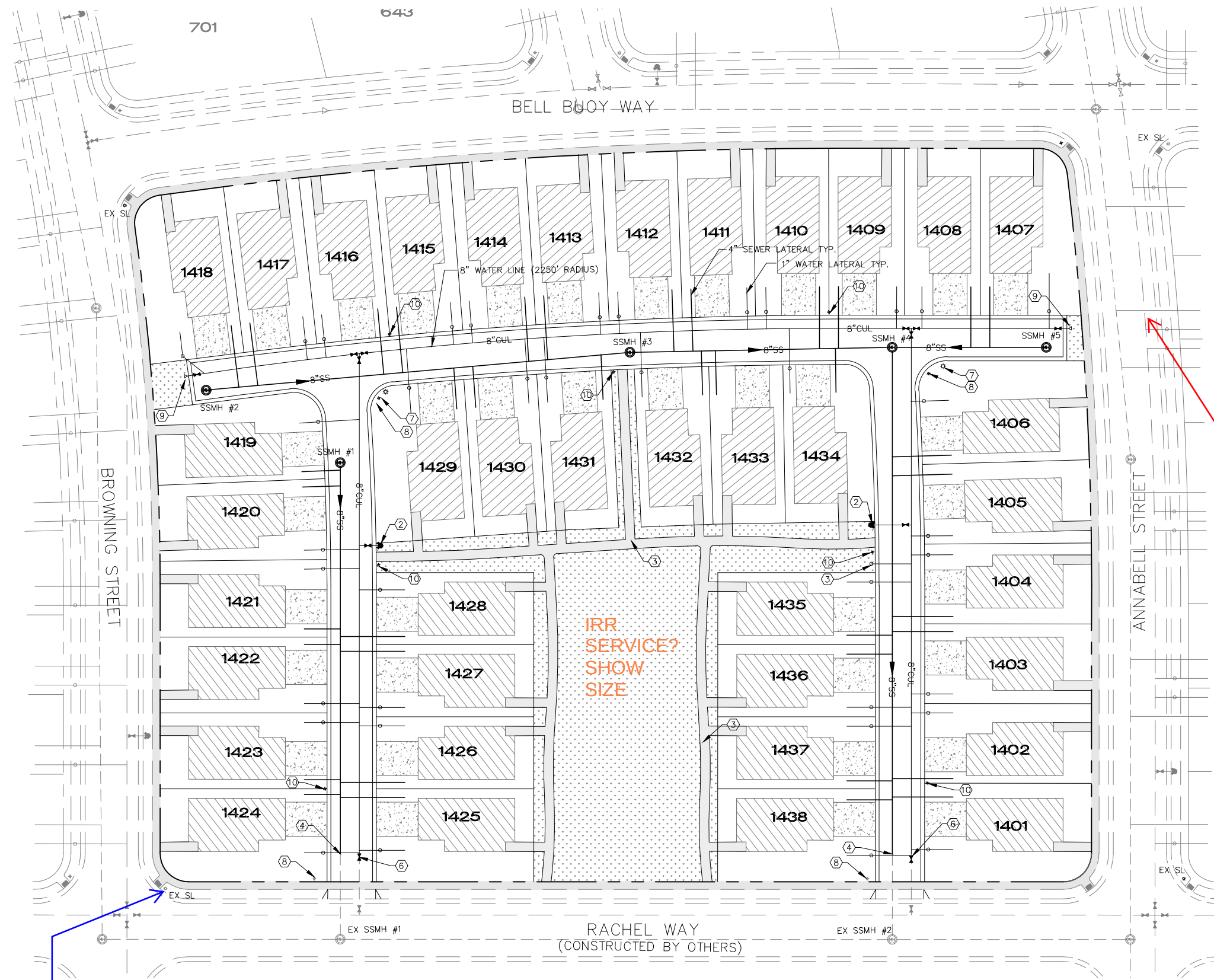
Table with 2 columns: LAND USE, values. Rows include ACREAGE (4.286 acres), ACREAGE IN LOTS (3.086 acres), ACREAGE IN PRIVATE ALLEY (0.571 acres), LARGEST LOT (4,274 sq.ft.), SMALLEST LOT (3,137 sq.ft.), AVERAGE LOT SIZE (3,540 acres), LOTS (38 LOTS), and UNIT DENSITY (8.87 LOTS PER ACRE).



Table with 4 columns: NO., DATE, DESCRIPTION, BY. Rows include REVISIONS and a final row for the design file path.

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

Navigation and title block containing: SITE MAP, NTS, EAGLE MOUNTAIN, UTAH, HARMONY PHASE 'A' PLAT '14' A RESIDENTIAL SUBDIVISION, COVER SHEET, JOB FS HARMONY, SHEET NO. 1.



- LEGEND
- PROPERTY BOUNDARY LINE
 - EXISTING FENCE LINE
 - ROAD CENTERLINE
 - EASEMENT LINE
 - CUL
 - PROPOSED PVC CLASS-200 SDR-21 CULINARY WATERLINE
 - PROPOSED PVC SDR-35 SEWER W/ MH
 - EXISTING STORM DRAIN W/ MH
 - EXISTING SANITARY SEWER W/ MH
 - EXISTING CULINARY OR SECONDARY PIPE (SIZE AND TYPE SHOWN)
 - FIRE HYDRANT
 - WATER VALVE
 - BLOW OFF

- KEYED NOTES
- 1. CONSTRUCT ADA RAMP AS PER EAGLE MOUNTAIN CITY STANDARDS
 - 2. INSTALL FIRE HYDRANT AS PER EAGLE MOUNTAIN CITY STANDARDS
 - 3. CONSTRUCT 5' CONCRETE SIDEWALK
 - 4. CONNECT INTO EXISTING SEWER STUB. CONTRACTOR TO VERIFY SIZE, INVERT ELEVATION AND LOCATION.
 - 5. ASPHALT PARKING AREA WITH 6" CONCRETE CURB WALL
 - 6. CONNECT INTO EXISTING 8" CULINARY LINE WITH CONSTRUCTION VALVE
 - 7. PRIVATE STREET LIGHT, COORDINATE WITH DEVELOPER FOR SPECIFICATIONS
 - 8. INSTALL STREET/STOP SIGN PER EAGLE MOUNTAIN CITY STANDARDS
 - 9. INSTALL BLOW OFF PER EAGLE MOUNTAIN CITY STANDARDS
 - 10. INSTALL NO PARKING SIGNS PER EAGLE MOUNTAIN CITY STANDARDS

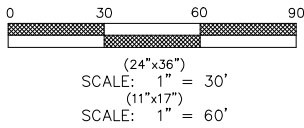
- UTILITY NOTES
- 1. ALL CONSTRUCTION TO BE DONE ACCORDING TO EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
 - 2. ALL ADA REQUIREMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
 - 3. CULINARY WATER - 48" MIN. DEPTH TO TOP OF PIPE C900 PVC.
 - 4. SEWER 8" SDR-35 PVC PIPE WITH MANHOLES AS NOTED.
 - 5. WATER TEES, ELBOWS, PIPE BEDDING AND TRENCHES SHALL BE INSTALLED AS PER EAGLE MOUNTAIN CITY STANDARDS.
 - 6. ALL VALVES ARE TO BE FLANGED TO THE TEE.

Details?

INSTALL FLUSH HYD OR CONNECT TO EXISTING MAINLINES

Were streetlights included along this property on other plats? We need to verify that streetlights are in appropriate locations. Especially mid-block, if necessary.

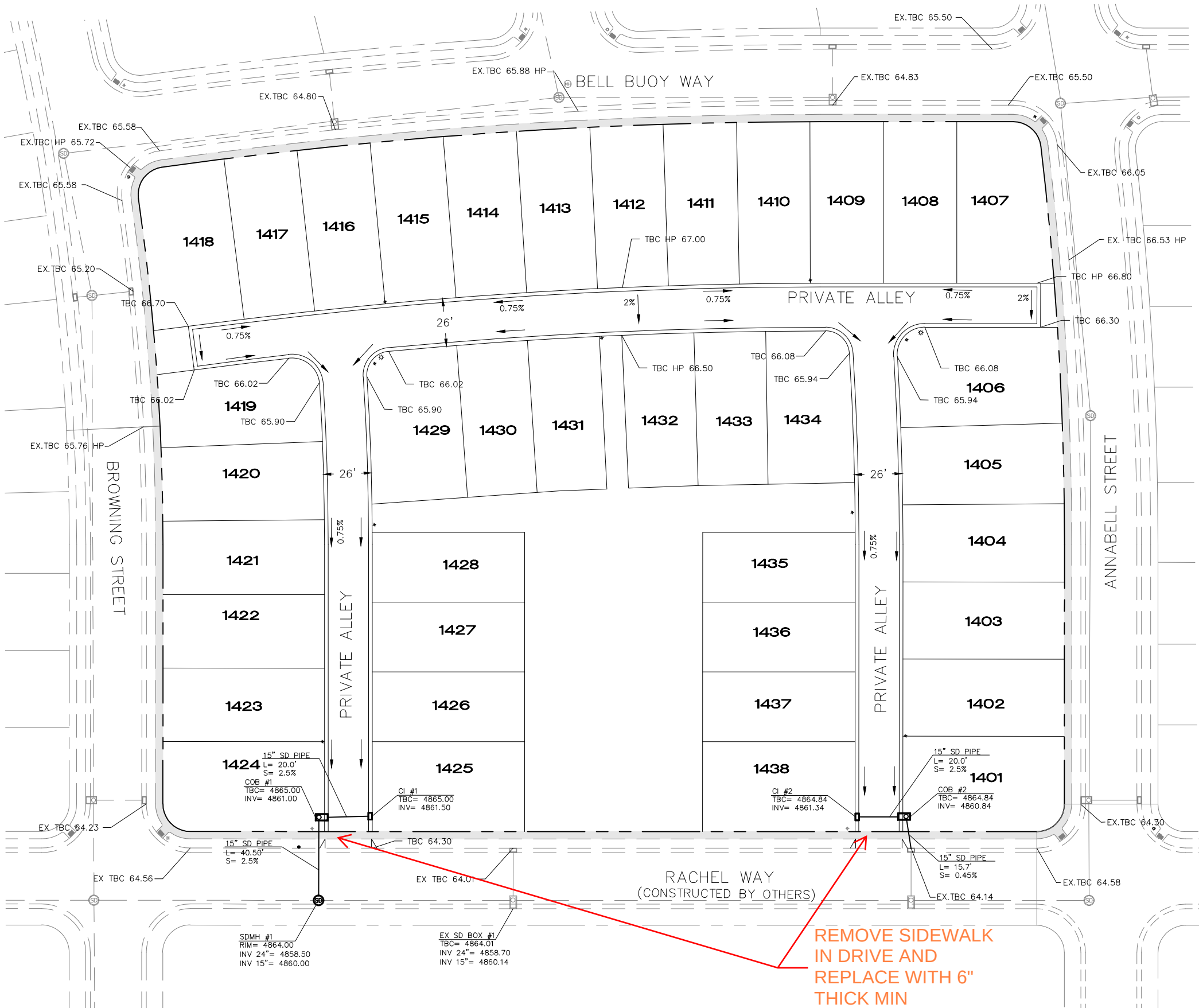
Existing? Street not in or on platted property?



REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			

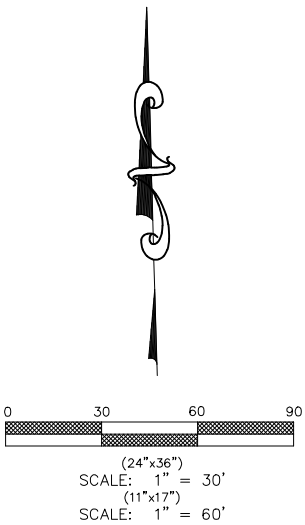
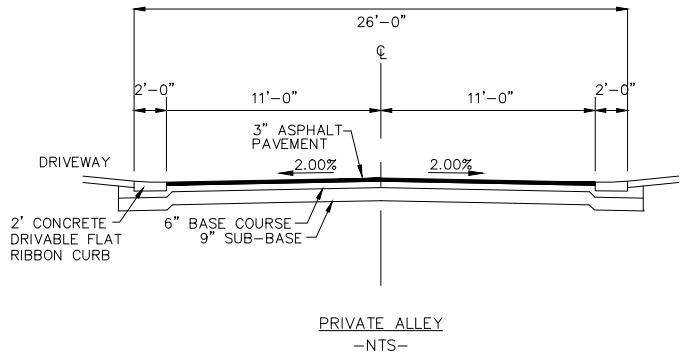
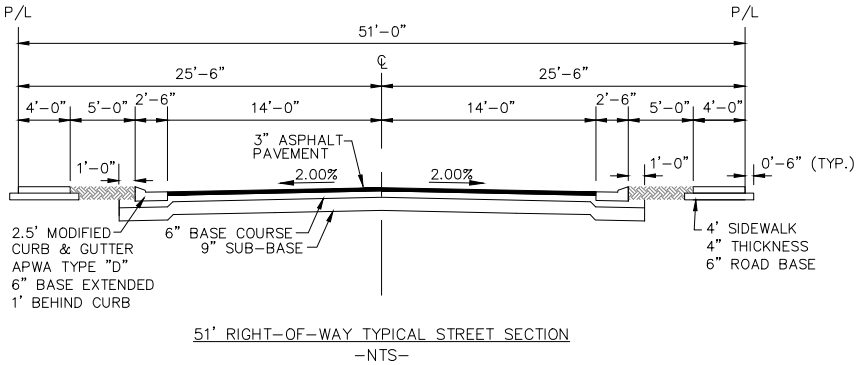
DESIGNED BY:	TGT
DRAWN BY:	TT
CHECK BY:	TGT
DATE:	4/02/22
CDGD FILE:	

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



GENERAL NOTES

- 1. ALL CONSTRUCTION TO BE DONE ACCORDING TO EAGLE MOUNTAIN CITY STANDARDS AND SPECIFICATIONS.
- 2. CONTRACTOR TO MEET ALL ADA REQUIREMENTS FOR THE SITE.
- 3. DRAINAGE FOR EACH LOT IS TO BE DIRECTED TO THE STREET. IF LOT GRADING DOES NOT ALLOW THE DRAINAGE TO FLOW TO THE STREET, THE ALLEY WAY OR THE OPEN SPACE, THEN THE PROPERTY OWNER IS RESPONSIBLE TO RETAIN RUNOFF ON OWN LOT.



REVISIONS				
NO.	DATE	DESCRIPTION	BY	DESIGNED BY:
1				TGT
2				TT
3				TGT
4				4/02/22
			CDGD FILE:	

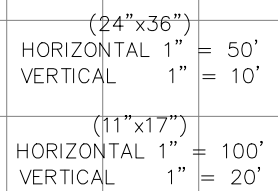
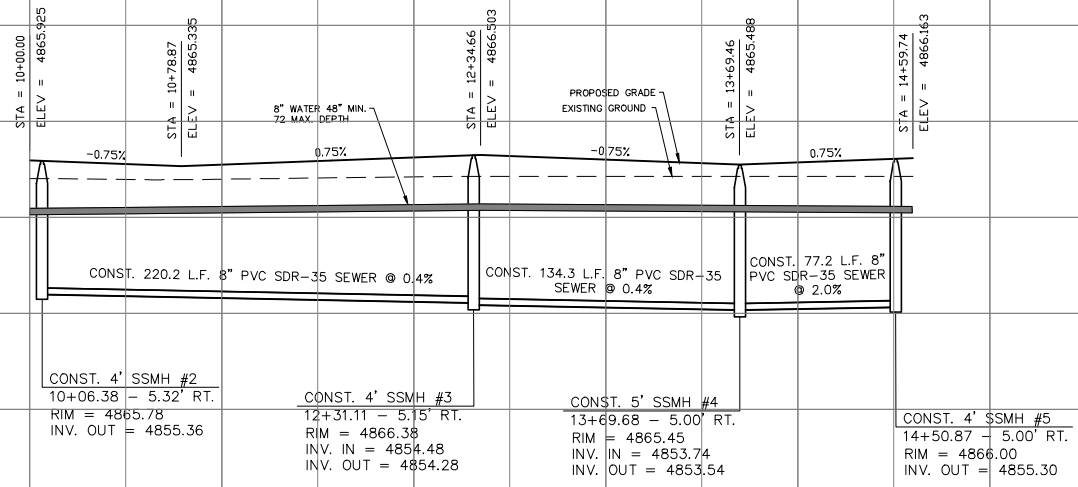
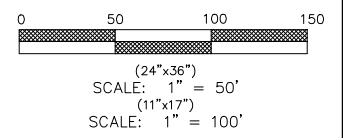
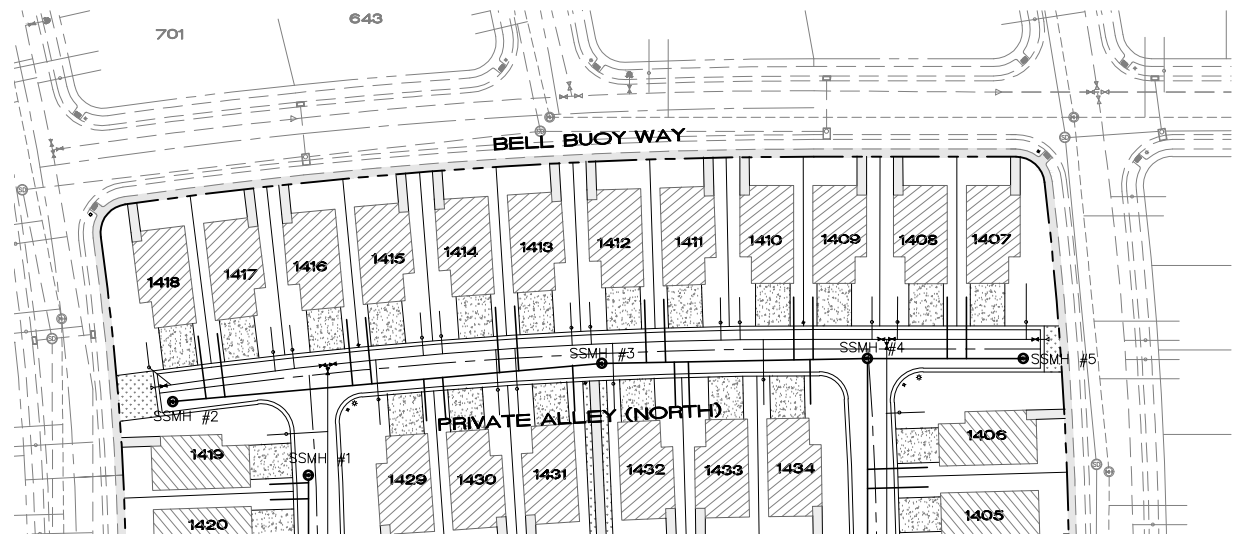
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CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

EAGLE MOUNTAIN,
UTAH

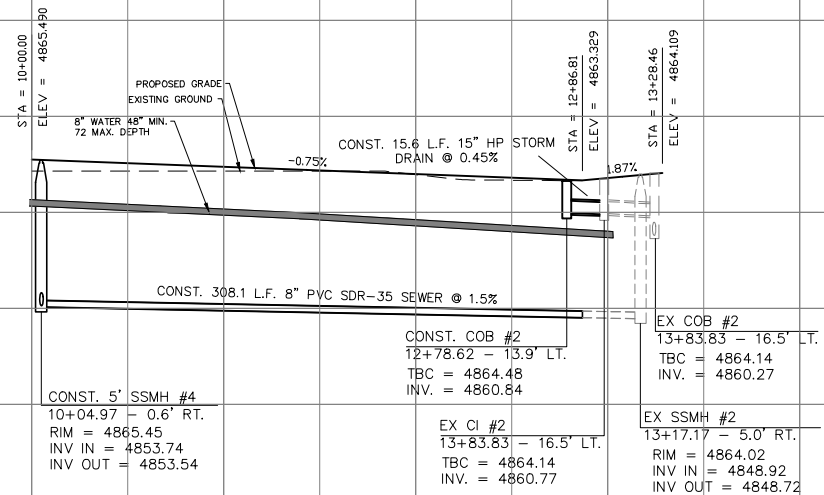
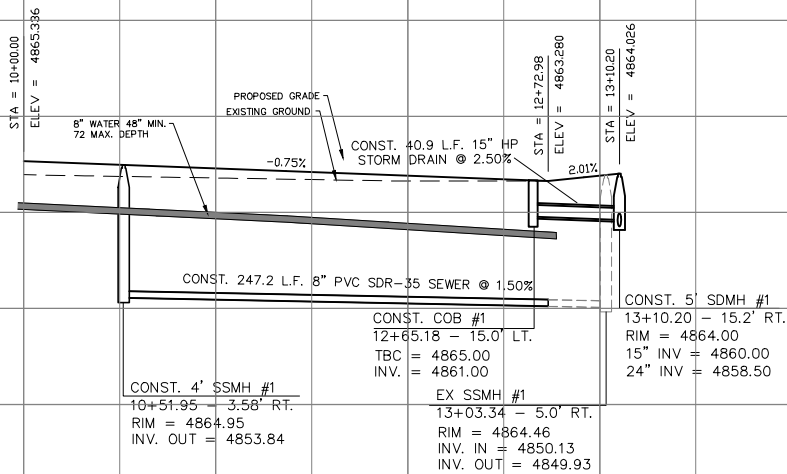
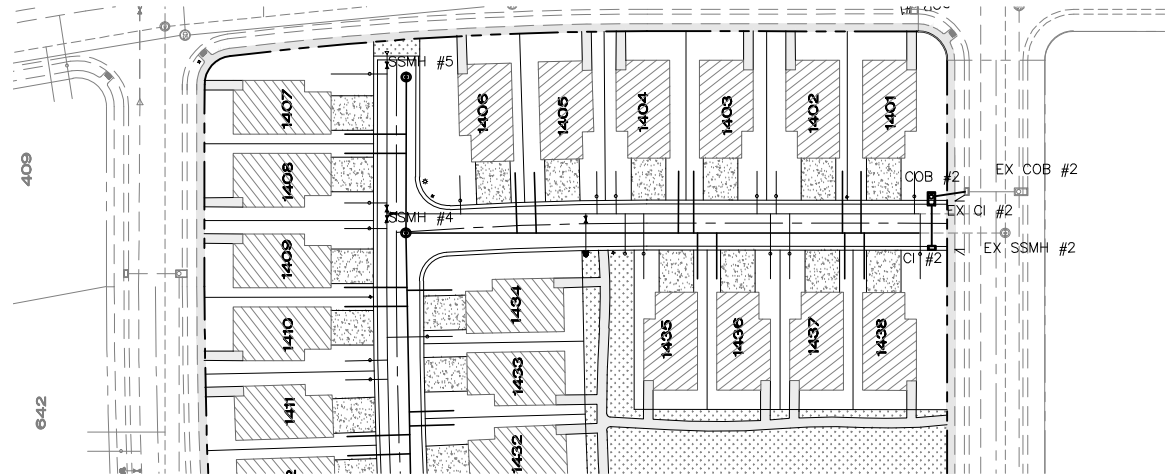
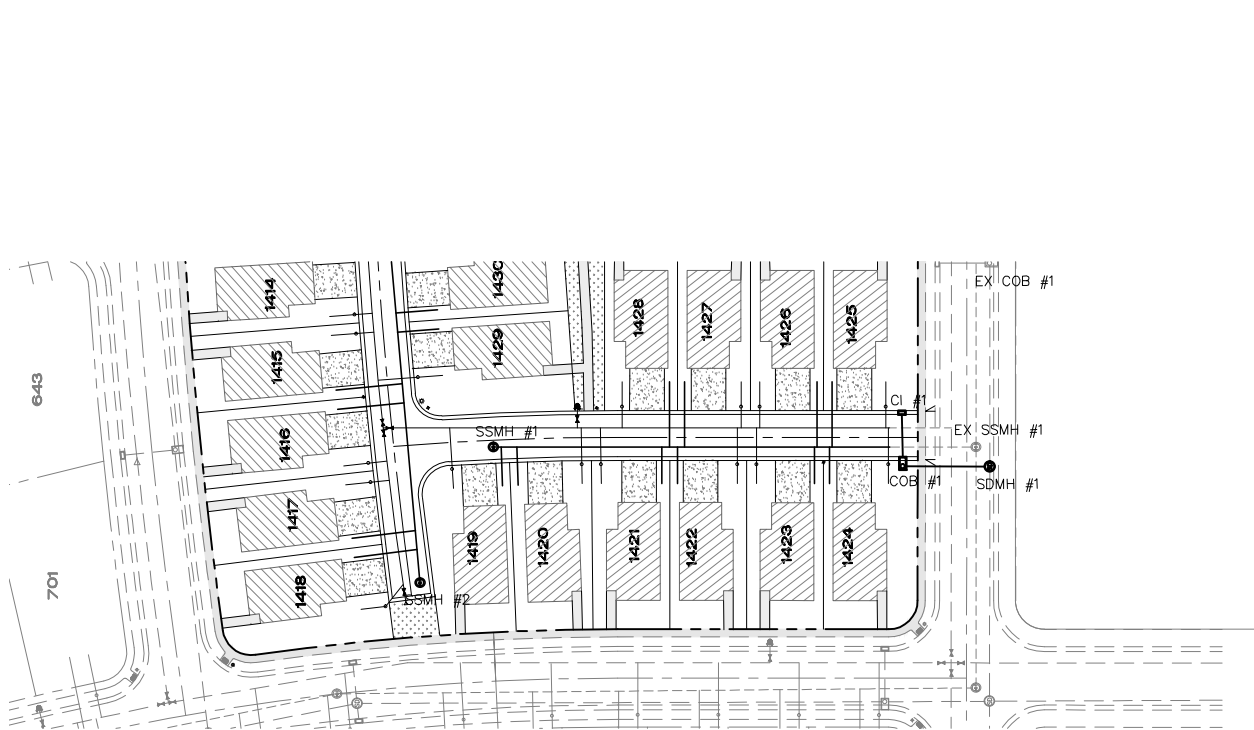
HARMONY PHASE 'A' PLAT '14'
A RESIDENTIAL SUBDIVISION

GRADING PLAN

JOB
FS HARMONY
SHEET NO.
3



REVISIONS				TRANE ENGINEERING, P.C. CONSULTING ENGINEERS AND LAND SURVEYORS 27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544	EAGLE MOUNTAIN, UTAH	HARMONY PHASE 'A' PLAT '14' A RESIDENTIAL SUBDIVISION	PLAN AND PROFILE PRIVATE ALLEY (NORTH)	JOB
NO.	DATE	DESCRIPTION	BY					0T3B
1		DESIGNED BY:	TGT					SHEET NO. 4
2		DRAWN BY:	TT					
3		CHECK BY:	TGT					
4		DATE:	4/02/22					
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REVISIONS				
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EAGLE MOUNTAIN,
UTAH

HARMONY PHASE 'A' PLAT '14'
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PLAN AND PROFILE
EAST & WEST PRIVATE ALLEYS

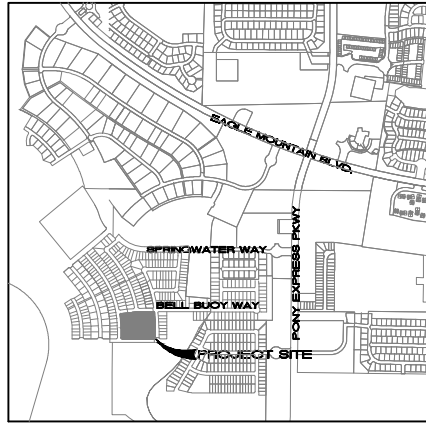
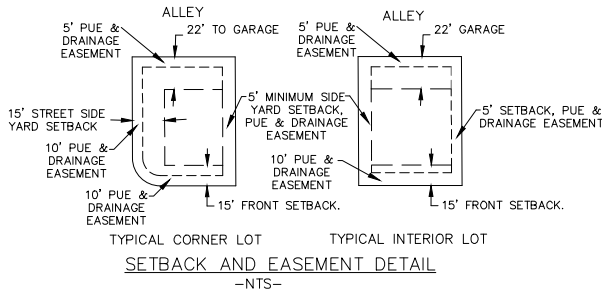
JOB
013B
SHEET NO.
5

11 Corner Lots. All corner lots shall contain a "corner cutoff" setback to allow for proper distance for gas and electric utilities to round the corners of a lot while still keeping the required distance from a building foundation. This includes taking a triangle out of the potential building pad measuring five feet each direction at the corner of the setbacks.

How to show? DA requirement. Repeat comment.

HARMONY PHASE A PLAT 14

SITUATED IN SECTION 13, TOWNSHIP 6 SOUTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN, EAGLE MOUNTAIN, UTAH



VICINITY MAP

C1	189.28	1338.50	8'00'09"	189.12	N4°02'27"W
C2	23.61	15.00	90°10'31"	21.25	N36°59'44"E
C3	359.64	2599.50	7°55'37"	359.35	N86°02'48"E
C4	21.78	15.00	83°11'05"	19.91	S48°23'52"E
C5	217.63	1829.50	6°48'56"	217.50	S3°23'51"E
C6	23.56	15.00	90°00'00"	21.21	S45°00'37"W
C7	23.56	15.00	90°00'00"	21.21	N44°59'23"W
C8	314.53	2511.50	7°10'32"	314.32	S86°25'21"W
C9	24.44	15.00	93°22'20"	21.83	S43°19'26"W
C10	102.51	1741.50	3°22'21"	102.49	N1°40'34"W
C11	104.18	1715.50	3°28'47"	104.17	N1°43'46"W
C12	19.62	13.00	86°27'08"	17.81	N46°41'44"W
C13	238.38	2485.50	5°29'42"	238.29	S87°19'51"W
C14	20.01	13.00	88°11'14"	18.09	S40°29'23"W
C15	91.62	1452.50	3°36'51"	91.61	N1°47'48"W
C16	87.66	1426.50	3°31'15"	87.64	N1°45'00"W
C17	24.39	15.00	93°09'31"	21.79	N50°05'23"W
C18	34.09	2599.50	0°45'05"	34.09	S82°27'32"W
C19	40.00	2599.50	0°52'54"	40.00	S83°16'32"W
C20	40.00	2599.50	0°52'54"	40.00	S84°09'26"W
C21	40.00	2599.50	0°52'54"	40.00	S85°02'20"W
C22	40.00	2599.50	0°52'54"	40.00	S85°55'14"W
C23	40.00	2599.50	0°52'54"	40.00	S86°48'07"W
C24	40.00	2599.50	0°52'54"	40.00	S87°41'01"W
C25	40.00	2599.50	0°52'54"	40.00	S88°33'55"W
C26	40.00	2599.50	0°52'54"	40.00	S89°26'49"W
C27	5.55	2599.50	0°07'20"	5.55	S89°56'56"W
C28	5.36	2511.50	0°07'20"	5.36	S89°56'56"W
C29	38.65	2511.50	0°52'54"	38.65	S89°26'49"W
C30	38.65	2511.50	0°52'54"	38.65	S88°33'55"W
C31	38.65	2511.50	0°52'54"	38.65	S87°41'01"W
C32	38.65	2511.50	0°52'54"	38.65	S86°48'07"W
C33	38.65	2511.50	0°52'54"	38.65	S85°55'14"W
C34	38.65	2511.50	0°52'54"	38.65	S85°02'20"W
C35	38.65	2511.50	0°52'54"	38.65	S84°09'26"W
C36	38.65	2511.50	0°52'54"	38.65	S83°16'32"W
C37	21.54	2487.50	0°29'46"	21.54	S83°04'58"W
C38	6.79	1452.50	0°16'04"	6.79	N0°07'25"W
C39	84.83	1452.50	3°20'47"	84.82	N1°55'51"W
C40	37.27	2485.50	0°51'33"	37.27	S85°00'47"W
C41	38.54	2485.50	0°53'18"	38.53	S85°53'12"W
C42	39.32	2485.50	0°54'23"	39.32	S86°47'03"W
C43	12.19	2485.50	0°16'52"	12.19	S87°22'41"W
C44	39.34	2485.50	0°54'25"	39.34	S87°58'19"W
C45	39.03	2485.50	0°53'59"	39.03	S88°52'30"W
C46	32.69	2485.50	0°45'13"	32.69	S89°42'06"W
C47	70.47	1715.50	2°21'13"	70.46	N2°17'33"W
C48	27.06	1715.50	0°54'13"	27.06	N0°39'50"W
C49	6.66	1715.50	0°13'21"	6.66	N0°06'03"W
C50	13.63	1426.50	0°32'51"	13.63	N0°15'49"W
C51	42.63	1426.50	1°42'44"	42.63	N1°23'36"W
C52	31.39	1426.50	1°15'40"	31.39	N2°52'48"W
C53	21.66	1741.50	0°42'45"	21.66	N0°20'46"W
C54	42.03	1741.50	1°22'57"	42.02	N1°23'37"W
C55	38.83	1741.50	1°16'39"	38.83	N2°43'25"W

40' minimum

AutoCAD file to check addresses. Addresses not on plat. Repeat comment

- ROCKY MOUNTAIN POWER APPROVAL
- Pursuant to Utah Code Ann 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
 - Pursuant to Utah Code Ann 7-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under.
 - A recorded easement of right of way
 - The law applicable to prescriptive rights
 - Title 54, Chapter 8, Damage to Underground Utility Facilities
 - Any other provision of law

DOMINION ENERGY

Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements or easements or liabilities provided in addition to those set forth in this plat to constitute a guarantee of service. For more information please contact Dominion Energy at 1-800-666-8532.

Move these three sig blocks to bottom of page. Repeat comment.

DIRECT COMMUNICATIONS APPROVAL

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

Add similar to owners dedication. Repeat comment.

PERSUANT TO UTAH CODE 10-9A-604 (D), THE OWNER HEREBY CONVEYS THE COMMON AREAS, AS INDICATED HEREON, TO THE DRH EAGLE POINT TOWNHOME OWNERS' ASSOCIATION, WITH A REGISTERED ADDRESS OF 12351 SOUTH GATEWAY PARK PLACE D-100, DRAPER, UTAH 84042

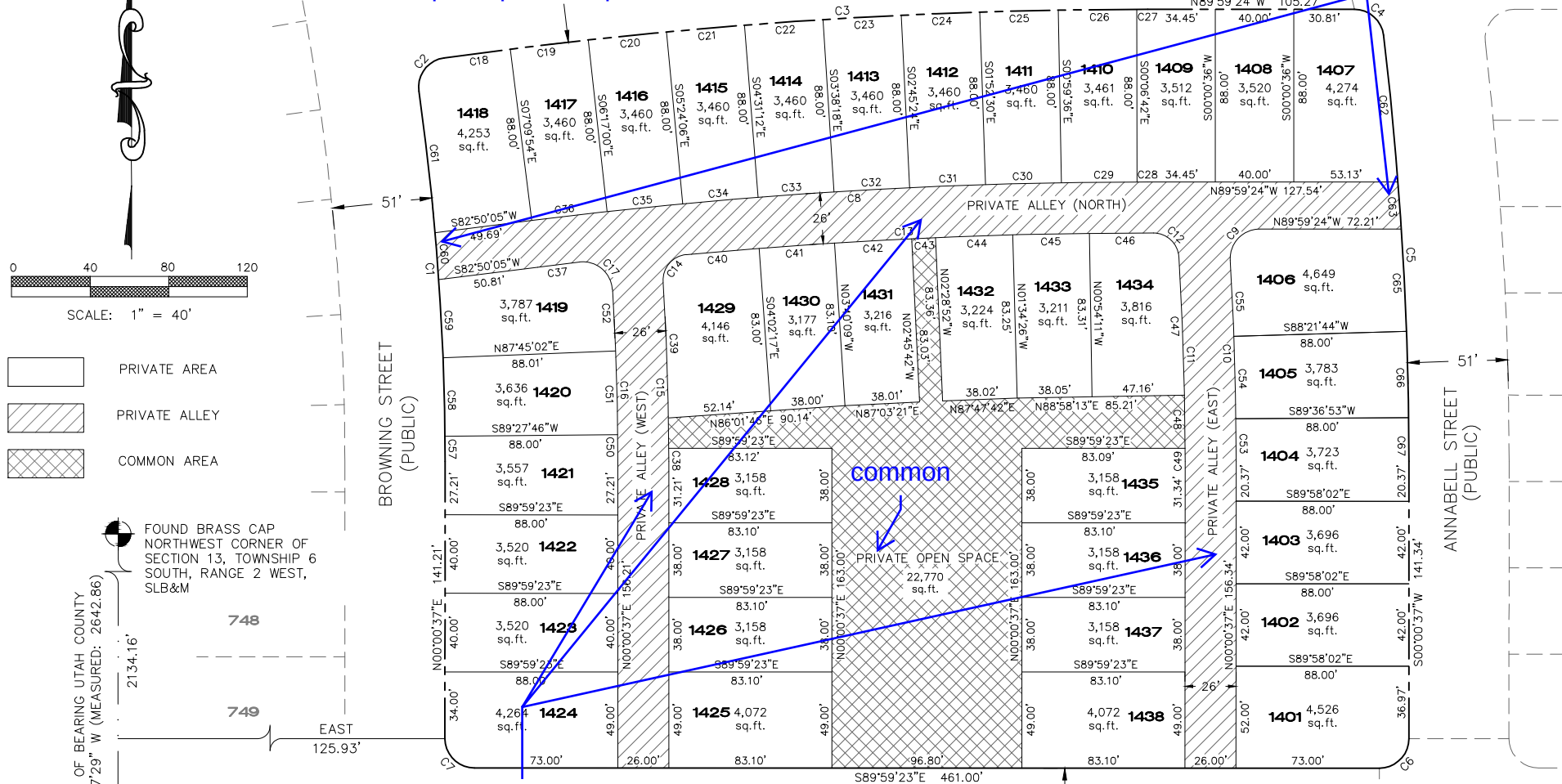
ROCKY MOUNTAIN POWER

DATE

10-9a-603. 17 is county. Repeat comment.

2. All garages accessed from alleys. Front of homes face public ROW or Common Open Space. Repeat comment.

Fire Dept. does not need connections. Place in common space on plat.



LAND USE	
ACREAGE:	4.286 acres
ACREAGE IN LOTS:	3.192 acres
ACREAGE IN PRIVATE ALLEY:	0.571 acres
ACREAGE IN PRIVATE OPEN SPACE:	0.523 acres
LARGEST LOT:	4,649 sq.ft.
SMALLEST LOT:	3,137 sq.ft.
AVERAGE LOT SIZE:	3,540 sq.ft.
LOTS:	38 LOTS
UNIT DENSITY:	8.87 LOTS PER ACRE

Names? Addressing. Repeat comment.

RACHEL WAY (PUBLIC)

273x38=10,374 s.f.minimum OS

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

SURVEYOR'S CERTIFICATE

I, TRAVIS TRANE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 5152741, IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A SURVEY WAS COMPLETED IN ACCORDANCE WITH SECTION 17-23-17. I FURTHER CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND THAT MONUMENTS HAVE BEEN PLACED AS SHOWN ON THIS PLAT. I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

(SURVEYOR), P.L.S. _____ DATE _____

BOUNDARY DESCRIPTION

Beginning at a point which is South 00°27'29" West 2134.16 feet along the section line and East 125.93 feet from the Northwest Corner of Section 13, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence North 00°00'37" East 141.21 feet; thence Northerly 189.28 feet along the arc of a 1338.50 foot radius curve to the left, the chord of which bears North 04°02'27" West 189.12 feet; thence Northeasterly 23.61 feet along the arc of a 15.00 foot radius curve to the right, the chord of which bears North 36°59'44" East 21.25 feet; thence Easterly 359.64 feet along the arc of a 2599.50 foot radius curve to the right, the chord of which bears North 86°02'48" East 359.35 feet; thence South 89°59'24" East 105.27 feet; thence Southeasterly 21.78 feet along the arc of a 15.00 foot radius curve to the right, the chord of which bears South 48°23'52" East 19.91 feet; thence Southerly 217.63 feet along the arc of a 1829.50 foot radius curve to the right, the chord of which bears South 03°23'51" East 217.50 feet; thence South 00°00'37" West 141.34 feet; thence Southwesterly 23.56 feet along the arc of a 15.00 foot radius curve to the right, the chord of which bears South 45°00'37" West 21.21 feet; thence North 89°59'23" West 461.00 feet; thence Northeasterly 23.56 feet along the arc of a 15.00 foot radius curve to the right, the chord of which bears North 44°59'23" West 21.21 feet; to the point of beginning.

Parcel contains: 4.286 acres

Basis of Bearing: the line between the Northwest Corner and the West Quarter Corner of Section 13, Township 6 South, Range 2 West, Salt Lake Base and Meridian which bears South 00°27'29" West (NAD 83 UTAH COUNTY).

OWNER'S DEDICATION

We, the undersigned owners of all the real property depicted on this plat and described in the surveyors certificate on this plat, have caused the land described on this plat to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plat and now do hereby dedicate under the provisions of 10-9a-607, Utah code, without condition, restriction or reservation to Eagle Mountain City, Utah, all streets, water, sewer and other utility easements and improvements, open spaces, parks and all other places of public use and enjoyment to Eagle Mountain City, Utah together with all improvements required by the Development Agreement between the undersigned and Eagle Mountain City for the benefit of the City and the inhabitants thereof.

OWNER(S): _____ AUTHORIZED SIGNATURES _____
PRINTED _____

ACKNOWLEDGEMENT

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

My Commission Expires _____ NOTARY PUBLIC SIGNATURE _____
COMMISSION NUMBER _____ PRINTED NAME OF NOTARY _____

ACCEPTANCE BY LEGISLATIVE BODY

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

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

PHASE 'A' PLAT '14'

HARMONY

A RESIDENTIAL SUBDIVISION

EAGLE MOUNTAIN, UTAH COUNTY, UTAH

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