



EAGLE MOUNTAIN CITY COUNCIL MEETING

August 1, 2023, 4:00 PM

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

1. CITY ADMINISTRATOR INFORMATION ITEMS

This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.

1.A UPDATE - City Administrator Items

2. CODE AMENDMENT DISCUSSION ITEMS

2.A DISCUSSION - Land Use Authority, Public Hearings, and Appeal Authority
EMMC Title 16 Subdivisions - Redlines

2.B DISCUSSION - Lot Line Adjustments
EMMC 16.50, 16.55, & 17.10 Lot Line Adjustments - Redlines

2.C DISCUSSION - Rights-of-Way Vacations
EMMC 16.56 Vacation of Rights-of-Way - Redlines

2.D DISCUSSION - Off-street Parking Regarding Alleys and Service Drives, Fire
Department-related Access Standards, and ADA Parking Standards
EMMC Title 17 Alleys and Service Drives, Fire Department Related Access, ADA
Parking - Redlines

2.E DISCUSSION - Automobile Sales, Kennels, Racetracks, and Communication Facility
Generators
EMMC 17.20.050, 17.35.030, 17.40.040, and 17.75 - Redlines

2.F DISCUSSION - Internal ADU Connection Clarification
EMMC 17.70.030 Accessory Dwelling Unit Standards - Redlines

2.G DISCUSSION - Caretaker Dwellings
EMMC 17.10, 17.38, & 17.40 Caretaker Dwellings - Redlines

2.H DISCUSSION - Repeal of RTI Zone's Sunset Date
EMMC 17.48.110 Repeal Date - Redlines

- 2.I Discussion - Golf Course Netting
EMMC 17.60.120 Golf Course Netting - Redlines
Business Owner Email
- 2.J DISCUSSION - Solar Panel Protection
EMMC 17.76.070 Solar Energy Devices (Panels or Collectors) - Redlines
- 2.K DISCUSSION - Public Art
EMMC 12.35 Public Art - Draft

3. **AGENDA REVIEW**

The City Council will review items on the Consent Agenda and Policy Session Agenda.

4. **ADJOURN TO A CLOSED EXECUTIVE SESSION**

The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation; the character, professional competence, or physical or mental health of an individual; and/or the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

7:00 P.M. POLICY SESSION - CITY COUNCIL CHAMBERS

The Policy Session will convene directly following the 7:00 P.M. Redevelopment Agency Board Meeting.

5. **CALL TO ORDER**

6. **PLEDGE OF ALLEGIANCE**

7. **INFORMATION ITEMS/UPCOMING EVENTS**

8. **PUBLIC COMMENTS**

Time has been set aside for the public to express their ideas, concerns and comments. (Please limit your comments to three minutes each.)

9. **CITY COUNCIL/MAYOR'S ITEMS**

Time has been set aside for the City Council and Mayor to make comments.

10. **INTRODUCTION**

10.A Miss Eagle Mountain and Miss Eagle Mountain's Teen

Miss Eagle Mountain

- 1. Allie Smith, Queen
- 2. Brooklyn Pace, First Attendant
- 3. Moli Eaton, Second Attendant

- Miss Eagle Mountain's Teen
1. Alexandra Gates, Queen
 2. Aly Turner, First Attendant
 3. Emily Hales, Second Attendant

CONSENT AGENDA

11. BOND RELEASES

- 11.A Eagle Heights Village Plat 2 - Out of Warranty
[Bond Release Letter](#)
[Recorded Plat](#)

12. MINUTES

- 12.A July 18, 2023 Minutes - Regular City Council Meeting
[07.18.2023 City Council Minutes](#)

13. MOTION

- 13.A [ALTERNATIVE FENCING PLAN - Parkway Fields](#)
[Fencing Plan](#)

14. RESOLUTION

- 14.A [RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain City Policies and Procedures Manual Regarding Artificial Intelligence.](#)
[RES--Policies and Procedures Manual - Artificial Intelligence](#)
[Artificial Intelligence Employee Policy - Draft](#)

15. SITE PLAN

- 15.A [SITE PLAN - A to Z Building Blocks](#)
[Civil and Site - A to Z](#)
[Elevations - A to Z](#)
[3D Elevations - A to Z](#)
[Parking Diagram - A to Z](#)
[Parking Lease Agreement - A to Z](#)
[Shared Parking Table - A to Z](#)
[Landscape - A to Z](#)
[Photometric Plan - A to Z](#)
[Lighting Schedule - A to Z](#)
[Snow Removal - A to Z](#)

SCHEDULED ITEMS

16. ORDINANCE

- 16.A **ORDINANCE** - An Ordinance of Eagle Mountain City, Utah, Adopting the Amended Sweetwater Industrial Park Community Reinvestment Project Area #3 Plan as the Official Community Reinvestment Project Area Plan for the Project Area, and Directing that Notice of the Adoption be Given as Required by Statute.

BACKGROUND: *(Presented by Economic Development Director Evan Berrett)* The proposed ordinance adopts the Amended Sweetwater Industrial Park Community Reinvestment Project Area #3 Plan.

ORD--Sweetwater CRA #3 Plan - Amended
Amended Sweetwater CRA #3 Plan - Draft

17. RESOLUTION

- 17.A **RESOLUTION** - A Resolution of Eagle Mountain City, Utah, Approving an Amended Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Project Area #3.

BACKGROUND: *(Presented by Economic Development Director Evan Berrett)* The amended interlocal agreement coincides with the amended Sweetwater Industrial Park Community Reinvestment Project Area #3 Plan and Budget.

RES--Amended Interlocal Agreement - Sweetwater CRA #3
Amended Interlocal Agreement

18. LEGISLATIVE ITEMS

- 18.A **UPDATE** - Legislative Priorities List
Legislative Priorities List Update

19. CONCEPT PLAN

- 19.A **DISCUSSION** - Sunset Flats Phase E Conversion from Housing to Storage Units

BACKGROUND: *(Presented by Planning Manager Robert Hobbs)* City Council review of a concept plan to convert open land within Sunset Flats Phase E from housing to a mini-storage unit complex.

Vicinity Maps

Applicant Narrative
Planning Commission Minutes - 06.13.2023
Sunset Flats Master Plan - 07.19.2017
Site Plan
Elevations

20. CITY COUNCIL/MAYOR'S BUSINESS

This time is set aside for the City Council's and Mayor's comments on City business.

21. CITY COUNCIL BOARD LIAISON REPORTS

This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

22. COMMUNICATION ITEMS

22.A Upcoming Agenda Items
[Upcoming Agenda Items](#)

23. ADJOURNMENT

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

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

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 27th day of July, 2023 on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website <http://www.utah.gov/pmn/index.html>, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Land Use Authority, Public Hearings, and Appeal Authority		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
David Stroud, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

In response to recent state code changes, the approval authority of preliminary plats needs to be changed in the Title 16 to reflect Planning Commission as the land use authority. Staff reviewed the code and makes suggestions to Title 16 regarding additional changes.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[EMMC Title 16 Subdivisions - Redlines](#)

Chapter 16.05

GENERAL PROVISIONS

16.05.090 General responsibilities.

The following general responsibilities apply to the planning director, city staff members, consultants or other individuals or agencies responsible for the review and processing of development applications:

A. Applicant's Responsibilities. All developers or subdividers of real property shall prepare master development plans, concept plans, subdivision plats, site plans, conditional use materials or other application materials as indicated in this title and EMMC Title [17](#). Developers and subdividers shall pay for the design, construction and inspection of all public improvements required. The city shall process all development applications in accordance with the regulations set forth herein. No developer, subdivider or property owner shall alter the terrain, remove any vegetation, excavate or otherwise engage in any site development until they obtain the necessary permits and approvals as outlined in this title (see EMMC [16.30.080](#)(B)(8)) and EMMC Title [17](#).

B. Planning Director's Responsibilities. The planning director (or designee) shall prepare application forms for development processes outlined herein. Upon receipt of a completed development application, the planning director (or designee) shall refer the application to city departments, consultants, public or private agencies, governmental boards and committees or any other group or individual having responsibility for the review of such applications. The planning director (or designee) is responsible for coordinating and receiving comments or recommendations regarding development applications and the proper distribution or sharing of such comments and recommendations.

C. City Engineer's Responsibilities. The city engineer shall review development applications for compliance with engineering plans and specifications for required improvements. The city engineer shall also be responsible for reviewing the city's adopted capital facilities plans and other city requirements related to public facilities including streets, alleys, drainage systems, water and sewer systems, public utilities or other infrastructure considerations. Street layout and overall circulation shall be coordinated with the planning director. The city engineer shall be responsible for inspecting city-required improvements.

D. Public Works' Responsibilities. The city public works department shall review and make comments on the engineering plans and specifications for city-required improvements to the city engineer and planning director. The public works department may assist the city engineer in performing inspections.

E. Planning Commission's Responsibilities. The planning commission shall have the powers and duties defined by state law and Eagle Mountain City ordinances. The planning commission is generally charged with making investigations, reports and recommendations on development applications for conformance to the general plan, this title, EMMC Title [17](#), or other related requirements that fall under the planning commission's responsibilities. After reviewing development applications, ~~depending on the type of application,~~ the planning commission ~~may approve, shall generally or~~ make a recommendation to the city council for approval, approval with conditions, disapproval based upon findings of facts, or the planning commission may table applications for reasonable periods of time to complete further investigations, conduct work meetings, or otherwise more completely consider all aspects of the development application.

F. Site Inspections. The filing of an application for a development approval constitutes permission for the mayor, city council, city staff, employees, consultants, planning commissioners or board of adjustment to inspect the proposed development site during ~~their~~ the City's consideration of the application. The planning director may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection. [Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 1.9)].

16.05.180 Public meetings.

All public meetings shall comply with the requirements of this section. Any challenge regarding notice of a public meeting shall occur within 30 days of the meeting or action, otherwise notice is considered to have been adequate and proper.

A. Post the agendas on the Utah Public Notice website, on the City website, and in City Hall in three public places and submit a copy to the newspaper 24 hours in advance of the public meeting.

B. Notify all applicants on the agenda of the date, time, and place of the meeting. [Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 1.18)].

16.05.200 Land use authority.

Table 16.05.220(b), Land Use Authority, summarizes the person, board, commission, agency, or other body designated by the city council to act upon an application or land use application. Individual chapters of this title and EMMC Title [17](#) contain the specific process for the approval. In those cases where the planning commission has been identified as the land use authority, the city council reserves the right to become the land use authority, except for preliminary plats, by requesting that the item be scheduled for review and action by the council within 15 calendar days of the planning commission's action. In cases where the city council exercises this option, then the planning commission is not the land use authority unless the city council remands the application back to the planning commission. In taking final action, the council may approve, approve with conditions, disapprove based upon findings of fact, table the

application for further study and review or remand the application with changes back to the planning commission. [Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 1.20)].

Chapter 16.20

PRELIMINARY PLATS

16.20.010 What this chapter does.

This chapter establishes the preliminary plat review and approval process, submittal requirements, and duties of the planning director ~~and~~ planning commission ~~and city council~~ regarding the review and processing of preliminary plats. [Ord. [O-07-2014](#) (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 4.1)].

16.20.030 Preliminary plat approval required.

All proposed subdivision plats must receive preliminary plat approval by the planning commission ~~and city council~~ prior to action on the final plat application. The approved preliminary plat vests the applicant with density for the subdivision, street configuration, and lot layouts.

Approved master development plans that meet the details and requirements of this chapter shall serve as preliminary plats. [Ord. [O-25-2016](#) § 2 (Exh. A); Ord. [O-07-2014](#) (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 4.3)].

16.20.040 Application.

Only property owners or their duly authorized agents shall make application for a preliminary plat. All applications shall be filed on forms prepared by the planning director. No preliminary plat application shall be processed without the submission of the completed application and all supporting materials as required by this chapter, including the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The preliminary plat application shall be submitted with the materials listed below. However, the planning commission ~~or city council~~ may require additional supporting materials, if necessary, to demonstrate that the proposed development complies with this title and EMMC Title [17](#). The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Preliminary Plat. A preliminary plat drawing will be required which shows accurate alignments, boundaries and monuments as certified by a land surveyor registered in

Utah. Preliminary plats shall be prepared at a scale no smaller than one inch equals 100 feet. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map. The vicinity and index maps shall appear on the first of the serially numbered sheets. The following data shall be included on the preliminary plat:

- a. A title block showing the name of the proposed development and its location by lot, block, and subdivision, or quarter-quarter section, section, township, range, principal meridian, county, and state;
- b. The name and address of a registered engineer licensed in the state of Utah who prepared the plat, together with a professional registration number;
- c. A north point and scale, including both graphic and written scales;
- d. The exterior boundaries of the proposed development;
- e. The location, nature, and boundaries of existing public streets and public or private easements in or adjacent to the proposed development, and county book and page number references to the instruments establishing the easements;
- f. A vicinity map that locates the proposed development within the city and its subdivision or section showing major streets, landmarks, and boundaries and recorded names of adjacent or nearby subdivisions;
- g. Existing contours at two-foot intervals. Elevations will be based on National Geodetic Survey area level data;
- h. The layout of streets, their proposed names and grades. Plats should not contain lots fronting onto arterial or collector streets. Proposed streets must provide connectivity to adjacent properties under other ownership if within 200 feet;
- i. The location, exterior dimensions to the nearest foot, and number of proposed lots and blocks, or other parcels to be created by the proposed development;
- j. The acreage of each proposed lot or parcel, and a table showing the total number of lots, total acreage of the area proposed for development, the total buildable acreage (excluding slopes greater than 25 percent, major utility corridors, and natural washes), the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of neighborhood parks, neighborhood squares, and

other parcels proposed for dedication to public use or to be held in common by the owners;

<u>PLAT CALCULATIONS</u>	
TOTAL ACREAGE:	42.56 ACRES
BUILDABLE ACREAGE:	40.72 ACRES
TOTAL ACREAGE IN LOTS:	16.19 ACRES
TOTAL OPEN SPACE:	18.07 ACRES
TOTAL IMPROVED OPEN SPACE:	3.56 ACRES
AVERAGE LOT SIZE:	8,388 SF/0.19 ACRES
LARGEST LOT SIZE:	16,941 SF/0.39 ACRES
SMALLEST LOT SIZE:	6,592 SF/0.15 ACRES
OVERALL DENSITY:	1.97 LOTS/ACRE
TOTAL # OF LOTS:	84 LOTS

k. The location of irrigation structures and watercourses within or adjacent to the proposed development;

l. The location and exterior dimensions of existing and proposed buildings;

m. The location on each lot of the buildable area when the natural grade is in excess of 25 percent;

n. Sites, if any, to be reserved, dedicated for parks, playgrounds, schools, churches, public or natural open space or other public purposes, together with proposed ownership of such sites;

o. Sites intended for conditional uses within the underlying zone, such as commercial sites or other business establishments.

B. Landscaping and Parks Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the size and location of proposed parks and open spaces. The landscaping plan shall include, at a minimum, the following information:

1. The location and dimension of all existing and proposed structures, property lines, easements, parking lots, rights-of-way, amenities, and lighting.
2. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants and trees.
3. Existing and proposed grading of the site indicating contours at two-foot intervals.
4. Proposed and existing fences and identification of the fencing materials, color, and design.

5. A summary of the total percentage of landscaped areas, domestic turf grasses, and drought-tolerant plant species.

6. A completed parks and open space worksheet, detailing the proposed park equipment/amenities and their associated point values.

C. Ownership Affidavit. An affidavit (certificate of clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed development.

D. Water Rights. Water rights documentation showing availability of water rights sufficient to serve the development, or acknowledgement in the form of a signed letter that the developer intends and commits to purchase water from the city.

E. Utility Plan. A map showing all the proposed locations of utilities including water, sewer, and storm drainage. The gas, electrical and telecommunication lines are not a required element of the preliminary utility plans; however, off-site capacity of these systems shall be provided. The location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development shall also be shown.

F. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and subbasin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain at a minimum the following information:

1. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.

2. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.

3. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.

4. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.

5. Grading plan showing: soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within development including the identification of slopes, fill and cut depths, and rock features within 10 feet of post grade soil surface.

G. Easements. The proposed grants of easements to be imposed on any land within the development.

H. Traffic Plan. A traffic report prepared by a licensed traffic engineer showing anticipated trip generation and the level of service provided to SR 73 or other arterial and collector roads.

I. Sign Plan. A signage plan (if signage is being proposed for the project) shall be submitted. The signage plan shall include a site plan drawn to scale showing the proposed location of on-premises and off-premises directional signage and color graphics showing the proposed sign copy, type of sign, and dimensions of signs. Permission from property owners to locate any off-site signs on their property shall be submitted.

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

~~KK.~~ Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. [O-20-2018](#) § 2 (Exh. A); Ord. [O-07-2014](#) (Exh. A); Ord. [O-13-2012](#) § 2 (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 4.4)].

16.20.050 Approval process.

Upon completion of the master development plan or rezoning of property, the developer shall file a completed preliminary plat application, which includes a proposed preliminary plat, all required supporting materials and the required application fee at least 28 calendar days before the planning commission meeting at which a hearing on the application is requested.

A. Complete Application. The planning director shall determine whether the application is complete within seven calendar days after its filing. The planning director shall notify the developer of additional materials that are required within one week of the submittal date.

B. Development Review Committee (DRC) Review. The application shall be scheduled for the next available development review committee (DRC) meeting, and the submitted materials provided to city staff, consultants, or agencies for their review. Once the DRC recommends that the project is ready for the planning commission's review, the planning director shall schedule the project for the next available meeting. The DRC includes the department head or assigned representative from each of the following departments or groups: attorney, building, energy, engineering, fire, parks, planning, public works.

C. Staff Report. The planning director or designee shall prepare, or contract with appropriate professionals for the preparation of, a written report that explains how, in the professional opinion of the planning director or the contractors, the proposed development complies, or fails to comply, with state statutes, this title or other city ordinances. Upon completion, but not less than four working days before the scheduled ~~meeting~~hearing, a draft report shall be

transmitted to the developer and to the planning commission. These reports will also be placed on file for public review with the application materials. In the event that the city contracts with professionals for assistance, the costs of report preparation shall be added to the application fee required for preliminary plats.

~~D. Public Hearing Meeting. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities, if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. Posting and notification of the public meeting shall comply with EMMC 16.05.180. A copy of the public meeting notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.~~

E. Planning Commission Approval. If the proposed development complies with all applicable development requirements and utility standards for the site, ~~is in the public interest~~ and is fully consistent with any applicable master development plan and development agreement previously approved by the city, and the submission is complete in all respects, the planning commission shall take action on the proposed development application as allowed by this title. The planning commission may ~~recommend approval~~, approval approve with conditions, or deny approval based upon findings of facts, or table the application and request further information to resolve any issues or questions prior to approval.

~~F. City Council Approval. The city council shall review the application, consider the planning commission's recommendations, and take action on the proposed development application. The council may approve, approve with conditions, disapprove based upon findings of facts, or table the application and request further information to resolve any issues or questions prior to approval.~~

~~G.F.~~ Additional Development Processes. Granting of preliminary plat approval by the planning commission ~~(or city council, as applicable)~~ shall not constitute final acceptance of the subdivision by the planning commission ~~or city council~~, nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions, ordinances, requirements or policies in order to meet all city standards. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.5)].

16.20.060 Expirations and extensions of approvals.

Preliminary plat approvals shall expire two years from the date of approval by the ~~city council~~ Planning cCommission if a final plat application has not been approved by ~~sStaff the city council~~ within that time. If the preliminary plat contains more than one phase, this plat will expire if each phased final plat application is not approved within two years of the most recent final plat approval.

A. Extensions of Time. An extension of time may be requested by an applicant for any of the applications listed above with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

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

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

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. [O-07-2014](#) (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A)].

Chapter 16.25

FINAL PLATS

16.25.040 Application.

Only property owners or their duly authorized agents ~~shall make application~~may file for a final plat on forms prepared by the planning director. No final plat application shall be processed

without approval or submission of the preliminary plat, the submission of the application, all the supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. ~~The A complete~~ final plat application shall be submitted with the materials listed below. The planning director or development review committee (DRC) members may determine that additional items be submitted in order to properly evaluate the proposed final plat application. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Final Plat. The final plat prepared at a scale of not less than one inch equals 100 feet, with all dimensions shown in feet and decimals thereof, will be required for final approval prior to recordation. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map, with vicinity and index maps appearing on the first of the serially numbered sheets. Final plats must show trails, roads, sidewalks and other public facilities, which will be deeded to the city in accordance with the requirements of this title. The city shall provide a set of standard cross-sections for roads, trails and sidewalks. The final plat submission must conform in all major respects to the preliminary plat as previously reviewed and approved by the planning commission ~~-or city council~~ as applicable (unless processed simultaneously). Final plat submissions shall include all information listed below, delineated in permanent ink on ~~waterproof tracing cloth or~~ Mylar for recordation (which can be submitted after ~~Staff the city council~~ grants final approval) and submitted in an electronic format:

- a. A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;
- b. The name, address, telephone number, stamp, signature and registration number of a land surveyor registered in the state of Utah who prepared or reviewed the final plat;
- c. A north point, and both graphic and written scales;
- d. A vicinity map that locates the proposed subdivision within its township and the section, shows major roads and watercourses adjacent to or near the subdivision, and shows the boundaries of and recorded names of adjacent or nearby subdivisions;
- e. The point of beginning for the survey, which shall be tied to a section or quarter-section corner, and the location and a description of all existing monuments found during the course of the survey;

- f. The location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;
- g. The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;
- h. The location, exterior dimensions, and consecutive number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries (with all curve dimensions for boundary lines shown outside any such boundaries);
- i. The acreage of each lot and a table showing the total number of lots, total acreage of the subdivided area, the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of any parcels dedicated to public use or

PLAT CALCULATIONS	
TOTAL ACREAGE:	42.56 ACRES
BUILDABLE ACREAGE:	40.72 ACRES
TOTAL ACREAGE IN LOTS:	16.19 ACRES
TOTAL OPEN SPACE:	18.07 ACRES
TOTAL IMPROVED OPEN SPACE:	3.56 ACRES
AVERAGE LOT SIZE:	8,388 SF/0.19 ACRES
LARGEST LOT SIZE:	16,941 SF/0.39 ACRES
SMALLEST LOT SIZE:	6,592 SF/0.15 ACRES
OVERALL DENSITY:	1.97 LOTS/ACRE
TOTAL # OF LOTS:	84 LOTS

held in common by the lot owners;

- j. The names of all streets and widths and boundaries of all street and trail rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;
- k. The location and a description of all monuments set during the course of the survey;
- l. A signed and dated owner's dedication in the form approved by the city which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all open space, public ways, utilities and other public spaces to public use;
- m. A public notary's acknowledgment of the owner's certificate;
- n. A signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

o. A public notary's acknowledgment of the certificate of consent;

p. Signature blocks for approval by the city council, city engineer and city attorney;
Dominion Energy, Rocky Mountain Power, and Direct Communications.

q. An owner's dedication certificate, notary public acknowledgement for each signature on the plat, a correct metes and bounds description of all property included within the subdivision, other affidavits, certificates, acknowledgements, endorsements and notarial seals as required by law, this title or by the city recorder or city attorney;

r. A certificate for use by the county recorder in recording the plat after its approval;

s. Building envelopes for each lot shall be shown on the final plat;

t. Water rights conforming to the city's requirements or a public water supply agreement shall be submitted to the city attorney for approval.

2. Construction Plans. Construction drawings for required public improvements will include the following and are required to be submitted with all final plat applications:

a. Plan, profile and construction detail drawings prepared by a licensed professional engineer, with his/her signature and seal.

b. Control data shall be referenced to information contained on county area reference plats.

c. Elevations shall be tied to an existing Utah County benchmark. Drawings shall show an elevation benchmark for the project.

d. The drawing scale shall be one inch equals 20 feet horizontal and one inch equals two feet vertical. The vertical scale may be smaller if warranted by unusual circumstances.

e. Stationing shall increase from left to right.

f. Centerline data and property line data shall be shown, including details of all curves.

g. Existing ground profiles shall be shown a minimum of 300 feet each way from the ends of subdivision streets.

h. All existing and proposed improvements within the project or within 100 feet of the project or adjoining the subdivision shall be shown. This includes curb, gutter,

sidewalk and underground pipes and utilities, ditches, canals, fire hydrants, street lights, water valves, etc.

i. All proposed structures such as manholes, catch basins, clean-outs, etc., shall be shown. If city standard structure details exist, they may be referenced in lieu of detail.

j. All proposed drainage facilities, including pipe and boxes, shall be shown. This includes plan and profile of the system showing the method of drainage water disposal.

k. All vertical curves and horizontal distances shall be constructed in accordance with AASHTO requirements and standards.

l. Elevations shall be shown on all horizontal and vertical curves at approximately 25-foot intervals and at the points of curvature and points of tangency.

m. The minimum grade for curb and gutter shall be one-half percent identified on all curb returns and cross gutters. Percent of grade shall also be shown on straight grades with elevations at approximately 50-foot intervals with flow arrows to indicate the direction of drainage.

n. All street names shall be shown.

o. Show typical roadway cross-sections.

p. The existing grade elevations shall be shown in the profile.

q. Construction standards and specifications shall be referenced.

r. Road signs and stop signs shall be shown.

3. Landscaping and Irrigation Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The landscaping plan shall include, at a minimum, the following information:

a. The location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, amenities, and lighting.

b. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the

plant material at maturation (see Chapter [17.60](#) EMMC for more landscaping standards).

c. The landscaping plan should also exhibit the existing landscaping 20 feet beyond the property lines.

d. Existing and proposed grading of the site indicating contours at two-foot intervals.

e. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

f. Proposed and existing fences and identification of the fencing materials.

g. A summary of the total percentage of landscaped areas, domestic turf grasses, drought-tolerant plant species along with the estimated cost of all the improvements.

h. Make, model number(s), and picture(s) of all proposed structures (playgrounds, pavilions, benches, etc.).

4. Final Utility Plan. Utility plans showing all the utilities including but not limited to water, sewer, and storm drain. The location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development shall also be shown.

5. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan prepared and stamped by a licensed engineer shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and subbasin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain at a minimum the following information:

a. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.

b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.

c. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.

d. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.

e. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.

f. Maintenance plan and procedure for storm water system; thorough narrative of all charts, graphs, tables or other information included in the report describing how it affects the proposed development.

g. Infrastructure design criteria showing the piping is sized to handle the peak intensity of the 10-year storm event; all detention basins are sized to handle a 100-year storm while discharging at a maximum 10-year, 24-hour historical rate; a 10-foot traffic lane in both directions is maintained at all locations within the development; and that the roadway and infrastructure will handle a 100-year storm event without flooding homes or damaging public property.

h. Grading plan showing soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within development including: the identification of slopes; fill and cut depths; and rock features within 10 feet of post-grade soil surface.

i. The grading plan shall also show how the grades will allow water to run off of lot areas without ponding and creating flooding problems for homes.

j. Erosion control shall: show how erosion will be controlled during construction; explain and design such that construction debris and silts will not be collected by storm water system; show and design for all cut and fill slopes will not be eroded and how these areas will be revegetated.

6. Easements. The proposed grants of easement to be imposed on any land within the development.

7. Soils Report. A soils report prepared and stamped by a licensed engineer.

8. Engineer's Estimate. An engineer's estimate prepared by the design engineer, including detailed estimates of park amenities and landscaping improvements.

9. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. [O-20-2018](#) § 2 (Exh. A); Ord. [O-07-2014](#) (Exh. A); Ord. [O-13-2012](#) § 2 (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A); Ord. [O-23-2008](#) § 2 (Exh. A § 5.4); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 5.4)].

B. Additional Items. When reviewing a final plat request, the City may require:

1. Additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and/or modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. Any request by the City for additional information or modifications to plans shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

16.25.050 Approval process.

Upon completion and approval of a preliminary plat, the developer shall file a properly completed final plat application that includes a proposed final plat and all required supporting materials and the required application fee at least 28 calendar days before the planning commission meeting at which the application is to be reviewed.

A. Final Plat Procedure(s): Upon completion and approval of a preliminary plat, the developer shall file a properly completed final plat application that includes a proposed final plat and all required supporting materials and the required application fee. ~~at least 28 calendar days before the planning commission meeting at which the application is to be reviewed.~~

1. No later than 20 business days after the day on which an applicant submits a complete final plat application the City shall complete a review of the application. However, if an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
2. Review Cycles: During the review process, the City may require up to four redline review turnaround cycles. Redline corrections shall be comprehensive and redlines in subsequent review cycles shall specifically address changes in response to the applicant's adjustment to a plan set or phasing plan that adjusts the infrastructure needed for the specific development; however, modifications or corrections necessary to protect public health and safety or to enforce state or federal law may still be added.

Exception: If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change(s) substantively effect(s).

3. Final Plat Review Redline Process:

- a. First Round: If an applicant does not submit/return a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 business days to respond to the plans.

b. Final Round: After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

4. Applicant's Written Narrative: In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

5. Disputes: Should a dispute arise respecting the subdivision improvement plans, the City shall assemble an appeal panel in accordance with Utah Code Annotated §10-9a-508(5)(d) to review and approve or deny the final revised set of plans, or, for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

B. Final Plat Review Authorities:

1.A. Planning Director's Responsibilities. The planning director shall review the application for completeness and distribute the application materials to the development review committee (DRC) members for review, comment and recommendation. If the application materials are complete, all required fees are paid and the final plat conforms to the requirements of the applicable master development plan or master development plan agreement and is in compliance with the approved preliminary plat, the DRC shall review the proposed application at its next regularly scheduled meeting when materials may be adequately distributed.

2B. City Engineer's Responsibilities. The city engineer shall review the final plat and construction plans and decide whether or not the submittal complies with the engineering and surveying standards and criteria set forth in this title, the proposed development agreement and all other applicable state statutes and city ordinances. The city engineer shall determine if the survey description is correct and that all easements are correctly described and located on the plat. If the plat conforms to the required standards, the city engineer shall prepare an estimate of the construction costs for all proposed public improvements. The city engineer shall forward this cost estimate to the city attorney, city recorder, and planning department for inclusion in the final development and improvement collateral. If the final plat and/or construction plans do not comply, the city engineer shall return the plat to the applicant or the subdivider's engineer with comments.

3C. Development Review Committee (DRC) Responsibility. The DRC shall review the final plat to determine whether the plat conforms to the requirements of the preliminary plat, with all

requested changes or conditions of approval and any requirements of the master development plan agreement. If the DRC determines that the final plat is in conformity with all requirements and the ordinances of the city, the DRC members shall sign off on the approval checklist and the planning director shall prepare a notice of decision to be sent to the applicant and filed with the city recorder. The DRC includes the department head or assigned representative from each of the following departments or groups: attorney, building, energy, engineering, fire, parks, planning, public works.

4D. City Attorney's Responsibilities. The city attorney shall review the final plat for compliance with the state statutes and any applicable city ordinances, the master development plan, and the conditions of the preliminary plat.

5E. City Recorder's Responsibilities. The city recorder, subsequent to the approval of a final plat by the DRC, shall be responsible to collect original documents and all required signatures on such documents which include, but are not limited to, the original Mylar plat, improvement collateral, current title report as defined in this chapter, submittal of required water rights (as certified by the city engineer and city attorney), submittal of any required fees including recording and inspection fees and any other applicable documents. When all documents and signatures have been collected, the applicant has executed the improvement collateral including the posting of security required, the payment of all outstanding fees for this development or any other business transaction with the city has been received, and all other outstanding conditions have been met, the city recorder shall record the final plat and any other documents that the city determines should be recorded with the subdivision. [Ord. [O-07-2014](#) (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A); Ord. [O-23-2008](#) § 2 (Exh. A § 5.5); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 5.5)].

16.25.100 Expirations and extensions of approvals.

Final plat approvals shall expire one year from the date of approval by ~~Staff the city council~~ if the plat has not been recorded at the county.

A. Extensions of Time. An extension of time may be requested by an applicant with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

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

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

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. [O-07-2014](#) (Exh. A); Ord. [O-16-2010](#) § 2 (Exh. A)].

Chapter 16.30

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

16.30.080 Rural residential subdivisions.

Subdivisions that are to be reviewed under agricultural, RA1, RA2, RD1, RD2, or FR zone development standards (see Chapters [17.20](#) and [17.25](#) EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the ~~city council~~ [Planning Commission](#) after a recommendation from the ~~planning commission~~ [DRC](#), upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. ~~All other subdivision improvement waivers shall be approved~~ [considered by the city City Council](#). Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. [O-36-2020](#) § 2 (Exh. A); Ord. [O-06-2015](#) § 2 (Exh. A); Ord. [O-07-2014](#) (Exh. A); Ord. [O-07-2006](#) § 2 (Exh. 1 § 6.9); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

16.30.090 Connectivity standards.

These standards are intended to create a connected transportation system between neighborhoods and commercial areas, with the goal of promoting walkability through additional connections and shorter block lengths, improving emergency response times, providing better routes to schools and parks, preventing isolated developments, and reducing impacts of development on arterial and collector roads by providing alternate routes.

A. A circulation plan shall be provided as part of a preliminary subdivision plat application which shall:

1. Address street connectivity, pedestrian circulation, emergency access, and parking movements. If cut-through traffic is likely, traffic calming measures such as curb extensions, chicanes, raised crossings, or other features shall be required.
2. Show connectivity index, block length dimensions, cul-de-sac length dimensions, pedestrian facilities, and any proposed traffic calming features.
3. Plan must account for access and connectivity on adjacent parcels. On a case-by-case basis the community development director and city engineer may require changes to stub road locations if it will increase the connectivity within an adjacent property.
4. Required for any proposed residential development over one acre in size or with more than 10 units. The planning commission may waive the requirement for a circulation plan on a case-by-case basis according the following criteria:
 - a. Landlocked. Surrounding properties have not provided adequate stub road connections into the project.
 - b. A single multifamily structure (10+ units) is being constructed within an existing multifamily development.
 - c. The proposed development doesn't create any new links or nodes.

B. Connectivity Index Calculation. The required connectivity index is calculated by dividing the total number of links by the total number of nodes.



(This example shows 11 links and six nodes which equates to a connectivity index of 1.83)

1. For the purpose of calculating the number of total links, one link beyond each node shall be included in the connectivity index calculation. Street stubs that provide future access to adjacent properties or streets that connect to existing streets are considered links.

a. An additional half link shall be included in the connectivity index calculation for each hard surface pedestrian connection through a cul-de-sac with a minimum width of eight feet with an additional two-foot soft shoulder on each side.

b. An additional quarter link shall be included in the connectivity index calculation for each roadway segment where homes face an amenitized open space, park, or natural area. The roadway segment shall have a minimum 300 feet of frontage along the said open space.

C. Residential Connectivity Standards. All new residential subdivisions with 10 or more units or more than one acre shall meet the following connectivity index: block length and cul-de-sac length standards for public roads. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

1. Required Connectivity Index. The minimum required connectivity index shall be required based on the project zone designation as identified in the following table of minimum connectivity index scores:

Zone Designation	Minimum Index Score
RA1 and RA2	1.25

Zone Designation	Minimum Index Score
RD1, RD2, FR	1.5
R1, R2, R3	1.6
RC, MF1, MF2	1.75

a. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Reductions in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and the planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required connectivity index and that the connectivity is provided to adjacent properties where possible.

2. Maximum Block Lengths. Maximum block lengths allowed shall be required based on the project zone designation as identified in the following table:

Tier Level	Maximum Block Length
RA1 and RA2	1,200'/1,500'*
RD1, RD2, FR	1,000'/1,200'*
R1, R2, R3	800'/1,100'*
RC, MF1, MF2	600'/900'*

- * Longer block length permitted if a midblock pedestrian connection is provided.

a. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission ~~approval and approval by the city council.~~

3. Cul-de-Sac Length Standards. Maximum cul-de-sac lengths allowed shall be required based on the project zone designation as identified in the following table:

Tier Level	Maximum Cul-de-Sac Length
RA1, RA2, RD1, RD2, FR	400'
R1, R2, R3, RC, MF1, MF2	250'

a. Cul-de-sacs shall not be allowed in subdivisions zoned R1, R2, R3, RC, MF1, or MF2 unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Requests for cul-de-sacs within subdivisions zoned R1, R2, R3, RC, MF1 and MF2 will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

4. External Street Connectivity Standards. In addition to the internal street connectivity standards, external connectivity shall be maintained.

a. Cul-de-Sacs. In cases where cul-de-sacs have one or two rows of lots between the end of the cul-de-sac and an external road, a hard surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side shall be utilized to connect to the external street.

b. Pedestrian connections shall be utilized to connect proposed developments to master planned trails and adjacent existing or future developments where applicable. Connections shall be a hard surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side.

5. Nonresidential Connectivity Standards. All new nonresidential subdivisions containing the dedication of public roads shall meet the following connectivity index and block length standards. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

a. Required Connectivity Index. The minimum required connectivity index score shall be 1.5 for nonresidential developments.

i. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

(A) Topography:

(B) Natural features including lakes, rivers, and designated wetlands;

(C) Existing adjacent development;

(D) Rail corridors;

(E) Limited access roadways.

Reduction in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required

connectivity index and that connectivity is provided to adjacent properties where possible.

b. Maximum Block Lengths. Maximum block lengths allowed shall be 1,000 feet for nonresidential subdivision.

i. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- (A) Topography;
- (B) Natural features including lakes, rivers, and designated wetlands;
- (C) Existing adjacent development;
- (D) Rail corridors;
- (E) Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

ii. Cul-de-Sac Standards. Cul-de-sacs shall not be allowed in any nonresidential zone unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

- (A) Topography;
- (B) Natural features including lakes, rivers, and designated wetlands;
- (C) Existing adjacent development;
- (D) Rail corridors;
- (E) Limited access roadways.

Requests for cul-de-sacs within nonresidential zones will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

iii. Cross-Access. It is highly encouraged for nonresidential site plans to provide cross-access to adjacent developments to allow auto and pedestrian trips to

occur between developments without the need of using the street. [Ord. [O-36-2020](#) § 2 (Exh. A); Ord. [O-02-2017](#) § 2 (Exh. A)].

Chapter 16.35

DEVELOPMENT STANDARDS FOR REQUIRED PUBLIC FACILITIES

16.35.090 Privacy fencing.

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

Business park, commercial, commercial storage, and industrial developments shall install privacy fencing of consistent height (no less than six feet), material and color, and of durable quality along the rear and/or side lot lines that abut an arterial or collector road right-of-way, existing or designated in the city's future transportation plan. Applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. The ~~city~~ City council may require a specific material and color for the fencing in a site plan or master development agreement. "Durable quality" shall mean fencing of stone, masonry, or decorative concrete. Vinyl, wood alternative composite material, and wood fencing shall not be allowed along rear or side lot lines abutting an arterial or collector road. For industrial developments, "durable quality" shall include chain link fencing that complies with EMMC 17.60.130. [Ord. [O-33-2020](#) § 2 (Exh. A); Ord. [O-06-2017](#) § 2 (Exh. A); Ord. [O-17-2010](#) § 2 (Exh. A); Ord. [O-27-2006](#) § 2 (Exh. A § 7.9); Ord. [O-07-2006](#) § 2 (Exh. 1 § 7.9); Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 7.9)].

16.35.130 Tables.

All park or open space areas require sod with an improved irrigation system, flower/planter beds with irrigation, or similar improvements. In addition to grass and irrigated landscaping, the following elements may be used to achieve the 10 points that are required per 0.1 acre (or 100 points per acre) of required open space. Park features or elements that are not included in this table may be proposed by an applicant and are assigned points by the planning commission ~~and/or~~ city council. Applicant may propose a "buy down" of open space acreage by including additional amenities at a ratio of 150 points per acre, to be approved at the discretion of the planning commission ~~and/or~~ city council.

Chapter 16.45

LOT SPLITS

16.45.040 Approval process.

Upon submission of the aforementioned materials, the planning director will review the application for completeness, accuracy, and for compliance with the criteria for approval. ~~A lot split application is a subdivision and requires a public hearing.~~

~~A. Public Hearing. Upon receipt of a complete application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 300 feet of the boundaries of the proposed application area (including a minimum of at least 15 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.~~

~~BA.~~ Planning ~~Director Commission~~ Approval. If the proposed development complies with all applicable criteria identified in this chapter, and the submission is complete in all respects, the ~~Planning Director~~ planning commission shall take action. The ~~Planning Director~~ planning commission may approve, approve with conditions, disapprove based upon findings of facts or table the application and request further information to resolve any issues or questions prior to approval. [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.4)].

16.45.050 Criteria for approval.

The ~~planning director~~ planning commission may approve lot splits if the proposed application meets all of the following criteria. Failure to meet all of the criteria will require the request to be processed according to the preliminary plat and final plat process.

A. Lot of Record. The subject parcel for division shall be an existing lot of record as of the date of the incorporation of Eagle Mountain City (December 3, 1996).

B. Second Lot Split. Creation of a third lot or parcel from either the original parcel or the resulting parcel will constitute a subdivision, regardless of ownership, and shall be subject to the subdivision process.

C. Access. Both lots shall have access to a public street.

D. Lot Size. The division of the property shall not create lots that are less than five acres in size (slight variances may be allowed at the discretion of the ~~Planning Director~~ planning commission). [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.5)].

Chapter 16.55

PLAT AMENDMENTS

16.55.020 Purpose.

This process allows for the city ~~council~~ and owners of property to amend a recorded plat. [Ord. O-24-2020 § 2 (Exh. A), 2020; Ord. O-23-2005 § 3 (Exh. 1(2) § 11.2)].

16.55.030 Application.

The city ~~council~~, the property owner, or their duly authorized agent shall make application for a plat amendment on forms prepared by the planning director. No plat amendment application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following items shall be submitted with an application for a plat amendment. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Petition. A signed petition shall be submitted that consists of the following: (a) an explanation of the purpose of the proposed amended plat; (b) the name and address of all owners of record of the land contained in the entire plat; (c) the name and address of all owners of record that are adjacent to any street that is proposed to be vacated, altered, or amended; (d) the signatures of each of these owners who consent to the petition.

2. Title Report. A title report shall be submitted for the area proposed to be amended.

3. Proposed Amended Plat. The amended plat shall be submitted. This plat must define what portion of the plat is being amended.

4. Recorded Plat. The recorded plat should be submitted to show the existing boundaries and/or lot lines.

- ~~5. Public Notice. Addressed stamped envelopes of all property owners within 600 feet of any boundary of the property to be amended (including a minimum of at least 25 adjacent property owners).~~

- ~~5~~6. Declaration of Covenants, Conditions, and Restrictions. Declaration of covenants, conditions and restrictions shall be submitted for any new lot if required by the current recorded plat.

~~67.~~ Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-24-2020 § 2 (Exh. A), 2020; Ord. O-23-2005 § 3 (Exh. 1(2) § 11.3)].

16.55.040 Approval process.

The plat amendment application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The approval process for a plat amendment shall be as follows:

A. Planning ~~Commission~~Director Review. Upon receipt of a completed application and subsequent review by the staff, the planning director, ~~if the designated land use authority shall may approve, approve with conditions, disapprove based upon findings of facts or table the application and request further information to resolve any issues or questions prior to approval. place the application on the planning commission's agenda within 30 days.~~

B. City Council Public Hearing of Street Vacation. Upon the planning commission's review and recommendation the city council shall have 45 days to conduct a public hearing on the proposed ~~street vacation. plat amendment if a public hearing is required.~~ A public hearing is required if the proposed plat change includes the vacation of a public street or alley. A public hearing may be required if all of the property owners in the subdivision have not signed the petition or, upon receiving notice of the public hearing, an affected property owner objects in writing to the proposed plat amendment.

1. Public Notice. Public notices shall be given as follows:

a. . Each owner of property located within ~~600~~300 feet of the property (including a minimum of at least ~~25~~30 adjacent property owners and affected entities if there be any) that is the subject of the proposed plat change shall receive notice by mail. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The mailed notice shall include the following:

i. A statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;

ii. A statement that if no written objections are received by the appointed person within the 10 days, a public hearing may not be held; and

iii. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment.

b. Street Amendment. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

i. Mailing a notice as required in subsection (B)(1)(a) of this section ~~and~~

~~ii. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.~~

C. Adoption of Ordinance. The city council shall consider the criteria in this chapter when reviewing plat amendments. If the plat amendment is approved, the city council shall adopt an ordinance that contains a finding that the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment.

D. Minor Plat Amendments. Minor plat amendments may be approved by the planning director or designee if the proposed change involves a minor change not including the addition of lots or vacation, alteration, or amendment of a street. All minor plat amendments are subject to the applicable requirements of the plat amendment code. [Ord. O-24-2020 § 2 (Exh. A), 2020; Ord. O-23-2005 § 3 (Exh. 1(2) § 11.4)].

Table 16.05.220(a) Public Notice

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities*
MASTER DEVELOPMENT PLANS					
Master Development Plan	Yes	Yes	Published in paper <u>on the Utah Public Notice Website, on the City website, and posted at City Hall</u> ; Direct mailed notice to property owners within 6300 <u>2530</u> feet including at least <u>2530</u> property owners and to affected entities — Post notice in three public places	10 Days	Perhaps – Check definition of “affected entity”
Master Development Plan Amendments	Yes	Yes	Published in paper <u>on the Utah Public Notice Website, on the City website, and posted at City Hall</u> ; Direct mailed notice to property owners within 6300 <u>2530</u> feet including at least <u>2530</u> property owners and to affected entities <u>— Post notice in three public places</u>	10 Days	Perhaps – Check definition of “affected entity”
CONCEPT PLANS					
Concept Plans	No	No	N/A	N/A	N/A
PRELIMINARY PLATS					
Preliminary Plat	Yes <u>No</u>	No <u>N/A</u>	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities — Post notice in three public places <u>N/A</u>	10 Days <u>N/A</u>	N/A
Preliminary Plat Major Amendment	Yes <u>No</u>	No <u>N/A</u>	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities — Post notice in three public places <u>N/A</u>	10 Days <u>N/A</u>	N/A
Preliminary Plat Minor Amendment	N/A	N/A	N/A	N/A	N/A
FINAL PLATS					
Final Plats & Final Plat Amendments	N/A	N/A	N/A	N/A	N/A

Table 16.05.220(a) Public Notice

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities*
LOT SPLITS					
Lot Split – Planning Director	N/A	N/A	Direct mailed notice to property owners within 300 feet including at least 15 property owners – Post notice in three public places N/A	10 Days N/A	N/A
LOT LINE ADJUSTMENTS					
Lot Line Adjustments	N/A	N/A	N/A	N/A	N/A
RECORDED PLAT AMENDMENTS					
Recorded Plat	No	Yes No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public places Notice mailed to the owner of record of each parcel within the parameters of the amended subdivision	10 Days	Perhaps – Check definition of “affected entity” N/A
Recorded Plat – Vacating Street	Yes N/A	Yes	Published in newspaper one week for four consecutive weeks and posted in three public places – Direct mailed notice to property owners and affected entities Direct mailed notice to the record owner of each parcel that is accessed by the public street or municipal utility easement; mailed to each affected entity; posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; published on the website of the municipality in which the land subject to the petition is located until the public hearing concludes; and posted on the Utah public notice website	28 10 Days	Perhaps – Check definition of “affected entity”
BUILDING PERMITS					
Building Permit	N/A	N/A	N/A	N/A	N/A

NOTES: Posting the agenda for a public meeting on the website (<http://emcity.org>) counts as a public place, as does the state's public notice website.

* “Affected entities” may include but are not limited to: Camp Williams (Utah National Guard), Utah Department of Transportation, Utah County, Mountainland Association of Governments, Alpine School District, Timpanogos Special Service District, Saratoga Springs, Fairfield, and Cedar Fort.

Table 16.05.220(b) Land Use Authority

	Land Use Authority	
	Advisory Body	Land Use Authority
MASTER DEVELOPMENT		
Master Development Plan	Planning Commission	City Council
CONCEPT PLANS		
Concept Plan <u>Voluntary Informal PC and CC Review</u>	None N/A	Planning Commission N/A
PRELIMINARY PLATS		
Preliminary Plat	Planning Commission DRC	City Council Planning Commission
Preliminary Plat Major Amendment	Planning Commission DRC	City Council Planning Commission
Preliminary Plat Minor Amendment	None	Development Review Committee
FINAL PLATS		
Final Plat & Final Plat Amendments	None	Development Review Committee
LOT SPLITS		
Lot Split	None	Planning Director
LOT LINE ADJUSTMENTS		
Lot Line Adjustment	None	Planning Director
RECORDED PLAT AMENDMENTS		
Recorded Plat Amendment	Planning Commission DRC	City Council Planning Commission
Recorded Plat Amendment – Vacating Street	Planning Commission	City Council
BUILDING PERMITS		
Building Permit	None	Building Official

Table 16.05.220(c) Appeal Authority

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
MASTER DEVELOPMENT PLANS							
Master Development Plan	City Council	30	District Court	N/A	None	N/A	None
Master Development Plan Amendments	City Council	30	District Court	N/A	None	N/A	None
CONCEPT PLANS							
Concept Plan	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PRELIMINARY PLATS							
Preliminary Plat	Planning Commission or City Council	30	District Court Appeal Panel	N/A	None	N/A	None
Preliminary Plat Major Amendment	Planning Commission or City Council	30	District Court Appeal Panel	N/A	None	N/A	None
Preliminary Plat Minor Amendment	Development Review Committee	10	Planning Commission Appeal Panel	10	City Council	30	District Court
FINAL PLATS							
Final Plat & Plat Amendments	Development Review Committee	10	Planning Commission Appeal Panel	10	City Council	30	District Court
LOT SPLITS							
Lot Split	Planning Director	10	Planning Commission Appeal Panel	10	City Council	30	District Court
LOT LINE ADJUSTMENTS							
Lot Line Adjustment	Planning Director	10	Planning Commission Appeal Panel	10	City Council	30	District Court

Table **16.05.220(c)** Appeal Authority

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
APPROVED PLAT AMENDMENTS							
Recorded Plat	City Council	30	District Court <u>Appeal Panel</u>	N/A	None	N/A	None
Recorded Plat – Vacating Street	City Council	30	District Court <u>Appeal Panel</u>	N/A	None	N/A	None
BUILDING PERMITS							
Building Permit	Building Official	30	District Court	N/A	None	N/A	None
ADMINISTRATIVE DECISIONS							
Administrative Decisions*	Planning Director	10	Planning Commission	10	City Council	30	District Court

*Administrative decisions include but are not limited to: interpretations of this title, etc.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE: DISCUSSION - Lot Line Adjustments

ITEM TYPE: Development Code Amendment

APPLICANT: Eagle Mountain City

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

The attached draft amendment set is provided in response to recent legislative amendments to state law -- as well as to clarify code language. The amendment clarifies that a property line adjustment between a parcel and a subdivision lot does not [any longer] trigger the need for an amendment plat to be filed and processed.

ITEMS FOR CONSIDERATION:

n/a

REQUIRED FINDINGS:

n/a

RECOMMENDATION:

n/a

ATTACHMENTS:

[EMMC 16.50, 16.55, & 17.10 Lot Line Adjustments - Redlines](#)

Chapter 17.10

DEFINITIONS

Sections:

- 17.10.010** What this chapter does.
- 17.10.020** General purpose.
- 17.10.030** Definitions.

17.10.030 Definitions.

"Property" means an area of land defined by legal boundaries being any of the following:

A. A single, platted lot of record.

B. A portion of a lot of record.

C. A combination of complete lots of record, or portions of lots of record considered as a group.

D. A parcel of land described by metes and bounds.

E. A portion of a parcel.

F. A combination of parcels or portions of parcels considered as a group.

...

Chapter 16.50

LOT LINE ADJUSTMENTS

Sections:

- 16.50.010** What this chapter does.
- 16.50.020** Purpose.
- 16.50.030** Application.
- 16.50.040** Approval process.
- 16.50.050** Review responsibilities.
- 16.50.060** Criteria for approval.

16.50.020 Purpose.

The lot line adjustment process allows for property boundaries between adjacent parcels properties to be adjusted under specific circumstances allowed by state law without being subject to the plat amendment or subdivision processes. A lot line adjustment is not a subdivision amendment when it is between a single lot and an adjoining lot or parcel -- even if it alters the outside boundary of a subdivision between [the] two properties. [Ord. O-24-2020 § 2 (Exh. A), 2020; Ord. O-23-2005 § 3 (Exh. 1(2) § 10.2)].

...

Chapter 16.55

PLAT AMENDMENTS

Sections:

- 16.55.010** What this chapter does.
- 16.55.020** Purpose.
- 16.55.030** Application.
- 16.55.040** Approval process and exceptions.

16.55.040 Approval process and exceptions.

The plat amendment application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The approval process for a plat amendment shall be as follows:

A. Planning Commission Review. Upon receipt of a completed application and subsequent review by the staff, the planning director shall place the application on the planning commission's agenda within 30 days.

B. City Council Public Hearing. Upon the planning commission's review and recommendation the city council shall have 45 days to conduct a public hearing on the proposed plat amendment if a public hearing is required. A public hearing is required if the proposed plat change includes the vacation of a public street or alley. A public hearing may be required if all of the property owners in the subdivision have not signed the petition or, upon receiving notice of the public hearing, an affected property owner objects in writing to the proposed plat amendment.

1. Public Notice. Public notices shall be given as follows:

a. Lot Amendment. Each owner of property located within 600 feet of the property (including a minimum of at least 25 adjacent property owners and affected entities if there be any) that is the subject of the proposed plat change shall receive notice by mail. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The mailed notice shall include the following:

i. A statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;

ii. A statement that if no written objections are received by the appointed person within the 10 days, a public hearing may not be held; and

iii. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment.

b. Street Amendment. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

i. Mailing a notice as required in subsection (B)(1)(a) of this section; and

ii. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.

C. Adoption of Ordinance. The city council shall consider the criteria in this chapter when reviewing plat amendments. If the plat amendment is approved, the city council shall adopt an ordinance that contains a finding that the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment.

D. Minor Plat Amendments. Minor plat amendments may be approved by the planning director or designee if the proposed change involves a minor change not including the addition of lots or vacation, alteration, or amendment of a street. All minor plat amendments are subject to the applicable requirements of the plat amendment code. [Ord. [O-24-2020](#) § 2 (Exh. A), 2020; Ord. [O-23-2005](#) § 3 (Exh. 1(2) § 11.4)].

E. Exception(s): Subdivision amendment approval shall not be required for a lot line adjustment between a single lot and an adjoining lot or parcel -- even if it alters the outside boundary of the subdivision between [the] two properties.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Rights-of-Way Vacations		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:			
APPLICANT:	Eagle Mountain City		
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:

Robert Hobbs -- Planning
Manager

RECOMMENDATION:

BACKGROUND:

The review and approval process to vacate a platted, non-developed street within Scarlet Ridge Subdivision to make space for a charter school revealed the need to introduce a process into City code to allow for any future, proposed public street or alley vacations to be executed without having to amend a subdivision plat within which the particular right-of-way might happen to be located or traverse through.

Also, some months ago, the Planning Commission sought Staff assistance in drafting code a small group of code amendments to address fire apparatus access to rear-loaded (off an alley, service drive, or street) residential units. Since a code amendment writing effort involving other matters was already then in the making, it was subsequently decided to add those few other amendments into the mix -- including new rights-of-way vacation procedures, parameters for ADA parking, and, rules regarding drive-thru escape lanes. Following Staff, legal counsel and prior (February) Planning Commission work-session review of that omnibus document, it was finalized and presented to the Planning Commission as a package(d) hearing item. For purposes of motion making, the codes accompanying this report have been set on the Council's agenda as a separate set of amendments from the ROW vacation language which

now is its own hearing item.

The Planning Commission voted unanimously to recommend approval of *all* proposed code revisions -- minus the section pertaining to drive-thru bypass lanes. That section has been temporarily redacted for further refinements and will be taken off the table and again presented to the Planning Commission at a future date.

ITEMS FOR CONSIDERATION:

Refer to the "What this chapter does" and "Purpose" section opening paragraphs for each of the amendments for an idea of what is proposed to be accomplished by the code language additions or revisions. A verbal Staff report will be provided to the City Council during the public hearing for this request.

The vacation language is drawn from state code and cleaned up to be more readable. It is proposed to provide the City with a more expedited, cleaner process (one hearing before Council) to vacate public right-of-way vs. having to amend a plat. Amending a plat is less of an ordeal when it is newly platted and not built out. With development, however, comes the possible need to have multiple applicants signing off on such an action. This matter was brought to the forefront of Staff's attention when dealing with the Scarlet Ridge Subdivision No. 1 where a charter school was allowed to be inserted but first required the deletion of Taylee Lane.

REQUIRED FINDINGS:

Ordinances pertaining to zoning code amendments, and processing of the same, may be found in EMMC 17.05.120 & USC 10-9a-501. Ordinance enactment is a legislative process and left to the discretion of the City's Council whether to, ultimately, approve such or not in a given format.

PLANNING COMMISSION ACTION/RECOMMENDATION:

The Planning Commission, during their regularly scheduled public meeting of May 23, 2023, voted unanimously to recommend approval of the rights--of-way vacation draft amendment language.

ATTACHMENTS:

[EMMC 16.56 Vacation of Rights-of-Way - Redlines](#)

Chapter 16.56

Vacation of Right(s)-of-Way

16.56.020. What this chapter does.

This chapter facilitates petition for, review and approval of right-of-way vacation requests outside the plat amendment process.

16.56.030. Purpose.

This chapter authorizes and defines a process whereby the city council and other interested parties may apply for vacation of a right-of-way or portion thereof where no plat amendment is intended and/or the right-of-way is in a developed area of the city. A recorded ordinance to vacate a public street shall have the same legal effect as vacating a public street through a plat amendment process.

16.56.040. Application.

A petition (application) to vacate some or all of a public street or municipal utility easement shall require submittal of an application to the City. The application shall include the following:

A. The name and address of each owner of record of land that is:

1. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or,

2. Accessed exclusively by, or within, 300-feet of the public street or municipal utility easement.

B. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated.

C. The signature of each owner under EMMC subsection 16.56.040(A) who consents to the vacation.

16.56.050. Petition to vacate a public street.

In lieu of vacating some or all of a public street through recording of a plat or amended plat in accordance with Section 16.55, the city council may approve a petition to vacate a public street in accordance with this chapter.

16.56.60. Public hearing required.

If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the city council shall hold a public hearing and determine whether good cause exists for the vacation, and, the public interest or any person will be materially injured by the proposed vacation.

16.56.070. Required findings.

The city council may adopt an ordinance granting a petition to vacate some, or all of, a public street or municipal utility easement if it finds that:

A. Qualifying Reason(s). Good cause exists for the vacation.

B. Harmless: Neither the public interest nor any person will be materially injured by the vacation, including having property land locked from public street access.

16.56.080. Conditions of approval(s).

If the city council adopts an ordinance vacating some, or all, of a public street or municipal utility easement, the city council shall ensure that:

A. One or both of the following is recorded in the office of the recorder of the county in which the land is located:

1. Plat: A plat or an amended plat reflecting the vacation, or

2. An ordinance described in EMMC 16.56.070 with an attached legal description of the public street and/or utility area being vacated.

B. Easement Preservation. The city council may not approve a petition to vacate a public street under this chapter unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street. Further, easement conservation for entities that provide power, gas, fiber-optic, storm drain services, etc. may be required by the City.

16.56.090. Vacation effect.

A. The action of the city council in vacating some, or all, of a public street or municipal utility easement that has been dedicated to public use:

1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of, and the relinquishment of, the municipality's fee in the vacated public street or municipal utility easement; and,

2. Shall not be construed to impair:

a. Any right-of-way or easement of any parcel or lot owner; and/or,

b. The rights of any public utility; and/or,

c. The rights of a culinary water authority or sanitary sewer authority.

16.56.100. City may initiate.

The city may initiate and complete a process to vacate some, or all of a public street.

A. Process: In accordance with process and requirements stated in this chapter for non-city applications to vacate public right-of-way or a public utility easement.

Exception: A vacation action may not apply to, or be allowed to affect, a public utility easement except to the extent that:

1. The easement is not a protected utility easement as defined in UCA § 54-3-27;

2. The easement is included within a public street; and

3. A notice to vacate a public street also contains a notice to vacate such an easement.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards		
ITEM TYPE:	Ordinance		
FISCAL IMPACT:			
APPLICANT:	Eagle Mountain City		
GENERAL PLAN DESIGNATION n/a	CURRENT ZONE n/a	ACREAGE n/a	COMMUNITY n/a

PUBLIC HEARING:
Yes

PREPARED BY:
Robert Hobbs, Planning

PRESENTED BY:
Robert Hobbs -- Planning
Manager

RECOMMENDATION:

BACKGROUND:

Some months ago, the Planning Commission sought Staff assistance in drafting code a small group of code amendments to address fire apparatus access to rear-loaded (off an alley, service drive, or street) residential units. Since a code amendment writing effort involving other matters was already then in the making, it was subsequently decided to add those few other amendments into the mix -- including new rights-of-way vacation procedures, parameters for ADA parking, and, rules regarding drive-thru escape lanes. Following Staff, legal counsel and prior (February) Planning Commission work-session review of that omnibus document, it was finalized and presented to the Planning Commission as a package(d) hearing item. For purposes of motion making, the codes accompanying this report have been set on the Council's agenda as a separate set of amendments from the ROW vacation language which now is its own hearing item.

The Planning Commission voted unanimously to recommend approval of *all* proposed code revisions -- minus the section pertaining to drive-thru bypass lanes. That section has been temporarily redacted for further refinements and will be taken off the table and again presented to the Planning Commission at a future date.

ITEMS FOR CONSIDERATION:

Refer to the "What this chapter does" and "Purpose" section opening paragraphs for each of the amendments for an idea of what is proposed to be accomplished by the code language additions or revisions. A verbal Staff report will be provided to the City Council during the public hearing for this request.

The addition of a definition for [public] alleys and [private] service drives (e.g., the lanes that are found throughout multi-family, commercial, industrial, institutional, medical, etc. parking lot areas, etc.) sets them apart from streets. Provisions for minimum service drive widths -- where such do not have parking spaces tying into them -- is now regulated -- including those of interest to the Fire Department. Rather than specifying turnaround designs allowed by the Fire Department along or at the end of drives exceeding 150' in length, the code defaults to having an interested party (e.g., an architect, engineer, etc.) contact the Fire Department -- or look in fire code -- to discover those standards.

Eagle Mountain codified ADA codified requirements are tapped to get a few clarifications -- especially the insertion of a new column B in Table 17.55.120(b) to note the number of "van-accessible" spaces required in conjunction with creation of a parking lot or facility. The requirements come straight from federal regulations. Use of Table B for a plans designer might be exemplified thus: if a parking lot were proposed to have 100 spaces, four of those would need to be ADA styled; and of those four, one would be required to be "van-accessible".

REQUIRED FINDINGS:

Ordinances pertaining to zoning code amendments, and processing of the same, may be found in EMMC 17.05.120 & USC 10-9a-501.

Ordinance enactment is a legislative process and left to the discretion of the City's Council whether to, ultimately, approve such or not in a given format.

PLANNING COMMISSION ACTION/RECOMMENDATION:

The Planning Commission, during their regularly scheduled public meeting of May 23, 2023, voted unanimously to recommend approval of all proposed code revisions minus the section pertaining to drive-thru escape lanes with a minimal of minor corrections. The drive-thru bypass lane section of the original amendment that went to the Planning Commission has been temporarily redacted for further refinements and will be taken off the table and again presented to the Planning Commission at a future date.

ATTACHMENTS:

[EMMC Title 17 Alleys and Service Drives, Fire Department Related Access, ADA Parking - Redlines](#)

17.10.030 Definitions.

"Alley(way)" means a publicly dedicated and platted public thoroughfare not classified as a street, typically used to provide access to the rear or side yards of a property. The allowed or required dimension(s) for an alley is provided in this code.

"Service drive" means a non-dedicated privately owned and maintained thoroughfare that functions like a driveway by providing an improved vehicular circulation path on a site as well as access to (a) parking area(s) and public rights-of-way. The allowed or required dimension(s) for a service drive (one-way or two-way) shall be as per requirements in EMMC Section 17.55.120.

17.25.050 Generally applicable provisions.

...

M. Fire Access for Exclusively Rear-Loaded Only Homes.

a. Access off of a minimum 26' wide over-sized alley or service drive (functioning in such case as a "fire-access road"). The 26' wide drive fire access roadway, when used, shall be restricted to having parking along only one-side (those sides which adjoin fire hydrants), and, shall have "No Parking" signs posted along those same sides. In cases where a roadway is at least 35' wide, parking may be allowed along both sides of a "fire-access road" and no parking restriction will be required; and,

b. When rear-loaded, homes shall be provided with a paved walkway to be installed at each end of the building leading from the garage end roadway to the main access door at the other, "green space" end; and,

c. Address numbering shall be provided above the garage bay door as well as the main access door to any rear-loaded home.

17.55.040 General provisions for nonresidential and multifamily off-street parking facilities.

...

I. Service Drives. Service drives shall comply with the following design standards:

1. Service drives in setback areas. Service drives shall be allowed to cross over and/or through required setback areas when they provide linkage between a parking area and a street or alley or between parking areas or properties.

2. Service drive width requirements. Service drives, or sections thereof, lacking parking spaces to either side shall be at least 12 feet wide when designed to move traffic in a one-way direction and at least 20 feet wide when designed to move traffic in two ways. Where such service drives abut one or more parking stalls, the service drive shall instead be sized the same as the required back up area of the adjoining stall(s) as per EMMC 17.55.120(a). For example, a service drive being accessed by parking spaces oriented 90 degrees to the drive shall not be but 20' wide; rather, it shall be at least 24' wide at the point(s) where the parking stalls abut the drive.

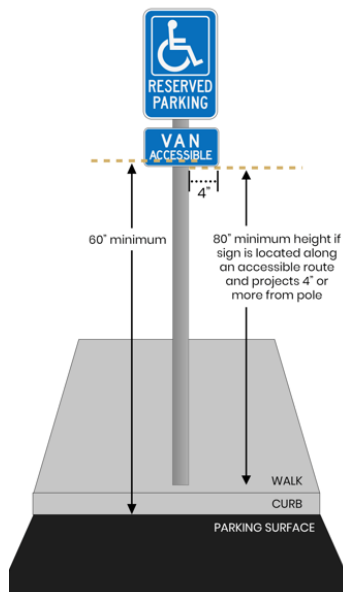
3. Service Drives longer than 150 feet. Service drives longer than 150 feet shall have a turnaround acceptable to the fire department in type/design, layout and dimensions.

17.55.070 Handicapped accessible parking.

A. Stalls Count Toward Minimum Number Required. Handicapped parking stalls shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for automobile parking space count.

B. Location. Handicapped parking stalls shall be located as close nearly to a primary building entrance as practical, with access ramps available for equipment used in assisting handicapped persons.

C. Signage. A permanently affixed reflective sign and/or surface identification depicting the standard symbol for handicapped parking shall identify each handicapped parking stall as depicted below.



D. Number of Stalls. The number of handicapped parking stalls provided shall conform to the minimum requirements of the Americans with Disabilities Act (ADA) listed in Table 17.55.120(b), ADA Parking Requirements as represented in Table 17.55.120(b) below.

E. Dimensions of Stalls. The dimensions of standard handicapped parking stalls shall be a minimum of 10-feet wide by 20 18-feet deep, with a five an adjoining 5-foot wide access aisle alongside the same (two handicapped parking spaces may share an access aisle between them), or such standard as may be required by the in accordance with ADA requirements. Van-accessible spaces shall be at least 11-feet wide with a 5-foot access aisle alongside. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.7)].

Table 17.55.120(b)

Total Parking Stalls in Lot	Minimum Handicapped Accessible Stalls
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 999	8% of total stalls
Over 1,000	20 stalls plus 1 stall for every 100 stalls thereof over 1,000

Table 17.55.120(b)

<u>Total Number of Parking Spaces Provided in Parking Facility/Lot</u>	<u>Column A Associated Minimum Total Number of Accessible Parking Spaces</u>	<u>Column B Minimum Number of Van- Accessible Parking Spaces (1st ADA space and then 1 out of every 6 accessible spaces provided thereafter)</u>
<u>1 to 25</u>	<u>1</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>	<u>1</u>
<u>51 to 75</u>	<u>3</u>	<u>1</u>
<u>76 to 100</u>	<u>4</u>	<u>1</u>
<u>101 to 150</u>	<u>5</u>	<u>1</u>
<u>151 to 200</u>	<u>6</u>	<u>1</u>
<u>201 to 300</u>	<u>7</u>	<u>2</u>
<u>301 to 400</u>	<u>8</u>	<u>2</u>
<u>401 to 500</u>	<u>9</u>	<u>2</u>
<u>500 to 1000</u>	<u>2% of total parking provided in each lot or structure</u>	<u>1/6 of Column A*</u>
<u>1001 and over</u>	<u>20 plus 1 for each 100 spaces over 1000</u>	<u>1/6 of Column A*</u>
<u>*one out of every 6 accessible spaces</u>		

17.72.030 Site design.

...

C. Multifamily Parking/Garages. Garages and parking areas should be placed to the rear of buildings, accessed by a service drive. ~~Service drives must meet all fire access requirements found in the fire code, or as required by the fire marshal. Units accessed via rear service drive shall have a man door on the garage side of the unit, and be addressed off the service drive.~~ If garages are placed on the front facade, they shall be staggered and set back so as to minimize their appearance from the street. Garages shall never dominate the street-facing facade of a building.

1. Fire Access. In conformance to fire authority requirements, all multi-family buildings -- whether front or rear loaded -- shall feature:

a. Access off of a minimum 26-foot wide over-sized alley or service drive (functioning in such case as a "fire-access road"). The 26-foot wide drive fire access, when used, shall be restricted to having parking along only one-side (those sides which adjoin fire hydrants), and, shall have "No Parking" signs posted along those same sides. In cases where a roadway is at least 35-feet wide, parking may be allowed along both sides of a "fire-access road" and no parking restriction will be required.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Automobile Sales, Kennels, Racetracks, and Communication Facility Generators		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:	N/A		
APPLICANT:	City-initiated		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY N/A

PUBLIC HEARING:
No

PREPARED BY:
Steven Lehmitz, Planning

PRESENTED BY:
Steven Lehmitz

RECOMMENDATION:

BACKGROUND:

EMMC 6.05.270 states that kennels are Conditional Uses in the Agriculture and Industrial Zones. This code amendment adds kennels to the conditional use list in those respective zones.

While working on providing information to an applicant for a concept plan, it was discovered that Automobile Sales and/or Minor Service, listed in EMMC 17.35.030 needed to have specific standards set forth and approved in Chapter 17.75. Further review of 17.35.030 revealed that all superscript 5s should be deleted from the table, as those uses had special use standards approved already. Special use standards have not been approved for motorized vehicle racetracks, so those are being presented for approval at this time. Adding racetracks as a conditional use in the Industrial Zone would be practical as those uses can be considered using the special uses standards.

In reviewing recent site plans for cell phone towers, exceptions were granted for generators. Now it is proposed that generators be allowed so far as they are in conformance with the Code.

ITEMS FOR CONSIDERATION:

As noted elsewhere, the attached proposed ordinance set adds kennels as a type of Conditional Use in the Agriculture and Industrial Zones, adds racetracks as a Conditional Use in the Industrial Zone, outlines Special Use standards for automobile sales and racetrack uses, and permits generators in conjunction with [the installation of] communication towers and related facilities. The amendment also removes superscript "5" from the Commercial Zone Land Use Table; the footnote stating, "These special uses are considered prohibited until special use standards specific to these uses are approved and included in Chapter 17.75 EMMC."

The addition of kennels was deemed a needed addition to code, as also the racetrack and automobile sales standards -- given recent interest in vehicle sales lots. Some months ago, the City Council approved a new cell tower at Cedar Valley High School. Mentioned in discussions regarding the same (and since) has been the need to allow for emergency backup generators in conjunction with cell towers' installation(s).

REQUIRED FINDINGS:

Ordinances pertaining to Zoning Code Amendments, and processing of the same, may be found in EMMC 17.05.120 & USC 10-9a-501.

PLANNING COMMISSION ACTION/RECOMMENDATION:

The Planning Commission recommends 5-0 that the City Council approve the request to amend Chapter 17.75 Standards for Special Uses and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), 17.40.040 Conditional Uses (Industrial Zone) regarding automobile sales, kennels, racetracks, and communication facility generators with the following changes:

- 17.75.073(C)(1): "They will not cause traffic hazards or undue traffic congestion. This includes all loading and unloading of vehicles, which should occur on-site or within a designated area offsite which prevents unsafe interaction with traffic;"
- 17.75.073(C)(2): "Spray painting of vehicles shall not be conducted outside. Spray painting of parts shall occur inside a fully enclosed building;"
- 17.75.073(C)(4): "Temporary canopy tents shall not be

permitted when the tents are visible from the street except for special events associated with the subject business. Such events shall not be permitted for more than three days;” and

- 17.75.073(C)(7): “Automobiles being repaired shall be stored on-site behind a screened enclosure.”

ATTACHMENTS:

[EMMC 17.20.050, 17.35.030, 17.40.040, and 17.75 - Redlines](#)

Chapter 17.20 AGRICULTURE ZONE

17.20.050 Conditional uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Limited processing of agricultural products.
- B. Radio, microwave or other transmission towers.
- C. Home businesses (as allowed by this title).
- D. Accessory dwelling units (ADUs) in accordance with the standards contained in this title.
- E. Commercial hunting areas as a temporary land use with no long-term vesting.
- F. Stables.
- G. Commercial riding arena.
- H. Equestrian center.
- I. Equine assisted therapy center.
- J. Kennels.

Chapter 17.35 COMMERCIAL ZONES

17.35.030 Land use table.

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

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

S = Special (Special uses are permitted uses that must also comply with the standards listed in Chapter [17.75](#) EMMC that are specific to that type of use.)

BLANK = Prohibited

Land Use Table			
LAND USE	ZONING DISTRICT		
	Commercial Neighborhood	Commercial Community	Commercial Regional
	(CN)	(CC)	(CR)
RESIDENTIAL USES			
Assisted Living Facility (12+ residents)		S	
Assisted Living Facility (up to 12 residents)	P	P	
Bed and Breakfast	P	P	
Caretaker/Security Guard Dwelling Unit			
Residential Juvenile Group Home; Residential Facility for Persons with a Disability; Residential Rehabilitation and Treatment Facility		S	
Skilled Nursing Facility; Transitional Care Facility		P	
CIVIC/INSTITUTIONAL			
Cultural and Entertainment Uses (theaters, museums, galleries, libraries, performing arts)		P	P

studios, movies, etc.)			
Schools (Public/Charter/Private)	S	S	
Public/Civic Buildings and Facilities (city owned)	P	P	P
Public Parks, Plazas, Trails, and Open Space	P	P	P
Religious or Cultural Meeting Halls	P	P	P
Sports Facilities/Arenas/Fields (indoor)		P	P
Transit Stop (bus, light-rail)	P	P	P
COMMUNICATION AND UTILITIES			
Communication Facilities and Towers	S ^s	S ^s	S ^s
Electrical Substations and Power Transmission Lines		S ^s	S ^s
Public and Private (with franchise agreement) Utility Underground Lines, Utility Buildings, and	S ^s	S ^s	S ^s

Other Above Ground Structures			
Public and Private Utility Equipment and Inventory Storage, Fenced or Enclosed	S ^s	S ^s	S ^s
COMMERCIAL/NONRESIDENTIAL USES			
Adult Group Care Facility (nonresidential)		P	
Animal Care Service		S ^s	S ^s
Athletic Instruction, Including Dance, Gymnastics, Martial Arts, etc.	P	P	P
Automobile Gas/Service Stations	S	S	S
Automobile Sales and/or Minor Service		S	S
Automobile Service and Repair (minor)		P	P
Automobile Service and Repair (including auto body)		P	P
Banks and Credit Unions	P	P	P
Brewery (ancillary to a restaurant)		P	P

Car Wash		P	P
Car Wash (ancillary to a gas/service station)	S ^s	P	P
Check Cashing and Deferred Deposit Lenders ³			S ^s
Child Day Care Center or Preschool	P	P	P
Construction and Equipment Sales/Rental			P
Convenience Store; Corner Market	P	P	P
Dialysis Center		P	P
Fitness Center	P	P	P
Flex Office/Retail/Warehouse			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

Hospital			P
Hotel ⁴		P	P
Indoor Shooting Range		S	S
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 ^s	S ^s
Parking Garage		S ^s	P
Pawn Shop			P
Pharmacy (retail)	P	P	P
Plant and Tree Nursery/Garden Center (with outside display; min. 1 acre lot)	S ^s	P	P
Plasma, Blood Collection			P
Race Tracks for Go-Carts, ATVs, and Other Motorized			S ^s

Sports Recreational Facilities			
Reception/Conference/Meeting Center	S ^s	S ^s	S ^s
Recreation (indoor)		P	P
Recreational Vehicle Sales/Rentals		P	P
Restaurant or Bakery	P	P	P
Retail Sales, General ¹		P	P
Retail Sales, Neighborhood (generally < 5,000 sq. ft.) ²	P	P	P
Retail Sales, Regional (generally > 55,000 sq. ft.)			P
Salon (hair, nails, etc.)	P	P	P
State Liquor Store		P	P
Temporary Sales (Christmas tree lots, farmers market or fruit/vegetable stands, fireworks, food trucks, snow cones, etc.)	S ^s	S ^s	S ^s
Tobacco Specialty Business		S ^s	S ^s

- ¹ 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.
- ² Includes bookstore, copy center or postal center, floral sales, ice cream or dessert shop, and uses deemed similar or appropriate by the city.
- ³ Check cashing and deferred deposit lenders include any business that must register in accordance with Section [7-23-101](#) et seq., Utah Code Annotated.
- ⁴ Hotels offering extended stay must include a mix of extended stay and standard rooms (maximum 70 percent extended stay).
- ⁵ These special uses are considered prohibited until special use standards specific to these uses are approved and included in Chapter [17.75](#) EMMC.

Chapter 17.40 INDUSTRIAL ZONE

17.40.040 Conditional uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area and special uses as defined in Chapter 17.75 EMMC will be considered:

- A. Automobile gas/service stations;
- B. Automobile sales and/or service;
- C. Auto and truck repair, including auto body;
- D. Convenience store;
- E. Motels and hotels;
- F. Restaurants and banks (with drive-through service facilities);
- G. Printing, lithography and publishing establishments;
- H. Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;
- I. Laundry and dry cleaning establishments;
- J. Contract construction services establishments;

K. Commercial and industrial laundries;

L. Self-storage or mini-storage units;

M. Light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products. Such uses include, but are not limited to, food, beverages, apparel, textiles, pharmaceuticals, household appliances and plastics;

N. Recycling facilities;

O. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances;

P. Other manufacturing businesses;

Q. Sexually oriented businesses;

R. Moving and storage facilities and businesses;

S. Indoor shooting range – special use;

T. Kennels;

U. Racetracks for go-Karts, ATVs, and other motorized sports recreational facilities.

Chapter 17.75 STANDARDS FOR SPECIAL USES

17.75.073 Automobile sales and/or minor service

Automobile sales and/or minor service operations may be permitted only where:

A. Nuisance. They will not be a nuisance to residences and other surrounding uses.

B. Automobile Display Areas. Automobile displays are subject to the following restrictions:

1. Display areas shall not be permitted in rights-of-ways, walkways, sidewalks, park strips, and required landscape buffers;
2. Display areas shall be designated through the site plan approval process;
3. Display areas shall be of concrete, asphalt, or another impervious surface;
4. Display areas shall be a minimum of ten feet inside the back of the sidewalk;

5. Display areas shall comply with the clear vision triangle setbacks;
6. Vehicles in the display area shall not exceed a maximum height of ten feet, such height including both the vehicle and display surface as measured from the height of the nearest sidewalk to the highest point of the vehicle.

C. Operating Conditions.

1. They will not cause traffic hazards or undue traffic congestion. This includes all loading and unloading of vehicles, which should occur on-site;
2. Spray painting of vehicles shall not be conducted. Spray painting of parts shall occur inside a fully enclosed building;
3. Accessory sales activities (i.e., tires, parts, seat covers, floor mats, window tinting, sound systems, etc.) shall not occur outside a fully enclosed building;
4. Temporary canopy tents shall not be permitted when the tents are visible from the street;
5. All signage shall conform to the standards in Chapter 17.80 EMMC;
6. Junkyard or automobile dismantling activities shall not be conducted;
7. Automobiles being repaired shall be stored on-site.

Chapter 17.75 STANDARDS FOR SPECIAL USES

17.75.074 Racetracks for go-karts, ATVs, and other motorized sports recreational facilities

Racetracks for go-karts, ATVs, and other motorized sports recreational facilities may be permitted only where:

- A. Nuisance. They will not be a nuisance to residences and other surrounding uses:
 1. Noise shall comply with Chapter 8.15 EMMC;
 2. Lighting shall comply with Chapter 17.56 EMMC.
- B. Fencing. Racetracks and associated facilities that are not located within a building shall be contained within a continuous solid fence no less than six feet in height for public safety purposes.

C. Operating Conditions.

1. During non-operating hours, all motorized vehicles shall be kept within a locked enclosure.

Chapter 17.75 STANDARDS FOR SPECIAL USES

17.75.091 Communication facilities and towers

This section is inclusive of wireless telecommunication, radio, microwave, and other transmission towers.

Communication facilities and towers may be permitted only where:

A. General. The following development standards shall be applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located:

1. The proposed facility shall be located on an approved structure and/or site in conformance with this code. If a proposed facility site does not conform to this code, the carrier shall submit and have approved a plan to bring the structure and/or site into conformance with the code prior to completion and operation of the proposed facility.
2. Any associated mechanical or electrical equipment shall be completely screened from view, from rights-of-way, on-site parking areas and adjacent properties, with a solid fence or wall.
3. The proposed facility, including associated mechanical and electrical equipment, shall not be located within a public right-of-way.
4. The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
5. Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the city prior to the issuance of any permit for a proposed facility.
6. The proposed facility shall conform to applicable development standards set forth in this section.
7. Lightning rods shall not be included in the height calculation for any facility.

8. Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.

9. ~~Generators or~~ ~~n~~ Noise producing venting systems shall not be used.

10. Lighting for aircraft is prohibited except where required by federal law.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Internal ADU Connection Clarification		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:	N/A		
APPLICANT:	City-initiated		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY N/A

PUBLIC HEARING:

No

PREPARED BY:

Steven Lehmitz, Planning

PRESENTED BY:

Steven Lehmitz

RECOMMENDATION:

BACKGROUND:

It is currently the City's practice to not require an internal connection from the primary unit to an attached or basement ADU, though it is not referenced in Code. The passing of Senate Bill 174, during the most recent Utah State Legislative Session, amended USC 10-9a-530 to make it so municipalities could not restrict internal connectivity for attached ADUs. The purpose of this amendment is to better align the City Code with Utah State Code to clearly reflect that we will not require internal connections of attached ADUs.

ITEMS FOR CONSIDERATION:

A common concern with attached ADUs is that without an internal connection requirement, they can easily become duplexes. However, it is challenging to police whether an internal connection is initially constructed or maintained. Staff realized this and why it has been the practice to not require the internal connections during the internal ADU application review. Approval of this amendment clarifies our compliance with the changes brought forth in Senate Bill 174.

REQUIRED FINDINGS:

Ordinances pertaining to development code amendments, and processing of the same, may be found in EMMC 17.05.120 & USC

10-9a-501.

PLANNING COMMISSION ACTION/RECOMMENDATION:

Planning Commission voted 5-0 in favor of approving the proposed amendment.

ATTACHMENTS:

[EMMC 17.70.030 Accessory Dwelling Unit Standards - Redlines](#)

Chapter 17.70 ACCESSORY DWELLING UNITS

17.70.030 Accessory Dwelling Unit Standards.

D. Location and Type. Accessory dwelling units may be allowed within or attached to the main single-family residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, casita, guest house), where permitted by EMMC [17.25.030](#).

1. ADU – Basement. An accessory dwelling unit in a basement must have a separate exterior entrance located on either the side or the rear of the building. An internal connection to the primary dwelling is not required.
2. ADU – Attached. Accessory dwelling units attached to the primary dwelling as an addition shall meet all minimum setback standards required for the primary dwelling, as found in EMMC [17.25.040](#). Attached ADUs must have a separate entrance located on the side or in the rear of the building. An internal connection to the primary dwelling is not required.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Caretaker Dwellings		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

David Stroud, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

Staff was instructed by the City Council to look at drafting a code to address caretaker dwellings in certain zones. Caretaker dwellings are becoming more common, especially with storage unit uses. Staff has drafted code to permit as a conditional use (permitted use with conditions) in the Industrial zone and Commercial Storage zone. The use may also be considered as permitted use with conditions and located in EMMC Chapter 17.75 Standards for Special Uses. This may be a more favorable chapter as conditional uses do pose some issues and many cities are now eliminating conditional uses from their code.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[EMMC 17.10, 17.38, & 17.40 Caretaker Dwellings - Redlines](#)

17.10.030 Definitions.

“Caretaker Dwelling” shall mean an accessory use where a caretaker is permitted to reside on-site at the place of business for which they are charged to look after. The caretaker dwelling shall include cooking, sleeping, and sanitation facilities.

17.38 COMMERCIAL STORAGE ZONE

17.38.040. Conditional Uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Fenced or unfenced outdoor storage of commercial equipment and inventory;
- B. Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles;
- C. Self-storage or mini-storage units;

D. Caretaker Dwelling that complies with the following:

- 1. A single caretaker dwelling shall be incidental and accessory to the primary use of the property;
- 2. Shall not be larger than 1,200 square feet;
- 3. Be located within or attached to the principal structure utilizing complimentary and code compliant architectural materials;
- 4. Have a minimum of two parking stalls in a garage or carport dedicated to the caretaker dwelling;
- 5. One caretaker dwelling is allowed per principal use;
- 6. Occupied or rented only by a single employee or subcontractor (with or without family members) of the legal entity which owns the principal use being cared for. The caretaker shall be employed at least fifty percent of the time as an employee or subcontractor of the legal entity which occupies main building on the subject property; and
- 7. Any person occupying shall submit evidence of compliance with this Section upon request of the City.

~~DE~~. Small office uses associated with storage;

~~EF~~. Moving and storage facilities and businesses.

17.40 INDUSTRIAL ZONE

17.40.040 Conditional uses.

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area and special uses as defined in Chapter 17.75 EMMC will be considered:

- A. Automobile gas/service stations;
- B. Automobile sales and/or service;
- C. Auto and truck repair, including auto body;
- D. Convenience store;
- E. Motels and hotels;
- F. Restaurants and banks (with drive-through service facilities);
- G. Printing, lithography and publishing establishments;
- H. Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;
- I. Laundry and dry cleaning establishments;
- J. Contract construction services establishments;
- K. Commercial and industrial laundries;
- L. Self-storage or mini-storage units;

M. Caretaker Dwelling that complies with the following:

1. A single caretaker dwelling shall be incidental and accessory to the primary use of the property;
2. Shall not be larger than 1,200 square feet;
3. Be located within or attached to the principal structure utilizing complimentary and code compliant architectural materials;
4. Have a minimum of two parking stalls in a garage or carport dedicated to the caretaker dwelling;

5. One caretaker dwelling is allowed per principal use;

6. Occupied or rented only by a single employee or subcontractor (with or without family members) of the legal entity which owns the principal use being cared for. The caretaker shall be employed at least fifty percent of the time as an employee or subcontractor of the legal entity which occupies main building on the subject property; and

7. Any person occupying shall submit evidence of compliance with this Section upon request of the City.

~~MN~~. Light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products. Such uses include, but are not limited to, food, beverages, apparel, textiles, pharmaceuticals, household appliances and plastics;

~~NO~~. Recycling facilities;

~~OP~~. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances;

~~PQ~~. Other manufacturing businesses;

~~QR~~. Sexually oriented businesses;

~~RS~~. Moving and storage facilities and businesses;

~~ST~~. Indoor shooting range – special use.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Repeal of RTI Zone's Sunset Date
ITEM TYPE:	Development Code Amendment
APPLICANT:	Eagle Mountain City (Marcus Draper, City Attorney)

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Admin

BACKGROUND:

During processing and review of the Firefly project and discussions regarding prospective economic development opportunities, it became evident that an adjustment to the City's code standard regarding the longevity of the RTI zone was needed. City legal counsel prepared a simple amendment which is attached for City Council's review and feedback.

ITEMS FOR CONSIDERATION:

Staff proposes the sunset provision of the Regional Technology and Industry Overlay (RTI) zone be repealed from the Eagle Mountain Municipal Code (EMMC).

EMMC 17.48.110 provides that the RTI zone will automatically be repealed on May 31, 2025, unless the City Council takes action to either extend the deadline through an amendment to the Code or repeals the section. The sunset provision potentially undermines the purposes of the RTI zone. EMMC 17.48.010 states “[t]he regional technology and industry (RTI) overlay zone is intended to provide for the development and operation of large-scale technological, clean industrial, and high-tech manufacturing uses that will increase the tax base and/or provide jobs for the city’s residents.” Those types of large-scale operations require significant investment from businesses looking to develop in the City within the RTI zone.

The sunset provision ensures that the permitted uses within the RTI zone will become non-conforming before the businesses making

these large-scale investments see any return. Staff proposes repealing the sunset provisions to alleviate the concerns of those businesses looking to invest in Eagle Mountain City regarding this potential problem.

REQUIRED FINDINGS:

Ordinances pertaining to zoning code amendments may be found in EMMC 17.05.120 & Utah State Code Annotated 10-9a-501.

Ordinance enactment is a legislative process and left to the discretion of the City Council.

RECOMMENDATION:

On July 11, 2023, the Planning Commission reviewed this proposal and unanimously recommended approval (5-0) to the City Council.

ATTACHMENTS:

[EMMC 17.48.110 Repeal Date - Redlines](#)

~~17.48.110~~ Repeal date.

~~This chapter shall be automatically repealed on May 31, 2025, and a review by the planning commission and city council shall occur by November 30, 2024. [Ord. O 16 2022 § 2 (Exh. A); Ord. O 25 2019 § 2 (Exh. A); Ord. O 17 2018 § 2 (Exh. A); Ord. O 10 2017 § 2 (Exh. A). Formerly 17.48.120].~~

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¹ Code reviser's note: Per EMMC 17.48.110, as set out in Ords. O-10-2017, O-17-2018, O-25-2019 and O-16-2022, this chapter will automatically be repealed on May 31, 2025.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	Discussion - Golf Course Netting		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

David Stroud, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

There are a few residential and commercial uses that have installed netting to reduce the risk of errant golf balls. The owner of a building (adjacent to the City Planning /Building office) has contacted the City asking for assistance in reducing the risk. Without a code to regulate such uses, the City cannot with certainty, inform a property owner of their rights to such use. Surprisingly, there is very little existing code of other cities to address this concern.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[EMMC 17.60.120 Golf Course Netting - Redlines](#)
[Business Owner Email](#)

17.60.120 General fencing provisions.

The following fencing provisions shall be adhered to:

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

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

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

D. Commercial Fence Height. Fencing in commercial areas shall not exceed eight feet in height. See EMMC [17.60.130](#) for chain link fencing regulations.

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

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

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

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

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

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

K. Golf Course Netting. Netting along a golf course to reduce conflict of golf balls and personal property or residents may be constructed with the following standards:

1. Maximum height shall be 75 feet in commercial zones and 50 feet in residential zones.
2. Netting shall have the ability to be removed or lowered during the non-playable winter months.
3. Issuance of a building permit prior to construction.
4. Shall not be located in a Public Utility Easement.
5. Shall be maintained in a safe condition.
6. Permitted on property when next to a golf course and placed within 20 feet of the common property line of the golf course and the adjacent property.
7. May extend 50 feet along a side property line as measured from the rear property netting location.

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

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

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

~~NO~~. Barbed Wire. Barbed wire or wire fences shall be allowed only in conjunction with approved animal uses, unless otherwise approved by the planning commission.

~~OP~~. Razor Fences. Razor fences shall be prohibited.

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

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

RS. Collector and Arterial Fencing. All fencing adjacent to a collector or arterial road shall comply with standards in EMMC [16.35.090](#), Privacy fencing.

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

1. Residential developments designed with rear or side lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing consistent with the Eagle Mountain collector and arterial fencing standards found in this title and EMMC [16.35.090](#) along the rear and/or side lot lines abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. After fencing is installed it shall be maintained in good repair and a consistent manner by the property owner.

2. Commercial or industrial developments with rear or side lot lines abutting an arterial or collector road right-of-way shall install privacy fencing or a privacy wall of consistent height (no less than six feet), material, color, and durable quality as defined by EMMC [16.35.090](#). Developer applicants are required to install privacy fencing prior to a final inspection for the project. The city council shall be authorized to require a specific material and color for the fencing/wall in a site plan approval. After fencing is installed it shall be maintained in good repair and a consistent manner by the property owner.

3. Residential Arterial and Collector Road Fencing Standards. All arterial and collector road residential fencing shall be built with a durable quality fence/wall as defined by EMMC [16.35.090](#). Acceptable material and design examples are outlined in EMMC [17.60.110](#)(B).

4. Nonconforming existing fencing may be maintained in current styles and configurations as legal nonconforming fencing. Legal nonconforming fencing that becomes damaged or destroyed may be rebuilt or repaired within six months of the damage occurring without having to comply with this standard. Existing homes or lots without fencing shall also be classified as legal nonconforming and thus not required to install fencing. [Ord. [O-33-2020](#) § 2 (Exh. A); Ord. [O-22-2018](#) § 2 (Exh. A); Ord. [O-18-2017](#) § 2 (Exh. A); Ord. [O-05-2008](#) § 2 (Exh. A § 12.12); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 12.12)].

From: [Darren Gillespie](#)
To: [Mayor](#); [Donna Burnham](#); [Colby Curtis](#); [Carolyn Love](#); [Jared Gray](#); [Brett Wright](#); [David Stroud](#); [City Administrator](#)
Subject: Zoning concern
Date: Wednesday, July 26, 2023 4:08:53 PM
Attachments: [30 yard buffer.png](#)
[Actual damage-near misses.png](#)

Caution! This message was sent from outside your organization.

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Hello Mayor and council, I am planning to come to the next city council meeting to give public comment next week. I have been talking with David Stroud about my concern and he gave the idea to just email you all about this. As you know we are having a dreadful time with the golf balls hitting us. I brought this up about a year ago and the question was asked about "whether the city had any involvement with this or not". At the time, I said "I don't know if there is any".

At this time I would like to suggest that the city should have some amount of accountability in what is going on in the following sense:

In 1998 you(the city) designated my property(3714 Campus Drive) for commercial use. The golf course was then built after this fact in 2003. Then again, on November 2020 at the time of our site plan approval you rezoned the parcel as commercial community.

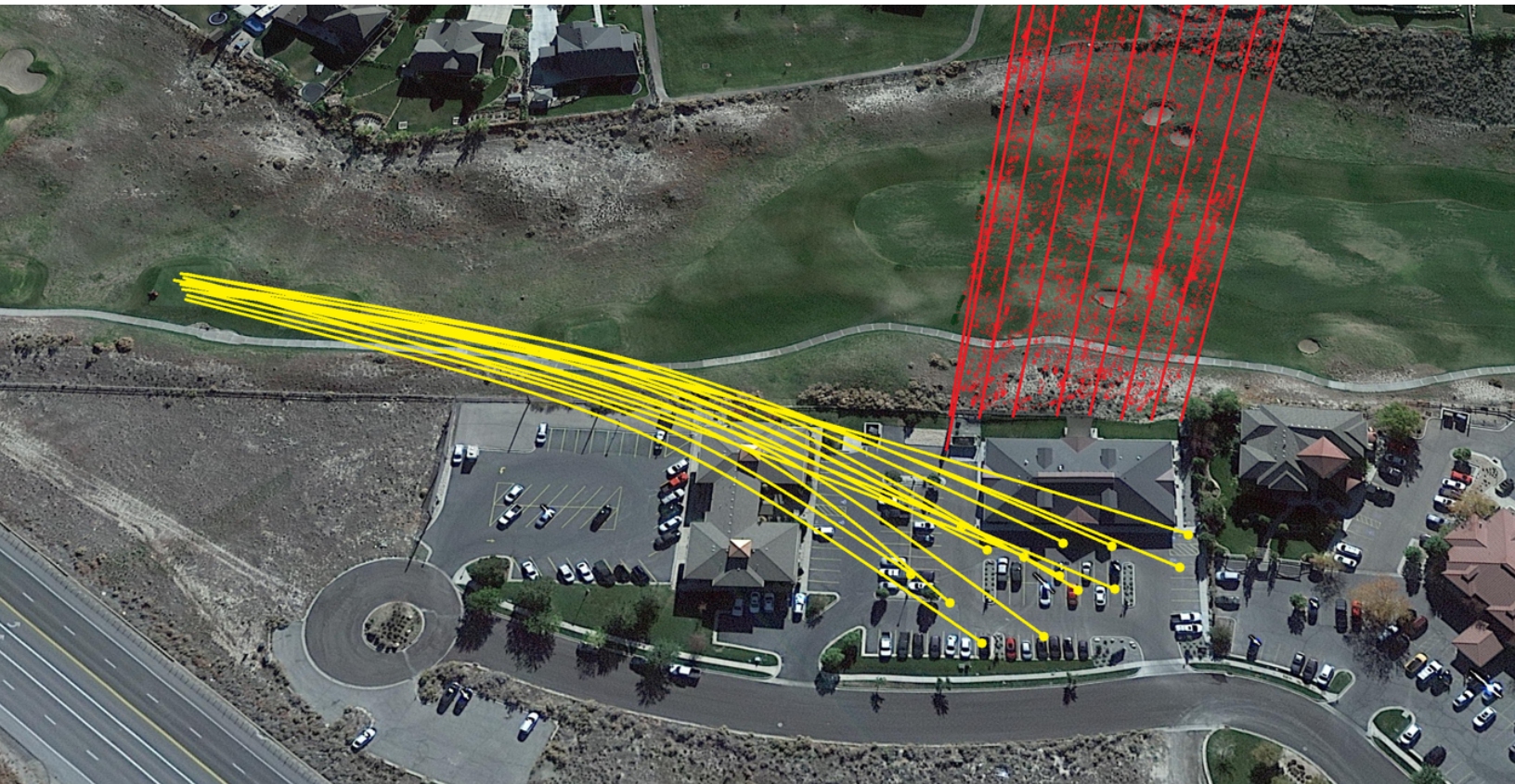
It can only be assumed that you meant that the space was zoned as safe to use for commercial development. Assuming such, we have now invested over 1.5 million into this development only to find that it is an unsafe space. I do not blame anyone for this. It could not have been predicted by us, the golf course nor you, but it is now a serious situation. We have been receiving over 1,500 balls per season pelting us at speeds near 90 mph and have had numerous near misses to people. The property damage has been immense.

I understand that there are discussions about creating code to protect commercially zoned areas that border the golf course. I very much appreciate these efforts. I feel the city's involvement here is appropriate in that we have no way to protect ourselves(see attached depicting a 1 mile high net) and because we built under the understanding from the city that the area was deemed generally safe to construct a commercial property.

Would you please consider the following in your deliberations about the new code:

- Require a 30 yard buffer between the playable part of the hole and any adjoining commercial properties(marked by white out of bounds stakes and roped off).
- Require lawn signage at each tee box depicting the out of bounds area visually on a map and directing golfers to aim away from such.

Thank you for any help on this.





**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Solar Panel Protection		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:	N/A		
APPLICANT:	City-initiated		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY N/A

PUBLIC HEARING:
No

PREPARED BY:
Todd Black, Planning

PRESENTED BY:
Todd Black

RECOMMENDATION:

BACKGROUND:

Staff began noticing an increase in the number of pigeons using and going under solar panel arrays to nest. A local pest control company was asked if they have seen this as well. The response was that they have seen this, leading to large deposits of fecal matter under the panels and in rain gutters. Staff has also fielded many calls from residents expressing their displeasure with the amount of pigeon feces on their properties, coming from pigeons nesting under solar panels on neighboring properties.

ITEMS FOR CONSIDERATION:

Solar panels are becoming increasingly popular as a supplemental energy source for individual properties. As they continue to be constructed, it would be beneficial to have a control in place that discourages birds from nesting/roosting under the panels. Birds nesting under panels decreases the longevity of a roof and can cause damage to the solar panels (i.e. shorting out). Staff will update any relevant material to reflect this new requirement and inspections will be conducted to ensure proper installation and maintenance.

REQUIRED FINDINGS:

Ordinances pertaining to development code amendments, and

processing of the same, may be found in EMMC 17.05.120 & USC 10-9a-501.

PLANNING COMMISSION ACTION/RECOMMENDATION:

Planning Commission voted 5-0 in favor of approving the proposed amendment.

ATTACHMENTS:

[EMMC 17.76.070 Solar Energy Devices \(Panels or Collectors\) - Redlines](#)

Chapter 17.76 SMALL WIND AND SOLAR ENERGY CONVERSION SYSTEMS

17.76.070 Solar Energy Devices (Panels or Collectors)

A. Allowed Areas. Solar energy devices may be installed upon the roof of the primary structure or an accessory structure within any zone upon compliance with this section.



B. Design Standards. All solar energy devices shall comply with the following standards.

1. Collectors shall not extend beyond the lower or upper roofline, or beyond a parapet wall on a flat roof.
2. Collectors on a flat commercial or industrial roof shall be screened so as not to be visible from any public street. Screens shall be aesthetically incorporated into the design of the building and shall conform to the color and materials of the primary building.
3. Collectors on sloped rooftops shall maintain the same angle as the roof, mounted parallel to and flush with the roof slope, and shall not be propped up on one side.

4. Collectors on rooftops shall have a skirt/netting installed around the entire panel array and maintained in good repair. These must be attached below the panels and above the roof to prevent birds from getting under the panel and nesting and/or roosting.



45. Measures shall be taken to minimize sunlight reflection into neighboring windows and rights-of-way. Collectors may be required to be removed if proven to be a safety hazard.

56. The ends of the panel arrays shall be covered and mounting brackets shall blend with the roof.

67. The piping shall blend with the surface to which it is attached.

78. The color of collector frames shall be as compatible as possible with the roof color.

89. Subdivision Covenants, Conditions, and Restrictions (CC&Rs). Some CC&Rs may contain restrictions on solar energy devices. The more restrictive of the city code and the subdivision CC&Rs shall apply.

C. Maintenance. All solar energy devices shall be maintained in good condition and in accordance with all requirements of this section.

D. Building Permit Application. The applicant shall submit a building permit application to the city building department. Additional application requirements apply as per the building department.

E. Inspections Required. All solar energy devices require a building permit and proper inspections by the city building department. No device may be connected to the power grid until the Eagle Mountain City power department or other utility company providing electric service has inspected and approved the system.

F. Net Metering. The owner of the device must sign a net metering agreement with Eagle Mountain City prior to connecting to the power grid. Failure to do so may result in a fine and/or permit revocation.

G. Approval. Approval shall be given by the building department based upon compliance with the standards of this section and requirements of the city building department, the International Building Code, the National Electrical Code, and approval by the planning director (or designee) and energy department director (or designee). [Ord. [O-11-2010](#) § 2 (Exh. A)].



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Public Art		
ITEM TYPE:	Discussion		
FISCAL IMPACT:	\$0.00		
APPLICANT:	Staff		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Natalie Winterton, Admin

PRESENTED BY:

Natalie Winterton

RECOMMENDATION:

It is recommended that the City discuss passing regulations that will facilitate the orderly and impartial incorporation of public art throughout the City.

BACKGROUND:

Eagle Mountain City has some public art that can be found throughout the city. Just a few examples are: the glass recycling bin in the parking lot of Corey Wride Park, various paintings or photographs throughout City Hall, etc.

Previously, public art opportunities have been initiated by both the City as well as the artists themselves. As each chance to incorporate public art arises, the City's faces difficult decisions on the implementation and maintenance of these pieces of art.

In other contexts, the City has established standards and practices that help regulate and protect what can and should be displayed in a public space. Also, as the City works with businesses, it has regulations that allows for an impartial and organized working relationship. Similarly, the City should consider implementing regulations that preserve impartiality and protect the assets (art) acquired.

It is recommended that the City discuss passing code that will facilitate the orderly and impartial incorporation of public art throughout the City.

Staff is not asking for a decision to be made today. The purpose of this discussion is to understand the appetite of the Council for this topic, as well as feedback from Council as a body.

ITEMS FOR CONSIDERATION:

Staff recognizes the Council's appetite for private sector involvement/initiative in the public art arena.

This code is not intended to remove the private sector's involvement in public art. It is intended to ensure that the City's relationship with any relevant and interested private/nonprofit organizations is impartial.

REQUIRED FINDINGS:**PLANNING COMMISSION ACTION/RECOMMENDATION:****ATTACHMENTS:**

[EMMC 12.35 Public Art - Draft](#)

Chapter 12.35

PUBLIC ART

Sections:

- 12.35.010 Definitions
- 12.35.020 Sitting Public Art
- 12.35.030 Obtention Processes
- 12.35.040 Gifts and Loans
- 12.35.050 Memorials and Monuments
- 12.35.060 Collection Management
- 12.35.070 Re-siting and Deaccessioning Works of Art

12.35.010 Definitions

- A. ARTIST means an individual generally recognized by critics and peers as a professional practitioner of the visual arts or performance art as judged by the quality of the professional practitioner's body of work, educational background and experience, past public commissions, sale of works, exhibition record, publications, and production of artwork.
- B. ARTWORK means works in any style, expression, genre, and media created by an artist as defined herein that may be permanent, temporary, and functional. Artwork may be stand-alone and integrated into architecture, landscaping, or other site development if such are designed by an artist as defined herein. Excluded are gifts of state by foreign governments or by other political jurisdictions of the United States.
- C. ARTS PROFESSIONALS means artists, curators, educators, and others who engage in specialized practices pertaining to the visual arts or performance art.
- D. CAPITAL IMPROVEMENT PROJECT (CIP) means any City projects listed in the annual capital improvement projects budget. These will typically include facility construction and upgrades, added amenities, and other one-time projects.
- E. CITY means the government entity that constitutes Eagle Mountain City.
- F. CONSERVATION means the activities required to repair, restore, and conserve a damaged or malfunctioning artwork, including treatment that returns the artwork to its original condition.
- G. DEACCESSION means the removal of artwork from the City's collection and care.
- H. GATHERING PLACE means an outdoor, public place generally located within an area that has one or more uses (civic, commercial, retail, and/or residential), and which is designed with the intent for social interaction and other passive, non- recreational activities.
- I. GIFT means art donated to the City from an institution, private individual, or other outside source.
- J. LOAN means artwork provided to the City for its use for a designated period of time and then returned to the owner at the conclusion of the loan period.
- K. MAINTENANCE shall mean all activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located. Routine maintenance is limited to the basic day-to-day care of the artwork.

L. MEMORIALS are markers, statues, and other similar permanent installations to express government speech, as further described in this policy, and which are installed by Eagle Mountain City on City property, or which are accepted by Eagle Mountain City and installed on City property with City permission. Memorials may be in various forms including plaques, sculptures, fountains, or other forms of memorials as determined by Eagle Mountain City.

M. MURAL shall mean visual depictions and/or works of art including mosaic, painting or graphic art technique applied, painted, implanted, or placed directly onto the exterior of any wall of a building; such depictions shall not contain words, logos, emblems, trademarks, or other similar devices that identify or advertise any product, service, or business.

N. PERFORMANCE ART shall mean a performance presented within a fine art context, usually in collaboration with other interdisciplinary artists. The performance may be live or via media and the performer may be present or absent.

O. PUBLIC ART shall mean artwork located in a public place on land or in a building owned by Eagle Mountain City. Public art shall encompass the broadest possible range of expression, media, and materials.

P. PUBLIC PLACE shall mean an area on public or private property that is freely accessible to and available for use by the general public during normal hours of business operation consistent with the operation and use of the premises, including public rights-of-way, landscape areas, entry plazas, building facades, interior lobbies, meeting spaces, and rooftop gardens.

12.35.020 Siting Public Art

The City Council should consider the following criteria when deciding on a location for public art:

A. Balanced Distribution. Public Art is beneficial to all Eagle Mountain City residents and therefore should be found in various locations throughout the City. The Council should consider where public art is not already found within the City to ensure a good distribution of public art, similar to distribution of public parks.

B. Ease of Maintenance. Art requires regular cleaning and maintenance. Maintenance requirements will vary depending upon the type of art, but the site should allow for routine maintenance to be performed with relative ease.

C. Gathering Places. In some cases, public art may be sited in a particular area to create a gathering place. City Council should consult with staff to review these efforts so that appropriate projects are incorporated into targeted spaces.

D. Public Access. Public art should be accessible to the general public. Public art should not be in a place that restricts any individuals or groups from accessing the art.

E. Safety. Public art should not be sited in locations where public safety may be compromised. Public art should not impede clear-vision triangles, conceal traffic signage, or otherwise create a hazardous environment for motorists, pedestrians, and so forth.

12.35.030 Obtention Processes

A. Basic Administrative Procedures for Obtaining Public Art. Below are the procedures for various art project types. The subsequent sections discuss the process in more detail.

1. Process for general public art projects
 - a. Project objectives and scope defined
 - b. Opportunities for public art identified
 - c. Issuance of Request for Qualifications
 - i. Optional: Interview artists
 - ii. Optional: Issuance of Request for Proposals
 - iii. City Council selects artist from finalists
 - iv. City Council approves or denies the selection
 - v. Contract signed with artist
2. Process for public art projects integrated into CIPs
 - a. Project objectives and scope defined
 - b. Opportunities for art inclusion into CIP identified
 - c. Issuance of Request for Qualifications
 - i. Optional: Interview artists
 - ii. Optional: Issuance of Request for Proposals
 - d. City Council selects artist from finalists
 - e. City Council approves or denies the selection
 - f. Contract signed with artist

B. Artist Solicitation

1. Request for Qualifications
 - a. Request for Qualifications can be an effective and efficient method to issue a Call for Artists. A Request for Qualifications requires minimal expenditures of time and money from artists as well as minimal costs to the City. The Request for Qualifications should call for an artist's vita/portfolio, references, and a statement of interest about the project.
 - b. The Request for Qualifications process does not anticipate that artists prepare, or present specific ideas based on the limited information provided in the Request for Qualifications. The Council should allow at least three weeks for applicants to respond to the Request for Qualifications.
 - c. Applicants' materials are subsequently reviewed, considered, and evaluated by the Staff, and a short-list of qualified artists should be compiled. If desired, the Staff may hold interviews with short-listed artists after which one of three options may occur.

- i. One, the Council may select and approve the selection and a contract will be signed with the artist.
- ii. Two, the Council may invite a small number of finalists to submit a response to a Request for Proposal.
- iii. Three, the Council may reject all proposals.

2. Request for Proposals

- a. Request for Proposals should be employed on a case-by-case basis. Artists will be asked to develop a site-specific conceptual idea for the project. Artists may learn more about the project through site visits, interactions with project personnel and an understanding of constituent interests.
- b. To allow sufficient time for artists to develop a site-specific proposal, the Council should allow four to six weeks for the selected artists to respond to a Request for Proposals. Selection criteria should be explicit and uniform.
- c. It is customary that the artists be paid an honorarium for their submissions. All proposal materials should be returned to artists not selected for the project and the City recognizes that all ideas presented for the project, including copyright, belong to each artist.
- d. The outcome of a Request for Proposals should be either the selection of an artist or a rejection of all artists and a subsequent issuance of a Request for Qualifications.
- e. After an artist is selected, the City Council will approve the design and a contract will be signed with the artist.

C. Criteria for Selection

- 1. Community Input. Public art is often a reflection of the culture and interests of the residents of the City in which it is located. Therefore, it is valuable to collect community input during the process. Public art proposals will be shared in City Council meetings and the public is invited to provide comments at those meetings. Additional public outreach may be conducted at the City Council's discretion.
- 2. Artist Selection Criteria. The City Council should consider the following criteria when selecting an artist:
 - a. Meets the definition of artist, as defined
 - b. Demonstrates artistic excellence, innovation, and originality as represented in past work and supporting materials
 - c. Demonstrates capacity for working in the selected media and with concepts that are appropriate to the project goals and site
 - d. Demonstrates interest and capability in creating public art in collaboration with the City, the design team (if applicable), and other project partners

- e. Demonstrates experience in successfully completing artwork of similar scope, scale, budget, and complexity, or ability to articulate how he or she would be able to bring the necessary artistic and technical skills to this project
- f. Demonstrates interest in and understanding of the project
- g. Is available to perform the scope of the work in a timely and professional manner and within the defined budget
- h. Contributes to the diversity of the City's public art collection
- i. Demonstrates a cohesive team (if applicable)

3. **Artwork Selection Criteria.** The City Council should consider the following criteria when selecting public art:

- a. Quality. Public art should be of exceptional quality and enduring value. Consideration should include artist's experience in successful projects, material selection, craftsmanship, and the general appearance of quality.
- b. Authenticity. Public art is authentic to the community and its surroundings. Any work should be original and not identical of something already existing in the collection except at a different site for the purpose of creating a pattern throughout the City. Works of art should be compatible in style, scale, material, form, and content with their surroundings, and should form an overall relationship with either the site and/or the collection as a whole.
- c. Engagement. A vital element of a successful Public Art Program is the connection of the work to the community. The artwork should have the ability to engage the community from conception to completion. A work with such engagement should help the community feel both ownership of the art, as well as an ongoing appreciation of the work. The public art installation may tell a story of the community's past or present, and may portray a sense of place, people, and spirit that live there. The artwork may speak to a specific community, area, or neighborhood, or unite our diverse community.
- d. Creativity. Public art should be lively and full of creativity. Creativity can be communicated through a wide range of artistic styles. Artwork should create excitement, be unique and/or original and inspire and create a sense of wonder.
- e. Other Considerations. Public art should not create safety or liability issues, should be accessible to the public in its entirety, be durable against the elements if applicable, and be compatible with Eagle Mountain City building codes. The public art installation should not require excessive maintenance or repair costs. Lighting should adhere to the dark sky restrictions. Landscaping should be drought resistant, and plants should be low water use plants.

12.35.040 Gifts and Loans

Cultural institutions, private individuals, foundations, corporations, or other organizations may wish to give or loan the City an artwork for public display. Gifts and loans have the potential to enrich the City's public spaces. However, it is important to consider carefully whether the proposed gift or loan aligns with the vision and goals of the City's public art program and to understand the related costs and risks of any gift or loan.

A. **Review Process for Gifts and Loans.** The Council should review gifts and loans to ensure that:

1. Gifts meet the high artistic standards and/or historical relevance for inclusion in the City public art collection
2. An available site, appropriate for the artwork's content, scale and material, can be identified
3. Factors for determining and identifying an appropriate site include relationship to architectural and natural features, visibility, public access, traffic patterns, public use patterns, and, if known, future development plans for the site
4. Donor requirements and restrictions, if any, are clearly identified
5. Installation, maintenance, and repair costs throughout the expected life of the artwork are clearly defined

B. Gift/Loan Proposal Requirements. The following information should be included in all gift or loan proposals:

1. Drawings, photos and written descriptions of the artwork including size, colors, weight, materials, and any information that will establish that the artwork has the requisite physical integrity necessary for public art including withstanding exposure to the natural elements
2. Explanation of how the artwork supports Eagle Mountain City's vision
3. Artist background
4. Proposed location of installation
5. Method of display, and required site improvements such as hard-scaping, landscaping, buildings, utilities, security devices, anchoring, etc.
6. Cost estimates and funding source for installing the artwork including, but not limited to, site improvements, foundations, landscaping, seating, lighting, and other improvements
7. Written explanation of legal issues, including but not limited to, certifying the current legal owner of the artwork and the existence of any copyrights, patents or other title rights in or to the artwork and an explanation of any conditions or limitations on the donation of the artwork
8. Estimated fair market value of the artwork
9. Cost estimate and funding source for ongoing maintenance, conservation, and insurance
10. Report of the condition of the artwork and, when feasible, an inspection of the actual artwork
11. Anticipated date(s) for the gift or loan to occur
12. Any additional information the City deems necessary or appropriate

C. Acceptance of Gifts and Loans. Once reviewed, the Council should recommend to City Council whether to accept or reject the artwork. City Council will have final approval for the acceptance of any loans. Should the artwork be accepted, the terms and conditions for acceptance should be detailed in a written gift or loan agreement between the City and the donor. This agreement should describe the roles and responsibilities of the City and the entity lending or gifting the artwork. All future decisions regarding the use and continued ownership of gifted artworks will be under the sole discretion of the

City. As owner of a gifted work, the City, in its sole discretion, may exercise all legal rights of ownership including, but not limited to, sale, relocation, or removal of the artwork.

12.35.050 Memorials and Monuments

Eagle Mountain City may occasionally allow the installation of donated permanent memorials on City property to commemorate persons or events of note to Eagle Mountain City's history. Eagle Mountain City seeks to establish a standard measure for review of prospective memorials to ensure that only monuments of the highest standard are accepted. The following policy for the acceptance of memorials defines the types of donations that Eagle Mountain City will accept and establishes criteria for review and acceptance.

Eagle Mountain City will only accept memorials that are of the highest quality. Memorials must meet the subject criteria outlined below. For Eagle Mountain City to accept donations of memorials, it must first determine that there is an identified space for exhibition on Eagle Mountain City property or within Eagle Mountain City facilities. Eagle Mountain City will not accept memorial objects that are unlimited reproductions or are mass-produced. Memorials may be created in media, such as paintings, mosaics, sculpture, or other site-specific installations.

A. Criteria for consideration.

1. The placement of memorials shall be limited to circumstances of highest community-wide importance, both to maintain the significance of such memorials and to minimize conflicts with active and variable use of public spaces.
2. Memorials should convey a powerful connection between Eagle Mountain City, its natural setting, and its history.
3. Memorials should recognize significant circumstances, events, or people or provide information on topics approved by the Eagle Mountain City Council as set forth below:
 - a. The contributions of individuals or groups who made a substantial impact upon Eagle Mountain City
 - b. The history of Eagle Mountain City, the State of Utah, or the United States
 - c. Historical, natural, or cultural influences on Eagle Mountain City
 - d. Local innovation or creativity that has contributed to Eagle Mountain City's growth and prosperity
4. Eagle Mountain City does not permit the installation of memorials to living persons, and a minimum of five years between an event and its commemoration is recommended to allow for sufficient historical perspective.
5. Eagle Mountain City Council may decide, in its sole discretion, to reject a proposal for a memorial and/or may determine the appropriate site for any and all Eagle Mountain City memorials.

B. Procedures for Acceptance of Memorials

1. Application
 - a. Potential gifts of memorials must first be submitted to the Communications Director and Community Development Director for initial review.

b. If approved by the Communications Director and Community Development Director, the donor must submit the following to City Council:

- i. A letter from the donor stating the purpose and significance of the memorial.
- ii. A model, color photograph, or color rendering of the proposed memorial. If the work is three-dimensional, multiple views are required.
- iii. If the memorial is an artwork – a professional assessment of the artwork's condition performed by a conservator and accompanied by maintenance requirements, the artist's resume, and information on the artwork's context, provenance, and history (e.g., where it has been shown, who owned previously it, etc.).
- iv. A letter of authentication from the artist or the artists' estate.
- v. Evidence that there are sufficient funds available for the fabrication, installation, and ongoing care of the memorial.

2. Evaluation Criteria

- a. The donor demonstrates that the person, group, or event being memorialized by Eagle Mountain City to have made a significant enough contribution to merit a memorial of the scale, cost, and visibility proposed.
- b. The memorial does not duplicate existing memorial themes.
- c. The proposal has been through community outreach conducted by the group or person suggesting that Eagle Mountain City install the memorial, and the installation and maintenance of the memorial is within the priorities of the workplace of the responsible department.
- d. The proposed memorial is not objectionable to the relatives of the persons or community that it is intended to honor.
- e. The proposed site for the memorial is related to its purpose as designated in a master plan or other approval of the City Council or City Administrator as a particularly appropriate site.
- f. There is a committed and verifiable funding source for the review, design, fabrication, installation, and maintenance of the memorial before proceeding to incur Eagle Mountain City costs and staff time.

3. Acceptance. If the memorial is accepted by the City Council, the following requirements will apply:

- a. The artist, donor, or sponsor of a memorial will be required to pay for all installation costs and commemorative plaques associated with its placement on property belonging to or under the control of Eagle Mountain City.
- b. The donor shall grant Eagle Mountain City the right to convey the work to another site, to storage, or for conservation.
- c. The donor shall grant Eagle Mountain City the right to deaccession any accepted memorials under this policy with City Council review.
- d. The donor must provide documentation of adequate maintenance for the life of the memorial.

- e. Upon acceptance of donation, the donor will receive an acknowledgement letter.
- f. If the prospective donation of a memorial is not accepted, the Council will provide written notification and explanation to the donor.

12.35.060 Collection Management

A. Documentation. Eagle Mountain City should maintain a full and centralized inventory of all City-owned artworks. This inventory could include information about the artworks including:

1. Name of artist(s)
2. Title
3. Location
4. Year completed and installed
5. Media
6. Dimensions
7. Source of funds
8. Brief description
9. Maintenance and conservation needs
10. Schedule of maintenance or conservation

B. Conservation and Maintenance

1. Works of art should be cleaned regularly and/or otherwise maintained by the City Facilities staff or by authorized professionals as necessary. Artworks should be maintained in a manner appropriate to the medium and characteristics of the artwork. The Facilities Department should not perform non-routine maintenance unless specifically requested to do so. In some cases, works of art will need special attention to ensure their proper appearance and longevity.
2. For newly commissioned or purchased works of art, the artist should, unless otherwise stipulated in the contract, guarantee the artwork against any repairs for one year or other period of time specified in the written agreement between the City and the artist. Periodically, City staff should conduct a conservation assessment of the artworks in the City's collection and attempt to ensure that all necessary repairs are completed.

12.35.070 Re-siting and Deaccessioning Works of Art

It is important that Eagle Mountain City retain the right to remove or relocate any artwork in the public art collection that, among other considerations, requires excessive maintenance, poses public safety risks, is damaged beyond repair, or is adversely affected by changes in the site. Considerations of removal or relocation of an artwork must be governed by careful, standardized procedures that represent best professional practices in the field of public art and serve to insulate the deaccessioning process from fluctuations in personal taste.

A. Qualifying Reasons for Relocation or Deaccession

1. Security of the work of art cannot be reasonably assured in its present location.
2. The work endangers public safety.
3. The work is damaged, and repair is not practical or feasible; or it no longer represents the artist's intent.
4. The work requires excessive maintenance or has faults of design or workmanship.
5. A suitable site for display of the work is no longer available. This could include a significant change in the use, character, or design of an existing site which affects the integrity of the work or its display.
6. The work is rarely or never displayed.
7. The work has received significant and sustained adverse public opinion for two or more years.
8. The quality, authenticity or provenance of the work is called into question.
9. The work has been stolen.
10. The work was purchased as a temporary acquisition and the predetermined exhibition period has been reached.
11. The work has been determined to be of inferior quality relative to the quality of other works in the collection.
12. The City wishes to replace the artwork with a work or works of more significance by the same artist.

B. Relocation. Where possible, a work of art should be relocated instead of deaccessioned. The City Council may consider relocating a work of art, should the work of art meet any of the qualifying reasons previously mentioned. If the City Council is of the opinion that there is not another appropriate site, the artwork may be stored or deaccessioned. If relocating the artwork cannot reasonably be relocated without being irreparably damaged or destroyed, Eagle Mountain City will seek written permission from the artist for deaccession of the artwork. If the artist does not agree to deaccession of the artwork, the City will proceed based on the recommendations of the City Attorney.

C. Deaccession. Should the City Council conclude that a public artwork must be deaccessioned, the artist must be given notice of intent to deaccession the artwork if possible, including the reasons for the conclusion. Eagle Mountain City must make a reasonable effort to avoid deaccession by evaluated means of remedying the issues, collecting professional opinions from conservators, architects, engineers, safety experts, art historians, etc. as applicable, and reviewing the evidence with the City Council prior to proceeding with deaccession. If reasonable measures do not exist to address the concerns, or the Council determines that the recommended measures do not resolve the concern(s), the Council will consider the removal or disposal of the work.

1. Removal. If removal is directed; the City shall consider, in order of priority, the following:
 - a. Relocation.
 - b. Removal and placement in storage with intent to find a new site. If no site is found within two years, disposal of the work may be considered.
 - c. Removal by sale, trade, or gift.

- d. Destruction of the work.

2. Disposal. Deaccessioned works can be disposed of in the following manners (excluding any prior contractual agreement entered into by the City with the artist or donor at the time of acquisition):

- a. For the current market value to the original artist or his/her heirs.

- b. As a gallery consignment.

- c. At auction, in accordance with the standard City practice with a predetermined opening bid

- d. Only after exhausting above disposal methods, transferring ownership with consideration to: the artist or estate of the artist, a government agency, or a non-profit agency.



**Engineering Division
2565 North Pony Express Parkway
Eagle Mountain City, Utah 84005
(801) 789-6671**

Monday, July 17, 2023

City Recorder's Office
Eagle Mountain City
1650 East Stage Coach Run
Eagle Mountain City, UT 84005

SUBJECT: Eagle Heights Village plat 2 out of warranty Bond Release

City Recorder:

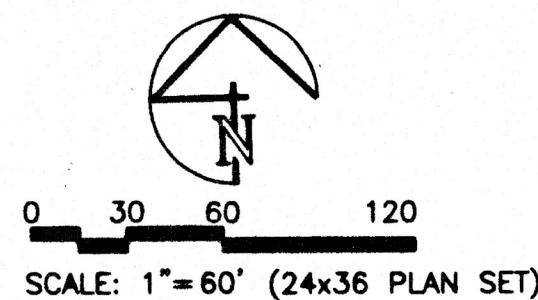
The above referenced subdivision has completed the required one-year maintenance period as required in their development agreement. After performing a walkthrough of this subdivision, I would recommend that the city accepts the subdivision as complete and releases all bonds placed by the developer and held by the city for this development.

Please contact me should you have any comments, questions, or concerns. Thank you.

Sincerely,

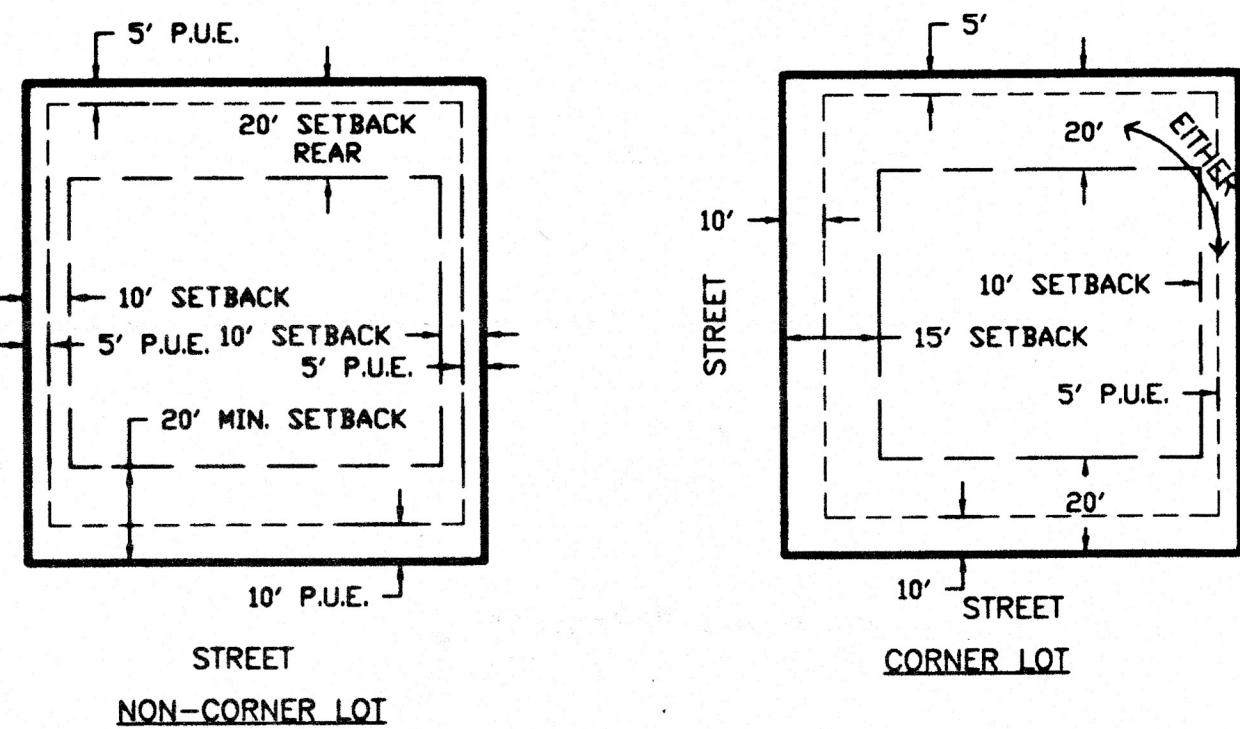
Christopher T. Trusty, P.E.
Engineering Director
Eagle Mountain City

Cc: Fionnuala Kofoed, City Recorder



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	23.56	15.00	090°00'00"	N47° 06' 42"E	21.21
C2	23.56	15.00	090°00'00"	S42° 53' 18"E	21.21
C3	23.63	15.00	090°15'37"	N42° 45' 29"W	21.26
C4	23.56	15.00	090°00'00"	S47° 06' 42"W	21.21
C5	23.56	15.00	090°00'00"	N42° 53' 18"W	21.21
C6	23.56	15.00	090°00'00"	S47° 06' 42"W	21.21
C7	23.56	15.00	090°00'00"	N42° 53' 18"W	21.21
C8	23.56	15.00	090°00'00"	S47° 06' 42"W	21.21
C9	23.56	15.00	090°00'00"	N42° 53' 18"W	21.21
C10	23.49	15.00	089°44'21"	S47° 14' 31"W	21.16

TYPICAL LOTS



DOMINION ENERGY GAS COMPANY

Dominion Energy approves this plat solely for the purposes of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval, or acknowledgment of any terms contained in the plat, including those set forth in the owners dedication and the notes, and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right-of-way department at 1-800-368-8532.

Approved this 11 day of January, 2021. Dominion Energy Gas Company
[Signature] Title *Per-Com*

ROCKY MOUNTAIN POWER

- 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 § 17-27a-603(4)(c)(i)(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 or right-of-way
 - The law applicable to prescriptive rights
 - Title 54, Chapter 8a, Damage to Underground Utility Facilities, or
 - Any other provision of law

ROCKY MOUNTAIN POWER

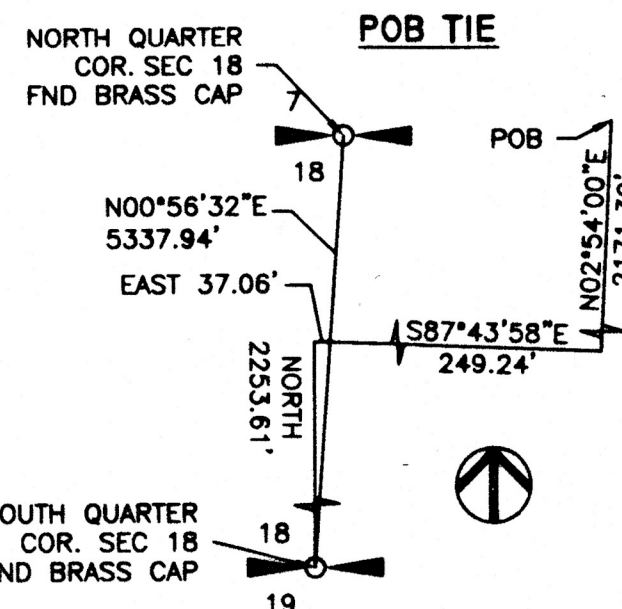
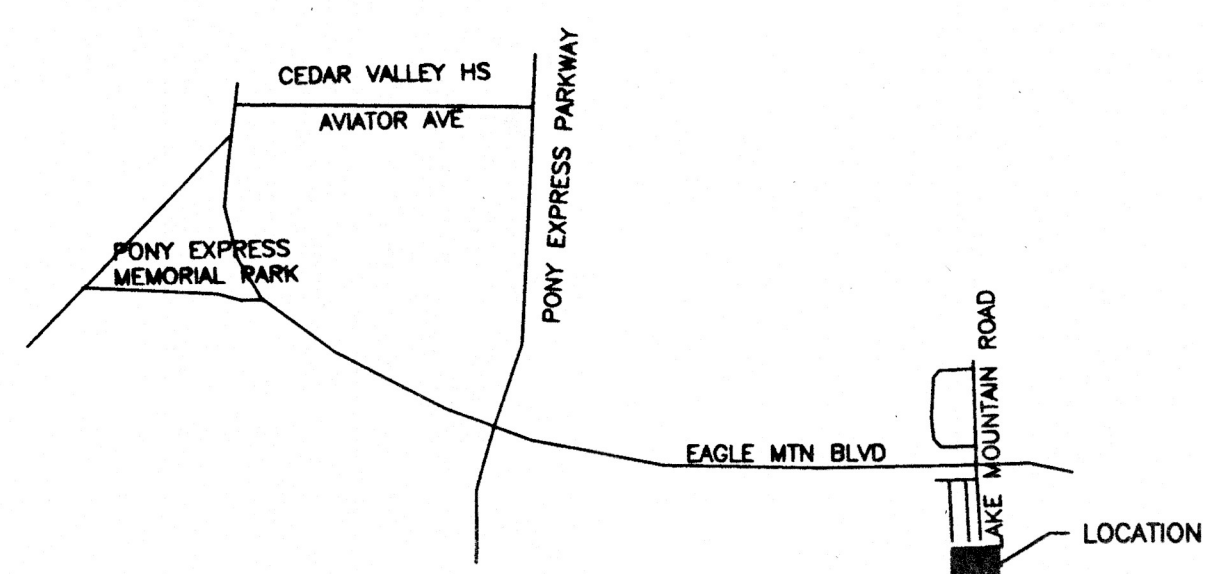
FIRSTDIGITAL TELECOM

Firstdigital Telecom, LLC certifies that it will provide telecommunications services to this subdivision.

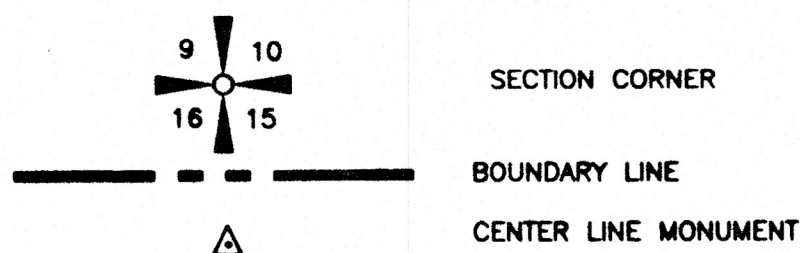
[Signature] DATE 1/11/21



VICINITY MAP



LEGEND



SURVEYOR'S CERTIFICATE

I, BRIAN G. LYON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 275617, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THAT THE SAME AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS HAVE BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND, MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 18, Township 6 South, Range 1 West of the Salt Lake Base & Meridian described as follows:

Commencing at the South Quarter Corner of Section 18, Township 6 South, Range 1 West of the Salt Lake Base and Meridian (North Quarter Corner Bears N00°56'32"E 5337.94 feet) thence North 2253.61 feet; thence East 37.06 feet; thence S87°43'58"E 249.24 feet; thence N 02°54'00" E 2171.39 feet to the POINT OF BEGINNING and running

thence along the boundary of Eagle Heights Village Phase 1 recorded in the Utah County Recorder's Office on August 30, 2019 under Entry 84673:2019 the next 13 courses:

- 1) thence S 87°53'18" E 160.92 feet;
 - 2) thence N 02°06'42" E 29.40 feet;
 - 3) thence S 87°53'18" E 81.25 feet;
 - 4) thence S 02°06'42" W 104.50 feet;
 - 5) thence S 87°53'18" E 81.25 feet;
 - 6) thence S 02°06'42" W 31.29 feet;
 - 7) thence S 87°53'18" E 53.00 feet;
 - 8) thence Northeasterly, a distance of 23.56 feet along a non tangent curve to the right of which the radius point lies S 87°53'18" E, with a radius of 15.00 feet, having a central angle of 90°00'00" and a chord that bears N 47°06'42" E 21.21 feet;
 - 9) thence S 87°53'18" E 136.70 feet;
 - 10) thence Southeasterly, 23.56 feet along a curve to the right having a radius of 15.00 feet, a central angle of 90°00'00" and a chord that bears S 42°53'18" E 21.21 feet;
 - 11) thence S 87°53'18" E 53.00 feet;
 - 12) thence N 02°06'42" E 129.11 feet;
 - 13) thence S 87°53'18" E 130.29 feet;
- thence S 02°22'22" W 595.26 feet;
- thence N 87°37'40" W 40.00 feet;
- thence Northeasterly, a distance of 23.63 feet along a non tangent curve to the left of which the radius point lies N 87°37'40" W, with a radius of 15.00 feet, having a central angle of 90°15'37" and a chord that bears N 42°45'29" W 21.26 feet;
- thence S 87°53'18" W 57.58 feet;
- thence Southwesterly, 23.56 feet along a curve to the left having a radius of 15.00 feet, a central angle of 90°00'00" and a chord that bears S 47°06'42" W 21.21 feet;
- thence S 02°06'42" W 56.24 feet;
- thence N 87°53'18" W 219.70 feet;
- thence S 02°06'42" W 51.58 feet;
- thence N 87°53'18" W 53.00 feet;
- thence Northwesterly, a distance of 23.56 feet along a non tangent curve to the left of which the radius point lies N 87°53'18" W, with a radius of 15.00 feet, having a central angle of 90°00'00" and a chord that bears N 42°53'18" W 21.21 feet;
- thence Southwesterly, 23.56 feet along a curve to the left having a radius of 15.00 feet, a central angle of 90°00'00" and a chord that bears S 47°06'42" W 21.21 feet;
- thence N 87°53'18" W 170.28 feet;
- thence N 02°54'00" E 680.17 feet to the point of beginning, containing 10.1036 acres, more or less.

OWNER'S CERTIFICATE, CONSENT TO RECORD, CONVEYANCE OF UTILITY

EASEMENTS AND 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 provisions of 10-9a-607, Utah Code, without condition, restriction or reservation to Eagle Mountain City, Utah, all streets, water, sewer and other utility easements and improvements, open spaces shown as public open spaces, parks and all other places of public use and enjoyment to Eagle Mountain City, Utah together with all improvements required by the Development Agreement between the undersigned and Eagle Mountain City for the benefit of the City and the inhabitants thereof. Pursuant to Utah Code 10-9a-604(d) the owner conveys Common Areas B1, B2, B3 and B4 to Eagle Heights Village Association with an address of 1466 North Hwy 89, Suite 220, Farmington, Utah 84025. Said common areas to be maintained by the Eagle Heights Village Association.

[Signature] Manager *Eagle Heights Village II, LLC*
KIRK PETERSON

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF Utah } ss

On this 17 day of December, A.D. 2020, personally appeared before me, *Kirk Peterson*, who being by me duly sworn did say, for him/herself, that he/she is the Manager/Member of *Eagle Heights Village II, LLC*, a Utah Limited Liability Company and that the within and foregoing instrument was signed on behalf of said Limited Liability Company by authority of its Articles of Organization and each duly acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES 03.05.2024 NOTARY PUBLIC-STATE OF UTAH
RESIDING AT *Eagle Mountain*
[Signature] LIANNE PENGRA
COMMISSION # 710974
COMM. EXP. 03-05-2024

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF THE CITY OF EAGLE MOUNTAIN, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR THE PUBLIC PURPOSE OF THE PERPETUAL USE OF THE PUBLIC.
THIS 13 DAY OF January, A.D. 2021.

[Signature] MAYOR
ATTEST: *[Signature]* CITY RECORDER
(See Seal Below)

EAGLE HEIGHTS VILLAGE, PLAT 2

PART OF SECTION 18
TOWNSHIP 6 SOUTH RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
EAGLE MOUNTAIN, UTAH
FINAL PLAT

ENT 7287:2021 Map # 17494
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Jan 13 4:07 PM FEE \$14.00 BY HA
RECORDED FOR EAGLE MOUNTAIN CITY

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
allianceclogan@yahoo.com

TABULATIONS	
TOTAL ACREAGE:	10.11 AC.
BUILDABLE ACREAGE:	10.11 AC.
TOTAL ACREAGE IN LOTS:	6.00 AC.
TOTAL OPEN SPACE:	1.08 AC.
AVERAGE LOT SIZE:	1.08 AC.
LARGEST LOT SIZE:	9332 s.f.
SMALLEST LOT SIZE:	88477 s.f.
OVERALL DENSITY:	2.77 LOTS/AC.
TOTAL # OF LOTS:	28

NOTES
1. THE PURPOSE OF THIS SURVEY WAS TO CREATE A SUBDIVISION OF THE SUBJECT PROPERTY. THE SURVEY WAS REQUESTED BY KIRK PETERSON.
2. THE BASIS OF BEARING IS N 00°56'32" E BETWEEN THE SOUTH QUARTER CORNER AND NORTH QUARTER CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 WEST OF THE SALT LAKE BASELINE AND MERIDIAN.

EAGLE MOUNTAIN CITY ENGINEER
APPROVED THIS 17 DAY OF 2021 BY THE CITY ENGINEER.
[Signature]
EAGLE MOUNTAIN CITY ENGINEER

EAGLE MOUNTAIN CITY ATTORNEY
APPROVED THIS 17 DAY OF 2021 BY THE CITY ATTORNEY.
[Signature]
EAGLE MOUNTAIN CITY ATTORNEY

SURVEYORS SEAL
[Signature]
275617
12/9/20
STATE OF UTAH

NOTARY PUBLIC SEAL
[Signature]
LIANNE PENGRA
COMMISSION # 710974
COMM. EXP. 03-05-2024

CITY ENGINEERS SEAL
[Signature]
TRUSTY
12/9/21
STATE OF UTAH

CLERK-RECORDER SEAL
[Signature]
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Jan 13 4:07 PM FEE \$14.00 BY HA
RECORDED FOR EAGLE MOUNTAIN CITY



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

July 18, 2023, 3:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Carolyn Love, and Brett Wright. Councilmember Curtis was excused.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Parks and Recreation Director; Eric McDowell, Chief Deputy Sheriff; Terrence Dela Pena, Finance/Management Analyst; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Michele Graves, Library Director; and Embret Fossum, Unified Fire Authority Battalion Chief.

Mayor Westmoreland called the meeting to order at 3:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – City Administrator Items

Communications

- An Artificial Intelligence Policy for the Employee Handbook will come before the Council at the August 1st meeting.
- A request for proposals award is coming before the Council for a new City website in about a month.
- Responsiveness Data:
 - Resident Portal/OneView – More than 200 reports closed in the last 90 days.
 - The City received 2,908 comments on City Hall's Facebook and Instagram and responded to about 30% of them, which amounts to 872 responses in the past 90 days. That does not include responses on the Eagle Mountain City Citizens Facebook Page which is not run by the City.
 - The City has responded to 195 new Facebook Inbox inquiries in the past 90 days.
 - Twitter required 25 responses in the past 90 days.

- o The City Hall front desk phone calls – 6400 in the past 90 days. That does not include department-specific phone calls.

Streets and Storm Water

- Lake Mountain Road will be closed to through traffic between Pony Express Parkway and Eagle Mountain Boulevard to install mag chloride on the dirt portion of the road to reduce dust and increase the durability of the road.
- The Streets Department is preparing to build a paved trailway on Airport Road to provide a safe school route from the Overland subdivision to the new Desert Sky Elementary School.
- Staff is working with Flagship Homes to widen Tiffany Lane from Pony Express Parkway to Lake Mountain Road. This will improve traffic access to the new John Hancock Charter School.

Engineering

- Flagship Homes has been preparing the crane pad for placing the culvert sections for the road crossing at Silver Creek Way. Efforts have been hampered by wet conditions with the flowing wash.
- Oak Hollow will be working to extend the left turn lane from Pony Express eastbound to northbound Ranches Parkway beginning Tuesday, July 25th. The intent is to complete the work prior to school resuming.
- Newman is currently working on the widening project at Mid Valley Road. They will be paving the section the first week of school. The contractor has been asked to coordinate with the school. They do not expect to have any closures for this project.
- After drilling Well 8 down to 800 feet, the contractor has been reaming the hole out to the full bore size. They expect to complete the project by the end of this week after which they will pump test. They expect to start on Well 8 by the end of August.
- The water main on the Cedar Pass waterline is nearing completion. The contractor is expecting to begin utility connections next week.

Parks, Recreation, Events, and Cemetery

- Staff is waiting for the review of construction documents on the Walden Park Observatory. Once the reviewed plans are received, staff will work with the architect to make modifications and then complete the project.
- Mass grading has been completed on the Smith Ranch park project. Several large sumps were installed in the park. The contractor will start to install storm drain lines and setting subgrade and base for curb and gutter and parking lot.
- Staff is getting documents prepared for an off-street trail presentation to the Council. One of the interns that has been involved in this project has taken a full-time job with another employer. It is anticipated staff will get this to City Council by the end of August.

Facilities, Fleet, and Emergency Management

- Upgrades to the Sewer Building are complete.
- Sheriff's and Recorder's office remodel – Waiting for the doors to be delivered. Furniture is scheduled to be delivered on the first of September.
- Dave Ulibarri is teaching another Stop The Bleed training for City staff in August.
- The hand railing for the Senior Building has been ordered.

Community Development

- Through July 17, 2023, the City has issued 53 new residential permits, 41 single-family and multifamily.
- Commercial permits were issued for the SilverLake Church and Ramen Hero.
- Certificates of Occupancy were issued for Unified Fire Authority Station 253 and Peppy Paws and a temporary Certificate of Occupancy was issued for Prime Nails.
- Dustin Blackburn was promoted to Assistant Building Official. He now supervises the Building Division and the Neighborhood Improvement Division. Kade Hillstead is the new Lead Building Inspector.

Public Utilities

- Tanks #4 and #6, on the north side of the City, are experiencing issues with filling. The pumps cannot keep up with the high consumption rate. The City is looking into removing the booster portion from the Well 9 project and plans on getting the booster station out to bid to have it installed before the next irrigation season.
- Reuse should be operational in two weeks once Kenny Seng has completed the filtration project.
- The State came out last week and completed an inspection of the Wastewater Treatment Plant and the City is waiting to hear if any issues were found.

1.B. DISCUSSION – Comprehensive Marketing Plan Update (Emotional Map) – REDKOR Brand Campaigns.

This item was presented and discussed following item 17.B. during the agenda review.

Rushford Lee with Redkor presented the item and explained that during the research stage, they work with stakeholder groups to determine attributes, benefits, emotions, and values that define Eagle Mountain as a City. The attributes defining Eagle Mountain City include a vibrant, unified community; preserving nature, history, and outdoor spaces for all to enjoy; and visionary leadership that is actively engaged. Those attributes lead to shared beliefs among the City and many residents as follows:

- Eagle Mountain wants to create a thriving city that is deeply connected to nature and history, while still being future minded. The community will be made up of mostly young professionals and families. Creativity, art, love of nature, self-expression and active lifestyle and community engagement are all shared values here.
- Eagle Mountain is committed to growing responsibly and sustainably so as to balance economic opportunities with their stewardship of the natural environment around them. This combination of visionary leadership and responsible preservation of nature will create a city residents are proud to live in.
- Eagle Mountain believes that people will be attracted to the growing city because of high quality jobs and businesses in the area, affordable housing, a wide variety of outdoor recreational and community activities, and a thoughtful city design that facilitates strong community connections.

Eagle Mountain is determined to create a well-designed city that fosters a strong community with a deep connection to nature. We are more than just a high growth City, we are a destination for natural beauty and outdoor recreation.

Approximately 200 residents have been surveyed and two more rounds of surveys will be conducted. The residents' responses will be blended into the Eagle Mountain Emotion Map to create messaging, marketing, and brand logos.

The Councilmembers expressed support for the direction of the plan and discussed defining or removing the term sustainably.

2. AGENDA REVIEW

11. BID AWARDS

11.A. 2 MG Tank Design – Sunrise Engineering

Councilmember Wright requested adjusting the award from a two-million-gallon water tank to a four-million-gallon tank and amending the budget accordingly.

City Engineer Chris Trusty explained that the bids were for post-tension tanks. Post-tension and prestress tanks have less seepage than conventional tanks. The design costs are the same regardless of tank size and Sunrise Engineering stated that they are willing to alter the plan to design a larger tank. The City would save money in the future by building a larger tank. The total cost of the project and whether a budget amendment will be needed will in part depend on the location of the tank and if the City needs to purchase land. The cost of a two-million-gallon tank is \$1.9 million compared to \$3.4 million for a four-million-gallon.

The Council supported upsizing the design to a four-million-gallon water tank.

15. PRELIMINARY PLATS AND SITE PLANS

15.A. PRELIMINARY PLAT – Parkway Fields Phase D

15.B. PRELIMINARY PLAT – Parkway Fields Phase E

Staff verified that changes to 15.A. and 15.B. have addressed their comments about the purple pipe requirement and have adjusted the lot sizes to conform to the applicable zoning.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

Councilmember Love requested the item be removed from the consent agenda and placed as a regularly scheduled item.

17. EAGLE MOUNTAIN RETAIL

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known As Eagle Mountain Retail.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services.

Items 17.A. and 17.B. were presented and discussed concurrently.

Senior Planner David Stroud said a strip of open space has been placed along the west property line to conform to buffering requirements. He suggested that the Council treat the application as a master site plan approval and default the approval of the site plan to the Planning Commission. The proposed ordinance amends the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezones the subject parcel from Agriculture and Commercial to Commercial Regional and Open Space-I to permit big box development. The subject property is located at the northwest intersection of Wride Memorial Highway and Spring Run Parkway. This is the proposed location for a Walmart Supercenter. He presented the site plan, diagrams for the retaining wall and six-to-eight-foot screening wall for the west property line, and building elevations.

Councilmember Love expressed concerns with the size of the secondary entrances and requested they be larger to improve the visual appeal of the building. She noted that the staff report indicated that the signage does not meet Municipal Code and inquired regarding the lighting. She approves of the landscaping presented and desires to ensure the plan is developed accordingly and asked for no overnight parking signs to be posted in the parking lot.

Councilmember Wright said he is in favor of the changes but expressed concern with the architectural designs of the side of the building with the grocery pickup area.

Councilmember Gray stated that he would like to require fencing along the open space as a condition of the rezone.

Applicant representative Caleb Beck with ARCO Murray said they compiled the feedback from the City and residents and adjusted the elevations accordingly by adding decorative elements such as awnings, timber framing, brick veneers, and siding to match the aesthetic in the neighboring house designs and other buildings in Eagle Mountain. Augmenting the size of the secondary entrances for the vision and pharmacy areas would negatively impact the internal functionality of the store. The convenience store at the gas station and side elevations will look like an extension of the main building and have similar architectural elements. They removed the signs from the approval to alter them to meet Municipal Code. They have agreed in the development agreement to ensure that illumination does not leave the site to comply with lighting standards. The waterwise

landscaping plan meets or exceeds City requirements. Walmart is strict about adhering to the no overnight parking enforcement.

Applicant representative John Owens said the design elements can be further adapted during the site plan application process if the Council has concerns.

Mr. Beck previewed a portion of a presentation detailing how Walmart representatives responded to and resolved concerns raised by the City and residents.

Discussion ensued regarding the following:

- Potentially adding more design elements to balance the appearance of the doors, improve the aesthetics of the pickup area, and give variance to the roofline;
- Ingress and egress for the site;
- The number of parking spaces falling between the minimum required and the maximum allowed;
- The development agreement includes the requirement for a screening fence along the open space buffer;
- Signage directing traffic flow on the site;
- Setting store hours from 6:00 a.m. and 11:00 p.m.;
- Signage and prohibition of overnight occupants;
- Lighting standards;
- Protecting resident privacy through limited security surveillance to exclude the area west of the property limits;
- Traffic flow concerns and stacking lane lengths; and
- Approving the store signs in a future application.

18. EAGLE MOUNTAIN BENCHES

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and Rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1.

18.B. MOTION/PUBLIC HEARING – Request for the Waiver of the Master Development Approval Requirement for Eagle Mountain Benches.

Items 18.A. and 18.B. were presented and discussed concurrently following item 1.B.

Planning Manager Robert Hobbs presented the item. The proposed ordinance amends the Eagle Mountain City General Plan Future Land Use Map and rezones approximately 102 acres of property on Utah County Parcel Numbers 59:006:0042, 59:006:0046, 59:006:0047, 59:006:0054, and 59:006:0055. The applications also include a request to waive the Master Development requirements found in EMMC 16.10 Master Developments. This item was remanded back to the Planning Commission at the May 16, 2023 City Council meeting to consider all the applicants' land and to provide a recommendation regarding the minimum average lot size. The Planning Commission has returned a recommendation that the entirety of the property be rezoned from

Residential to RD1, setting the minimum building lot size at one acre, with no minimum building lot average and the recommendation that no property that is within the utility easement to be included in a residential lot.

Discussion ensued regarding possible reasons, including the other utility easements on the property, for requiring a half-acre building envelope in the 2018 approval as building within the power corridor was prohibited to allow for a future regional trail and due to Rocky Mountain Power (RMP) building restrictions within the easement.

Councilmember Burnham expressed concern about rendering a large amount of the property unbuildable.

City Attorney Marcus Draper confirmed that there could be taking implications despite the easements on the property.

Discussion ensued regarding options to address concerns with building within the power corridor, possibly requesting a reduced width of land for a regional trail narrower than 400 feet but greater than the suggested 15 feet, and placing a future, foot and bike regional trail or equestrian trail on the unbuildable areas that would assist with RMP access requirements that also limit building and fencing of the power corridor.

Applicant representative Dan Landen said they support the recommendations in the staff report.

Deputy City Administrator/Community Development Director Steve Mumford confirmed that the Planning Commission recommendation did not include the 150-foot buffer.

Mr. Hobbs said that the transition standards render the 150-foot buffer unnecessary and that transition exemptions have been granted for other developments.

19. ORDINANCES/PUBLIC HEARINGS

19.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators.

19.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings.

19.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards,

and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards.

19.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way.

19.E. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting.

Councilmember Wright requested to bring items 19.A., 19.B., 19.C., 19.D., and 19.E. back as work session items at a future meeting for more thorough discussion and consideration.

City Attorney Marcus Draper recommended the items return to a work and policy session concurrently to be able to continue the public hearings.

20. RESOLUTIONS

20.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #3.

20.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the QTS Eagle Mountain I, LLC Development Agreement.

Items 20.A. and 20.B. were presented and discussed concurrently.

Economic Development Director Evan Berrett presented the item. QTS has purchased 100 acres of land and is currently acquiring an additional 100 acres. The annual property tax currently collected is \$1,280. The site lies within Eagle Mountain's Regional Technology and Industry Overlay Zone. Other data centers will likely be located around the area. The project covers approximately 490 acres. The area will be reduced to 200 acres QTS will be constructed on. The property is sold and developed by The Ritchie Group. Meta and Google sites are directly east of this property. QTS is a collocation data center company that builds and maintains data centers across the country and in Europe and prioritizes low environmental impact by designing and building data centers that do not use water to cool. The initial six buildings will have a total square footage of 2,382,000. The total investment by QTS will be \$1.3 billion in real property and \$0.7 billion in personal property. The development will create 500 temporary construction jobs and 150 permanent jobs and will require 100-acre feet of water. Mr. Berrett reviewed the high demand for and the benefits of data centers.

The Alpine School District, Utah County, Unified Fire Service Area (UFSA), and Central Utah Water Conservancy District (CUWCD) all have approved interlocal agreements. The base year

value is \$13,355.671 with a tax increment financing (TIF) period of 20 years per phase for a maximum of 40 years without a cap. Six phases are currently planned with the possibility of 12 phases. The completion of the building triggers each phase. The increment incentive is 61% of real property and 74% of personal property. Eagle Mountain will continue to step down incentives as other data center projects come. Meta had 80% real property and 100% personal property and Google had 67.5% real property and 100% personal property increment incentives. An average annual tax revenue to the City of approximately \$35,000 will be collected during the incentive phase, per phase, with an average annual, per phase tax revenue of \$98,000 after the incentive period. Other notable revenues include an average annual Affordable Housing Fund contribution per phase of \$103,000, an average annual redevelopment agency (RDA) administration per phase of \$25,000, and an average annual municipal energy tax (MET) of \$1,101,000.

The Development Agreement terms include:

- Construction Timeline: Commits to beginning the first phase within three years of the agreement. Anticipate construction no later than the third quarter of 2024.
- Road Improvements: Extending Virtual Drive to the southern boundary of the property. A new road known as Hyperscale Way will be extending west along the northern boundary of the property.
- Sewer Improvements: Design and construction of a sewer lift station and force main.
- Future Change: Infrastructure improvements are the responsibility of QTS until a development agreement is approved with The Ritchie Group who will then take responsibility.

The purpose of the agreement is to implement the Project Area Plan, unifying all interlocal agreements and all terms and conditions that dictate how funds are to be managed. Utah County requires \$10,000 annually to cover administrative costs. The RDA will be covering this through our 2.5% collected from QTS. The term of the agreement is until expiration of the last increment period.

Mr. Berrett explained that the exclusion of the cap helps to incentivize and support economic development. He advises against a cap but defers to the judgment of the Council if they desire to add one.

Applicant representative Chris Kapper, QTS Direct of Development, addressed concerns with the noise level of the cooling equipment and said they plan to use chillers and to conduct a noise study to measure and mitigate noise pollution. Other studies have found that peak levels reach 62 decibels; however, these buildings will not usually operate at full capacity and will generally generate between 50 to 55 decibels. Generators will be tested for 15 minutes a month to verify they are operating correctly. The company that leases space from them is responsible for the system integration at the rack and QTS is responsible for maintaining the environment through service level agreements. Mechanics and system operators will be employed to work onsite.

21. ORDINANCES

- 21.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to Remove Reference to a Six-Month Severance Stipulation.

Mr. Draper explained the action repeals language limiting severance pay to six months to allow the City to be able to adapt the timeframe to meet market-level standards.

Councilmember Gray stated that he opposes removing the six-month severance stipulation.

22. AGREEMENTS

- 22.A. AGREEMENT – Approving an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services.

Mayor Westmoreland explained that the City Administrator contract needs to be updated to be in line with modern industry standards for the position in consideration of both current and future City Administrators.

Discussion ensued clarifying terms in the current contract and the purpose of the changes including offering comparable provisions as other cities of similar size and removing contractual ambiguity regarding the expectations for both the City and the City Administrator.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing the character and professional competency of an individual pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 5:37 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Carolyn Love, and Brett Wright. Councilmember Curtis was excused.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Cliff Strachan, Director of Legislative Affairs; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Lianne Pengra, Chief Deputy Recorder; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager; Brad Hickman, Parks and Recreation Director; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Mack Straw, Public Utilities Manager; Elizabeth Fewkes, Recording Secretary; and Embret Fossum, Unified Fire Authority Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:11 p.m.

Andrea Leatham inquired regarding the timing of improvements to the Spring Mountain Drive park and requested a crosswalk and a speed monitoring sign on Spring Mountain Drive to improve safety for the bus stop at the roundabout.

David Lamb requested lighting to be installed for the school path behind a church in the Spring Run neighborhood.

Mayor Westmoreland closed public comment at 7:18 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love

Councilmember Love expressed appreciation to residents for the time, efforts, and materials they have contributed and for looking out for the wellbeing of the City.

Councilmember Burnham

Councilmember Burnham supported and echoed the comments from the other Councilmembers. She encouraged residents to apply to fill the Youth Council Advisors vacancy.

Mayor Westmoreland

Mayor Westmoreland read a letter from Camp Williams offering to support City efforts by seeking to “continue to purchase Conservation Easements in our authorized priority areas; assist with habitat restoration projects for Mule Deer utilizing the Natural Resource Conservation Service’s (NRCS) Regional Conservation Partnership Program (RCPP); and installing perimeter fencing around Camp Williams in specified locations that will also help the Mule Deer navigate safely to city’s designated migration corridor,” and said the City appreciates the letter of partnership. He recommended residents, staff, individuals running for office, and the City Council read a book recommended to him by Director of Legislative Affairs Cliff Strachan – 13 Ways to Kill Your Community by Doug Griffiths.

Councilmember Wright

Councilmember Wright welcomed the meeting participants and thanked the residents for their civic engagement and input that has yielded better results on projects. He recognized and expressed gratitude for the \$88 million that Camp Williams and the Federal Government have contributed to protecting wildlife areas.

City Administrator Paul Jerome recognized Economic Development Director Evan Berrett and the City Interns for their efforts to promote economic development in the City including organizing a recent golf tournament.

9. APPOINTMENTS

9.A. Planning Commission

MOTION: *Councilmember Wright moved to confirm the appointment of Robert Fox to the Planning Commission completing a three-year term through December 2023 and filling a new three-year term through December 2026. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray	☒ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

MOTION: *Councilmember Wright moved to confirm the appointment of Jimmy Eaton as a Planning Commission Alternate completing a term through December 2024. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

Assistant City Administrator/City Recorder Fionnuala Kofoed administered the oath of office to Mr. Fox and Mr. Eaton.

CONSENT AGENDA

11. BID AWARDS

11.A. 2 MG Tank Design – Sunrise Engineering

11.B. Well #5 Upgrade Design – Jones and DeMille Engineering

12. BOND RELEASES

12.A. Hidden Hollow Phase B, Plat 2 – Into Warranty

12.B. Parkway Fields Phase A, Plat 1 – Into Warranty

12.C. Parkway Fields Phase B, Plat 1 – Into Warranty

12.D. SilverLake Plat 34 – Into Warranty

12.E. Arrival Phase B, Plat 5 – Out of Warranty

12.F. Arrival Phase B, Plat 7 – Out of Warranty

12.G. Arrival Phase B, Plat 8 – Out of Warranty

12.H. Brandon Park Phase A, Plat 15 – Out of Warranty

12.I. Harmony Phase A, Plat 3 – Out of Warranty

12.J. Harmony Phase A, Plat 5 – Out of Warranty

- 12.K. Sage Park Phase A, Plat 5 – Out of Warranty
- 12.L. Sage Park Phase A, Plat 6 – Out of Warranty
13. CHANGE ORDERS
- 13.A. 2023 Pony Express Paving Project Change Order #1 – Geneva Rock
14. MINUTES
- 14.A. June 20, 2023 Minutes – Regular City Council Meeting
- 14.B. July 5, 2023 Minutes – Special City Council Meeting
15. PRELIMINARY PLATS AND SITE PLANS
- 15.A. PRELIMINARY PLAT – Parkway Fields Phase D
- 15.B. PRELIMINARY PLAT – Parkway Fields Phase E
16. RESOLUTIONS
- 16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

MOTION: *Councilmember Burnham moved to approve the consent agenda removing item 16.A. and placing it as a scheduled item and changing the two-million-gallon water tank to a four-million-gallon water tank in item 11.A. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray	☒ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

MOTION: *Councilmember Wright moved to set an adjournment time of 10:15 p.m. for the meeting. Councilmember Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham

☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray	☒ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

16. RESOLUTIONS

16.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement.

Councilmember Love cited 9B.1., “The buildings shall be designed in accordance with the Architectural Standards as allowed in Eagle Mountain Municipal Code Section 17.72.040 or in the Developers discretion, the Architectural Standards represented in Exhibits 4, 5, and the video presented at the May 16, 2023 City Council meeting,” and expressed concern with the ambiguity of the standards being agreed to in this and similar sections in the agreement.

Deputy City Administrator/Community Development Director Steve Mumford explained that the reason for the inclusion of the cited sentence was to allow for a flat roof and garden patio which are not allowed in the current multifamily design standards.

Discussion ensued regarding the request for a flat roof.

Councilmember Burnham requested to change “apartment(s)” in 9B.1 and 9B.3 to “multifamily units.” City Attorney Marcus Draper cautioned that amending the wording to multifamily units would change the entitlement to allow all types of multifamily units. After discussion, the Council determined to amend the wording to “apartments or condominium units.”

Councilmember Burnham said the applicant has requested to change a sentence in the final paragraph of 8B.1, “As such, the City will recalculate, pursuant to the Second Amendment, the amount of open space, improvements and amenities required for the new developments as set forth in this Third Amendment in Pods 1, 2, 9, 10, 15a and 15b and apply the unused portion, effective as of the day of this amendment, of the in lieu fee against the new open space, improvements and amenities requirements of the new development,” removing the word “portion” and replacing it with “points” to coincide with the verbiage in the previous paragraphs; and clarifying in 9B.4 that the trail fulfills the sidewalk requirement as had been stipulated in a previous version of the document.

Applicant representative Khosrow Semnani agreed to bring the elevations back for Council review if the Council allowed for a flat roof and is in favor of allowing either apartments or condominiums because it would allow him to be able to adjust to market demands. He requested the open space in Pod 15b that is to be dedicated to the City be credited towards the open space requirement for the project.

Mr. Mumford verified that counting the dedication of the open space in Pod 15b towards the open space requirement would be a change to the agreement and is not the standard practice of the City. The development should meet the open space requirements without receiving additional points for the land in 15b. The applicant will receive credit for the improvement of the asphalt trail in Pod 15b and the property under the trail but not the unimproved open space adjacent to the trail. The option for early dedication is to allow the City to improve the trails in the project with reimbursement by the applicant should the City desire the trails earlier than the applicant is able to complete them and to permit the City to adjust the location of the trails if merited.

Councilmembers Love and Wright opposed counting the unimproved open space in 15b towards the improved open space requirement.

MOTION: *Councilmember Burnham moved to approve a resolution of Eagle Mountain City, Utah, approving the Modified Third Amendment to the Porter's Crossing Town Center Master Development Agreement with the following modifications:*

- 1. Allow staff to negotiate the exact location of the trail as needed;*
 - 2. 9B.1. – Adjust the wording in the last sentence to allow for flat roofs and patio gardens but not entitle all architectural standards;*
 - 3. 9B.1 and 9B.3 - Amend “apartment building(s)” to “apartment building(s) or condominium units;”*
 - 4. 8B.1 – Change “portion” to “points,” in the last paragraph; and*
 - 5. 9B.4 – Restore the language that allows the trail to count as the sidewalk.*
- Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

SCHEDULED ITEMS

17. EAGLE MOUNTAIN RETAIL

- 17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known As Eagle Mountain Retail.

Items 17.A. and 17.B. were presented and discussed together.

Senior Planner David Stroud reviewed the item as presented during work session.

Councilmember Love stated that she feels the requested changes are substantial enough to merit site plan review by the City Council.

Applicant representative Caleb Beck with ARCO Murray and Josh Katzer with Armstrong Capital Development presented the changes to the project and agreement in response to their proposed Municipal Code amendment being denied at the April 18, 2023 City Council meeting. They outlined their revised request for a rezone approval, development agreement approval, and master site plan approval and addressed concerns raised by the Council, staff, and residents regarding the reason for locating the store at this site; adequate traffic and access; buffering with screening and landscaping; site design elements, building materials and aesthetics; and Walmart operational items.

Mr. Katzer reviewed polling results for a survey of Eagle Mountain residents that garnered mostly favorable responses of 79% or more agreeing or strongly agreeing to questions gauging interest in additional retail and tax revenue for the City.

Councilmember Gray joined the meeting electronically at 8:15 p.m.

Discussion ensued regarding traffic flow and movement.

Mayor Westmoreland opened the public hearing at 8:40 p.m.

Jeff Ruth spoke in favor of the item producing more tax revenue for the City.

Maria Perez asked questions about the development including survey results and number of homes.

Glen Allred said he owns property immediately adjacent to the west of the site and that the applicants have worked with him and his neighbors and have resolved their concerns.

Mel Cox spoke in favor of the project and the resulting tax revenue.

Rob Carlson spoke against the project due to traffic and safety concerns and requested a traffic study and gate or other traffic mitigation.

Elizabeth Marinos requested language addressing architectural design standards to be included in the development agreement. She thinks the roofline needs additional articulation and that more architectural details should be added per Eagle Mountain Municipal Code 17.72.040(E).

Jimmy Eaton spoke against the proposed location of the store.

Mayor Westmoreland closed the public hearing at 8:57 p.m.

Discussion clarified the elements of and the difference between the master site plan and the final site plan and the desired changes to the architectural details of the buildings.

Mr. Draper confirmed that the Council could stipulate that only the architectural elements of the site plan required additional review.

Councilmember Love requested the developer create a short, right-turn pocket on the southbound road turning into the Walmart parking lot, to remove all reference to signs and for signage to be approved in a separate application, and for signage prohibiting overnight parking to be posted in the parking lot.

The applicant representatives agreed to make the discussed changes.

MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezoning certain lands known as Eagle Mountain Retail from Agriculture and Commercial to Commercial Regional and Open Space-Improve contingent upon approval of a development agreement for the property. Councilmember Wright seconded the motion.*

Discussion confirmed that the development agreement requires a wall along the open space.

Mr. Draper recommended making the approval contingent upon the approval and execution of the development agreement.

AMENDED MOTION: *Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, amending the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and Parks and Open Space and rezoning certain lands known as Eagle Mountain Retail from Agriculture and Commercial to Commercial Regional and Open Space-Improve contingent upon the approval and execution of a development agreement for the property. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services.

MOTION:

Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services with the following conditions:

- 1. A site plan shall be brought to the City Council for approval that incorporates the discussed modifications including adding timber elements on the east and south sides of the building and the additional buildings on the property; creating more pronounced roofline modulation; and complying with EMMC 17.72.040 to include the majority of the required elements;*
- 2. A short right-hand turn pocket shall be added on southbound Spring Run;*
- 3. Any reference or approval of signs shall be brought back in a separate application; and*
- 4. Signage shall be installed in the parking lot prohibiting overnight parking.*

Councilmember Wright seconded the motion.

AMENDED MOTION: *Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the Eagle Mountain Retail Development Agreement with Armstrong Commercial Services with the following conditions:*

- 1. A site plan shall be brought to the City Council for approval that incorporates the discussed modifications including adding timber elements on the east and south sides of the building and the additional buildings on the property; creating more pronounced roofline modulation; and complying with EMMC 17.72.040 to include the majority of the required elements;*
- 2. A short right-hand turn pocket shall be added on southbound Spring Run;*
- 3. Any reference or approval of signs shall be brought back in a separate application;*
- 4. Signage shall be installed in the parking lot prohibiting overnight parking; and*
- 5. The master site plan shall be approved as a part of the development agreement with the exception of the elevations and the standard preliminary plat and site plan procedures shall be followed.*

Councilmember Wright seconded the motion.

Those Voting Yes

☒ Donna Burnham
☐ Colby Curtis
☒ Jared Gray
☒ Carolyn Love
☒ Brett Wright

Those Voting No

☐ Donna Burnham
☐ Colby Curtis
☐ Jared Gray
☐ Carolyn Love
☐ Brett Wright

Those Abstaining

☐ Donna Burnham
☐ Colby Curtis
☐ Jared Gray
☐ Carolyn Love
☐ Brett Wright

Those Absent

☐ Donna Burnham
☒ Colby Curtis
☐ Jared Gray
☐ Carolyn Love
☐ Brett Wright

The motion passed with a unanimous vote.

Mayor Westmoreland recessed the meeting from 9:10 to 9:17 p.m.

18. EAGLE MOUNTAIN BENCHES

18.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving an Amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and Rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1.

Planning Manager Robert Hobbs reviewed the item as presented during the work session.

Mayor Westmoreland opened the public hearing at 9:23 p.m.

Greg Jeppson and Bettina Cameron spoke against amending the General Plan to permit one-acre lots.

Jody Hooley submitted a letter against the item.

Laura Kesler and Dean Kesler spoke in favor of the item.

The following residents submitted emails in support of the item: Jamie Adams, Jeff Adams, Teah Barkle, Theresa Castro, Pamela Dallan, Glen Davis, Maren Davis, Jennifer Dinning, Kim Garner, Camille Hammond, Kyle Hansen, Amy Hart, Julie Helquist, Abby Isaacson, Greg Kaufman, Daniel Landon, Derrick Luera, David Sanchez, Ginger Shaw, Phillip Shaw, Jason Taylor, Darcey Williams, Randy Peck, and Diane Peck.

Councilmember Wright cited portions of the minutes from the June 13, 2023 Planning Commission meeting, “Deputy City Administrator/Community Development Director Steve Mumford stated that the current approval for a one-acre lot minimum on the property west of the powerline corridor combined with the 2.5-acre lot minimum on the property east of the powerline corridor would result in an average lot size for the entire project of approximately 1.76 acres... Commissioner Pengra said that while he acknowledges and has compassion for the challenges faced by and impacts of the land use decision on the applicants, the situation has not changed since the previous approvals by the City for the property and he feels that zoning is appropriate. The Planning Commission is tasked with making recommendations based on existent standards in Municipal Code.” He said that although he has a tremendous amount of empathy for the Scotts, he is in favor of upholding the 2018 decision. However, he would be willing to remove the 150-foot buffer, as the 2 ½ acre lots would provide adequate transitioning.

Councilmember Love echoed the sympathy expressed regarding the Scotts’ situation; however, she feels that a compromise has already been offered by allowing one-acre lots west of the powerline corridor and 2 ½ acre lots east of the powerline corridor. She noted the shortage of large lots available in the City compared to an abundance of smaller lots. The General Plan of the City designates this area for larger lots and if they were to allow smaller lots in this area, those lots would be lost rather than developed elsewhere. However, she would be willing to remove the 150-

foot buffer and to reduce the width of the powerline corridor area dedication for the trail. She recommended tabling the item to allow the applicant to amend the request.

Councilmember Burnham supported Councilmember Love's suggestions.

Discussion ensued regarding the existing and desired zoning for the property.

MOTION: *Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, approving an amendment to the General Plan Future Land Use Map from Agriculture/Rural Density 1 to Agriculture/Rural Density 2, and rezoning Certain Lands Known as Eagle Mountain Benches from RA2 and AG to RD1 and continue the public hearing. Councilmember Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

18.B. MOTION/PUBLIC HEARING – Request for the Waiver of the Master Development Approval Requirement for Eagle Mountain Benches.

Mayor Westmoreland opened the public hearing at 9:51 p.m.

MOTION: *Councilmember Burnham moved to table a request for the waiver of the master development approval requirement for Eagle Mountain Benches and continue the public hearing. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

19. ORDINANCES/PUBLIC HEARINGS

19.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah,

Amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators.

- 19.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings.
- 19.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards, and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards.
- 19.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way.
- 19.E. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting.

MOTION: *Councilmember Love moved to table item 19.A. – an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 17.75 Standards for Special Uses, and Sections 17.20.050 Conditional Uses (Agriculture Zone), 17.35.030 Land Use Table (Commercial Zones), and 17.40.040 Conditional Uses (Industrial Zone) Regarding Automobile Sales, Kennels, Racetracks, and Communication Facility Generators; item 19.B. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.10 Definitions, Chapter 17.38 Commercial Storage Zone, and Chapter 17.40 Industrial Zone, Regarding Caretaker Dwellings; item 19.C. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.25 Residential Zones, 17.72 Commercial and Multifamily Design Standards, and 17.55 Off-street Parking Regarding Alleys and Service Drives, Fire Department-related Access Standards, and ADA Parking Standards; item 19.D. – an ordinance of Eagle Mountain City, Utah, enacting Eagle Mountain Municipal Code Chapter 16.56 Vacation of Rights-of-Way; and item 19.E. – an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.60.120 General Fencing Provisions, Regarding Golf Course Netting; and continue the public hearings. Councilmember Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray	☒ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

20. RESOLUTIONS

- 20.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Area #3.

Economic Development Director Evan Berrett stated that the noise generated by the cooling system, measured within 25 feet from the location, would fall below the maximum allowed 65-decibel level. He clarified that the annual average tax revenue of \$98,000 per phase would be paid annually. The municipal energy tax will be received throughout the incentive periods and after as well.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, approving an Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, Utah, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property within the Sweetwater Industrial Park Community Reinvestment Area #3. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☒ Colby Curtis
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

- 20.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the QTS Eagle Mountain I, LLC Development Agreement.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain City, Utah, approving the QTS Eagle Mountain I, LLC Development Agreement. Councilmember Burnham seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

21. ORDINANCES

21.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to Remove Reference to a Six-Month Severance Stipulation.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 2.16.030 Hiring and Employment Terms to remove reference to a six-month severance stipulation. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

22. AGREEMENTS

22.A. AGREEMENT – Approving an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services.

Discussion ensued detailing the changes to the contract proposed during the closed session including a three-month rather than a six-month period in which a City Administrator cannot be terminated following a municipal election where a new mayor or councilmembers are elected, the employee shall be paid a six-month salary lump sum after termination with monthly salary payments for up to a year until the individual is employed elsewhere, Consolidated Omnibus

Budget Reconciliation Act (COBRA) health benefits will be paid on a monthly basis, and the current administrator's salary shall remain the same.

MOTION: *Councilmember Burnham moved to approve an Amended and Restated Agreement between Eagle Mountain City and Paul Jerome for City Administrator Services Amended and Restated Agreement for City Administrator Services with the following modifications:*

- 1. 6 – Shall be amended to, “Employee shall serve at the pleasure of the City Council and may be terminated with or without cause in accordance with the Code, provided that the City Council may not terminate employee without cause within the period of January 1st and March 31st following any municipal election in which there is a new Mayor or member of Council who takes office;”*
- 2. 7 – Shall be amended to, “In the event that Employee is terminated, City shall pay a payment equal to 6 months salary at Employee’s then rate of pay in a lump sum within 15 days of termination. If after six months, Employee has not yet secured employment after reasonable efforts to do so, Employee shall receive an additional monthly severance payment equal to one month’s salary at Employee’s then rate of pay until the earlier of the following: 1- Six monthly payments, or 2-Employee secures full time employment. City shall also pay Consolidated Omnibus Budget Reconciliation Act (COBRA) benefits for health, dental, vision, and life insurance until the earlier of the following: 1-Employee secures full-time employment, or 2-Twelve months elapse. In the event that Employee is terminated because of a criminal conviction of a felony or for malfeasance in office, City shall not be obligated to pay these severance payments;” and*
- 3. The employee shall receive a salary of \$154,500 subject to future negotiations.*

Councilmember Love seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>
☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☒ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a vote of 3:1.

23. LEGISLATIVE ITEMS

23.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan said staff is planning a Strategic Goals retreat for September or October and plans to invite State Legislators. Resident survey information will be available for discussion and incorporation. He invited the Council to submit desired agenda items.

Councilmember Wright stated that he would like to review the City's zoning map at the soonest availability. He is proud of the Strategic Goals and Vision formulated by the City Council and requested to have them posted where they can be viewed and referenced by the Council and the public.

Mr. Mumford assured the Council that the zoning map is Planning's top priority and that they have meetings regarding it each week with the GIS team. Their goal is to create a digital, interactive map. He hopes to have the first layer of the map completed in July.

24. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Burnham

Councilmember Burnham reiterated the need for Youth Council Advisors.

Councilmember Gray

None.

Councilmember Love

None.

Councilmember Wright

Councilmember Wright said he desires to communicate to the public the benefits available through the Promise to Address Comprehensive Toxins (PACT) Act of 2022 to assist veterans in meeting the August 9, 2023 deadline to qualify for retroactive benefits.

25. CITY COUNCIL/MAYOR'S BUSINESS

26. COMMUNICATION ITEMS

26.A. Upcoming Agenda Items

27. ADJOURNMENT

MOTION: *Councilmember Love moved to adjourn at 10:10 p.m. Councilmember Wright seconded the motion.*

Those Voting Yes

☒ ***Donna Burnham***

☐ ***Colby Curtis***

☒ ***Jared Gray***

☒ ***Carolyn Love***

☒ ***Brett Wright***

Those Voting No

☐ ***Donna Burnham***

☐ ***Colby Curtis***

☐ ***Jared Gray***

☐ ***Carolyn Love***

☐ ***Brett Wright***

Those Abstaining

☐ ***Donna Burnham***

☐ ***Colby Curtis***

☐ ***Jared Gray***

☐ ***Carolyn Love***

☐ ***Brett Wright***

Those Absent

☐ ***Donna Burnham***

☒ ***Colby Curtis***

☐ ***Jared Gray***

☐ ***Carolyn Love***

☐ ***Brett Wright***

The motion passed with a unanimous vote.

The meeting was adjourned at 10:10 p.m.

Approved by the City Council on August 1, 2023.

Lianne Pengra, CMC
Chief Deputy Recorder

DRAFT



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE: ALTERNATIVE FENCING PLAN - Parkway Fields

ITEM TYPE: Alternative Fencing Plan

APPLICANT: Bronson Tatton representing

ACTION ITEM:

Yes

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

Applicant had submitted a request via email to ask the City Council regarding use of an alternative fencing material type along collector roadways abutting, or within, the Parkway Fields development.

ITEMS FOR CONSIDERATION:

Land areas in residential subdivisions that abut collector right-of-way have been considered as being encumbered with a requirement, per EMMC 17.60.120 & 16.35.090, to install privacy fencing as part of their development. The wording in the sentence that mandates use of "durable quality" fencing. While not expressly defined in the residential paragraph (paragraph no. 1 of the sub-section), it is defined in the commercially oriented paragraph (no. 2) that follows -- stating that "durable quality" is considered "stone, masonry, or decorative concrete". To argue that the definition only applies to commercial applications would run counter to past City interpretation and application of the code language. Since paragraph no. 1 of 16.35.090 authorizes the City Council to "require a specific material and color for the fencing in a development agreement", it is believed that the same authority should rest in them to use Council when addressing a project whose inception was [previously] memorialized in a Development Agreement.

(Note that the 3' fencing along Tiffany Lane has already been approved by the City Council during plat reviews.)

REQUIRED FINDINGS:

17.60.0120.S. General Fencing Provisions: Collector and Arterial Fencing Standards:

EMMC requires that: [i]t shall be the responsibility of the property owner and/or developer to build and the responsibility of the property owner or HOA to maintain at their own expense a wall or fence consistent with the standards found in this chapter and EMMC 16.35.090 for side and rear property lines along collector and arterial roadways.

1. Residential developments designed with rear or side lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing consistent with the Eagle Mountain collector and arterial fencing standards found in this title and EMMC 16.35.090 along the rear and/or side lot lines abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. After fencing is installed, it shall be maintained in good repair and a consistent manner by the property owner.

...

3. Residential Arterial and Collector Road Fencing Standards. All arterial and collector road residential fencing shall be built with a durable quality fence/wall as defined by EMMC 16.35.090. Acceptable material and design examples are outlined in EMMC 17.60.110(B).

...

16.35.090 Privacy fencing.

EMMC requires that: "[r]esidential developments designed with rear or side lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing of consistent height (no less than six feet), material and color, and of durable quality along the rear or side lot lines of all lots with a rear or side lot line abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. The city council shall be authorized to require a specific material and color for the fencing in a development agreement.... Durable quality" shall mean fencing of stone, masonry, or decorative concrete. Vinyl, wood alternative composite material, and wood fencing shall not be allowed along rear or side lot lines abutting an arterial or collector road. For industrial developments,

“durable quality” shall include chain link fencing that complies with EMMC 17.60.130.”

RECOMMENDATION:

Lacking a quick and easy review process for this matter, we put it on the City Council's consent agenda for review and action.

Consistent fence application would call for use of the kind of fencing required by code. However, there is a lot of right-of-way (ROW) that is associated with Parkway that would be required to install the fencing. Staff notes that such walls are most often seen separating non-compatible uses such as commercial against residential types as contemplated by our code.

ATTACHMENTS:

[Fencing Plan](#)

Parkway Fields



Fencing Material Approval
Planning Commission Meeting

Fencing Material

Weathered Gray Estate Style Vinyl Fence

- 6' height Privacy
- 3' height Rail Fence



Fencing Material

Locally produced in Ogden Utah with national support

Integral color

Steel Reinforced Rails

Ease of replacement if vandalized

Low cost of maintenance

Warranty:

- Lifetime Product Warranty
- Bowing
- Distortion
- Discoloration



Fencing Material

Collectors

 6' Height Privacy

 3' Height Rail





**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving an Amendment to the Eagle Mountain City Policies and Procedures Manual Regarding Artificial Intelligence.		
ITEM TYPE:	Resolution		
FISCAL IMPACT:	N/A		
APPLICANT:	City Staff		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Tyler Maffitt, Admin

PRESENTED BY:

Brigham Lee

RECOMMENDATION:

Staff recommends the adoption of this resolution to align Eagle Mountain City with the current paradigm in artificial intelligence.

BACKGROUND:

Eagle Mountain City is currently in the midst of developing a new City website. Among the planned features upon release is integration with Artificial Intelligence. This, combined with new organizational and cultural challenges involving A.I. created a need to have a policy governing the use of this technology. A.I. is currently being used within the organization to conduct analysis and make decisions. It is important to place reasonable limits on the use of this technology that mitigate the associated risks of artificial intelligence.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

RESOLUTION NO. R- -2023

**A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH, AMENDING
THE EAGLE MOUNTAIN CITY POLICIES AND PROCEDURES MANUAL
(ARTIFICIAL INTELLIGENCE POLICY)**

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City, Utah, finds that it is in the public interest and in the interest of the management of the City and the employees of the City to revise and amend the Eagle Mountain City Policies and Procedures Manual in use up to the date of this Resolution; and

WHEREAS, the Eagle Mountain City Policies and Procedures Manual has been edited, reviewed and compiled to represent the needs of the City and the rights and responsibilities of its employees and should be amended as presented in Exhibit A;

BE IT RESOLVED by the City Council of Eagle Mountain City, Utah:

1. The Eagle Mountain City Policies and Procedures Manual is hereby amended and adopted as set forth specifically in Exhibit A.
2. This Resolution shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 1st day of August, 2023.

EAGLE MOUNTAIN CITY, UTAH

Tom Westmoreland, Mayor

ATTEST:

Lianne Pengra, CMC
Chief Deputy Recorder

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 1st day of August, 2023.

Those voting yes:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those voting no:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those excused:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those abstaining:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Lianne Pengra, CMC
Chief Deputy Recorder

Exhibit A

5.75 | Artificial Intelligence Employee Policy

Last Revision: 08/01/2023

Employees or technology designees are responsible for evaluating the security of any Artificial Intelligence (AI) tool before using it. This includes reviewing the tool's security features, terms of service, and privacy policy. Designees should determine if any tool they will use has integrated AI. The designee should evaluate the security of any integrated AI tools where possible. If the employee does not feel qualified to evaluate the AI tool, they may refer to contracted IT or an IT manager if that position exists.

Employees will not upload or share any data to an AI tool that is confidential, proprietary, or protected by regulation without prior approval from the appropriate department.

Employees will not give access to AI tools to individuals or organizations outside of Eagle Mountain City without prior approval. This includes sharing AI tool login credentials or other sensitive information with third parties.

If an employee intends to use information produced by an AI tool, that employee should verify that information through a secondary source.

Employees must receive approval from their supervisor before using an AI tool that has not been previously approved. Eagle Mountain City may revoke the permission for employees to use any AI tool(s) based on the City's determination of the risks and benefits of the AI for city purposes.

Employees will not use AI in a way that is contrary to law.

If it is determined that an employee's position can be more effectively carried out by an AI tool, or if a significant portion of the employee's duties can be carried out by an AI tool to give reason for replacement of employee, the city may attempt to place that individual in a different department or assign different duties to that individual and provide appropriate training. See section 18.10 paragraph E of the policy handbook for more details on employee replacement.

Use of AI should comply with the policies for use of IT and Computer Security as defined in section 23.10 of the Employee Handbook. Violation of these policies will result in disciplinary action as described in section 23.10 Paragraph E (9) of the policy handbook.



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	SITE PLAN - A to Z Building Blocks		
ITEM TYPE:	Site Plan		
FISCAL IMPACT:	N/A		
APPLICANT:	Jody Zabriskie		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY N/A

PUBLIC HEARING:

No

PREPARED BY:

Steven Lehmitz, Planning

PRESENTED BY:

Steven Lehmitz

RECOMMENDATION:

Staff recommends the City Council approve the site plan proposal for an addition to the exiting A to Z Building Blocks with the following conditions and any others conditions deemed appropriate:

1. A schedule detailing the materials being used on the addition is provided to Staff.
2. The parapet is made more decorative.
3. Building elevations shall show increased articulation (structure) to meet City Code.
4. Architectural details are provided on all sides of the proposed addition.
5. All outstanding redlines on the submitted plans are resolved with Staff.

BACKGROUND:

On July 6, 2021, the Eagle Mountain City Council approved the Site Plan for an addition to the existing A to Z Building Blocks day care center. This approval expired after one year, as the project failed to obtain a building permit (EMMC 17.100.090). The applicant resubmitted the project within the allotted two year time frame, and is substantially similar to the expired plan. The resubmitted project is to be reviewed under the current development code.

The applicant is proposing a 3,268 square foot addition to their

current building (4,990 sq. ft.). The lot (0.69 acre) is platted as lot 2 of Parkway Crossroads Plat A First Amendment, recorded in December 2020. New landscaping totals 1,514 square feet and is comprised of trees, shrubs, grasses, flowers, sod, and stone. The proposed addition will have a height of 33' at the tallest points.

On July 25, 2023, the Planning Commission approved the shared parking plan proposed by the applicant.

ITEMS FOR CONSIDERATION:

This proposal is to increase the size of the existing A to Z Building Blocks location and to relocate the playground. A to Z is located within the Parkway Crossroads development, which is zoned Village Core, a previous zoning district in the City. The future land use designation for this property is Community Commercial. Child Day Care Centers or Preschools are permitted uses in all commercial zones.

EMMC 17.100.050 Site Plan Development Standards. The following are standards required for all site plans in any zoning district:

- A. Use of Property: The entire parcel is to be built, landscaped, or paved, thus the proposal complies with 17.100.050.A.
- B. Screening Requirements: The project is located within a commercial district, and does not abut any agriculture or residential property, therefore it complies with 17.100.050.B.
- C. Access Requirements: The site is accessed via Ranches Parkway.
- D. Off-Street Truck Loading Space: This use does not require the frequent distribution of materials via and therefore does not provide off-street truck loading space.
- E. Utilities: All utilities are shown as being underground and in proper easements in compliance with 17.100.050.E.
- F. Grading and Drainage: Grading and Drainage plans have been reviewed by staff with a few redlines needing to be addressed.

Commercial Design Standards. The following are design standards for the site and building design of commercial developments:

17.72.030.A The current A to Z Building Blocks location does not orient toward the public street or sidewalk. The primary entrance to the building is not altered by this development, however, pedestrian access will be provided from the public sidewalk to the primary

entrance. The proposal meets this standard.

17.72.030.A.1 The proposed addition will have a door that opens onto Ranches Parkway, which will include a column and a covering, resembling the primary entrance. With the addition of the covering, and the addressing of Staff comments, it is the opinion of staff that the proposed southwest elevation adjacent to Ranches Parkway meets Code.

17.72.030.B requires parking to be located to the side or rear of buildings, and not between any commercial building and the street. A to Z currently has parking between the building and Ranches Parkway, the proposed addition would bring the building closer to Ranches Parkway and would move the building slightly closer to the road than the existing parking. As the proposal doesn't add any parking to the parking lot and brings the building closer to the road it is the opinion of staff that the proposal complies with this provision.

Architectural Standards. The following architectural elements shall be applied to commercial development. Minor variations to these standards may be considered.

(Note: Staff has not been provided with a materials schedule providing details about the materials being used on the addition. The information about materials below is inferred from the provided elevation plans.)

17.72.040.A requires that commercial buildings be similar in style to adjacent buildings, and that all facades of the building be designed with consistent architectural style, detail, and trim features as the primary façade. Staff feels that some of the addition's materials and colors are similar to the current building, though the proposed flat roof line and lack of articulation does not match. It is on the City Council to determine if the proposed elevations comply with this standard.

17.72.040.B requires the main entrance of a building to orient to major sidewalks and be clearly identifiable. The main entrance to A to Z is currently existing. This proposal doesn't alter the location or architecture of the main entrance.

17.72.040.C states, "The primary roof form of a structure should help reduce the perceived scale of the building. All commercial buildings shall contain either sloping roofs with overhanging eaves, or a decorative parapet and multiple roof planes and heights..." The current building has a sloping roof while the proposed addition contains a flat roof. The addition is also considerably taller. A parapet is included on the proposed addition. The City Council should decide

if the parapet needs to be more decorative, or a sloping roof with overhanging eaves should be used to bring the proposal into compliance and better match the existing structure.

17.72.040.D states, "Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include façade modulation (stepping portions of the façade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, varied front setbacks or staggered and jogged unit planes within the same structure, and other techniques to help identify individual residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited." The proposed addition is using shiplap siding and natural stone to match the current building, though more stone and less siding is proposed. EIFS is also proposed for the addition and is not a material used on the existing building. Only the southwest elevation has a staggered plane. Though the materials somewhat match the existing building, it is the opinion of staff that there are still many areas on the addition where the walls are not properly articulated.

17.72.040.E.1 states, "Commercial buildings shall incorporate a majority of the following architectural details: reveals, canopies, awnings, popouts, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers, and trellis structures. All sides of a building shall include the chosen details." The proposed elevations include windows, trim, decorative masonry, a column and covering over the southwest door, and the use of awnings on the southeast elevation. It is the opinion of staff that while the proposal doesn't provide all the features called for by Code, it matches the existing building's color and materials. The City Council may decide if they are okay with the awnings on the southeast elevation or if they want to see the same columned coverings as the southwest side.

17.72.040.F.2 "All commercial buildings shall avoid large panelized products or featureless surfaces. Commercial buildings shall utilize an appropriate mixture of building materials on all sides including brick, rock, fiber/cement siding, wood, glass, stucco and colored CMU. Stucco may not be use on more than 50 percent of a building." The proposed elevations utilizes siding, awnings, stone, and sheltering elements over doors. The City Council should determine if an appropriate mixture of building materials are being used for the proposed addition.

17.72.040.G states, "Buildings should not be restricted to using desert landscape colors, such as beige, tan, grays, browns, etc. A wide palette of colors is recommended, excluding any neon, ultra-bright, or reflective colors. A building's color palette should be similar to that of significant neighboring structures." It is the opinion of Staff that even though the proposed addition uses desert landscape colors, it does match the color palette of many neighboring structures, including the existing building.

17.72.040.I requires that all lighting shall be directed downwards and be full-cutoff. The proposed lighting for the addition meets this standard. No parking lot lighting is proposed.

17.72.040.K requires that all mechanical equipment be screened from view of a public or private street. The most recent elevation submission shows the mechanical equipment on the roof being properly screened behind parapets.

Parking

Per 17.55.120.C Child Day Care Centers/Preschools require 1 parking stall per staff member plus 1 stall per 10 children. The applicant has indicated they will have 20 staff members and will serve up to 190 children, therefore 39 parking stalls are required. The project currently provides 17 parking stalls. They are proposing to utilize an additional 22 shared parking spaces from the Parkway Crossroads development to meet their parking requirements. The additional parking stalls will come from the following locations: 12 from Lot 2, 4 from Lots 3 and 4, and 6 from Lot 6.

Landscaping

The landscaping plan has been reviewed and redline comments provided. The applicant has not had the chance to address those comments yet.

REQUIRED FINDINGS:

Site Plan approvals are based upon compliance with EMMC 17.100 and any other applicable standards.

PLANNING COMMISSION ACTION/RECOMMENDATION:

The Planning Commission recommended approval (5-0) of the proposed site plan, with the same conditions presented to the City Council.

ATTACHMENTS:

Civil and Site - A to Z

Elevations - A to Z

3D Elevations - A to Z

Parking Diagram - A to Z

Parking Lease Agreement - A to Z

Shared Parking Table - A to Z

Landscape - A to Z

Photometric Plan - A to Z

Lighting Schedule - A to Z

Snow Removal - A to Z

DDeVoogd/UFA 7/12/23 - No Comments

RBallif 7/12/23 no comments

DPayne 7/13/2023- Comments

CTrusty 7/13/23- No Comments

M BAHR 7-18-23
NO COMMENTS

S. Lehmitz reviewed 07/19/2023 - Comments

A TO Z BUILDING BLOCKS

3563 RANCHES PARKWAY
LOCATED IN THE NW 1/4 OF SECTION 29, T.5S., R.1W., S.L.B.&M.
EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

VICINITY MAP



SCALE: 1"=1000'

CIVIL DRAWING INDEX

SHEET	TITLE
C100	COVER & INDEX
C101	NOTES & LEGEND
C300	DEMOLITION PLAN
C400	SITE PLAN
C500	GRADING PLAN
C600	UTILITY PLAN
C900	SITE DETAILS
C910	UTILITY DETAILS
EC100	EROSION CONTROL PLAN

GENERAL NOTES

- 1) ALL WORK WITHIN A PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE RIGHT-OF-WAY OWNER'S STANDARDS & SPECIFICATIONS.
- 2) ALL UTILITY WORK SHALL CONFORM TO THE UTILITY OWNER'S STANDARDS & SPECIFICATIONS.
- 3) THESE PLANS DO NOT INCLUDE DESIGN OF DRY UTILITIES. THESE PLANS MAY CALL FOR RELOCATION, AND/OR REMOVAL AND/OR CONSTRUCTION OF DRY UTILITIES, BUT ARE NOT OFFICIAL DRAWINGS FOR SUCH. DESIGN AND COORDINATION OF DRY UTILITIES IS BY OTHERS.
- 4) THE CONTRACTOR SHALL COORDINATE AND OBTAIN ANY PERMITS REQUIRED FOR THE WORK SHOWN HEREON.
- 5) THE LOCATION AND ELEVATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS IS A BEST ESTIMATE BASED ON UTILITY COMPANY RECORDS, BLUESTAKES, AND FIELD MEASUREMENTS OF READILY OBSERVABLE ABOVE-GROUND FEATURES. AS SUCH, THIS INFORMATION MAY NOT BE COMPLETE, UP-TO-DATE, OR ACCURATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO STOP WORK AND NOTIFY THE ENGINEER IF CONFLICTING INFORMATION IS FOUND IN THE FIELD.
- 6) THE CONTRACTOR IS TO FIELD VERIFY THE LOCATION AND ELEVATIONS OF EXISTING MANHOLES AND OTHER UTILITIES PRIOR TO STAKING AND CONSTRUCTION.
- 7) CALL BLUESTAKES AT LEAST 48 HOURS PRIOR TO DIGGING. DO NOT PROCEED UNTIL BLUESTAKES ARE MARKED.
- 8) IT SHALL BE THE CONTRACTOR'S AND SUBCONTRACTOR'S RESPONSIBILITY TO MEET ALL APPLICABLE HEALTH AND SAFETY REGULATIONS, AND THEY SHALL ASSUME SOLE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING CONSTRUCTION OF THIS PROJECT, SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK, AND THE PUBLIC IS PROTECTED.

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ELEVATION 4846.65

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REGISTERED PROFESSIONAL ENGINEER
No. 375153
Leland K. Martineau
6-30-23
STATE OF UTAH

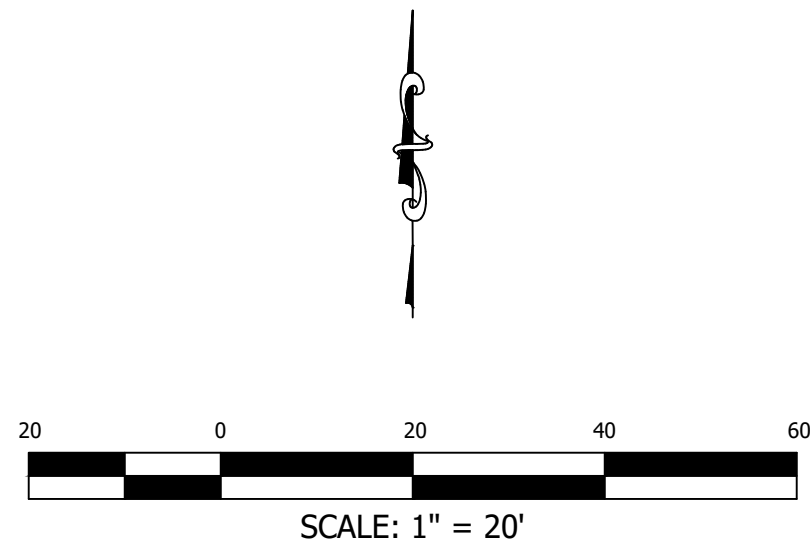
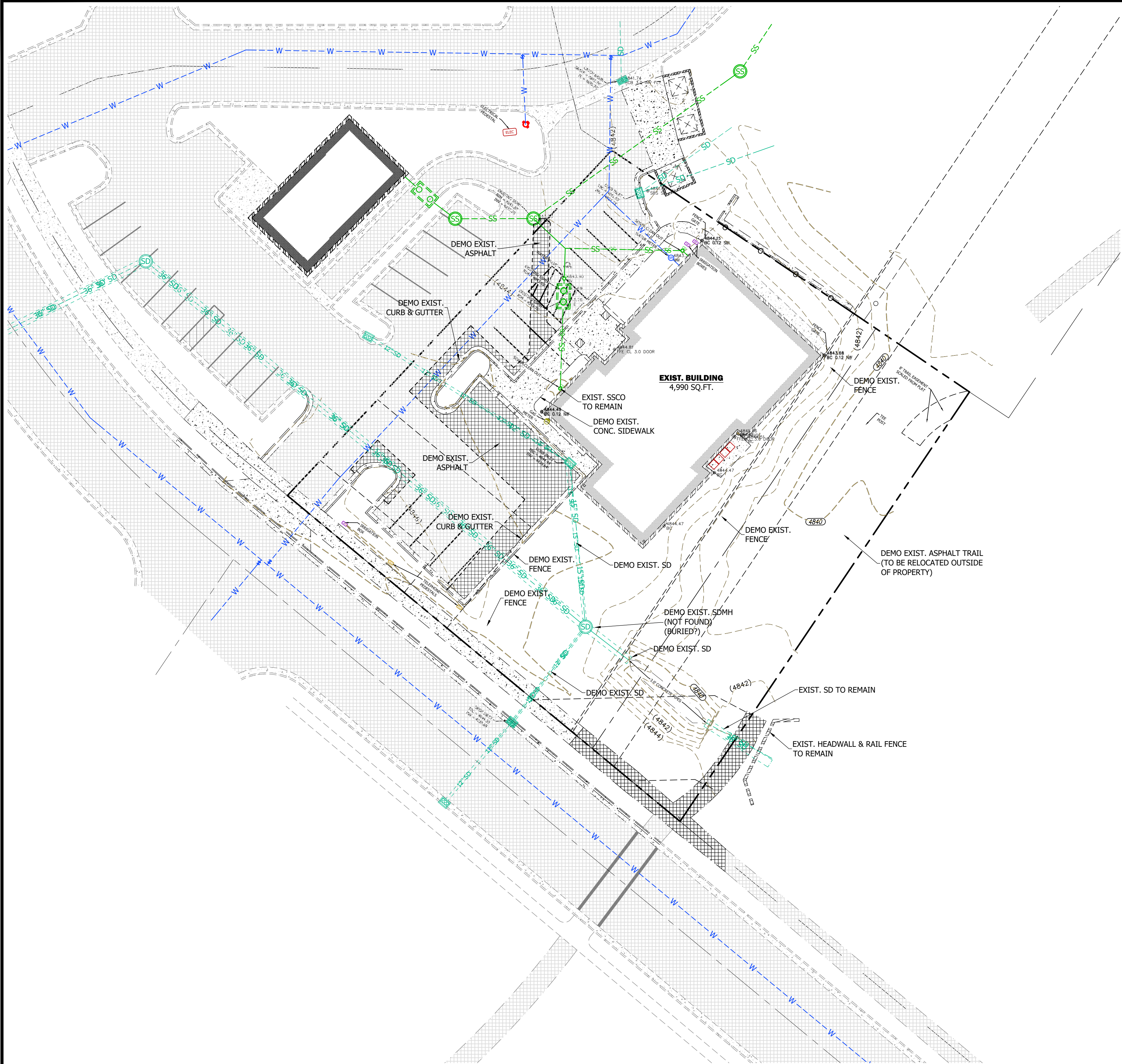
DEVELOPER
A TO Z BUILDING BLOCKS
3563 RANCHES PARKWAY
EAGLE MOUNTAIN, UT 84005
PHONE: 801-516-3138

A TO Z BUILDING BLOCKS
3563 RANCHES PARKWAY
LOCATED IN THE NW 1/4 OF SECTION 29, T.5S., R.1W., S.L.B.&M.
EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

REVISIONS

DRAWN: JH	2021-05-24
APPROVED: LKM	
PROJECT #:	1794008
SITE 1794008.dwg	

C100
COVER & INDEX



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DRAWN: JH 2021-05-24
APPROVED: LKM
PROJECT #: 1794008
SITE 1794008.dwg

C300
DEMOLITION PLAN

A TO Z BUILDING BLOCKS

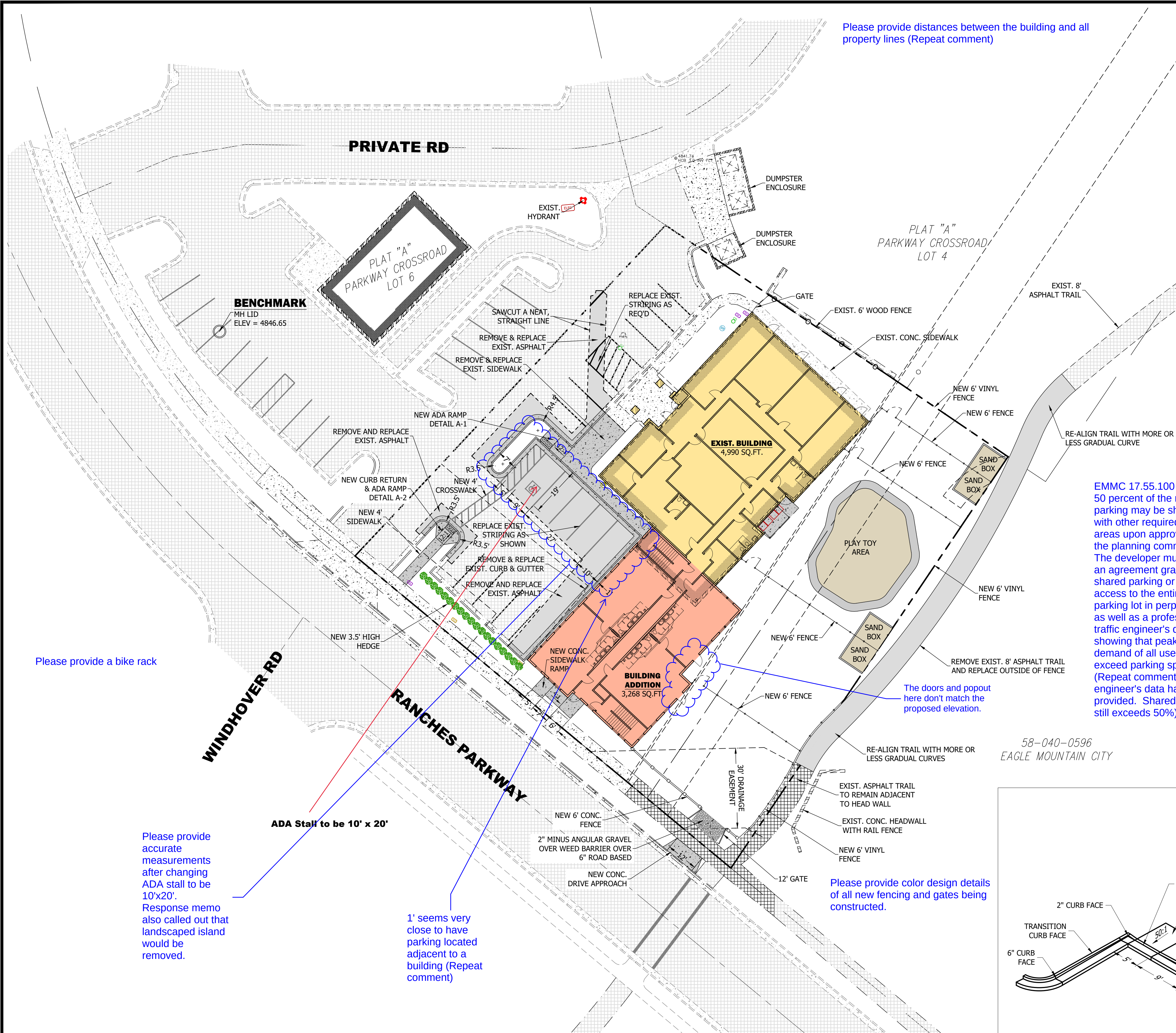
3563 RANCHES PARKWAY
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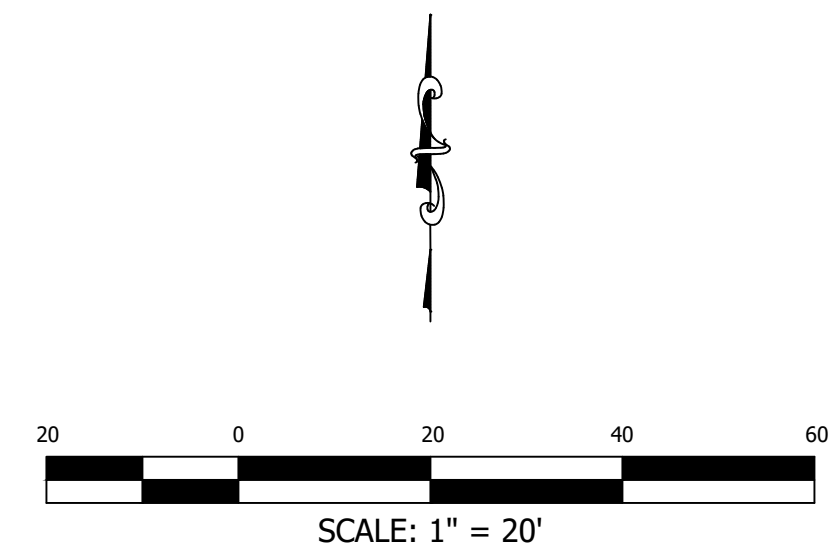
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Please provide distances between the building and all property lines (Repeat comment)

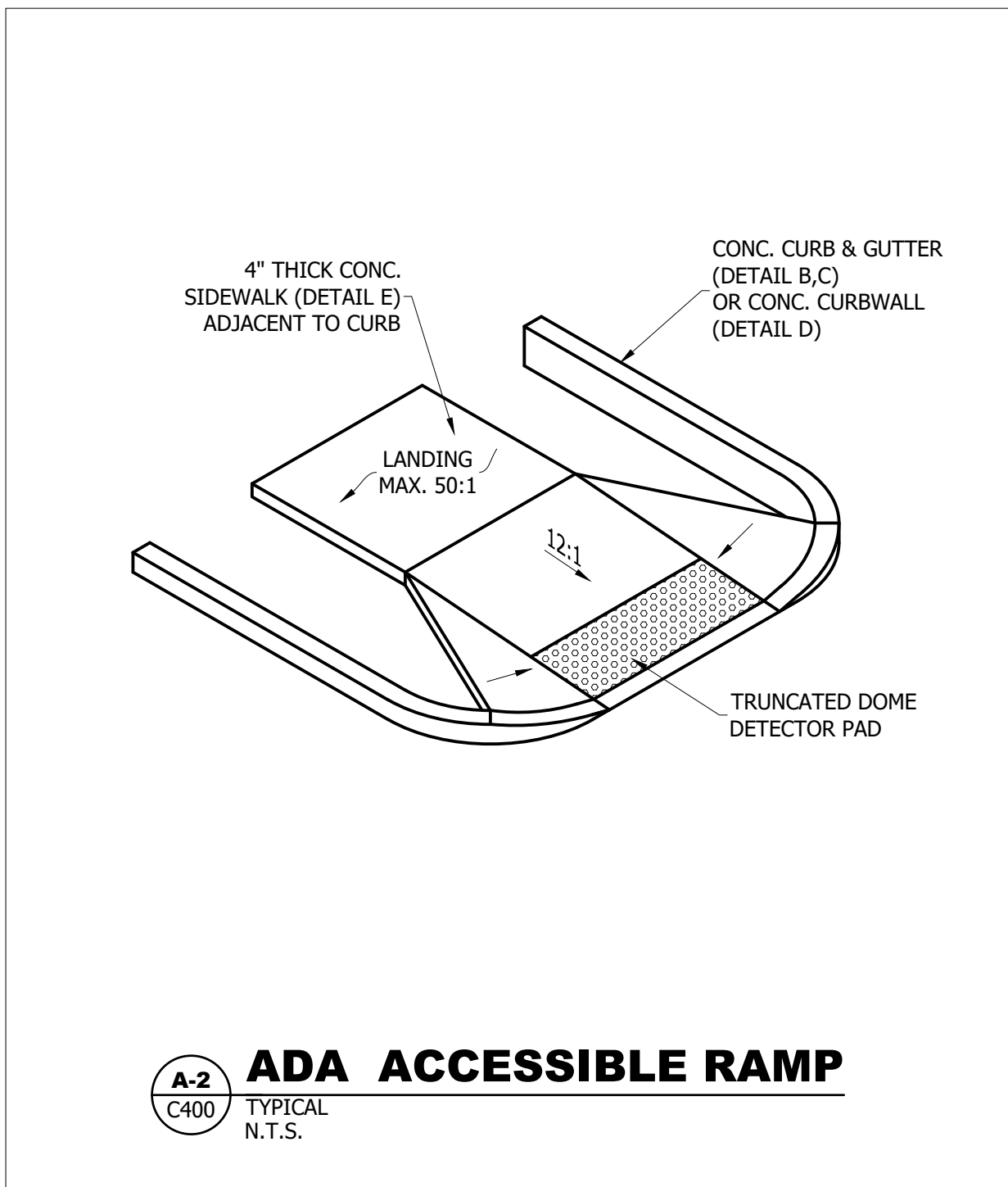
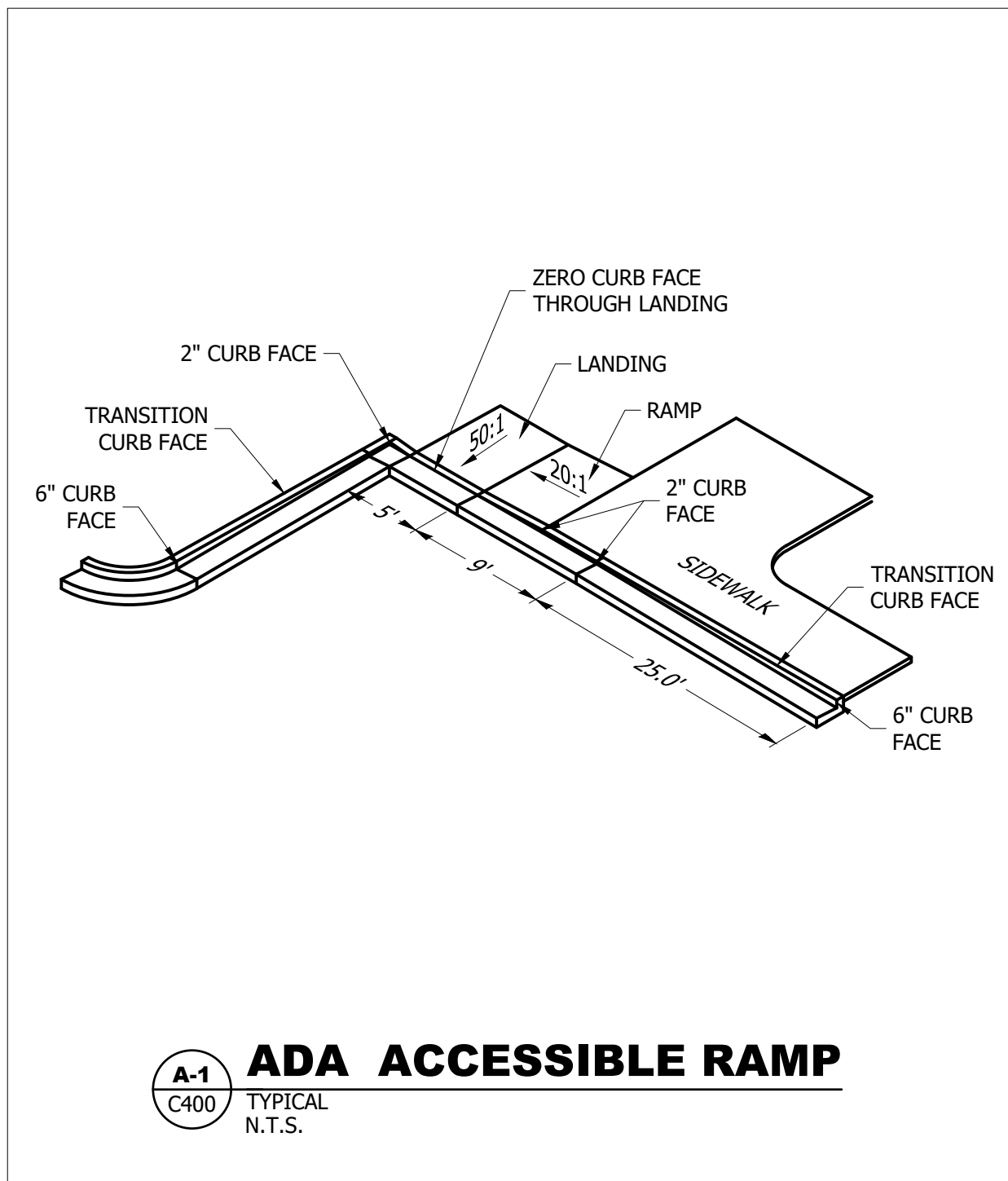


SYMBOL LEGEND	
(A-1)	ADA SIDEWALK RAMP AREA PER DETAIL, SHEET C900
(A-2)	ADA SIDEWALK RAMP PER DETAIL, SHEET C900
(C-1)	PRIVATE ASPHALT SECTION PER DETAIL, SHEET C901
(C-2)	PRIVATE CONCRETE CURB & GUTTER PER DETAIL, SHEET C901
(C-3)	PRIVATE CONCRETE CURB & GUTTER PER DETAIL, SHEET C901
(C-4)	PRIVATE CONCRETE SIDEWALK PER DETAIL, SHEET C901

ACCESSIBLE AREA CONSTRAINTS	
ALL ACCESSIBLE AREAS ARE TO MAINTAIN THE FOLLOWING MAXIMUM SLOPES AND TOLERANCES:	
ACCESSIBLE PARKING: MAXIMUM SLOPE OF 1:48 (2%) THROUGHOUT.	
ACCESSIBLE ROUTE: MINIMUM WIDTH OF 48". MAXIMUM SLOPE OF 1:20 (5%) ALONG THE ROUTE, MAXIMUM CROSS-SLOPE OF 1:48 (2%).	
ACCESS ROUTE TURNAROUNDS: A CLEAR 60" TURNING DIAMETER. MAXIMUM SLOPE OF 1:48 (2%) IN ANY DIRECTION.	
LEVEL LANDING / EXTERIOR DOOR LANDING: MINIMUM SIZE OF 60"x60". MAXIMUM SLOPE OF 1:48 (2%) IN ANY DIRECTION.	
ACCESSIBLE EGRESS TO PUBLIC WAY: MAXIMUM SLOPE OF 1:20 (5%) ALONG THE ROUTE, MAXIMUM CROSS-SLOPE OF 1:48 (2%).	
ADA ACCESS RAMPS: MAXIMUM SLOPE OF 1:12 (8.33%), WITH A MAXIMUM CROSS-SLOPE OF 2%. THE TRANSITION BETWEEN ASPHALT AND CONCRETE IS NOT TO EXCEED 1/2" VERTICAL (1/4" IF BEVELED).	

AREA TABULATION			
	sq.ft.	Acres	%
BUILDING	8,301	0.19	27.63%
IMPROVEMENTS	9,608	0.22	31.98%
LANDSCAPE	12,131	0.28	40.38%
TOTAL	30,040	0.69	100.00%

PARKING CALCULATION	
1 REQ'D PER 10 CHILDREN (190/10)	19
1 REQ'D PER 1 STAFF (20/1)	20
TOTAL REQ'D PARKING	39
ON-SITE PARKING	17
SHARED PARKING (BY AGREEMENT)	22
TOTAL PARKING PROVIDED	39
ADA PARKING REQ'D	2 OF 39
ADA PARKING PROVIDED	2 OF 39



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REGISTERED PROFESSIONAL ENGINEER
No. 375153
Leland K. Martineau
6-30-23
STATE OF UTAH

DEVELOPER

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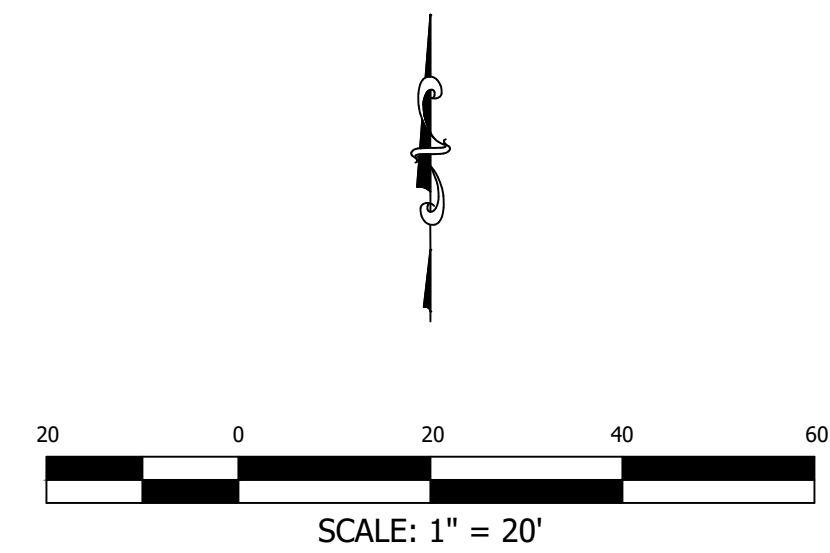
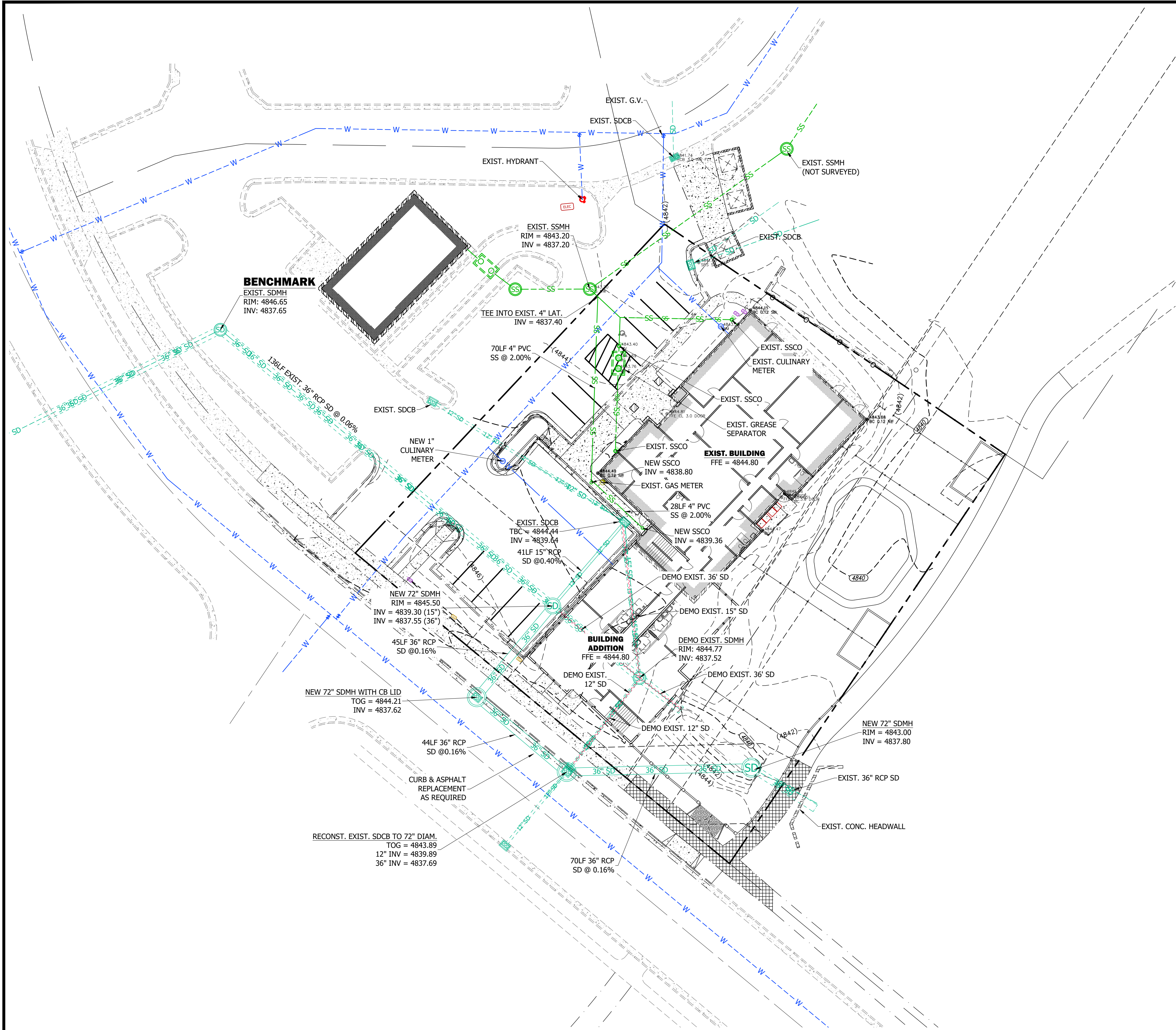
A TO Z BUILDING BLOCKS

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LOCATED IN THE NW 1/4 OF SECTION 29, T.5S., R.1W., S.L.B.&M.
EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

REVISIONS

DRAWN: JH 2021-05-24
APPROVED: LKM
PROJECT #: 1794008
SITE 1794008.dwg

C400
SITE PLAN



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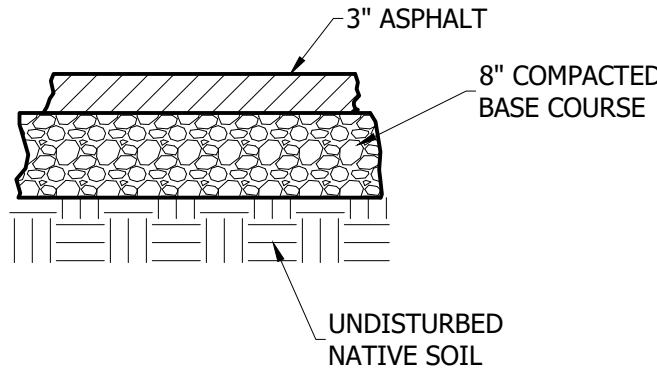
REVISIONS	

DRAWN: JH	2021-05-24
APPROVED: LKM	
PROJECT #:	1794008
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C600
UTILITY PLAN

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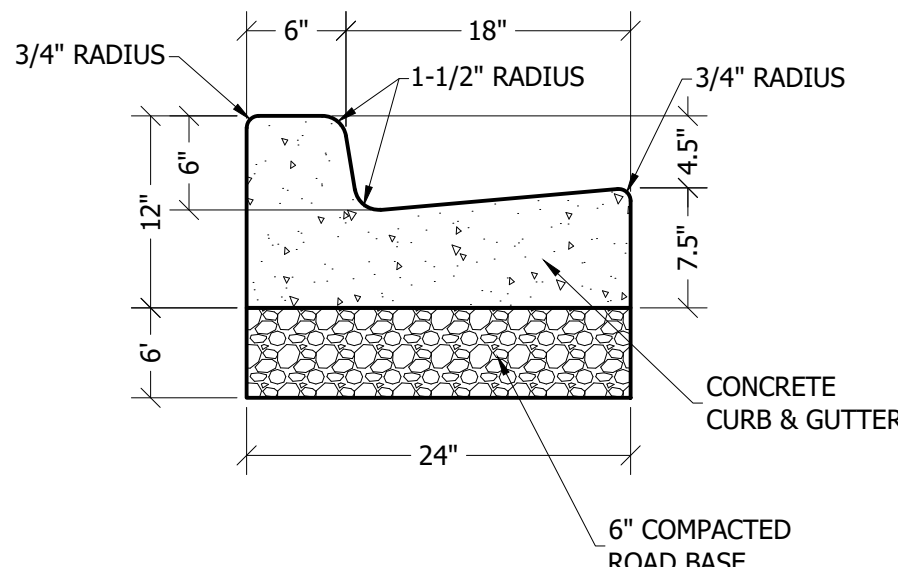
- NOTES
1. ROAD BASE IS TO BE COMPACTED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. IF NO SUCH RECOMMENDATIONS PERTAIN, COMPACT TO 95% AASHTO T-180 METHOD D.
 2. PLACE MATERIAL PER APWA SECTION 32 05 10.



PRIVATE ASPHALT SECTION

C-1
C400 TYPICAL
N.T.S.

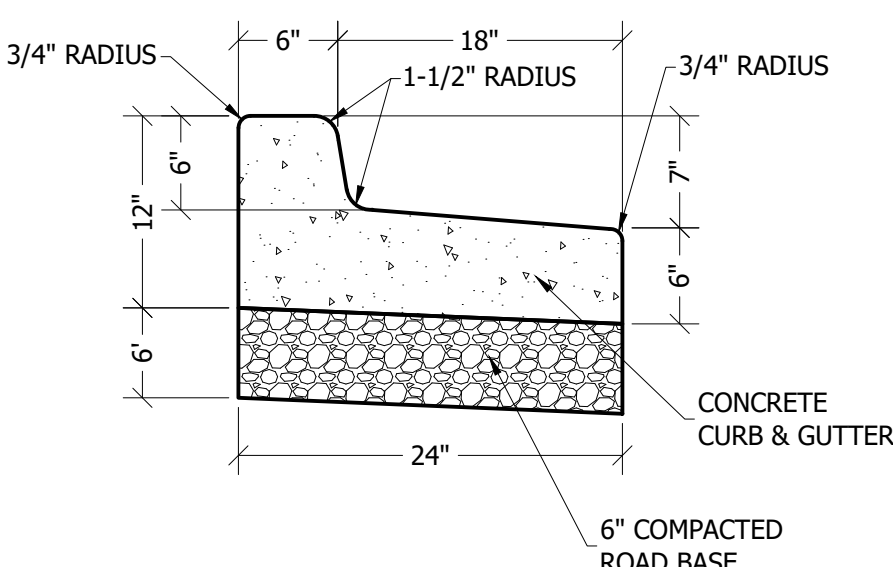
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1. ROAD BASE IS TO BE COMPACTED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. IF NO SUCH RECOMMENDATIONS PERTAIN, COMPACT TO 95% AASHTO T-180 METHOD D.
 2. CONCRETE IS TO BE 4,000 PSI TEST.
 3. CONTROL JOINTS AT 10' INTERVALS.
 4. BITUMINOUS MATERIAL EXPANSION JOINTS ARE REQUIRED AT 50' INTERVALS.



PRIVATE 24" CATCH CURB & GUTTER

C-2
C400 TYPICAL
N.T.S.

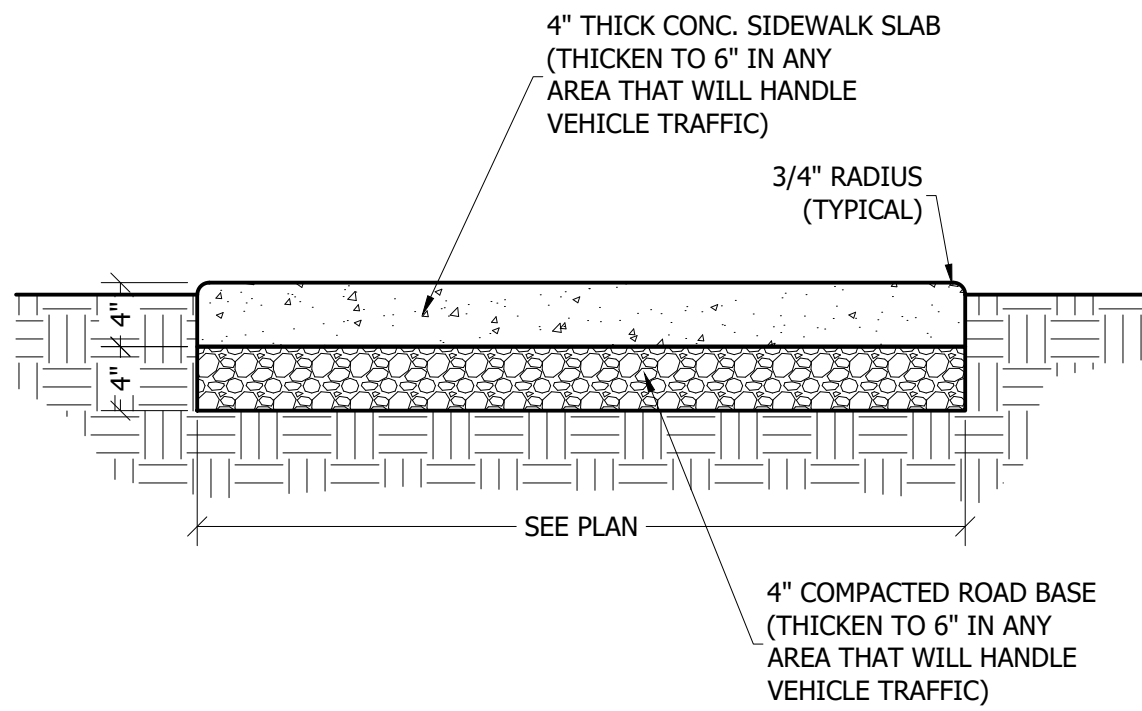
- NOTES
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 2. CONCRETE IS TO BE 4,000 PSI TEST.
 3. CONTROL JOINTS AT 10' INTERVALS.
 4. BITUMINOUS MATERIAL EXPANSION JOINTS ARE REQUIRED AT 50' INTERVALS.



PRIVATE 24" RELEASE CURB & GUTTER

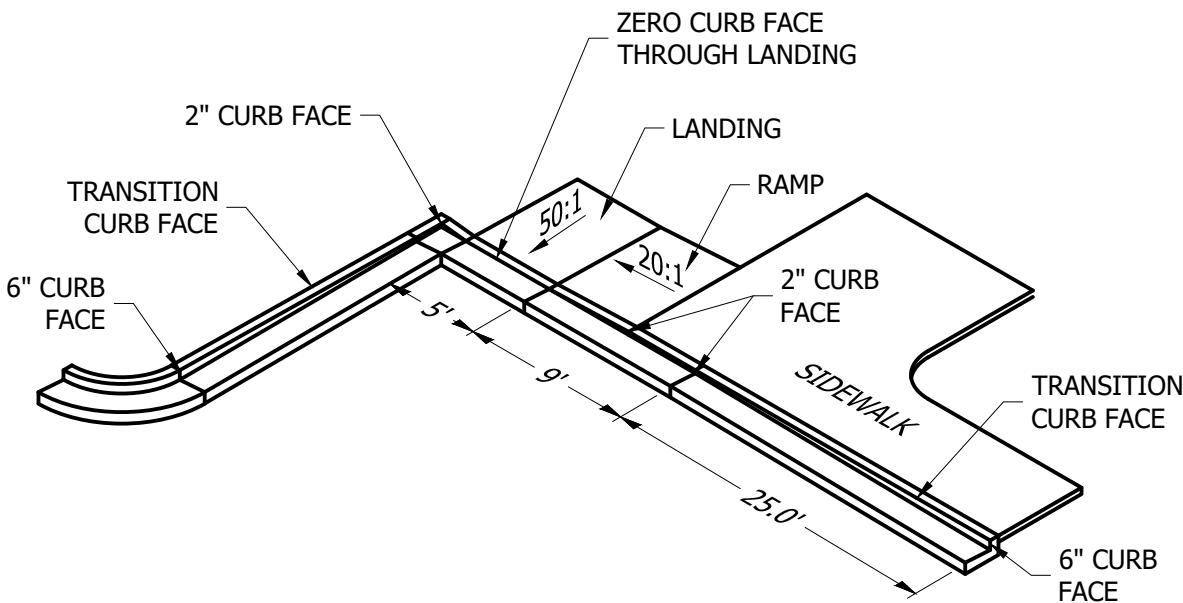
C-3
C400 TYPICAL
N.T.S.

- NOTES
1. ROAD BASE IS TO BE COMPACTED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. IF NO SUCH RECOMMENDATIONS PERTAIN, COMPACT TO 95% AASHTO T-180 METHOD D.
 2. CONCRETE IS TO BE 4,000 PSI TEST.
 3. CONTROL JOINTS AT 5' INTERVALS.
 4. BITUMINOUS MATERIAL EXPANSION JOINTS ARE REQUIRED AT 50' INTERVALS.



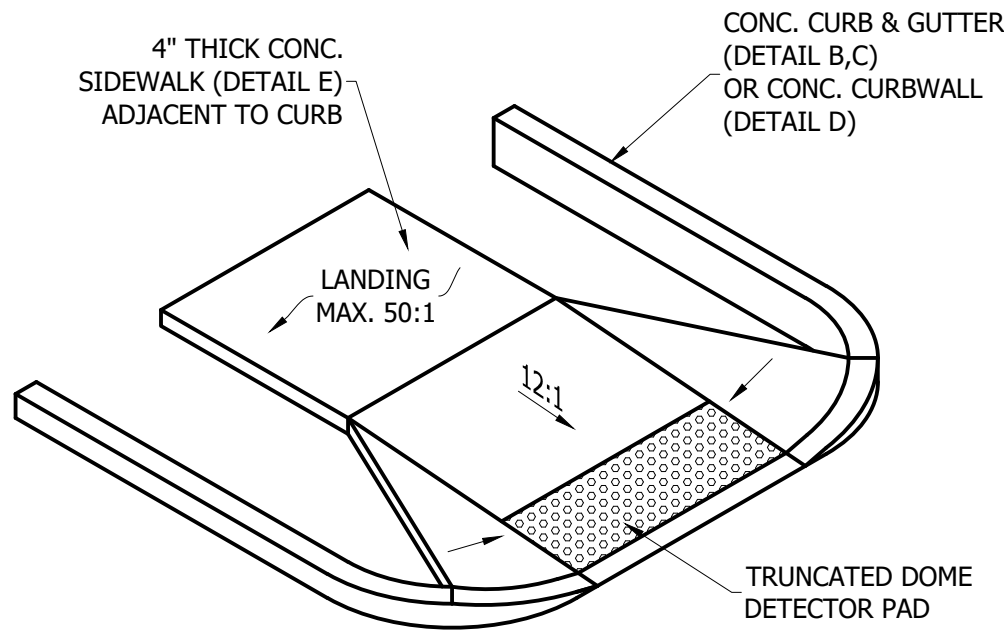
PRIVATE CONCRETE SIDEWALK

C-4
C400 TYPICAL
N.T.S.



ADA ACCESSIBLE RAMP

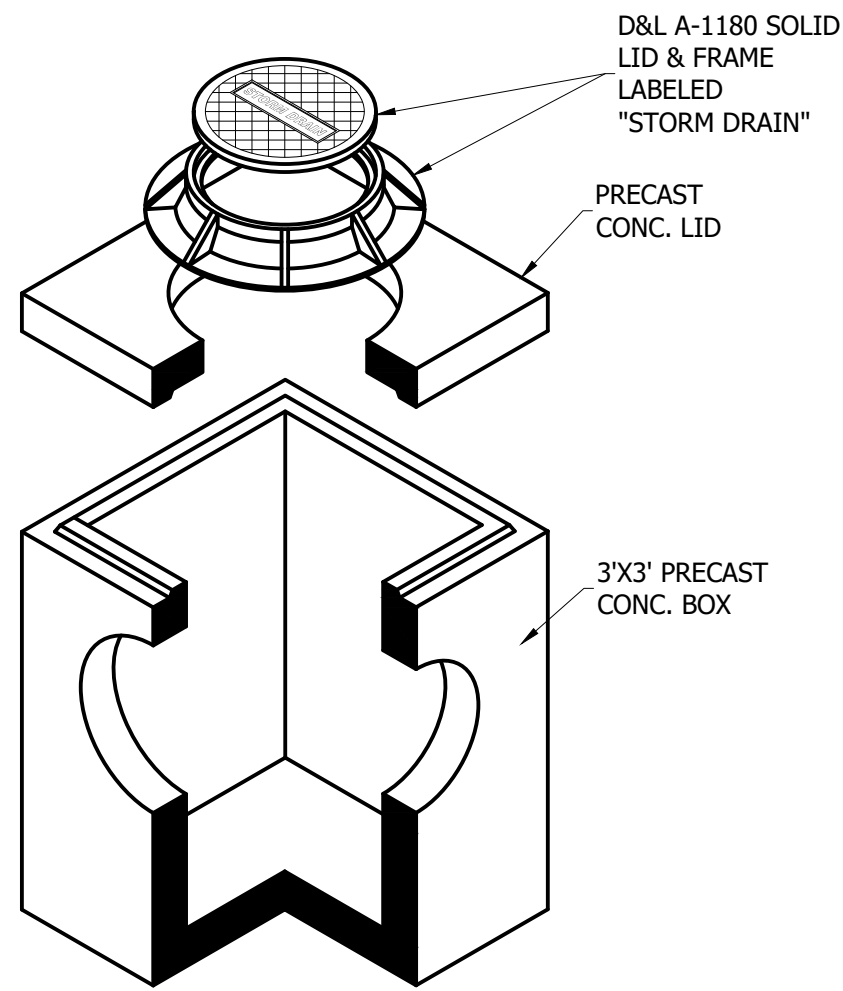
A-1
C400 TYPICAL
N.T.S.



ADA ACCESSIBLE RAMP

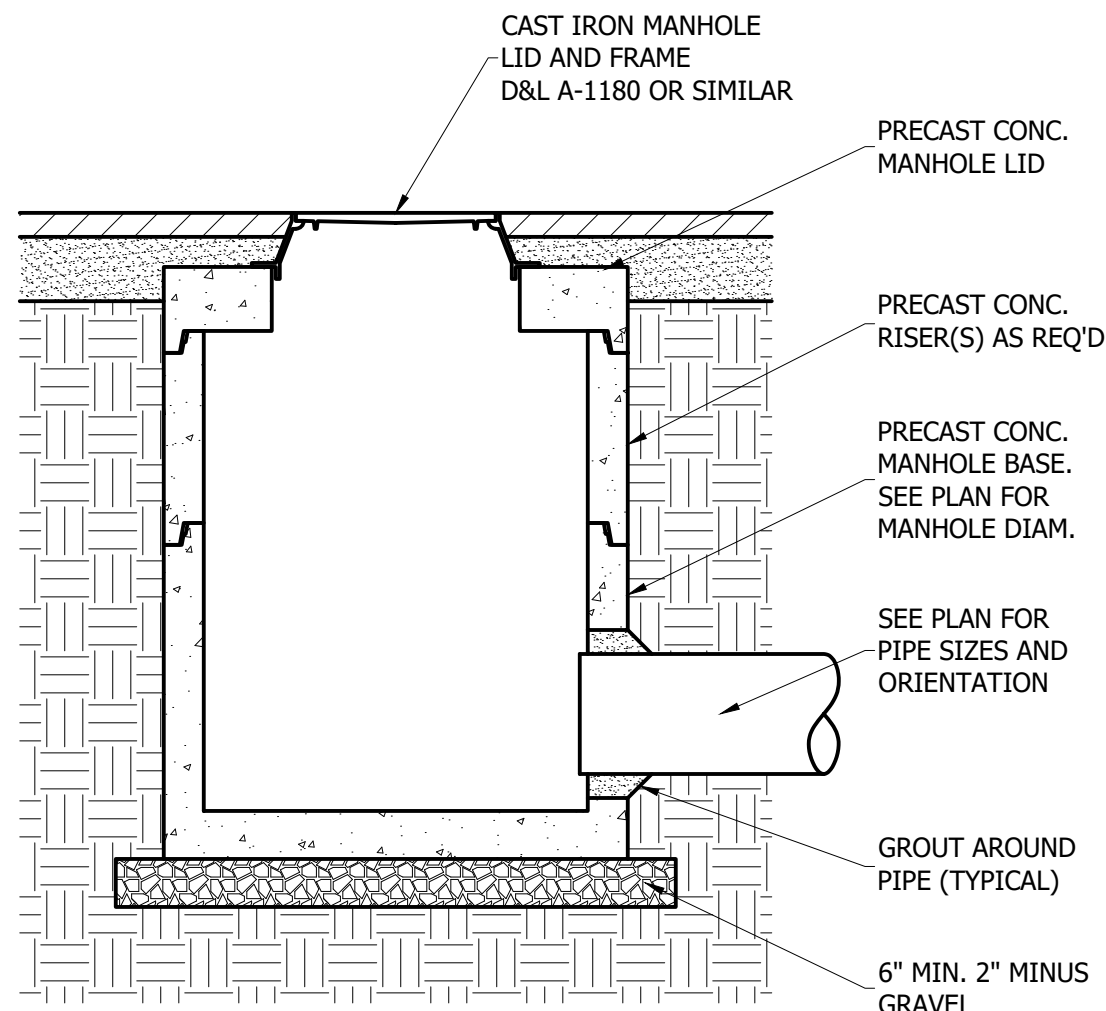
A-2
C400 TYPICAL
N.T.S.

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**PRIVATE STORM DRAIN
3'X3' CLEANOUT**

SD-1
C600
TYPICAL
N.T.S.



**PRIVATE FLAT LID
STORM DRAIN MANHOLE**

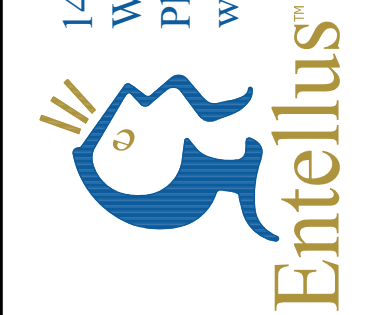
SD-2
C600
TYPICAL
N.T.S.

REVISION	REVISIONS	DATE

A TO Z BUILDING BLOCKS
3563 RANCHES PARKWAY LOCATED IN THE NW 1/4 OF SECTION 29, T.5S., R.1W., S.L.B.&M. EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH



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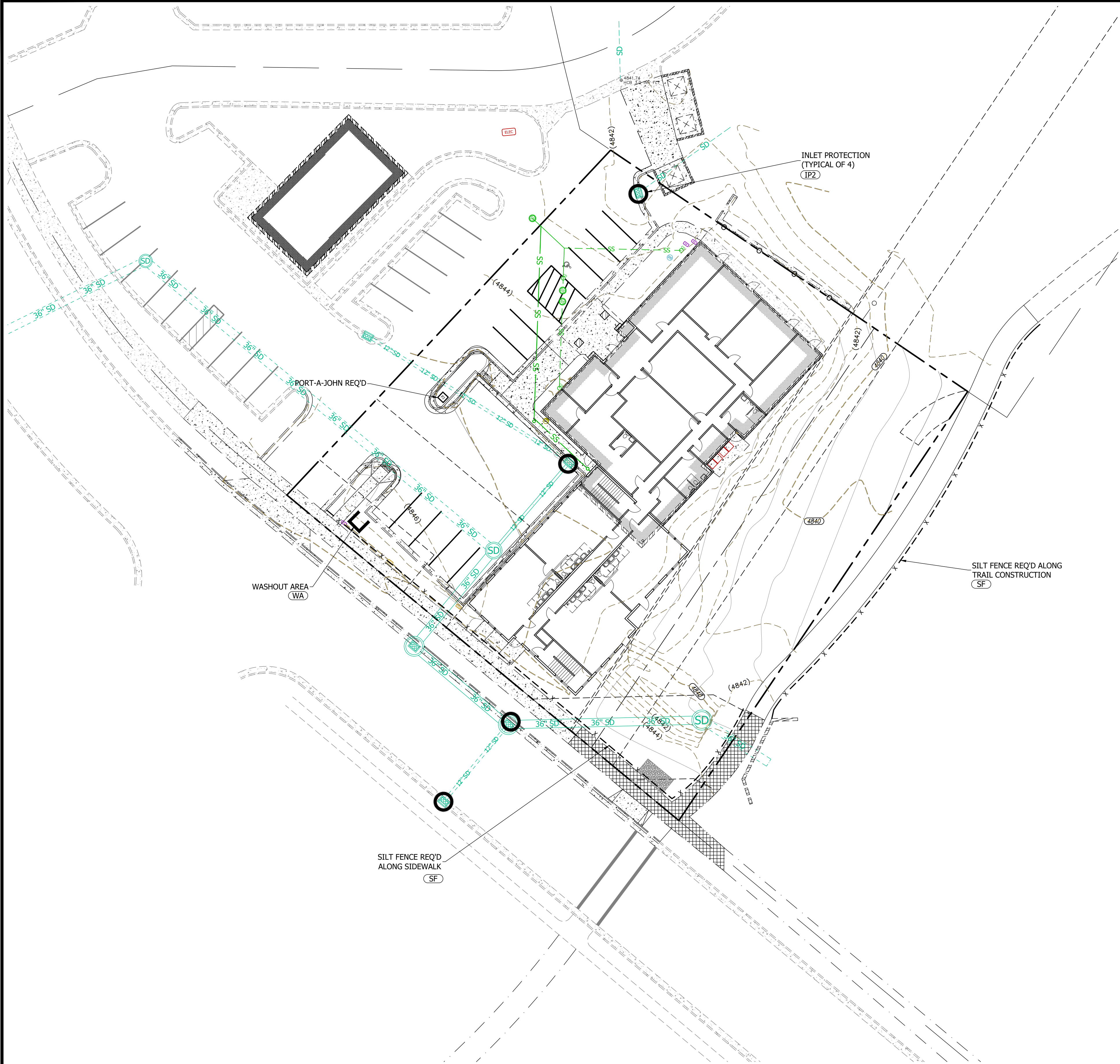
APPROVED:

DATE: 2023-06-30

PROJECT #: 1794008

SITE 1794008.dwg

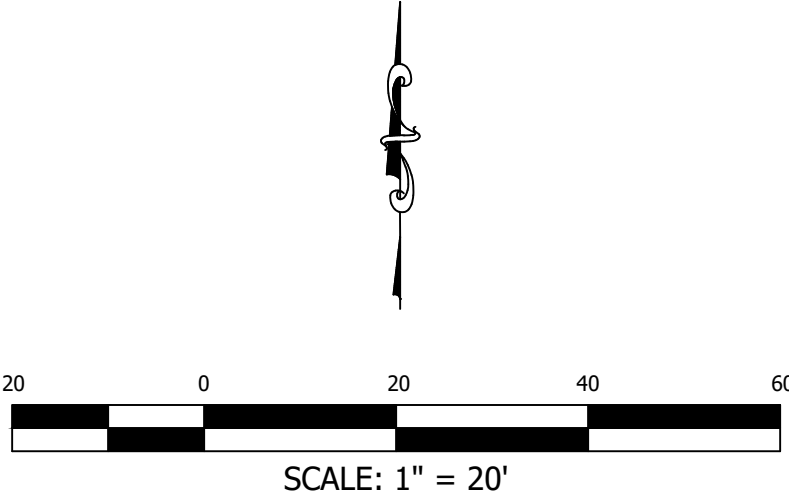
C910
UTILITY DETAILS



Storm water inlet BMP to meet or exceed ASTM D8057 as per Eagle Mountain City code 15.50.070

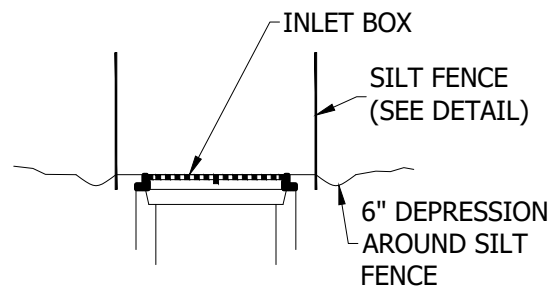
Concrete washout to be a pit lined with a solid sheet of impervious sheeting or a solid sided container.

DWQ 2020 CGP- 4.2.1. At least once every seven (7) calendar days; or 4.2.2. Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.50 inches or greater, or the occurrence of runoff from snow melt sufficient to cause a discharge.

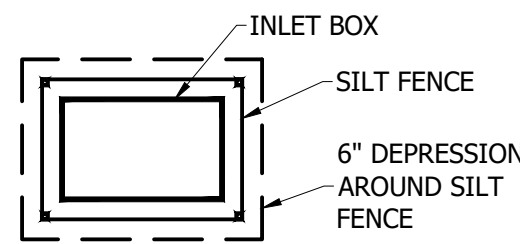


CONSTRUCTION NOTES

1. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, STATE, AND FEDERAL PERMITS PRIOR TO COMMENCING CONSTRUCTION.
2. CONTRACTOR TO MAINTAIN A COPY OF THE SWPPP ON SITE.
3. CONTRACTOR TO INSPECT SITE TO ENSURE THE SWPPP IMPROVEMENTS ARE IN PLACE AND FUNCTIONAL.
4. CONTRACTOR TO MAINTAIN TEMPORARY EROSION AND SEDIMENT CONTROLS AND HOUSEKEEPING MEASURES.
5. ALL SOLID WASTE SHALL BE STORED IN A SECURELY LIDDED METAL DUMPSTER. THE DUMPSTER SHALL MEET ALL STATE AND LOCAL WASTE MANAGEMENT REGULATIONS.
6. ALL HAZARDOUS WASTE SHALL BE DISPOSED OF IN THE MANNER AS SPECIFIED BY THE MANUFACTURER AND STATE AND LOCAL REGULATIONS.
7. A WASHOUT AREA SHALL BE CONSTRUCTED FOR THE TEMPORARY COLLECTION OF EXCESS CONCRETE AND NON-STORM WATER DISCHARGES FROM VEHICLE WASHING. THE CONCRETE WILL BE TAKEN TO THE CITY LANDFILL WITHIN 1 WEEK OF PLACING IN THE WASHOUT AREA.
8. A STABILIZED CONSTRUCTION ENTRANCE WILL BE CONSTRUCTED TO REDUCE VEHICLE TRACKING OF SEDIMENTS ONTO PUBLIC RIGHT OF WAYS. THE PAVED STREET ADJACENT TO THE SITE ENTRANCE WILL BE SWEEP DAILY TO REMOVE EXCESS DIRT.
9. INSPECTION SHALL BE MADE MONTHLY AND WITHIN 24 HOURS AFTER A RAINFALL EVENT OF 0.5 INCHES OR GREATER. ALL NON-STORM WATER FLOWS SHALL BE DIRECTED TOWARD THE WASHOUT AREA OR SEDIMENT BASIN. THE SWPPP WILL BE REVISED AS SITE CONDITIONS AND PROJECT WARRANTS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING AND SWEEPING PUBLIC STREETS ON A DAILY BASIS, OR MORE IF NECESSARY.
11. CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE ADEQUATE DUST CONTROL THROUGHOUT THE COURSE OF THE PROJECT.

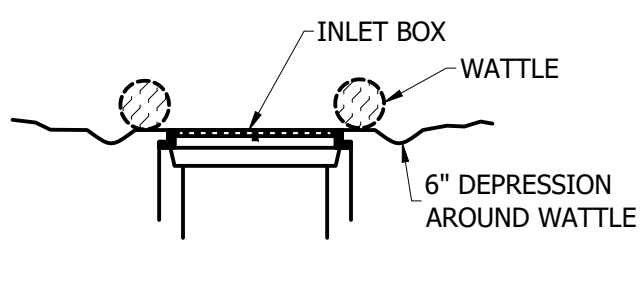


PROFILE VIEW

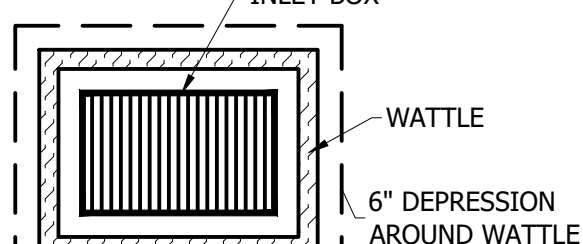


PLAN VIEW

IP1 INLET PROTECTION
EC100 TYPICAL
N.T.S.

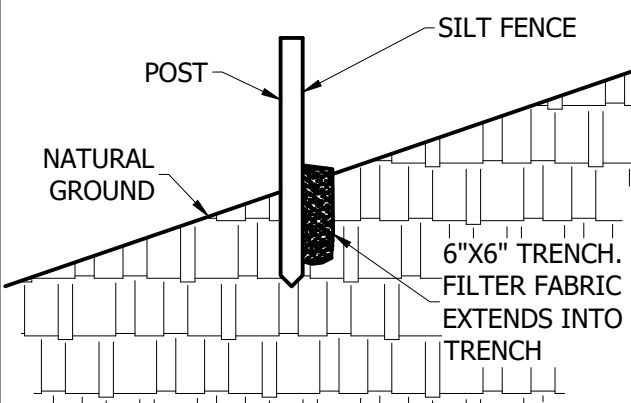


PROFILE VIEW

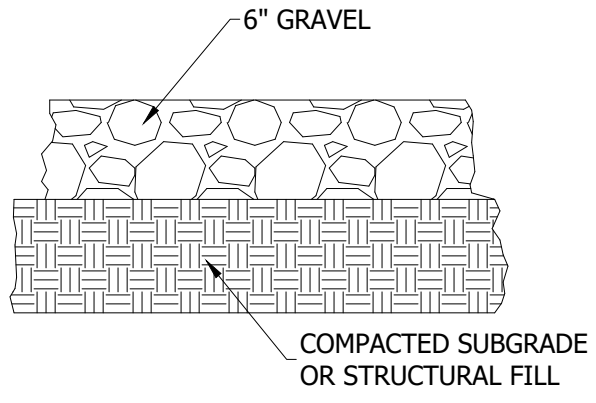


PLAN VIEW

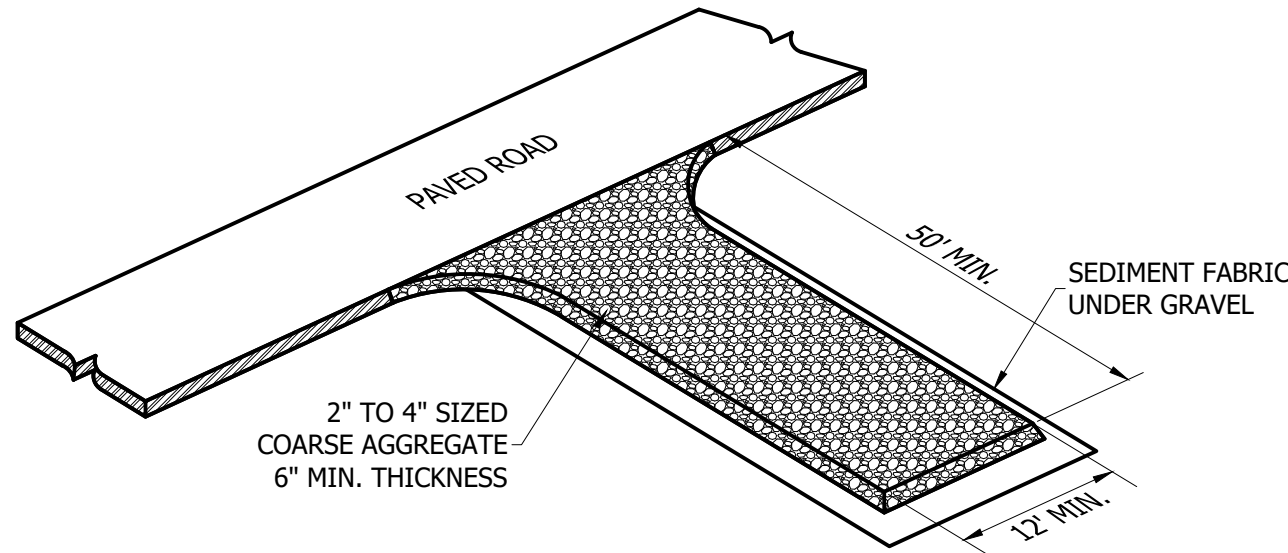
IP2 INLET PROTECTION
EC100 TYPICAL
N.T.S.



SF SILT FENCE
EC100 TYPICAL
N.T.S.



WA WASHDOWN AREA
EC100 TYPICAL
N.T.S.



SCE STABILIZED CONSTRUCTION ENTRANCE
EC100 TYPICAL
N.T.S.

DEVELOPER

A TO Z BUILDING BLOCKS
3563 RANCHES PARKWAY
EAGLE MOUNTAIN, UT 84005
PHONE: 801-516-3138

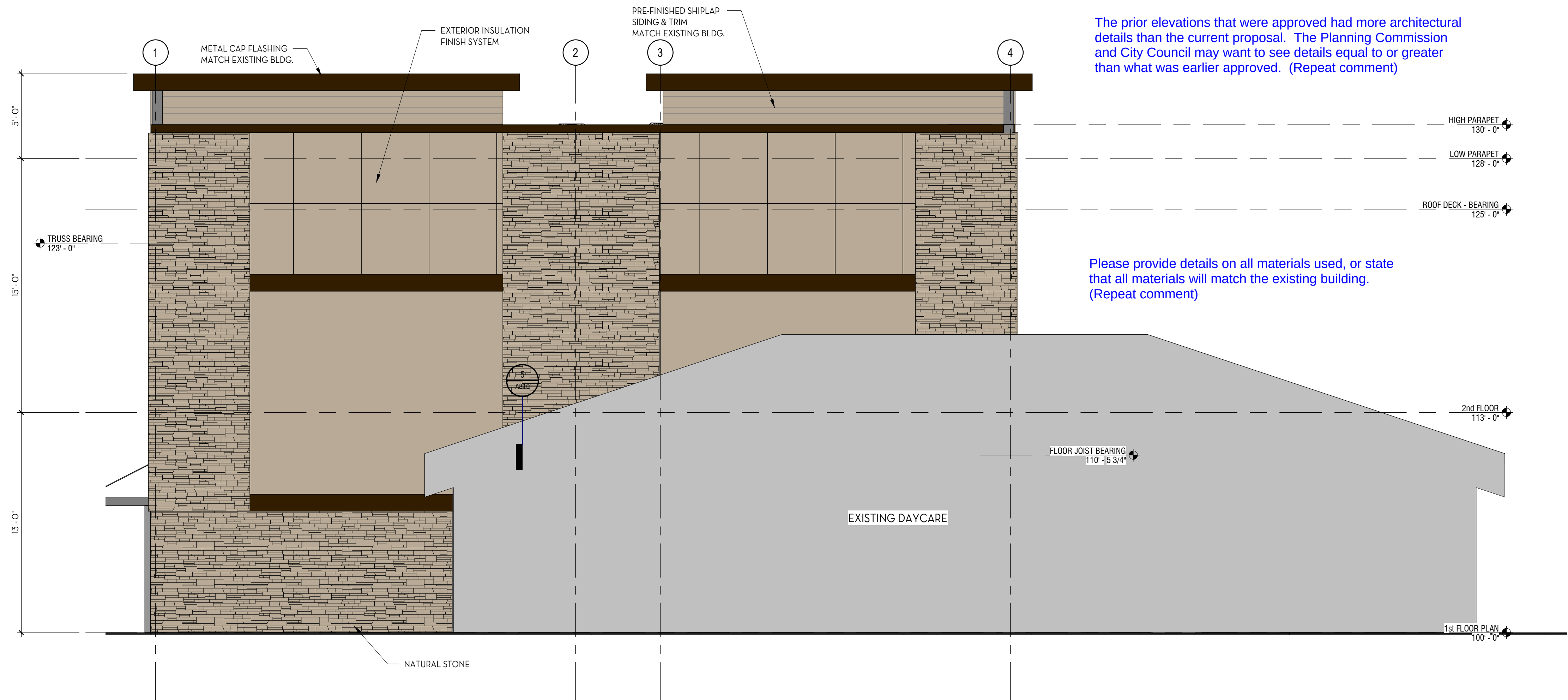
A TO Z BUILDING BLOCKS

3563 RANCHES PARKWAY
LOCATED IN THE NW 1/4 OF SECTION 29, T.35S., R.1W., S.L.B.&M.
EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

REVISIONS

DRAWN: JH 2021-05-24
APPROVED: LKM
PROJECT #: 1794008
SITE 1794008.dwg

EC100
EROSION CONTROL PLAN



1
A201 1/4" = 1'-0"

NORTHEAST ELEVATION

The prior elevations that were approved had more architectural details than the current proposal. The Planning Commission and City Council may want to see details equal to or greater than what was earlier approved. (Repeat comment)

Please provide details on all materials used, or state that all materials will match the existing building. (Repeat comment)



EMMC 17.72.040 D. Building Articulation. Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, varied front setbacks or staggered and jogged unit planes within the same structure, and other techniques to help identify individual residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited. (Repeat comment)

EMMC 17.72.040.E. Architectural Detailing. Pedestrian-scaled architectural features/details shall be incorporated into commercial and multifamily buildings to orient the building to pedestrian activity and to increase the overall visual appeal of the structure.
1. Commercial buildings shall incorporate a majority of the following architectural details: reveals, canopies, awnings, popouts, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers, and trellis structures. All sides of a building shall include the chosen details. (Repeat comment)

BUILDING SQUARE FOOTAGE

NORTHWEST 2,147 SF
SIDING 60 SF
STONE 927 SF
EIFS 964 SF
WINDOWS 240 SF

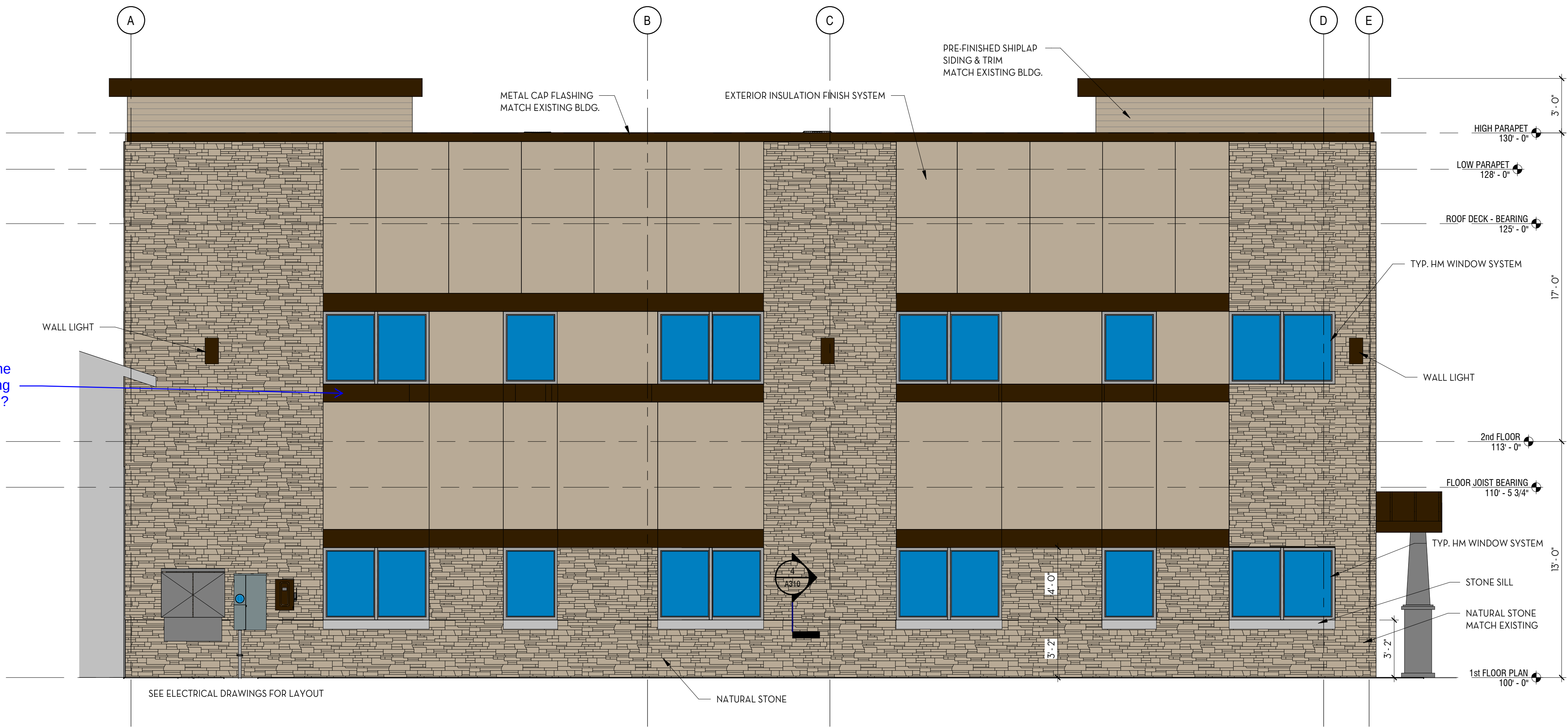
NORTHEAST 1,085 SF
SIDING 82 SF
STONE 492 SF
EIFS 493 SF

SOUTHEAST 2,147 SF
SIDING 444 SF
STONE 690 SF
EIFS 598 SF
WINDOWS 216 SF
DOORS 42 SF

SOUTHWEST 1,633 SF
SIDING 80 SF
STONE 888 SF
EIFS 501 SF
WINDOWS 84 SF
DOORS 21 SF

7,012 SF	TOTAL EXTERIOR	100%
666 SF	TOTAL SIDING	10%
2,997 SF	TOTAL STONE	43%
2,556 SF	TOTAL EIFS	37%
540 SF	TOTAL WINDOWS	8%
63 SF	TOTAL DOORS	2%

Is this material the metal cap flashing or the siding trim?



2
A201 1/4" = 1'-0"

NORTHWEST ELEVATION



1445 w. 8660 s.
west jordan, utah 84088
www.altarchitecture-ut.com



ANDY TONGISH 801-865-0633

EXTERIOR ELEVATIONS

A to Z BUILDING BLOCKS
JODY ZABRSKIE

3563 RANCHES PARKWAY EAGLE MOUNTAIN 84005

TITLE
PROJECT
CLIENT
ADDRESS

REVISIONS		
NO.	DATE	DESCRIPTION

ISSUED: 7/19/2023
PROJECT #: 23-004
DRAWN BY: act
CHECKED BY: act

SHEET

EXTERIOR ELEVATIONS

A201



PARKING SPACE LEASE AGREEMENT

This Parking Space Lease Agreement (this "**Lease**") is made as of June 21, 2023 by and between PARKWAY CROSSROADS, LLC, a Utah limited liability company ("**Landlord**"), and ZABRISKIE PROPERTIES #6, LLC, a Utah limited liability company ("**Tenant**"). Landlord and Tenant are each individually a "**Party**" and collectively the "**Parties**".

WHEREAS, Landlord is the owner of two lots located at 3535 Ranches Parkway, Eagle Mountain, UT 84005, Utah County Parcel IDs 49:675:0001 and 49:675:0006, respectively (both lots collectively hereinafter the "**Burdened Lots**"); and

WHEREAS, Tenant is the owner of one lot located at 3535 Ranches Parkway, Eagle Mountain, UT 84005, Utah County Parcel ID 49:938:0002 (the "**Tenant's Lot**"), and desires to lease from Landlord 22 parking stalls located on the Burdened Lots, subject to the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby covenant and agree as follows.

1. Lease of Parking Stalls. Landlord hereby leases to Tenant and Tenant leases from Landlord 22 parking stalls (the "**Assigned Stalls**") from the Burdened Lots. Initially, the Assigned Stalls shall not be specifically designated but Landlord may, in its sole discretion, make such designations at any time while this Agreement is in effect.

2. Term. This Lease shall commence on the date Tenant receives a certificate of occupancy from Eagle Mountain City for its expanded building project (the "**Commencement Date**") and shall automatically renew each year on the anniversary of the Commencement Date at the same terms, subject to the Annual Rent Increase described below, unless otherwise communicated in writing by either party at least 30 days before renewal. In the event Eagle Mountain City denies Tenant's commercial site plan amendment proposal or building permit as currently programmed, Tenant shall have the right to rescind this agreement without penalty. Similarly, the parties agree to renegotiate in good faith any adjustment in parking requirements mandated by Eagle Mountain City, but neither party shall be obligated to amend this agreement as currently constituted.

3. Rent. Tenant shall pay Landlord monthly rent payments in the amount of \$555.50 per month, based on a rate of \$25.25 per stall. The rent amount shall increase annually by 3% on the anniversary of the Commencement Date (the "**Annual Rent Increase**"). Rent shall be due monthly on the first of each month and shall be paid to Landlord by ACH transfer or another method agreed upon by the Parties.

4. Use. The Tenant's sole use of the Leased Premises shall be for the parking of vehicles used by its agents, employees, consultants, affiliates, guests, customers, and invitees. The Assigned Stalls are being leased to Tenant so that Tenant's Lot may be in compliance with the number of parking stalls required by the city of Eagle Mountain, Utah, based on the square footage of the building located on Tenant's Lot. This lease is made in full acknowledgement of the Property Owner's Association Declaration recorded against the Burdened Lots and the Tenant's Lot, which includes "cross easements" for parking and drive aisles.

5. Repairs, Maintenance and Alterations. Landlord shall be responsible for repairs and maintenance related to ordinary use of the Assigned Stalls, including snow removal. Tenant shall be responsible for any repairs related to damage caused either negligently or intentionally by Tenant, its agents, employees, consultants, affiliates, guests, customers, and invitees.

6. Default. In the event that Tenant shall fail to pay Rent on or before the first of a given month, or shall violate or fail to perform any of the covenants contained herein, the following default provisions shall apply:

a. Late Payments. If Tenant shall fail to pay Rent on or before the 6th day of the month, a \$100 late fee shall become due on the 7th day. The late fee and past due Rent shall accrue interest at a rate of \$10 per day, starting on the 8th day of the month, until all past-due Rent amounts, late fees, and interest charges have been paid in full.

b. Failure to Perform. If Tenant shall violate or fail to perform any of the covenants contained herein, or if Tenant shall fail to pay Rent on or before the 15th day of the month, Landlord shall be entitled to terminate this Lease immediately, upon written notice to Tenant. Landlord's election to terminate under this section shall not preclude Landlord from exercising any other right granted in this Lease, including the collection of rent. Termination will not relieve Tenant of its obligation to pay any rent previously owed to Landlord, and Tenant shall not be entitled to any refund of rent if the Lease is terminated pursuant to this section.

7. Termination. Notwithstanding any other term of this Lease to the contrary, the Parties shall each have the right to terminate this Lease at any time upon not less than 30 days' prior written notice to the other.

8. Notice. All notices sent or required to be sent hereunder shall be delivered in writing to the mailing address provided below by each Party, or by e-mail, or other method as mutually agreed upon by the Parties.

9. Waiver; Invalidity of a Particular Provision. The failure of a Party to exercise or enforce any of its rights under this Lease shall not be a waiver of those rights and shall not affect any other right of that Party under this Lease. If any provision of this Lease shall be found to be void or unenforceable, such findings shall not be construed to render any other provision of this Lease either void or unenforceable and all other provisions shall remain in full force and effect unless the provisions which are invalid or unenforceable shall substantially affect the rights or obligations granted to or undertaken by either Party.

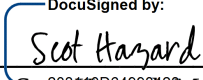
10. Construction; Section Headings. Each term and each provision of this Lease to be performed by the Tenant shall be construed to be both a covenant and a condition. The paragraph headings throughout this Lease are used for convenience only, and shall not be held to explain, modify, amplify, or otherwise aid in the interpretation, construction or meaning of this Lease.

11. Counterparts. This Lease may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

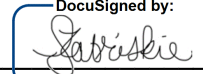
[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused this Lease to be executed as of the date first written above.

LANDLORD
PARKWAY CROSSROADS, LLC

DocuSigned by:

By Scot Hazard, Manager

TENANT
ZABRISKIE PROPERTIES #6, LLC

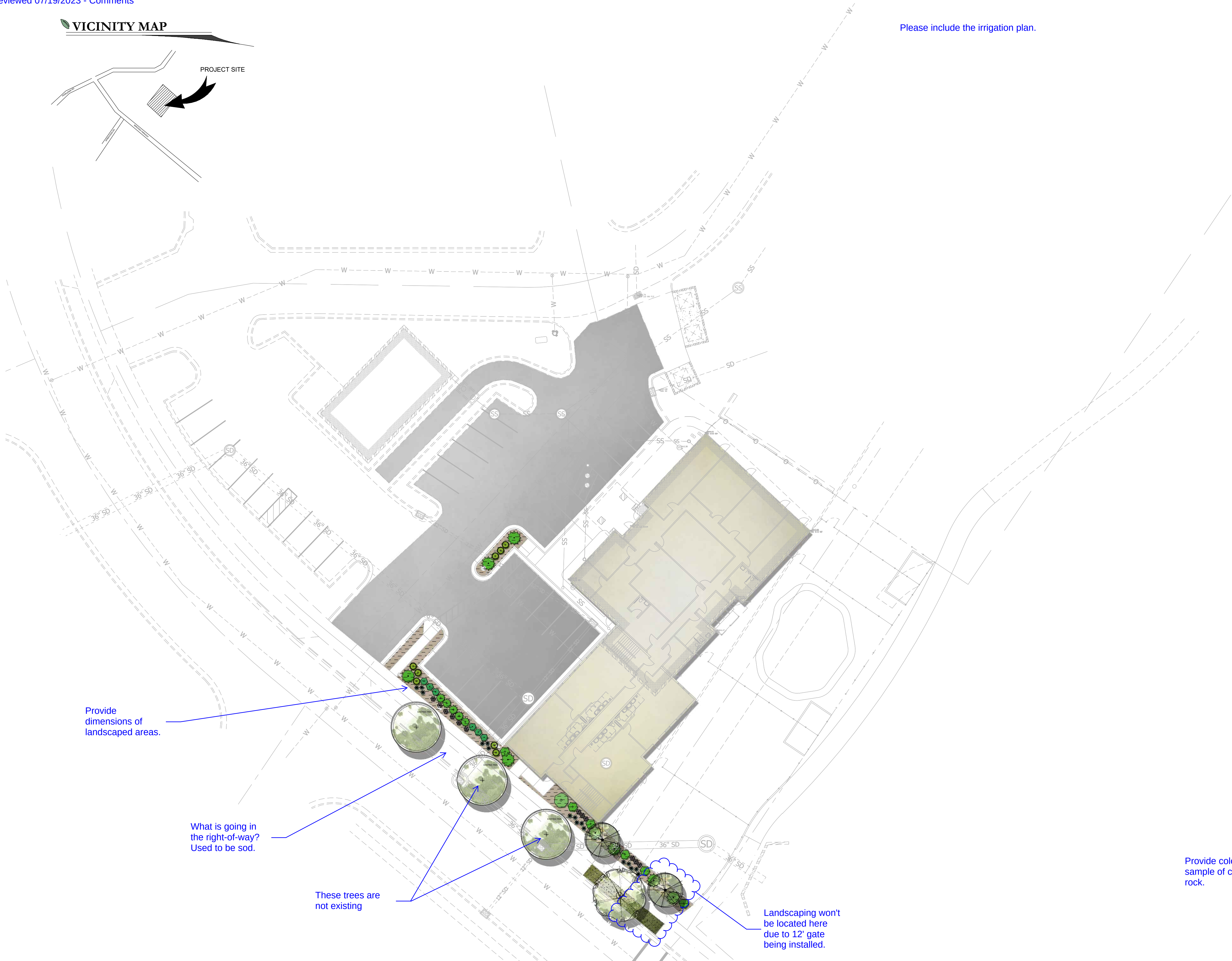
DocuSigned by:

By Jody Zabriskie, Manager

Shared Parking

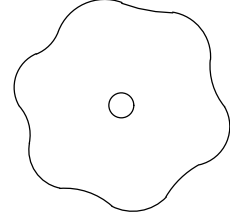
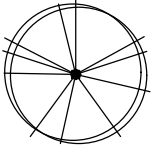
Lot	Parking Provided	Parking Required	Difference	Parking shared with Lot 5 (A to Z)	Excess Stalls remaining
1	58	48	10	0	10
2	29	17	12	12	0
3&4	87	83	4	4	0
6	18	12	6	6	0
Total	192	160	32	22	10

A to Z Parking Requirements

Lot	Parking Required	Parking Provided	Difference	Shared Parking provided	Parking Total with Shared Parking
5 (A to Z)	39	17	-22	22	0

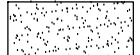
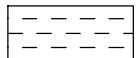


Please include the irrigation plan.

PLANT LEGEND					
DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL
	MSS	1	Malus x 'Spring Snow' Spring Snow Crab Apple	B & B	2"Cal
	ZSM	2	Zelkova serrata 'Musashino' Musashino Zelkova	B & B	2"Cal
DECIDUOUS SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	BTC	12	Berberis thunbergii 'Concorde' Concorde Japanese Barberry	5 gal	
	CPG	6	Caragana frutex 'Globosa' Globe Peashrub	5 gal	
	RFC	6	Rhamnus frangula 'Columaris' Tall Hedge Buckthorn	5 gal	
	YTA	1	Viburnum trilobum 'Alfreda' Alfreda Cranberrybush Viburnum	5 gal	
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	BMG	5	Buxus microphylla japonica 'Green Beauty' Green Beauty Japanese Boxwood	5 gal	
	JSD	8	Juniperus sabina 'Monard' TM Moore-dense Juniper	5 gal	
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	CAK	8	Calamagrostis x acutiflora 'Karl Foerster' Feather Reed Grass	1 gal	
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	RPG	16	Rudbeckia fulgida 'Goldsturm' Black-eyed Susan	1 gal	

Size at Maturation (height and/or width)

Drought tolerant?

SITE MATERIALS LEGEND		
SYMBOL	LANDSCAPE DESCRIPTION	QTY
	1 LANDSCAPE DESCRIPTION SODDED LAWN AREA LAWN AREAS SHALL BE SOD. NEW TURF AREAS TO BE SODDED WITH 18% "BLUESTAR KENTUCKY BLUEGRASS, 19% "MARQUIS" KENTUCKY BLUEGRASS, 17% "NIGHTHOP" KENTUCKY BLUEGRASS, 17% "TOUCHDOWN" KENTUCKY BLUEGRASS, 16% "APM PERENNIAL RYEGRASS, 13% "ACCENT PERENNIAL RYEGRASS OR APPROVED EQUAL AT A RATE OF 220 LBS. PER ACRE. FINE LEVEL ALL AREAS PRIOR TO LAYING SOD. ALL LAWN AREAS TO RECEIVE MIN. 6" DEPTH OF QUALITY TOPSOIL. IF TOPSOIL IS PRESENT ON SITE, PROVIDE SOIL TEST TO DETERMINE SOIL QUALITY FOR PROPOSED LAWN. ALL LAWN AREAS SHALL BE IRRIGATED WITH 100% COVERAGE BY POP-UP SPRAY HEADS AND GEAR-DRIVEN ROTORS. ALL DECIDUOUS AND CONIFER TREES PLANTED WITHIN SOD AREAS SHALL HAVE A FOUR FOOT(4") DIAMETER TREE RING COVERED WITH CHOCOLATE-BROWN BARK MULCH, NO SHREDDED FINES. SUBMIT SAMPLES TO BE APPROVED BY LANDSCAPE ARCHITECT AND OWNER BEFORE INSTALLATION.	238 sf
	1.5" TAN CRUSHED ROCK. SUBMIT SAMPLES FOR LANDSCAPE ARCHITECT AND OWNER APPROVAL. ROCK MULCH PLANTING AREAS TO RECEIVE MIN. 12" DEPTH OF QUALITY TOPSOIL. WHERE PLANTING IS SPARSE, ADDITIONAL TOPSOIL IS NOT NECESSARY. PREPARE A HOLE TWICE THE WIDTH OF THE CONTAINER, WATER IN PLANT, BACKFILL WITH A 3:1 RATIO OF SOIL TO COMPOST. TAMP LIGHTLY AND WATER AGAIN. IF TOPSOIL IS PRESENT ON SITE, PROVIDE SOIL TEST TO DETERMINE SOIL QUALITY FOR PROPOSED PLANTINGS. PROVIDE 3" DEPTH OF ROCK MULCH TOP DRESSING. KEEP ROCK AWAY FROM TOP OF ROOT BALL OF ALL PLANT MATERIAL. IF REQUIRED BY CITY, INSTALL DEWITT 50Z WEED BARRIER LANDSCAPE FABRIC UNDER ALL ROCK AREAS. KEEP WEED BARRIER 1 FOOT AWAY FROM EDGE OF ROOT BALL OF ALL PLANT MATERIAL. IF WEED BARRIER IS NOT REQUIRED OR INSTALLED, AT OWNER'S APPROVAL, USE TREFLAN 10 AS A PRE-EMERGENT. APPLY ACCORDING TO LABEL DIRECTIONS AFTER PLANTING AND AFTER APPLYING MULCH. THIS AREA WILL ALSO NEED AN ANNUAL MAINTENANCE PROGRAM. SUBMIT PROGRAM TO OWNER.	1,276 sf

Provide color sample of crushed rock.

Weed fabric is required

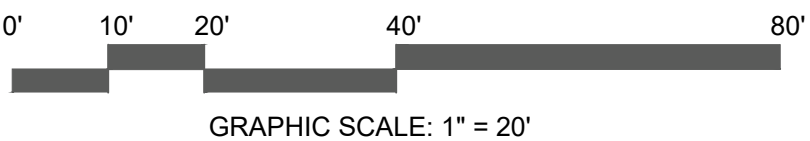
7/7/2023

UT23105

NO.	REVISION	DATE
1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		

811

BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
1-800-662-4111
www.bluestakes.org



A TO Z BUILDING BLOCKS

3563 RANCHES PARKWAY

EAGLE MOUNTAIN, UTAH

ALT ARCHITECTURE
ATT: ANDY TONGISH
801-865-0633
ANDY@ALTARCHITECTURE-UT.COM

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3450 N. TRIUMPH BLVD. SUITE 102
LEHI, UTAH 84043 (801) 753-5644
www.pkjdesigngroup.com



COLOR ILLUSTRATION
CITY PERMIT SET

LP-COLOR

PM: JTA

DRAWN: ACP

CHECKED: JMA

PLOT DATE: 7/7/2023

Project		Catalog #		Type	
Prepared by		Notes		Date	



McGraw-Edison

Impact Elite LED

Wall Mount Luminaire

Interactive Menu

- Ordering Information page 2
- Product Specifications page 2
- Energy and Performance Data page 3
- Control Options page 4

Product Certifications



Quick Facts

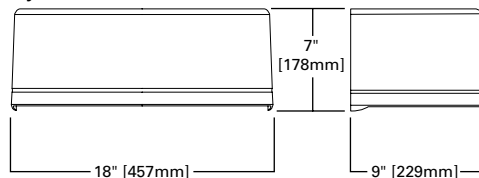
- 10 Optical Distributions
- Lumen packages range from 2,459 to 8,123 (20W - 66W)
- Efficacy up to 143 lumens per watt

Connected Systems

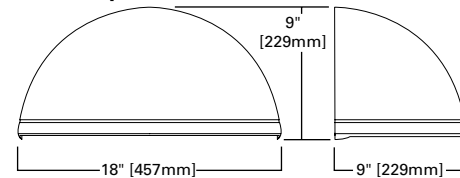
- WaveLinx
- Enlighted

Dimensional Details

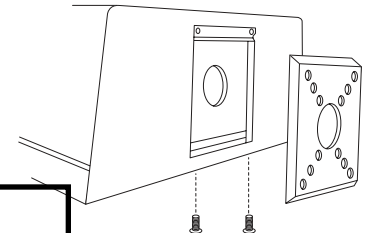
Cylinder



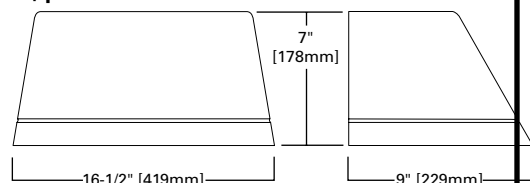
Quarter Sphere



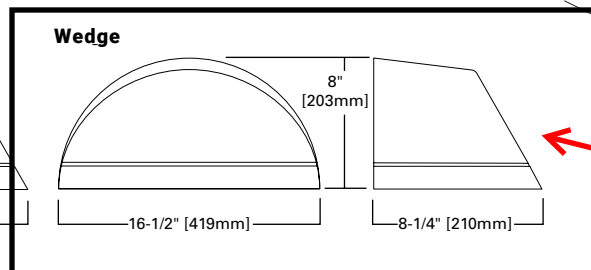
Hook -n- Lock



Trapezoid



Wedge



Ordering Information

SAMPLE NUMBER: ISC-SA1F-740-U-T3-BZ

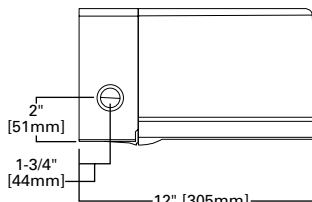
Product Family ¹	Light Engine		Color Temperature	Voltage	Distribution	Finish
	Configuration	Drive Current				
ISC=Impact Elite LED Small Cylinder ISS=Impact Elite LED Small Quarter Sphere IST=Impact Elite LED Small Trapezoid ISW=Impact Elite LED Small Wedge	SA1=1 Square	A=350mA B=450mA C=600mA D=800mA E=1000mA F=1200mA ²	722=70CRI, 2200K 727=70CRI, 2700K 730=70CRI, 3000K 735=70CRI, 3500K 740=70CRI, 4000K 750=70CRI, 5000K 760=70CRI, 6000K 827=80CRI, 2700K 830=80CRI, 3000K AMB=Amber, 590nm ^{3, 4}	U=120-277V 1=120V 2=208V 3=240V 4=277V 8=480V ^{2, 5} 9=347V ²	T2=Type II T3=Type III T4FT=Type IV Forward Throw T4W=Type IV Wide SL2=Type II w/Spill Control SL3=Type III w/Spill Control SL4=Type IV w/Spill Control SLL=90° Spill Light Eliminator Left SLR=90° Spill Light Eliminator Right RW=Rectangular Wide Type I	AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White
Options (Add as Suffix)	Controls and Systems Options (Add as Suffix)			Accessories (Order Separately)		
HA=50°C High Ambient ⁸ AHD145=After Hours Dim, 5 Hours, 50% ⁹ AHD245=After Hours Dim, 6 Hours, 50% ⁹ AHD255=After Hours Dim, 7 Hours, 50% ⁹ AHD355=After Hours Dim, 8 Hours, 50% ⁹ CBP=Battery Pack with Back Box, Cold Weather Rated ^{13, 15} CBP-CEC=Battery Pack with Back Box, Cold Weather Rated, CEC compliant ¹³ LCF=Light Square Trim Plate Painted to Match Housing HSS=Factory Installed House Side Shield ¹⁶ ULG=Uplight Glow ^{6, 7} CC=Coastal Construction ²² TR=Tamper Resistant Hardware X=Driver Surge Protection (6kV) Only ¹⁷ 20K=Series 20kV UL 1449 Surge Protective Device	BPC=Button Type Photocontrol (120, 208, 240 or 277V. Must Specify Voltage) PR7=NEMA 7-PIN Twistlock Photocontrol Receptacle ^{2, 6, 7} SPB1=Dimming Occupancy Sensor with Bluetooth Interface, <8' Mounting ^{12, 23} SPB2=Dimming Occupancy Sensor with Bluetooth Interface, 8'-20' Mounting ^{12, 23} SPB4=Dimming Occupancy Sensor with Bluetooth Interface, 21'-40' Mounting ^{12, 23} MS/DIM-LXX=Motion Sensor for Dimming Operation ^{7, 10, 11, 12} LWR-LW=Enlighted Wireless Sensor, Wide Lens for 8'-16' Mounting Height ^{6, 12, 13} LWR-LN=Enlighted Wireless Sensor, Narrow Lens for 16'-40' Mounting Height ^{6, 12, 13} ZW=WaveLinX-Enabled Module and 4-PIN Receptacle ⁷ ZD=WaveLinX-Enabled Module with DALI Driver and 4-PIN Receptacle ⁷ ZW-SWPD4XX=WaveLinX Control Module and Wireless Sensor - 7'-15' ^{7, 18, 20} ZW-SWPD5XX=WaveLinX Control Module and Wireless Sensor - 15'-40' ^{7, 18, 20} ZW-WOBXX=WaveLinX Control Module and LC Bluetooth Sensor - 7'-15' ^{7, 18, 20} ZW-WOFXX=WaveLinX Control Module and LC Bluetooth Sensor - 15'-40' ^{7, 18, 20} ZD-SWPD4XX=WaveLinX with DALI Driver and Wireless Sensor - 7'-15' ^{7, 18, 20} ZD-SWPD5XX=WaveLinX with DALI Driver and Wireless Sensor - 15'-40' ^{7, 18, 20} ZD-WOBXX=WaveLinX with DALI Driver and LC Bluetooth Sensor - 7'-15' ^{7, 18, 20} ZD-WOFXX=WaveLinX with DALI Driver and LC Bluetooth Sensor - 15'-40' ^{7, 18, 20}			MA1253=10kV Circuit Module Replacement MA1254-XX=Thruway Back Box - Impact Elite Trapezoid MA1255-XX=Thruway Back Box - Impact Elite Cylinder MA1256-XX=Thruway Back Box - Impact Elite Quarter Sphere MA1257-XX=Thruway Back Box - Impact Elite Wedge FSIR-100=Wireless Configuration Tool for Occupancy Sensor WOLC-7P-10A=WaveLinX Outdoor Control Module (7-pin) ^{7, 19} SWPD4-XX=WaveLinX Wireless Sensor, 7' - 15' Mounting Height ^{7, 18, 20, 21} SWPD5-XX=WaveLinX Wireless Sensor, 15' - 40' Mounting Height ^{7, 18, 20, 21}		

NOTES:

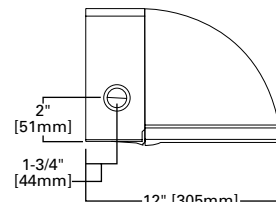
- DesignLight Consortium® Qualified. Refer to www.designlights.org, Qualified Products List under Family Models for details.
- Not available with ULG option.
- Choose Drive Current "B" for Amber 590nm, which is provided at 500mA only
- Narrow-band 590nm +/- 5nm for wildlife and observatory use.
- 480V must use Wye system only. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
- Not available with ISS or ISW.
- Cannot be used in conjunction with other control options.
- Suitable for 50°C provided no options other than motion sensor are included and driver output set to 1000mA or less.
- Requires the use of photocontrol. Not available with 350mA drive current. See After Hours Dim supplemental guide for additional information.
- Replace LXX with L08 (<8' mounting), L20 (8'-20' mounting) or L40W (21'-40' mounting.)
- The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting Solutions for more information.
- Includes integral photocell.
- Enlighted wireless sensors are factory installed and require network components in appropriate quantities.
- Battery pack operating temperature of -20C to +40C. Operates downlight for 90-minutes.
- Must specify 120V or 277V.
- Not for use with 5WQ, 5WQ or RW optics. A black trim plate is used when HSS is selected.
- Removes additional surge module.
- Replace XX with sensor color (WH, BZ, or BK).
- Requires PR7.
- For WaveLinX applications, WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed. Gateway not required for WaveLinX Lite Commercial (LC) applications.
- Requires ZW or ZD receptacle.
- Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654.
- Smart device with mobile application required to change system defaults. See controls section for details.

Thruway Back Box

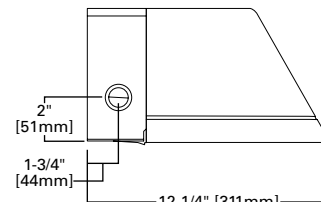
Cylinder



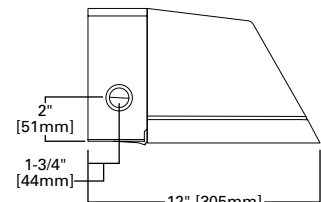
Quarter Sphere



Trapezoid



Wedge



Product Specifications

Construction

- Heavy-wall, die-cast aluminum housing and removable hinged door frame
- Optional tamper-resistant fasteners offer vandal resistant access

Optics

- High-efficiency injection-molded AccuLED optics technology
- 10 optical distributions
- IDA Certified (3000K CCT and warmer only)

Electrical

- Standard with 0-10V dimming
- Standard with Cooper Lighting Solutions proprietary circuit module designed to withstand 10kV of transient line surge

- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration
- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration.

Mounting

- Utilizes "Hook-N-Lock" mounting mechanism, securing to a gasketed and zinc plated mounting attachment
- Two black oxide coated Allen set screws concealed but accessible from below

Finish

- Super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness
- RAL and custom color matches available
- Coastal Construction (CC) option available

Warranty

- Five year limited warranty, consult website for details. www.cooperlighting.com/legal

Energy and Performance Data

1 Light Squares (AF)		Cylinder (ISC) and Quarter Sphere (ISS)						Trapezoid (IST) and Wedge (ISW)					
Drive Current (mA)		350	450	600	800	1000	1200	350	450	600	800	1000	1200
Power (Watts)	120-277V	20.1	25.4	34.2	45.2	58.2	66.0	20.1	25.4	34.2	45.2	58.2	66.0
Current (A)	120	0.17	0.22	0.29	0.38	0.48	0.56	0.17	0.22	0.29	0.38	0.48	0.56
	277V	0.09	0.10	0.13	0.17	0.21	0.25	0.09	0.10	0.13	0.17	0.21	0.25
Power (Watts)	347V or 480V	23.3	28.7	36.6	49.5	60.7	70.1	23.3	28.7	36.6	49.5	60.7	70.1
Current (A)	347V	0.07	0.08	0.11	0.15	0.18	0.21	0.07	0.08	0.11	0.15	0.18	0.21
	480V	0.05	0.06	0.08	0.11	0.13	0.16	0.05	0.06	0.08	0.11	0.13	0.16
Optics (4000K, 70 CRI)													
T2	Lumens	2,802	3,500	4,618	5,778	7,231	7,895	2,772	3,475	4,576	5,733	7,175	7,834
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	139	138	135	128	124	120	138	137	134	127	123	119
T3	Lumens	2,778	3,470	4,578	5,729	7,169	7,827	2,731	3,424	4,508	5,648	7,069	7,718
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	138	137	134	127	123	119	136	135	132	125	121	117
T4FT	Lumens	2,751	3,436	4,534	5,673	7,099	7,751	2,762	3,462	4,559	5,712	7,149	7,805
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	137	135	133	126	122	117	137	136	133	126	123	118
T4W	Lumens	2,780	3,473	4,582	5,733	7,174	7,833	2,739	3,434	4,522	5,665	7,089	7,740
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	138	137	134	127	123	119	136	135	132	125	122	117
SL2	Lumens	2,763	3,451	4,554	5,698	7,130	7,785	2,730	3,422	4,507	5,646	7,066	7,715
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2
	Lumens Per Watt	137	136	133	126	123	118	136	135	132	125	121	117
SL3	Lumens	2,745	3,429	4,524	5,660	7,084	7,734	2,709	3,396	4,472	5,603	7,012	7,655
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	137	135	132	125	122	117	135	134	131	124	120	116
SL4	Lumens	2,680	3,348	4,417	5,526	6,916	7,551	2,666	3,342	4,401	5,514	6,900	7,534
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	133	132	129	122	119	114	133	132	129	122	119	114
SLL	Lumens	2,447	3,057	4,033	5,046	6,315	6,895	2,459	3,083	4,059	5,086	6,365	6,949
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G1	B1-U0-G2	B1-U0-G2
	Lumens Per Watt	122	120	118	112	109	104	122	121	119	113	109	105
RW	Lumens	2,883	3,601	4,751	5,945	7,440	8,123	2,818	3,533	4,652	5,828	7,294	7,964
	BUG Rating	B2-U0-G1	B2-U0-G1	B2-U0-G1	B3-U0-G1	B3-U0-G1	B3-U0-G1	B2-U0-G1	B2-U0-G1	B2-U0-G1	B3-U0-G1	B3-U0-G1	B3-U0-G1
	Lumens Per Watt	143	142	139	132	128	123	140	139	136	129	125	121

Lumen Maintenance (TM-21)

Drive Current	Ambient Temperature	25,000 hours*	50,000 hours*	60,000 hours*	100,000 hours**	Theoretical L70 hours**
Up to 1A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.7%	98.3%	98.1%	97.4%	> 1.9M
	50°C	98.2%	97.2%	96.8%	95.2%	> 851,000
1.2A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.5%	97.9%	97.7%	96.7%	> 1.3M

* Supported by IES TM-21 standards

** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, explaining proper use of IES TM-21 and LM-80.

Lumen Multiplier

Ambient Temperature	Lumen Multiplier
10°C	1.02
15°C	1.01
25°C	1.00
40°C	0.99



View Impact Elite IES files

Control Options

0-10V (DIM)

This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

Photocontrol (BPC and PR7)

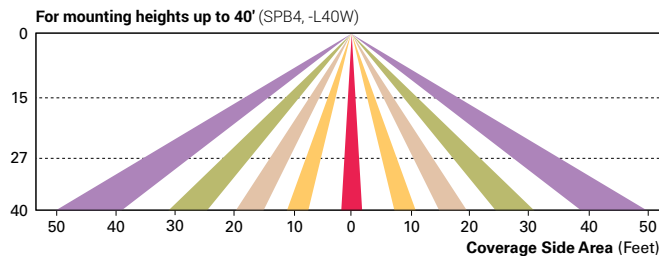
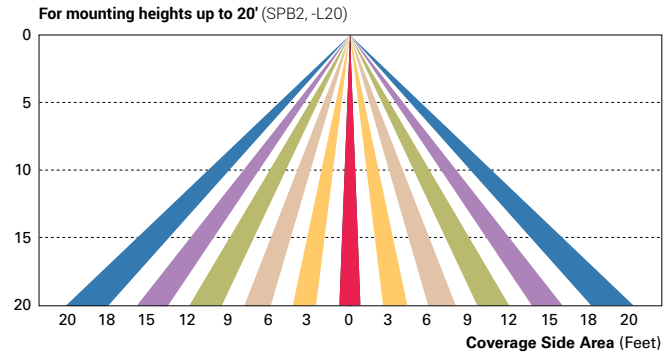
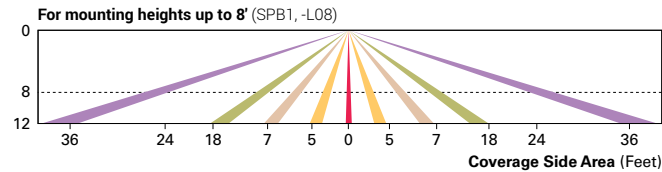
Optional button-type photocontrol provides a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels.

After Hours Dim (AHD)

This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a "dusk-to-dawn" period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

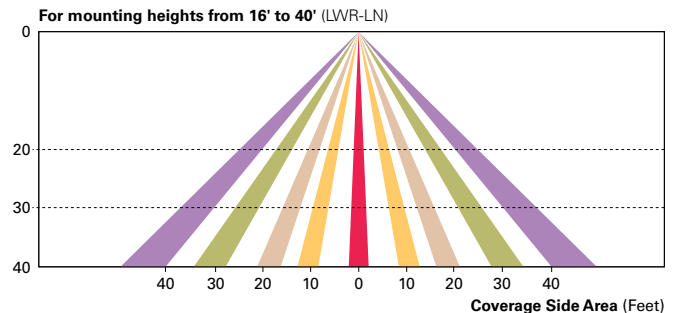
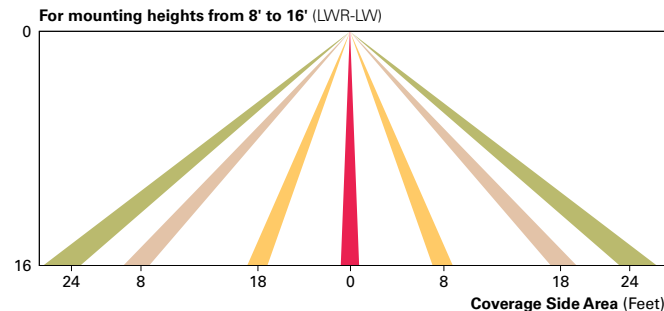
Dimming Occupancy Sensor (SPB, MS/DIM-LXX and MS-LXX)

These sensors are factory installed in the luminaire housing. When the SPB or MS/DIM sensor options are selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes. The MS-LXX sensor is factory preset to turn the luminaire off after five minutes of no activity. SPB motion sensors require the Sensor Configuration mobile application by Wattstopper to change factory default dimming level, time delay, sensitivity and other parameters. Available for iOS and Android devices. The SPB sensor is factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM occupancy sensors require the FSIR-100 programming tool to adjust factory defaults.



Enlighted Wireless Control and Monitoring System (LWR-LW and LWR-LN)

Enlighted is a connected lighting solution that combines a broad selection of energy-efficient LED luminaires with a powerful integrated wireless sensor system. The sensor controls the lighting system in compliance with the latest energy codes and collects valuable data about building performance and use. Software applications turn the granular data into information through energy dashboards and specialized apps that make it simple and help optimize the use of building resources, beyond lighting.



WaveLinX Wireless Outdoor Lighting Control Module (WOLC-7P-10A)

The 7-pin wireless outdoor lighting control module enables WaveLinX to control outdoor area, site and flood lighting. WaveLinX controls outdoor lighting using schedules to provide ON, OFF and dimming controls based on astronomic or time schedules based on a 7 day week.

RUNNING THENCE S 34°00'01" W ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE KERN RIVER GAS TRANSMISSION COMPANY EASEMENT (ENTRY 10145-90) 581.67 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE RANCHES PARKWAY AS SHOWN ON "PLAT A CHIMNEY ROCK AT RED HAWK RANCH SUBDIVISION" AS RECORDED IN THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP FILING #8096; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: (1) N 50°18'03" W 151.19 FEET, (2) NORTHWESTERLY 225.83 FEET ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH AN ANGLE OF 40°26'05" (CHORD = N 30°05'00" W 221.17 FEET), THENCE N 16°34'35" E 210.26 FEET TO A POINT ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PONY EXPRESS PARKWAY; THENCE EASTERLY ALONG SAID LINE S 89°09'24" E 326.46 FEET, THENCE N 12°47'40" E 30.66 FEET; THENCE S 89°39'24" E 193.63 FEET; THENCE S 34°00'01" W 35.83 FEET TO POINT ALONG SAID SOUTHERLY RIGHT-OF-WAY; THENCE N 89°39'24" W 20.31 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

CONTAINING 3.810 ACRES.

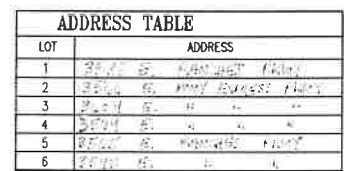
OWNER(S): PRINTED NAME OF OWNER	AUTHORIZED SIGNATURE(S)
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MY COMMISSION EXPIRES _____ NOTARY PUBLIC

APPROVED Charles T. ... ATTEST Sgt. ...
CITY ENGINEER CLERK-RECORDER
(SEE SEAL BELOW) (SEE SEAL BELOW)

LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, T5S, R1W, S1B&M
PLANNED UNIT DEVELOPMENT EAGLE MT. CITY, UTAH COUNTY, STATE OF UTAH
SCALE: 1" = 30 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDED SEAL
		 400	



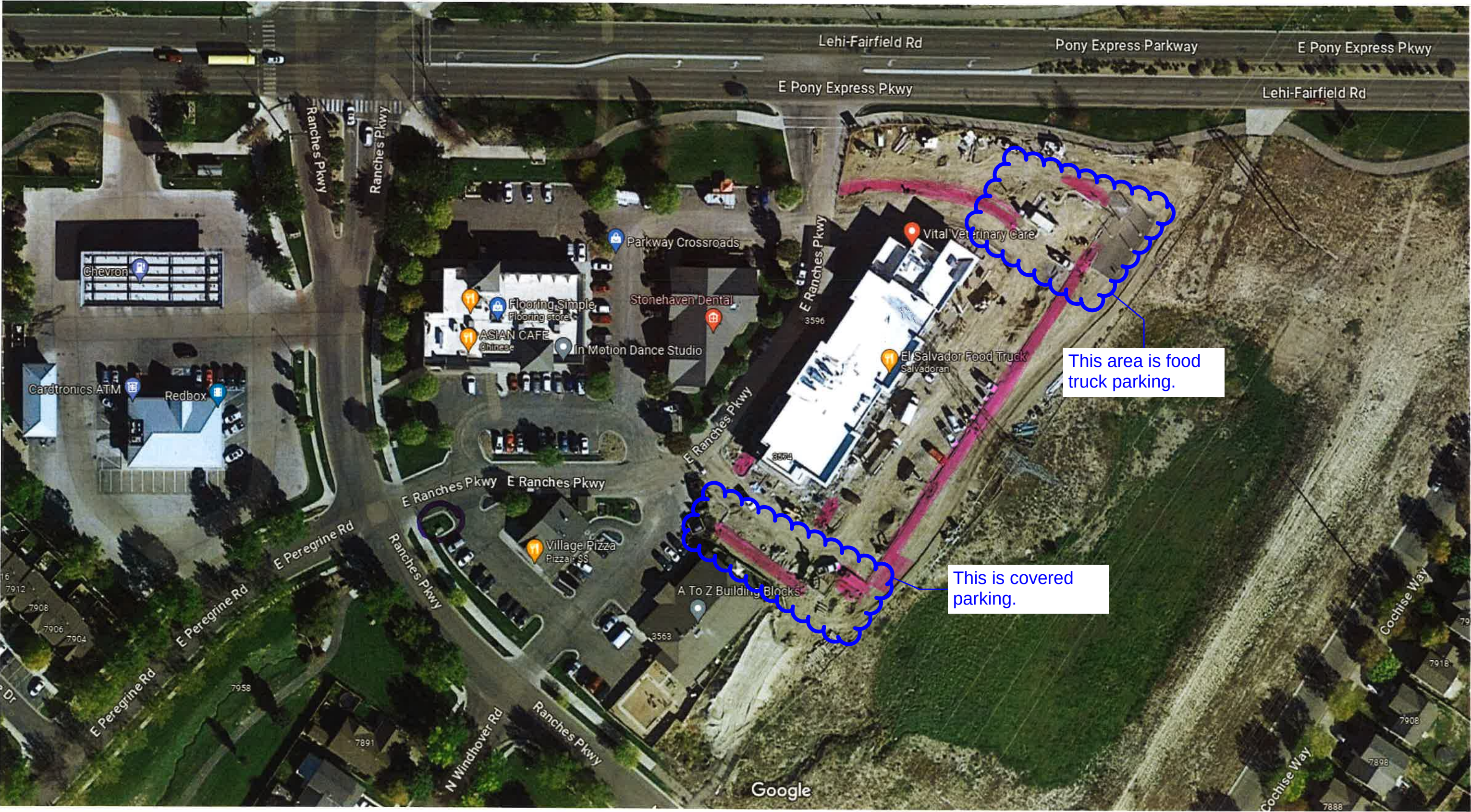
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	320.00	153.85	27°32'48"	152.37	N 36°31'39" W
C2	320.00	71.98	12°53'18"	71.83	N 16°18'36" W
C3	100.00	25.70	14°43'26"	25.63	N 83°28'53" E
C4	100.00	73.52	42°07'16"	71.87	N 55°03'32" E
C5	102.13	59.10	33°09'18"	58.28	N 17°25'15" E

NOTE:

- ALL PRIVATE ROADWAYS, DRIVES, LANDSCAPED AREAS AND PARKING LOTS ARE PUBLIC UTILITY EASEMENTS
- ALL PRIVATE ROADWAYS, DRIVES, AND PARKING LOTS ARE SUBJECT TO THE SHARED ACCESS AGREEMENT
- ALL PRIVATE ROADWAYS, DRIVES, LANDSCAPED AREAS AND PARKING LOTS ARE SUBJECT TO THE SHARED FACILITIES AGREEMENT
- ALL GAS, PUBLIC UTILITIES SUCH AS WATER, SEWER, STORM DRAINAGE, GAS, POWER, AND PHONE WILL BE MAINTAINED BY EAGLE MOUNTAIN CITY AND ARE ALL LOCATED WITHIN THE PUBLIC UTILITY EASEMENTS.
- ALL HANDICAP PARKING STALLS SHALL BE 10 FEET WIDE WITH 5 FEET ACCESS ISLE. ALL OTHER PARKING STALLS TO BE 9 FEET WIDE AND 20 FEET DEEP WITH 24 FEET BACKUP LANE.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____ A.D., 20 ____

CITY ATTORNEY





**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE: ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting the Amended Sweetwater Industrial Park Community Reinvestment Project Area #3 Plan as the Official Community Reinvestment Project Area Plan for the Project Area, and Directing that Notice of the Adoption be Given as Required by Statute.

ITEM TYPE: Ordinance

FISCAL IMPACT:

APPLICANT:

**GENERAL PLAN
DESIGNATION**

CURRENT ZONE

ACREAGE

COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Evan Berrett, Admin

PRESENTED BY:

RECOMMENDATION:

Staff recommends the City Council approve an ordinance of Eagle Mountain City, Utah, adopting the Amended Sweetwater Industrial Park Community Reinvestment Project Area #3 Plan.

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[ORD--Sweetwater CRA #3 Plan - Amended](#)
[Amended Sweetwater CRA #3 Plan - Draft](#)

WHEN RECORDED, RETURN TO:
Eagle Mountain City
1650 E Stagecoach Run
Eagle Mountain, UT 84005

ORDINANCE NO. O- -2023

**AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH,
ADOPTING THE AMENDED SWEETWATER INDUSTRIAL PARK
COMMUNITY REINVESTMENT PROJECT AREA #3 PLAN,
AS APPROVED BY THE EAGLE MOUNTAIN REDEVELOPMENT AGENCY,
AS THE OFFICIAL COMMUNITY REINVESTMENT PROJECT
AREA PLAN FOR THE PROJECT AREA AND
DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN
AS REQUIRED BY STATUTE.**

PREAMBLE

WHEREAS the Board of the Eagle Mountain Redevelopment Agency (the “Agency”), having prepared an Amended Project Area Plan (the “Amended Plan”) for the Sweetwater Industrial Park Community Reinvestment Project Area #3 (the “Project Area”), the boundary description attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated (“UCA”) § 17C-5-105 and 17C-5-112, adopted the Amended Plan as the Official Community Reinvestment Plan for the Project Area attached hereto as **EXHIBIT B**; and

WHEREAS the Utah Community Reinvestment Agency Act (the “Act”) mandates that, before the community reinvestment project area plan approved by an agency under UCA § 17C-5-104 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-5-109; and

WHEREAS the Act also requires that notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EAGLE MOUNTAIN CITY AS FOLLOWS:

1. Eagle Mountain City hereby adopts and designates the Amended Project Area Plan, as approved by the Agency Board, as the official community reinvestment plan for the Project Area (the “Official Plan”).
2. City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-5-110, whereupon the Official Plan shall become effective pursuant to UCA § 17C-5-110(2).
3. Pursuant to UCA § 17C-5-106(5), the Agency may proceed to carry out the Official Plan upon its adoption.
4. This ordinance shall take effect upon publication.

APPROVED AND ADOPTED by the City Council of Eagle Mountain City, Utah, this
1st day of August, 2023.

EAGLE MOUNTAIN CITY

Tom Westmoreland, Mayor

ATTEST:

Lianne Pengra, CMC
Chief Deputy Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah, on the 1st day of August, 2023.

Those voting yes:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those voting no:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those excused:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those abstaining:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Lianne Pengra, CMC
Chief Deputy Recorder

Exhibit A

PROJECT AREA BOUNDARY DESCRIPTION

Parcel: 38:707:0001

Legal Description: Beginning at a point on a southerly line of Section 26, T6S, R2W, SLB&M.; which is 47.00 feet N. 89°46'24" W. along the Section line from the Southeast Corner of said Section 26, thence N. 89°46'24" W. 1,582.19 feet; thence N. 00°16'02" E. 2,622.57 feet; thence S. 89°40'50" E. 1,532.77 feet; thence S. 00°24'28" W. 50.01 feet; thence S. 89°40'49" E. 49.55 feet; thence S. 00°16'02" W. 2,569.99 feet to the Point of Beginning.

Contains 4,144,900.11 square feet or 95.153 acres, more or less.

Parcel: 38:707:0002

Legal Description: Beginning at a point on a southerly line of Section 26, T6S, R2W, SLB&M.; which is 1629.19 feet N. 89°46'24" W. along the Section line from the Southeast Corner of said Section 26, thence N. 89°46'24" W. 1,030.11 feet to the South Quarter Corner of said Section 26; thence N. 89°44'18" W. 598.69 feet; thence N. 00°18'56" E. 2,624.83 feet; thence S. 89°40'50" E. 1,626.58 feet; thence S. 00°16'02" W. 2,622.57 feet to the Point of Beginning.

Contains 4,270,755 square feet or 98.043 acres, more or less.

Exhibit B
OFFICIAL COMMUNITY REINVESTMENT PROJECT AREA PLAN

DRAFT AMENDED PROJECT AREA PLAN

AMENDED SWEETWATER INDUSTRIAL PARK COMMUNITY REINVESTMENT AREA (CRA) #3

EAGLE MOUNTAIN REDEVELOPMENT AGENCY, UTAH



AUGUST 2023


LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
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Table of Contents

DEFINITIONS	3
INTRODUCTION	5
DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED PROJECT AREA	6
GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING DENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA.....	6
STANDARDS GUIDING THE COMMUNITY REINVESTMENT	7
HOW THE PURPOSES OF THIS TITLE WILL BE ATTAINED BY COMMUNITY DEVELOPMENT	7
CONFORMANCE OF THE PROPOSED DEVELOPMENT TO THE COMMUNITY'S GENERAL PLAN	8
DESCRIBE ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY REINVESTMENT	8
METHOD OF SELECTION OF PRIVATE DEVELOPERS TO UNDERTAKE THE COMMUNITY REINVESTMENT AND IDENTIFICATION OF DEVELOPERS CURRENTLY INVOLVED IN THE PROCESS	8
REASON FOR SELECTION OF THE PROJECT AREA.....	8
DESCRIPTION OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA	9
DESCRIPTION OF ANY TAX INCENTIVES OFFERED PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA.....	9
ANTICIPATED PUBLIC BENEFIT TO BE DERIVED FROM THE COMMUNITY DEVELOPMENT	9
EXHIBIT A: LEGAL DESCRIPTION OF SWEETWATER INDUSTRIAL PARK CRA #2	12
EXHIBIT B: PROJECT AREA MAP.....	13

Definitions

As used in this Community Reinvestment Project Area Plan, the term:

"Act" shall mean and include the Limited Purpose Local Government Entities – Community Reinvestment Agency Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

"Agency" shall mean the Eagle Mountain Redevelopment Agency, which is a separate body corporate and politic created by the City pursuant to the Act.

"Base taxable value" shall mean the agreed value specified in a resolution or interlocal agreement under Subsection 17C-1-102(8) from which tax increment will be collected.

"Base year" shall mean the agreed upon year for which the base taxable value is established and shall be incorporated into the interlocal agreements with participating taxing entities.

"City" or "Community" shall mean the City of Eagle Mountain.

"Legislative body" shall mean the City Council of Eagle Mountain which is the legislative body of the City.

"Plan Hearing" shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-1-102 (42) and 17C-5-104(3)(e).

"Project Area" shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community development set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take place (**Exhibit A & Exhibit B**).

"Net Present Value (NPV)" shall mean the discounted value of a cash flow. The NPV illustrates the total value of a stream of revenue over a number of years in today's dollars.

"Project Area Budget" shall mean (as further described under 17-C-5-303 of the Act) the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

-  the base taxable value of property in the Project Area;
-  the projected tax increment expected to be generated within the Project Area;
-  the amount of tax increment expected to be shared with other taxing entities;
-  the amount of tax increment expected to be used to implement the Project Area plan;
-  if the area from which tax increment is to be collected is less than the entire Project Area:
 - the tax identification number of the parcels from which tax increment will be collected; or

- a legal description of the portion of the Project Area from which tax increment will be collected; and

☞ for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

“Project Area Plan” or “Plan” shall mean the written plan (outlined by 17C-5-105 of the Act) that, after its effective date, guides and controls the community reinvestment activities within the Project Area. Project Area Plan refers to this document and all of the attachments to this document, which attachments are incorporated by this reference. It is anticipated that the SWEETWATER INDUSTRIAL PARK #3 PLAN will be subject to an interlocal agreement process with the taxing entities within the Project Area.

“Taxes” includes all levies on an ad valorem basis upon land, local and centrally assessed real property, personal property, or any other property, tangible or intangible.

“Taxing Entity” shall mean any public entity that levies a tax on any property within the Project Area.

“Tax Increment” shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area using the current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

“Tax Increment Period” shall mean the period in which the taxing entities from the Project Area consent that a portion of their tax increment from the Project Area be used to fund the objectives outlined in the Project Area Plan.

“Tax Year” shall mean the 12-month period between sequential tax roll equalizations (November 1st - October 31st) of the following year, e.g., the November 1, 2022 - October 31, 2023 tax year.

Introduction

The Eagle Mountain Redevelopment Agency (the “Agency”), following thorough consideration of the needs and desires of Eagle Mountain City (the “City”) and its residents, as well as the City’s capacity for new development, has carefully crafted this draft Project Area Plan (the “Plan”) for the Sweetwater Industrial Park Community Reinvestment Project Area #3 (the “Project Area”). This Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which lies within the southern portion of the City, generally to the west of Magnolia Road, east of 2000 East, and to the north of 1000 North. The Plan is intended to define the method and means of the Project Area from its current state to a higher and better use.

The City has determined it is in the best interest of its citizens to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of development, scope, financing mechanism, and value to the residents of the City and other taxing entities within the Project Area.

The Project Area is being undertaken as a community reinvestment project area pursuant to certain provisions of Chapters 1 and 5 of the Utah Limited Purpose Local Governmental Entities – Community Reinvestment Agency Act (the “Act”, Utah Code Annotated (“UCA”) Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area. The realization of the Plan is subject to interlocal agreements between the taxing entities individually and the Agency.

Resolution Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan

Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Agency adopted a resolution authorizing the preparation of a draft Community Reinvestment Project Area Plan on May 3, 2022.

Utah Code
§17C-5-104

Recitals of Prerequisites for Adopting a Community Reinvestment Project Area Plan

In order to adopt a community reinvestment project area plan, the Agency shall;

-  Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law;
-  Pursuant to the provisions of §17C-5-104 of the Act, the Agency has conducted or will conduct one or more public hearings for the purpose of informing the public about the Project Area, and allowing public input into the Agency’s deliberations and considerations regarding the Project Area; and
- Pursuant to the provisions of §17C-5-104 of the Act, the Agency has allowed opportunity for input on the draft Project Area Plan and has made a draft Project Area Plan available to the public at the Agency’s offices during normal business hours, provided notice of the plan hearing, sent copies of the draft Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback.

Description of the Boundaries of the Proposed Project Area

A legal description of the Project Area along with a detailed map of the Project Area is attached respectively as **Exhibit A** and **Exhibit B** and incorporated herein. The Project Area lies within the southern portion of the City, generally to the west of Magnolia Road, east of 2000 East, and to the north of 1000 North. All the land use in the project area is currently vacant. The Project Area is comprised of approximately 193.20 acres of property.

As delineated in the office of the Utah County Recorder, the Project Area encompasses all of the parcels detailed in **Table 1**.

TABLE 1: PARCEL LIST

Parcel Id	Parcel Owner	Acres
38:707:0001	QTS Eagle Mountain I LLC	95.153
38:707:0002	QTS Eagle Mountain II LLC	98.043
Total		193.196

General Statement of Land Uses, Layout of Principal Streets, Population Densities, Building Densities and How They Will be Affected by the Project Area

General Land Uses

The property within the Project Area is currently classified as vacant property. The majority of the property surrounding the Project Area to the west is also vacant greenbelt. The Facebook Data Center Complex is immediately east of the Project Area.

Table 2 summarizes the approximate acreage of existing land uses by land use type.

TABLE 2: LAND USES

Type	Acres	% of Area
Vacant	193.196	100%
Total	193.196	100%

This Project Area Plan is consistent with the General Plan of the City and promotes economic activity by virtue of the land uses contemplated. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Project Area Plan shall be undertaken in accordance with the requirements of the City's Code and all other applicable laws including all goals and objectives in the City's General Plan.

Layout of Principal Streets

There are currently no paved streets within the Project Area, 1000 N., an unpaved road runs along the southern periphery of the Project Area. Magnolia Road has been paved in the portions east of the Project Area.

Population Densities

There are no residences within the Project Area, therefore the estimated population density is 0.0 residents per acre.

Building Densities

Building densities will increase as development occurs. The intent of this plan is to promote greater economic utilization of the land area.

Impact of Community Reinvestment on Land Use, Layout of Principal Streets, and Population Densities

Community reinvestment activities within the Project Area will primarily consist of development and economic enhancement of an underutilized area of the City. The types of land uses will include a data center and affiliated office space.

Land Use – It is anticipated that future development within the Project Area will create space for a data center complex. Other supplementary development may take place during future phases of the development.

Layout of Principal Streets – It is anticipated that the community reinvestment of the Project Area will not alter the layout of principal streets in the area. It is anticipated that access roads will be constructed within the Project Area.

Population Densities – The Project Area does not include any residential components. The population density will not be affected by the Project Area. The daytime population of the City will slightly increase as the Project Area is anticipated to create approximately 120-150 new jobs.

UTAH CODE
§17C-5-105(3)

Standards Guiding the Community Reinvestment

In order to provide maximum flexibility in the development and economic promotion of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the City's proposed General Plan; the Zoning Ordinance of the City, including adopted Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the Agency, other applicable building codes and ordinances of the City; and, as required by ordinance or agreement, review and recommendation of the Planning Commission and approval by the Agency.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, and any other data determined to be necessary or requested by the Agency or the City.

UTAH CODE
§17C-5-105(4)

How the Purposes of this Title Will Be Attained by Community Development

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to facilitate the development within the Project Area.

UTAH CODE
§17C-5-105(5)

Conformance of the Proposed Development to the Community's General Plan

The proposed Community Reinvestment Project Area Plan and the development contemplated are consistent with the City's proposed General Plan and land use regulations.

UTAH CODE
§17C-5-105(7)

Describe any Specific Project or Projects that are the Object of the Proposed Community Reinvestment

The Project Area is being created in order to assist with the construction of a future colocation data center complex.

UTAH CODE
§17C-5-105(8)

Method of Selection of Private Developers to Undertake the Community Reinvestment and Identification of Developers Currently Involved in the Process

The City and Agency will select or approve such development as solicited or presented to the Agency and City that meets the development objectives set forth in this plan. The City and Agency retain the right to approve or reject any such development plan(s) that in their judgment do not meet the development intent for the Project Area. The City and Agency may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the City, EDC Utah, and/or from other such references.

The City and Agency will ensure that all development conforms to this plan and is approved by the City. All potential developers may need to provide a detailed development plan including sufficient financial information to provide the City and Agency with confidence in the sustainability of the development and the developer. Such a review may include a series of studies and reviews including reviews of the Developer's financial statements, third-party verification of benefit of the development to the City, appraisal reports, etc.

Any participation between the Agency, developers and property owners shall be by an approved agreement.

UTAH CODE
§17C-5-105(9)

Reason for Selection of the Project Area

The Project Area is currently classified as greenbelt and is collecting relatively no tax revenue for the taxing entities. The creation of the Project Area will create a significant economic benefit to all taxing entities as this underutilized area will be developed to a higher and greater use.

Description of Physical, Social and Economic Conditions Existing in the Project Area

Physical Conditions

The Project Area consists of approximately 193.20 acres of relatively flat, privately owned land as shown on the Project Area map.

Social Conditions

The Project Area experiences a lack of connectivity and vitality. There are no residential units and no parks, libraries, or other social gathering places in the Project Area. This is in line with the contemplated uses of the area surrounding the Project Area which is currently under the greenbelt classification or used for similar types of development as contemplated in the Project Area.

Economic Conditions

The Project Area is currently under greenbelt classification. The Agency desires to encourage development within the Project Area that will directly benefit the existing economic base of the City, Utah County and other taxing entities.

Description of any Tax Incentives Offered Private Entities for Facilities Located in the Project Area

Tax increment arising from the development within the Project Area shall be used for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land and job-oriented incentives, desirable Project Area improvements, and other items as approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes during the tax increment period which the Agency deems appropriate under the circumstances. A cost benefit analysis will assist the Agency in making decisions about offering assistance.

In general, tax incentives may be offered to achieve the community reinvestment goals and objectives of this plan, specifically to:

-  Foster and accelerate economic development;
-  Stimulate job development;
-  Make needed infrastructure improvements to roads, street lighting, water, storm water, sewer, and parks and open space; and
-  Provide attractive development for high-quality tenants.

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity. Furthermore, a resolution and interlocal agreement will formally establish the participation percentage and tax increment period for each taxing entity.

Anticipated Public Benefit to be Derived from the Community Development

The Beneficial Influences upon the Tax Base of the Community

The beneficial influences upon the tax base of the City and the other taxing entities will include increased property tax revenues, job growth, and affordable housing opportunities in the community. The increased revenues will come from the property values associated with new construction in the area, as well as increased land values as the property within the Project Area will no longer be classified as greenbelt. Property values include land, buildings and personal property (machines, equipment, etc.).

Job growth in the Project Area will result in increased wages, increasing local purchases and benefiting existing businesses in the area. Job growth will also result in increased income taxes paid. Additionally, business growth will generate corporate income taxes.

There will also be a beneficial impact on the community through increased construction activity within the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally.

The Associated Business and Economic Activity Likely to be Stimulated

Other business and economic activity likely to be stimulated includes increased spending by new and existing residents within the City and employees in the Project Area and in surrounding areas. This includes both direct and indirect purchases that are stimulated by the spending of the additional employees in the area.

Employees may make some purchases in the local area, such as convenience shopping for personal services (haircuts, banking, dry cleaning, etc.). The employees will not make all of their convenience or personal services purchases near their workplace and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of these annual purchases will occur within close proximity of the workplace (assuming the services are available). The City also envisions this area as a future industrial park, this development will further attract new businesses to the area.

Efforts to Maximize Private Investment

The agency has formed a partnership with the developers to realize the vision of this Project Area. It is anticipated that the development will require over \$2 billion of private capital. Creating a CRA will act as a catalyst for the development.

“But For” Analysis

The anticipated development includes numerous costs, including land purchase, infrastructure, and over personal property. “But-for” the creation of the CRA and public participation, the costs associated with the development would be too high, and the Project Area would remain in its underutilized state.

Cost/Benefit Analysis

Based on the land use assumptions and tax increment participation levels, the following tables outline the benefits anticipated in the Project Area. As shown below, the proposed community reinvestment will create a net benefit to the City and the other taxing entities that participate in the Project Area. The cost/benefit analysis only includes the tax increment projections on the first phase of the development. The Agency may be allowed to receive 20 years of tax increment for each phase that is undertaken, not to exceed 40 years for all phases beginning with the first-year increment is remitted to the Agency. Additional 20-year periods will be outlined in an amended Project Area Plan, as necessary.

TABLE 3: SOURCES OF TAX INCREMENT FUNDS

Entity	Percentage	Length	Total	NPV at 4%
Utah County	74% Personal Property 61% Real Property	20 Years	\$1,561,112	\$1,058,036
Alpine School District	74% Personal Property 61% Real Property	20 Years	13,518,614	9,162,172
Eagle Mountain City	74% Personal Property 61% Real Property	20 Years	1,277,703	865,957
Central Utah Water Conservancy District	74% Personal Property 61% Real Property	20 Years	944,697	640,264
Unified Fire District – Salt Lake County	74% Personal Property 61% Real Property	20 Years	3,117,500	2,112,870
Total Sources of Tax Increment Funds			\$20,419,625	\$13,839,298

TABLE 4: PROJECT AREA REVENUES

Entity	Property Tax	Franchise Tax	Total Tax Increment Revenues
Utah County	\$2,414,246	-	\$2,414,246
Alpine School District	20,906,417	-	20,906,417
Eagle Mountain City	1,975,956	1,630,772	3,606,728
Central Utah Water Conservancy District	1,460,966	-	1,460,966
Unified Fire District – Salt Lake County	4,821,186	-	4,821,186
Total Revenues	\$31,578,770	\$1,630,772	\$33,209,541

TABLE 5: PROJECT AREA EXPENDITURES

Entity	CRA Budget	General Government	Public Safety	Public Works	Total Expenditures
Utah County	\$1,561,112	\$129,409	-	-	\$1,690,521
Alpine School District	13,518,614	258,128	-	-	13,776,741
Eagle Mountain City	1,277,703	199,426	241,579	30,748	1,749,456
Central Utah Water Conservancy District	944,697	29,705	-	-	974,402
Unified Fire District – Salt Lake County	3,117,500	1,332,728	-	-	4,450,228
Total Expenditures	\$20,419,625	\$1,949,396	\$241,579	\$30,748	\$22,641,348

The total net benefit to the taxing entities of participating in the Project Area is Project Area is \$10,568,193 with the City's net benefit being \$1,857,272¹.

¹ The net benefit does not include the \$2,041,962 million housing portion of tax increment that will be reinvested into the City.



EXHIBIT A: Legal Description of Sweetwater Industrial Park CRA #3

Parcel: 38:707:0001

Legal Description: Beginning at a point on a southerly line of Section 26, T6S, R2W, SLB&M.; which is 47.00 feet N. 89°46'24" W. along the Section line from the Southeast Corner of said Section 26, thence N. 89°46'24" W. 1,582.19 feet; thence N. 00°16'02" E. 2,622.57 feet; thence S. 89°40'50" E. 1,532.77 feet; thence S. 00°24'28" W. 50.01 feet; thence S. 89°40'49" E. 49.55 feet; thence S. 00°16'02" W. 2,569.99 feet to the Point of Beginning.

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Contains 4,270,755 square feet or 98.043 acres, more or less.

EXHIBIT B: Project Area Map





**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	RESOLUTION - A Resolution of Eagle Mountain City, Utah, Approving an Amended Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City, and Eagle Mountain City for the Collection and Remittance of Incremental Property Taxes Collected from Property Within the Sweetwater Industrial Park Community Reinvestment Project Area #3.		
ITEM TYPE:	Resolution/Public Hearing		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Evan Berrett, Admin

PRESENTED BY:

Evan Berrett, Economic
Development Director

RECOMMENDATION:

Staff recommends the City Council approve a resolution approving an Amended Interlocal Cooperation Agreement between the Redevelopment Agency of Eagle Mountain City and Eagle Mountain City for the collection and remittance of incremental property taxes collected from property within the Sweetwater Industrial Park Community Reinvestment Project Area #3, and authorize the Mayor to sign the agreement.

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[RES--Amended Interlocal Agreement - Sweetwater CRA #3](#)

RESOLUTION NO. R-____-2023

A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH, APPROVING AN AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF EAGLE MOUNTAIN AND EAGLE MOUNTAIN CITY FOR THE COLLECTION AND REMITTANCE OF INCREMENTAL PROPERTY TAXES COLLECTED FROM PROPERTY WITHIN THE SWEETWATER INDUSTRIAL PARK COMMUNITY REINVESTMENT PROJECT AREA NUMBER 3.

PREAMBLE

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), and the provisions of the Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the “CRA Act”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS, the Redevelopment Agency of Eagle Mountain City (the “Agency”) and Eagle Mountain City (the “City”) are “public agencies” for purposes of the Act; and

WHEREAS, Section 11-13-202.5 of the Interlocal Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF EAGLE MOUNTAIN CITY as follows:

1. The Amended Interlocal Cooperation Agreement between the Agency and the City, substantially in the form attached hereto as Exhibit A (the “Agreement”), is approved in final form.
2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the City for review and approval as to form and legality.
3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the City Recorder, the keeper of records of the City.
4. As provided in Utah Code Ann. § 17C-5-205(3), the Agreement shall be effective on the day on which the Agency publishes notice of the Agreement pursuant to Utah Code Ann. § 11-13-219 of the Interlocal Act.
5. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED by the City Council of Eagle Mountain City this 1st day of August, 2023.

Tom Westmoreland, Mayor

ATTEST:

Lianne Pengra, CMC
Chief Deputy Recorder

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 1st day of August, 2023.

Those voting yes:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those voting no:

☐ Donna Burnham

☐ Colby Curtis

☐ Jared Gray

☐ Carolyn Love

☐ Brett Wright

Those excused:

☐ Donna Burnham

☐ Colby Curtis

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Those abstaining:

☐ Donna Burnham

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☐ Carolyn Love

☐ Brett Wright

Lianne Pengra, CMC
Chief Deputy Recorder

EXHIBIT A

INTERLOCAL COOPERATION AGREEMENT

AMENDED INTERLOCAL COOPERATION AGREEMENT

THIS AMENDED INTERLOCAL is made and entered into this 1st day of August, 2023, by and between the **REDEVELOPMENT AGENCY OF EAGLE MOUNTAIN CITY**, a community reinvestment agency and political subdivision of the State of Utah (the “Agency”), and **EAGLE MOUNTAIN CITY**, a political subdivision of the State of Utah (the “City”) in contemplation of the following facts and circumstances:

A. **WHEREAS**, the Agency was created and organized pursuant to the provisions of the Utah Neighborhood Development Act, Utah Code Annotated (“UCA”) §17A-2-1201 et seq. (2000), and continues to operate under the provisions of its extant successor statute, the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the UCA (the “Act”), and is authorized and empowered under the Act to undertake, among other things, various community development activities pursuant to the Act, including, among other things, assisting Eagle Mountain City (the “City”) in development activities that are likely to advance the policies, goals and objectives of the City’s general plan, contributing to capital improvements which substantially benefit the City, creating economic benefits to the City, and improving the public health, safety and welfare of its citizens; and

B. **WHEREAS** the Interlocal Agreement (the “Agreement”), which is attached hereto as Exhibit A, was executed by the City and the Agency on July 18, 2023;

C. **WHEREAS** the parcels within the Project Area have recently been subdivided and the Agency has adopted an amended Project Area Plan which removed the non-development parcels from the Project Area.

All other sections that appeared in the original Interlocal Agreement remain in full force and effect. These Amended Interlocal Agreement exhibits, along with all sections of the original Interlocal Agreement not addressed in this document are hereby designated as the official Interlocal Agreement, and hereby supersede the original Interlocal Agreement.

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

EXHIBIT A to INTERLOCAL AGREEMENT

Legal Description of Project

Parcel: 38:707:0001

Legal Description: Beginning at a point on a southerly line of Section 26, T6S, R2W, SLB&M.; which is 47.00 feet N. 89°46’24” W. along the Section line from the Southeast Corner of said Section 26, thence N. 89°46’24” W. 1,582.19 feet; thence N. 00°16’02” E. 2,622.57 feet; thence S. 89°40’50” E. 1,532.77 feet; thence S. 00°24’28” W. 50.01 feet; thence S. 89°40’49” E. 49.55 feet; thence S. 00°16’02” W. 2,569.99 feet to the Point of Beginning.

Contains 4,144,900.11 square feet or 95.153 acres, more or less.

Parcel: 38:707:0002

Legal Description: Beginning at a point on a southerly line of Section 26, T6S, R2W, SLB&M.; which is 1629.19 feet N. 89°46'24" W. along the Section line from the Southeast Corner of said Section 26, thence N. 89°46'24" W. 1,030.11 feet to the South Quarter Corner of said Section 26; thence N. 89°44'18" W. 598.69 feet; thence N. 00°18'56" E. 2,624.83 feet; thence S. 89°40'50" E. 1,626.58 feet; thence S. 00°16'02" W. 2,622.57 feet to the Point of Beginning.

Contains 4,270,755 square feet or 98.043 acres, more or less.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day specified above.

City: EAGLE MOUNTAIN CITY

ATTEST:

Tom Westmoreland, Mayor

Lianne Pengra, CMC
Chief Deputy Recorder

APPROVED AS TO FORM:

Marcus Draper
City Attorney

Agency: REDEVELOPMENT AGENCY
OF EAGLE MOUNTAIN CITY

Tom Westmoreland, Board Chair

ATTEST:

Secretary

APPROVED AS TO FORM:

Agency Attorney

EXHIBIT A: ORIGINAL INTERLOCAL AGREEMENT

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the **EAGLE MOUNTAIN REDEVELOPMENT AGENCY**, a community reinvestment agency and political subdivision of the State of Utah (the “Agency”), and **EAGLE MOUNTAIN CITY**, a political subdivision of the State of Utah (the “City”) in contemplation of the following facts and circumstances:

A. **WHEREAS**, the Agency was created and organized pursuant to the provisions of the Utah Neighborhood Development Act, Utah Code Annotated (“UCA”) §17A-2-1201 *et seq.* (2000), and continues to operate under the provisions of its extant successor statute, the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the UCA (the “Act”), and is authorized and empowered under the Act to undertake, among other things, various community development activities pursuant to the Act, including, among other things, assisting the City in development activities that are likely to advance the policies, goals and objectives of the City’s general plan, contributing to capital improvements which substantially benefit the City, creating economic benefits to the City, and improving the public health, safety and welfare of its citizens; and

B. **WHEREAS**, this Agreement is made pursuant to the provisions of the Act and the Interlocal Cooperation Act (UCA Title 11, Chapter 13) (the “Cooperation Act”); and

C. **WHEREAS**, the Agency will create the Sweet Water Industrial Park Community Reinvestment Project Area # 3 (the “Project Area”), through the adoption of the Sweet Water Industrial Park #3 Plan (the “Project Area Plan”), located within the City, which Project Area is described in Exhibit “A” attached hereto and incorporated herein by this reference; and

D. **WHEREAS**, the Project Area contains vacant and underutilized land, which is anticipated to be developed, with encouragement and planning by the Agency, as a data center complex consisting of real and personal property including a building or group of buildings for the construction, maintenance, use and/or operation of a data center, including ancillary buildings consisting of office buildings, utility buildings and temporary and/or prefabricated construction management buildings (each a “Building” and collectively the “Buildings”). The Agency has not entered into any participation or development agreements with developers but anticipates that prior to development of the Project Area, the City and/or the Agency may enter into one or more participation agreements with one or more developer(s) which will provide certain terms and conditions upon which the Project Area will be developed using, in part, “Tax Increment” (as that term is defined in the Act), generated from the Project Area; and

E. **WHEREAS**, historically, the Project Area has generated a total of \$1,281 per year in property taxes for the various taxing entities, including the City, Utah County (the “County”), Alpine School District (the “School District”), and other taxing entities; and

F. **WHEREAS**, upon full development as contemplated in the Project Area Plan, property taxes produced by the Project Area for the City, the County, the School District, and other taxing entities are projected to total approximately \$8,440,333 per year at the end of the Project Area; and

G. **WHEREAS**, the Agency has requested the City, the County, the School District, and other taxing entities to participate in the promotion of development in the Project Area by agreeing to remit to the Agency for a specified period of time specified portions of the increased real and personal property tax (i.e., Tax Increment,) which will be generated by the Project Area; and

H. **WHEREAS**, it is in the best interest of the citizens of the City for the City to remit such payments to the Agency to permit the Agency to leverage private development of the Project Area; and

I. **WHEREAS**, the Agency has retained Lewis Young Robertson & Burningham, Inc., an independent financial consulting firm with substantial experience regarding community reinvestment projects and tax increment funding across the State of Utah, to prepare the Project Area Plan and to provide a report regarding the need and justification for investment of Tax Increment revenues from and within the Project Area. A copy of the report is included in the Draft Project Area Plan attached as Exhibit “B”; and

J. **WHEREAS**, the Agency will create the Sweet Water Industrial Park Community Reinvestment Project Area #3 Budget (the “Project Area Budget”), a draft copy of which is attached as Exhibit “C”, which Project Area Budget, generally speaking, outlines the anticipated generation, payment and use of Tax Increment within the Project Area;

K. **WHEREAS**, the parties desire to set forth in writing their agreements regarding the nature and timing of such assistance;

NOW, THEREFORE, the parties agree as follows:

1. **Additional Tax Revenue.** The City has determined that significant additional Tax Increment will likely be generated by the development of the Project Area as described in further detail in the Project Area Plan and Project Area Budget. Each of the parties acknowledge, however, that the development activity required for the generation of the Tax Increment is not likely to occur within the foreseeable future or to the degree possible or desired without Tax Increment participation in order to induce and encourage such development activity.

2. **Offset of Development Costs and Expenses.** The City has determined that it is in the best interests of its citizens to pay specified portions of its portion of Tax Increment to the Agency in order for the Agency to offset costs and expenses which will be incurred by Agency or participants in Project Area development, including, without limitation, the construction and installation of Buildings, infrastructure improvements, personal property and other development related costs needed to serve the Project Area, to the extent permitted by the Act, the Project Area Plan, and the Project Area Budget, each as adopted and amended from time to time.

3. **Base Year and Base Year Value.** The base year, for purposes of calculation of the Base Taxable Value (as that term is defined in the Act), shall be 2022, meaning the Base Taxable Value shall, to the extent and in the manner defined by the Act, be equal to the equalized taxable value shown on the 2022 Utah County assessment rolls for all anticipated developable property located within the Project Area (which is currently estimated to be \$13,355,671, but is subject to final adjustment and verification by the County and Agency).

4. **Agreement(s) with Developer(s).** The Agency is authorized to enter into one or more participation agreements with one or more participants which may provide for the payment of certain amounts of Tax Increment (to the extent such Tax Increment is actually paid to and received by the Agency from year to year) to the participant(s) conditional upon the participant (s)’s meeting of certain performance measures as outlined in said agreement. Such agreement shall be consistent with the terms and conditions of this Agreement, shall require as a condition of the payment to the participant(s) that the respective participant or its approved successors in title as owners of all current and subsequent parcels within the Project Area, as outlined in Exhibit “A” (the “Property”), shall pay any and all taxes and assessments which shall be assessed against the Property in accordance with levies made by applicable municipal entities in accordance with the laws of the state of Utah applicable to such levies, and such other performance measures as the Agency may deem appropriate.

5. **Payment Trigger.** The Property may be developed in Phases. A “Phase” means each phase of the development of the Property as designated by a participant, which Phase may include all or one (1) Building or multiple buildings and any associated real property identified and designated by a participant. A Phase may or may not be a legally subdivided parcel of real property. The first year of payment of Tax Increment from the City to the Agency shall be determined by the Agency. The Agency may trigger the collection of Tax Increment for a Phase by delivering a letter or other written request to the Utah County Auditor’s office identifying such Phase (the “Trigger Notice”). The Agency shall be entitled to receive Tax Increment for each Phase for an initial period of twenty (20) full calendar years per Phase not to exceed 40 years for all Phases commencing with the year after the Agency delivers a Trigger Notice for such Phase (each, an “Increment Period”).

6. **Total Payment to Agency.** The City shall authorize the County to remit to the Agency, beginning with property tax receipts during each Incremental Period for each Phase, 74% of the annual Tax Increment generated from the personal property tax within the Project Area and 61% of the annual Tax Increment generated from the real (*i.e.*, building, land, and fixtures) and centrally assessed property within the Project Area.

7. **Property Tax Increase.** This Agreement provides for the payment of the increase in real, personal property, and centrally assessed property taxes collected from the Project Area by the County acting as the tax collection agency for the City. Without limiting the foregoing, this Agreement includes Tax Increment resulting from an increase in the tax rate of the City, which is hereby expressly approved as being included in Tax Increment as required by Section 17C-1-407 of the Act. It is expressly understood that the Property Taxes which are the subject of this Agreement are only those Property Taxes actually collected by the County from the Project Area.

8. **Future Increment Period Conditions.** The Agency may receive the same participation and level of tax increment received during the initial Increment Period for each additional Phase conditional upon the Agency amending the Project Area Plan and Project Area Budget for each additional Phase and providing notice to the City of such amendments.

9. **No Independent Duty.** The City shall be responsible to remit to the Agency only Tax Increment actually received by the County acting as the tax collecting agency for the City. The City shall have no independent duty to pay any amount to the Agency other than the Tax Increment actually received by the County, on behalf of the City on an annual basis during each Increment Period for each Phase.

10. **Authority to Bind.** Each individual executing this Agreement represents and warrants that such person is authorized to do so, and, that upon executing this Agreement, this Agreement shall be binding and enforceable in accordance with its terms upon the party for whom such person is acting.

11. **Further Documents and Acts.** Each of the parties hereto agrees to cooperate in good faith with the others, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.

12. **Notices.** Any notice, request, demand, consent, approval or other communication required or permitted hereunder or by law shall be validly given or made only if in writing and delivered to an officer or duly authorized representative of the other party in person or by Federal Express, private commercial delivery or courier service for next business day delivery, or by United States mail, duly certified or registered (return receipt requested), postage prepaid, and addressed to the party for whom intended, as follows:

If to City:
Eagle Mountain City
Attn: City Council

1650 E. Stagecoach Run
Eagle Mountain, UT 84005
Phone: (801) 789-6603

If to Agency:
Eagle Mountain Redevelopment Agency
Attn: Agency Board
1650 E. Stagecoach Run
Eagle Mountain, UT 84005
Phone: (801) 789-6603

Any party may from time to time, by written notice to the others as provided above, designate a different address which shall be substituted for that specified above. Notice sent by mail shall be deemed served or delivered seventy-two (72) hours after mailing. Notice by any other method shall be deemed served or delivered upon actual receipt at the address or facsimile number listed above. Delivery of courtesy copies noted above shall be as a courtesy only and failure of any party to give or receive a courtesy copy shall not be deemed to be a failure to provide notice otherwise properly delivered to a party to this Agreement.

13. **Entire Agreement.** This Agreement is the final expression of and contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. This Agreement and its exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

14. **No Third-Party Benefit.** The parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto. There are no intended third-party beneficiaries to this Agreement.

15. **Construction.** Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. In the event the date on which any of the parties is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

16. **Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

17. **Amendments.** No addition to or modification of any provision contained in this Agreement shall be effective unless fully set forth in writing executed by each of the parties hereto.

18. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

19. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision

herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

20. **Governing Law.** This Agreement and the exhibits attached hereto shall be governed by and construed under the laws of the State of Utah. In the event of any dispute hereunder, it is agreed that the sole and exclusive venue shall be in a court of competent jurisdiction in Utah County, Utah, and the parties hereto agree to submit to the jurisdiction of such court.

21. **Declaration of Invalidity.** In the event that a court of competent jurisdiction declares that the County or the City cannot pay and/or that the Agency cannot receive payments of the Tax Increment, declares that the Agency cannot pay the Tax Increment to developers, or takes any other action which has the effect of eliminating or reducing the payments of Tax Increment received by the Agency, the Agency's obligation to pay the Tax Increment to developers shall be reduced or eliminated accordingly, the Agency, and the City shall take such steps as are reasonably required to not permit the payment and/or receipt of the Tax Increment to be declared invalid.

22. **No Separate Legal Entity.** No separate legal entity is created by this Agreement.

23. **Duration.** This Agreement shall terminate with respect to a particular Phase upon the expiration of each Tax Increment Period for such Phase but shall continue for all undeveloped Phases. Notwithstanding, this Agreement shall terminate after the fortieth year following the trigger year of the first Phase.

24. **Assignment.** No party may assign its rights, duties or obligations under this Agreement without the prior written consent first being obtained from all parties. Notwithstanding the foregoing, such consent shall not be unreasonably withheld or delayed so long as the assignee thereof shall be reasonably expected to be able to perform the duties and obligations being assigned.

25. **Termination.** Upon any termination of this Agreement resulting from the uncured default of any party, the order of any court of competent jurisdiction or termination as a result of any legislative action requiring such termination, then any funds held by the Agency and for which the Agency shall not be required to disburse to developers in accordance with the agreements which govern such disbursement, then such funds shall be returned to the party originally remitting same to the Agency and upon such return this Agreement shall be deemed terminated and of no further force or effect.

26. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

- a. This Agreement has been, on or prior to the date hereof, authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Cooperation Act;
- b. This Agreement has been, on or prior to the date hereof, reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5(3) of the Cooperation Act;
- c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;
- d. The Chair of the Agency is hereby designated the administrator for all purposes of the Cooperation Act, pursuant to Section 11-13-207 of the Cooperation Act; and

- e. Should a party to this Agreement desire to terminate this Agreement, in part or in whole, each party to the Agreement must adopt, by resolution, an amended Interlocal Cooperation Agreement stating the reasons for such termination. Any such amended Interlocal Cooperation Agreement must be in harmony with any development/participation agreement(s) entered into by the Agency as described in this Agreement.
- f. Immediately after execution of this Agreement by both Parties, the Agency shall, on behalf of both parties, cause to be published notice regarding this Agreement pursuant to Section 11-13-219 of the Cooperation Act.
- g. This Agreement makes no provision for the parties acquiring, holding and disposing of real and personal property used in the joint undertaking as such action is not contemplated as part of this Agreement nor part of the undertaking. Any such provision would be outside the parameters of the current undertaking. However, to the extent that this Agreement may be construed as providing for the acquisition, holding or disposing of real and/or personal property, all such property shall be owned by the Agency upon termination of this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day specified above.

City: EAGLE MOUNTAIN CITY

Attest:

By: _____

Its: Mayor

City Recorder

Approved as to form:

Attorney for City

Agency: EAGLE MOUNTAIN REDEVELOPMENT AGENCY

Attest:

By: _____

Its: Chair

Secretary

Approved as to form:

Attorney for Agency

EXHIBIT "A"
to
INTERLOCAL AGREEMENT

Legal Description of Project

Parcel: 59:058:0005

Legal Description: COM AT E 1/4 COR. SEC. 26, T6S, R2W, SLB&M.; S 0 DEG 16' 2" W 2672.43 FT; N 89 DEG 46' 24" W 1629.18 FT; N 0 DEG 16' 2" E 2675.07 FT; S 89 DEG 40' 50" E 1629.19 FT TO BEG. AREA 99.945 AC.

Contains 4,353,386.4 square feet or 99.94 acres, more or less.

Parcel: 59:058:0006

Legal Description: COM AT NW COR. SEC. 26, T6S, R2W, SLB&M.; S 89 DEG 44' 36" E 2667.1 FT; S 0 DEG 18' 56" W 2662.33 FT; S 89 DEG 40' 50" E 1027.86 FT; S 0 DEG 16' 2" W 2675.07 FT; N 89 DEG 46' 24" W 1030.11 FT; N 89 DEG 44' 18" W 2671.51 FT; N 0 DEG 26' 41" E 2679.42 FT; N 0 DEG 16' 50" E 2659.41 FT TO BEG. AREA 389.921 AC.

Contains 16,984,915.2 square feet or 389.92 acres, more or less.

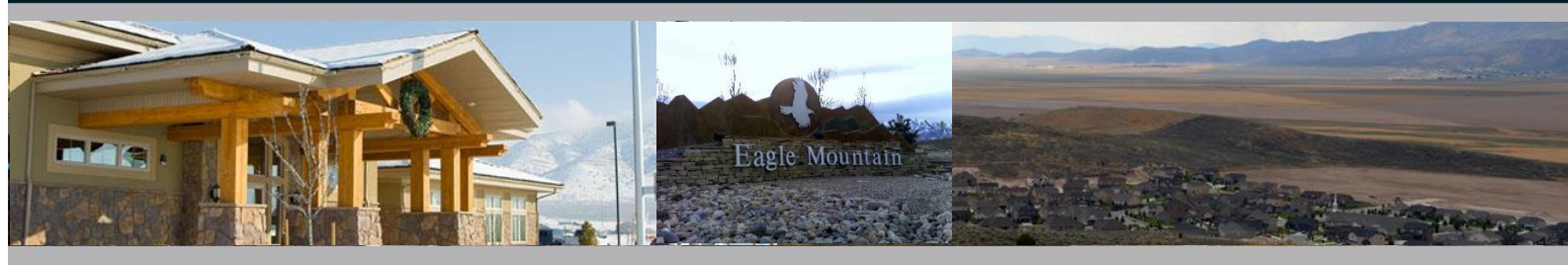
**EXHIBIT “B”
To
INTERLOCAL AGREEMENT**

Project Area Plan

PROJECT AREA PLAN

SWEETWATER INDUSTRIAL PARK COMMUNITY REINVESTMENT AREA (CRA) #3

EAGLE MOUNTAIN REDEVELOPMENT AGENCY, UTAH



MARCH 2023


LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM



Table of Contents

DEFINITIONS	3
INTRODUCTION	5
DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED PROJECT AREA	6
GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING DENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA.....	6
STANDARDS GUIDING THE COMMUNITY REINVESTMENT	7
HOW THE PURPOSES OF THIS TITLE WILL BE ATTAINED BY COMMUNITY DEVELOPMENT	7
CONFORMANCE OF THE PROPOSED DEVELOPMENT TO THE COMMUNITY'S GENERAL PLAN	8
DESCRIBE ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY REINVESTMENT	8
METHOD OF SELECTION OF PRIVATE DEVELOPERS TO UNDERTAKE THE COMMUNITY REINVESTMENT AND IDENTIFICATION OF DEVELOPERS CURRENTLY INVOLVED IN THE PROCESS	8
REASON FOR SELECTION OF THE PROJECT AREA.....	8
DESCRIPTION OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA	9
DESCRIPTION OF ANY TAX INCENTIVES OFFERED PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA.....	9
ANTICIPATED PUBLIC BENEFIT TO BE DERIVED FROM THE COMMUNITY DEVELOPMENT	9
EXHIBIT A: LEGAL DESCRIPTION OF SWEETWATER INDUSTRIAL PARK CRA #2	12
EXHIBIT B: PROJECT AREA MAP	13

Definitions

As used in this Community Reinvestment Project Area Plan, the term:

"Act" shall mean and include the Limited Purpose Local Government Entities – Community Reinvestment Agency Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

"Agency" shall mean the Eagle Mountain Redevelopment Agency, which is a separate body corporate and politic created by the City pursuant to the Act.

"Base taxable value" shall mean the agreed value specified in a resolution or interlocal agreement under Subsection 17C-1-102(8) from which tax increment will be collected.

"Base year" shall mean the agreed upon year for which the base taxable value is established and shall be incorporated into the interlocal agreements with participating taxing entities.

"City" or "Community" shall mean the City of Eagle Mountain.

"Legislative body" shall mean the City Council of Eagle Mountain which is the legislative body of the City.

"Plan Hearing" shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-1-102 (42) and 17C-5-104(3)(e).

"Project Area" shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community development set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take place (**Exhibit A & Exhibit B**).

"Net Present Value (NPV)" shall mean the discounted value of a cash flow. The NPV illustrates the total value of a stream of revenue over a number of years in today's dollars.

"Project Area Budget" shall mean (as further described under 17-C-5-303 of the Act) the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

-  the base taxable value of property in the Project Area;
-  the projected tax increment expected to be generated within the Project Area;
-  the amount of tax increment expected to be shared with other taxing entities;
-  the amount of tax increment expected to be used to implement the Project Area plan;
-  if the area from which tax increment is to be collected is less than the entire Project Area:
 - the tax identification number of the parcels from which tax increment will be collected; or

- a legal description of the portion of the Project Area from which tax increment will be collected; and

☞ for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

“Project Area Plan” or “Plan” shall mean the written plan (outlined by 17C-5-105 of the Act) that, after its effective date, guides and controls the community reinvestment activities within the Project Area. Project Area Plan refers to this document and all of the attachments to this document, which attachments are incorporated by this reference. It is anticipated that the SWEETWATER INDUSTRIAL PARK #3 PLAN will be subject to an interlocal agreement process with the taxing entities within the Project Area.

“Taxes” includes all levies on an ad valorem basis upon land, local and centrally assessed real property, personal property, or any other property, tangible or intangible.

“Taxing Entity” shall mean any public entity that levies a tax on any property within the Project Area.

“Tax Increment” shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area using the current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

“Tax Increment Period” shall mean the period in which the taxing entities from the Project Area consent that a portion of their tax increment from the Project Area be used to fund the objectives outlined in the Project Area Plan.

“Tax Year” shall mean the 12-month period between sequential tax roll equalizations (November 1st - October 31st) of the following year, e.g., the November 1, 2022 - October 31, 2023 tax year.

Introduction

The Eagle Mountain Redevelopment Agency (the “Agency”), following thorough consideration of the needs and desires of Eagle Mountain City (the “City”) and its residents, as well as the City’s capacity for new development, has carefully crafted this draft Project Area Plan (the “Plan”) for the Sweetwater Industrial Park Community Reinvestment Project Area #3 (the “Project Area”). This Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which lies within the southern portion of the City, generally to the west of Magnolia Road, east of 2000 East, and to the north of 1000 North. The Plan is intended to define the method and means of the Project Area from its current state to a higher and better use.

The City has determined it is in the best interest of its citizens to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of development, scope, financing mechanism, and value to the residents of the City and other taxing entities within the Project Area.

The Project Area is being undertaken as a community reinvestment project area pursuant to certain provisions of Chapters 1 and 5 of the Utah Limited Purpose Local Governmental Entities – Community Reinvestment Agency Act (the “Act”, Utah Code Annotated (“UCA”) Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area. The realization of the Plan is subject to interlocal agreements between the taxing entities individually and the Agency.

Resolution Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan

Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Agency adopted a resolution authorizing the preparation of a draft Community Reinvestment Project Area Plan on May 3, 2022.

Utah Code
§17C-5-104

Recitals of Prerequisites for Adopting a Community Reinvestment Project Area Plan

In order to adopt a community reinvestment project area plan, the Agency shall;

- ☐ Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law;
- ☐ Pursuant to the provisions of §17C-5-104 of the Act, the Agency has conducted or will conduct one or more public hearings for the purpose of informing the public about the Project Area, and allowing public input into the Agency’s deliberations and considerations regarding the Project Area; and
- Pursuant to the provisions of §17C-5-104 of the Act, the Agency has allowed opportunity for input on the draft Project Area Plan and has made a draft Project Area Plan available to the public at the Agency’s offices during normal business hours, provided notice of the plan hearing, sent copies of the draft Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback.

Description of the Boundaries of the Proposed Project Area

A legal description of the Project Area along with a detailed map of the Project Area is attached respectively as **Exhibit A** and **Exhibit B** and incorporated herein. The Project Area lies within the southern portion of the City, generally to the west of Magnolia Road, east of 2000 East, and to the north of 1000 North. All the land use in the project area is currently vacant. The Project Area is comprised of approximately 489.86 acres of property.

As delineated in the office of the Utah County Recorder, the Project Area encompasses all of the parcels detailed in **Table 1**.

TABLE 1: PARCEL LIST

Parcel Id	Parcel Owner	Acres
59:058:0006	Eagle Mountain Data Center CAM	389.92
59:058:0005	QTS Eagle Mountain I LLC	99.94
Total		489.86

General Statement of Land Uses, Layout of Principal Streets, Population Densities, Building Densities and How They Will be Affected by the Project Area

General Land Uses

The property within the Project Area is currently classified as vacant property. The majority of the property surrounding the Project Area to the west is also vacant greenbelt. The Facebook Data Center Complex is immediately east of the Project Area.

Table 2 summarizes the approximate acreage of existing land uses by land use type.

TABLE 2: LAND USES

Type	Acres	% of Area
Vacant	489.86	100%
Total	489.86	100%

This Project Area Plan is consistent with the General Plan of the City and promotes economic activity by virtue of the land uses contemplated. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Project Area Plan shall be undertaken in accordance with the requirements of the City's Code and all other applicable laws including all goals and objectives in the City's General Plan.

Layout of Principal Streets

There are currently no paved streets within the Project Area, 1000 N., an unpaved road runs along the southern periphery of the Project Area. Magnolia Road has been paved in the portions east of the Project Area.

Population Densities

There are no residences within the Project Area, therefore the estimated population density is 0.0 residents per acre.

Building Densities

Building densities will increase as development occurs. The intent of this plan is to promote greater economic utilization of the land area.

Impact of Community Reinvestment on Land Use, Layout of Principal Streets, and Population Densities

Community reinvestment activities within the Project Area will primarily consist of development and economic enhancement of an underutilized area of the City. The types of land uses will include a data center and affiliated office space.

Land Use – It is anticipated that future development within the Project Area will create space for a data center complex. Other supplementary development may take place during future phases of the development.

Layout of Principal Streets – It is anticipated that the community reinvestment of the Project Area will not alter the layout of principal streets in the area. It is anticipated that access roads will be constructed within the Project Area.

Population Densities – The Project Area does not include any residential components. The population density will not be affected by the Project Area. The daytime population of the City will slightly increase as the Project Area is anticipated to create approximately 120-150 new jobs.

UTAH CODE
§17C-5-105(3)

Standards Guiding the Community Reinvestment

In order to provide maximum flexibility in the development and economic promotion of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the City's proposed General Plan; the Zoning Ordinance of the City, including adopted Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the Agency, other applicable building codes and ordinances of the City; and, as required by ordinance or agreement, review and recommendation of the Planning Commission and approval by the Agency.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, and any other data determined to be necessary or requested by the Agency or the City.

UTAH CODE
§17C-5-105(4)

How the Purposes of this Title Will Be Attained by Community Development

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to facilitate the development within the Project Area.

UTAH CODE
§17C-5-105(5)

Conformance of the Proposed Development to the Community's General Plan

The proposed Community Reinvestment Project Area Plan and the development contemplated are consistent with the City's proposed General Plan and land use regulations.

UTAH CODE
§17C-5-105(7)

Describe any Specific Project or Projects that are the Object of the Proposed Community Reinvestment

The Project Area is being created in order to assist with the construction of a future colocation data center complex.

UTAH CODE
§17C-5-105(8)

Method of Selection of Private Developers to Undertake the Community Reinvestment and Identification of Developers Currently Involved in the Process

The City and Agency will select or approve such development as solicited or presented to the Agency and City that meets the development objectives set forth in this plan. The City and Agency retain the right to approve or reject any such development plan(s) that in their judgment do not meet the development intent for the Project Area. The City and Agency may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the City, EDC Utah, and/or from other such references.

The City and Agency will ensure that all development conforms to this plan and is approved by the City. All potential developers may need to provide a detailed development plan including sufficient financial information to provide the City and Agency with confidence in the sustainability of the development and the developer. Such a review may include a series of studies and reviews including reviews of the Developer's financial statements, third-party verification of benefit of the development to the City, appraisal reports, etc.

Any participation between the Agency, developers and property owners shall be by an approved agreement.

UTAH CODE
§17C-5-105(9)

Reason for Selection of the Project Area

The Project Area is currently classified as greenbelt and is collecting relatively no tax revenue for the taxing entities. The creation of the Project Area will create a significant economic benefit to all taxing entities as this underutilized area will be developed to a higher and greater use.

Description of Physical, Social and Economic Conditions Existing in the Project Area

Physical Conditions

The Project Area consists of approximately 489.86 acres of relatively flat, privately owned land as shown on the Project Area map.

Social Conditions

The Project Area experiences a lack of connectivity and vitality. There are no residential units and no parks, libraries, or other social gathering places in the Project Area. This is in line with the contemplated uses of the area surrounding the Project Area which is currently under the greenbelt classification or used for similar types of development as contemplated in the Project Area.

Economic Conditions

The Project Area is currently under greenbelt classification. The Agency desires to encourage development within the Project Area that will directly benefit the existing economic base of the City, Utah County and other taxing entities.

Description of any Tax Incentives Offered Private Entities for Facilities Located in the Project Area

Tax increment arising from the development within the Project Area shall be used for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land and job-oriented incentives, desirable Project Area improvements, and other items as approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes during the tax increment period which the Agency deems appropriate under the circumstances. A cost benefit analysis will assist the Agency in making decisions about offering assistance.

In general, tax incentives may be offered to achieve the community reinvestment goals and objectives of this plan, specifically to:

-  Foster and accelerate economic development;
-  Stimulate job development;
-  Make needed infrastructure improvements to roads, street lighting, water, storm water, sewer, and parks and open space; and
-  Provide attractive development for high-quality tenants.

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity. Furthermore, a resolution and interlocal agreement will formally establish the participation percentage and tax increment period for each taxing entity.

Anticipated Public Benefit to be Derived from the Community Development

The Beneficial Influences upon the Tax Base of the Community

The beneficial influences upon the tax base of the City and the other taxing entities will include increased property tax revenues, job growth, and affordable housing opportunities in the community. The increased revenues will come from the property values associated with new construction in the area, as well as increased land values as the property within the Project Area will no longer be classified as greenbelt. Property values include land, buildings and personal property (machines, equipment, etc.).

Job growth in the Project Area will result in increased wages, increasing local purchases and benefiting existing businesses in the area. Job growth will also result in increased income taxes paid. Additionally, business growth will generate corporate income taxes.

There will also be a beneficial impact on the community through increased construction activity within the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally.

The Associated Business and Economic Activity Likely to be Stimulated

Other business and economic activity likely to be stimulated includes increased spending by new and existing residents within the City and employees in the Project Area and in surrounding areas. This includes both direct and indirect purchases that are stimulated by the spending of the additional employees in the area.

Employees may make some purchases in the local area, such as convenience shopping for personal services (haircuts, banking, dry cleaning, etc.). The employees will not make all of their convenience or personal services purchases near their workplace and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of these annual purchases will occur within close proximity of the workplace (assuming the services are available). The City also envisions this area as a future industrial park, this development will further attract new businesses to the area.

Efforts to Maximize Private Investment

The agency has formed a partnership with the developers to realize the vision of this Project Area. It is anticipated that the development will require over \$2 billion of private capital. Creating a CRA will act as a catalyst for the development.

“But For” Analysis

The anticipated development includes numerous costs, including land purchase, infrastructure, and over personal property. “But-for” the creation of the CRA and public participation, the costs associated with the development would be too high, and the Project Area would remain in its underutilized state.

Cost/Benefit Analysis

Based on the land use assumptions and tax increment participation levels, the following tables outline the benefits anticipated in the Project Area. As shown below, the proposed community reinvestment will create a net benefit to the City and the other taxing entities that participate in the Project Area. The cost/benefit analysis only includes the tax increment projections on the first phase of the development. The Agency may be allowed to receive 20 years of tax increment for each phase that is undertaken, not to exceed 40 years for all phases beginning with the first-year increment is remitted to the Agency. Additional 20-year periods will be outlined in an amended Project Area Plan, as necessary.

TABLE 3: SOURCES OF TAX INCREMENT FUNDS

Entity	Percentage	Length	Total	NPV at 4%
Utah County	74% Personal Property 61% Real Property	20 Years	\$1,561,112	\$1,058,036
Alpine School District	74% Personal Property 61% Real Property	20 Years	13,518,614	9,162,172
Eagle Mountain City	74% Personal Property 61% Real Property	20 Years	1,277,703	865,957
Central Utah Water Conservancy District	74% Personal Property 61% Real Property	20 Years	944,697	640,264
Unified Fire District – Salt Lake County	74% Personal Property 61% Real Property	20 Years	3,117,500	2,112,870
Total Sources of Tax Increment Funds			\$20,419,625	\$13,839,298

TABLE 4: PROJECT AREA REVENUES

Entity	Property Tax	Franchise Tax	Total Tax Increment Revenues
Utah County	\$2,414,246	-	\$2,414,246
Alpine School District	20,906,417	-	20,906,417
Eagle Mountain City	1,975,956	1,630,772	3,606,728
Central Utah Water Conservancy District	1,460,966	-	1,460,966
Unified Fire District – Salt Lake County	4,821,186	-	4,821,186
Total Revenues	\$31,578,770	\$1,630,772	\$33,209,541

TABLE 5: PROJECT AREA EXPENDITURES

Entity	CRA Budget	General Government	Public Safety	Public Works	Total Expenditures
Utah County	\$1,561,112	\$129,409	-	-	\$1,690,521
Alpine School District	13,518,614	258,128	-	-	13,776,741
Eagle Mountain City	1,277,703	199,426	241,579	30,748	1,749,456
Central Utah Water Conservancy District	944,697	29,705	-	-	974,402
Unified Fire District – Salt Lake County	3,117,500	1,332,728	-	-	4,450,228
Total Expenditures	\$20,419,625	\$1,949,396	\$241,579	\$30,748	\$22,641,348

The total net benefit to the taxing entities of participating in the Project Area is Project Area is \$10,568,193 with the City's net benefit being \$1,857,272¹.

¹ The net benefit does not include the \$2,041,962 million housing portion of tax increment that will be reinvested into the City.



EXHIBIT A: Legal Description of Sweetwater Industrial Park CRA #3

Parcel: 59:058:0005

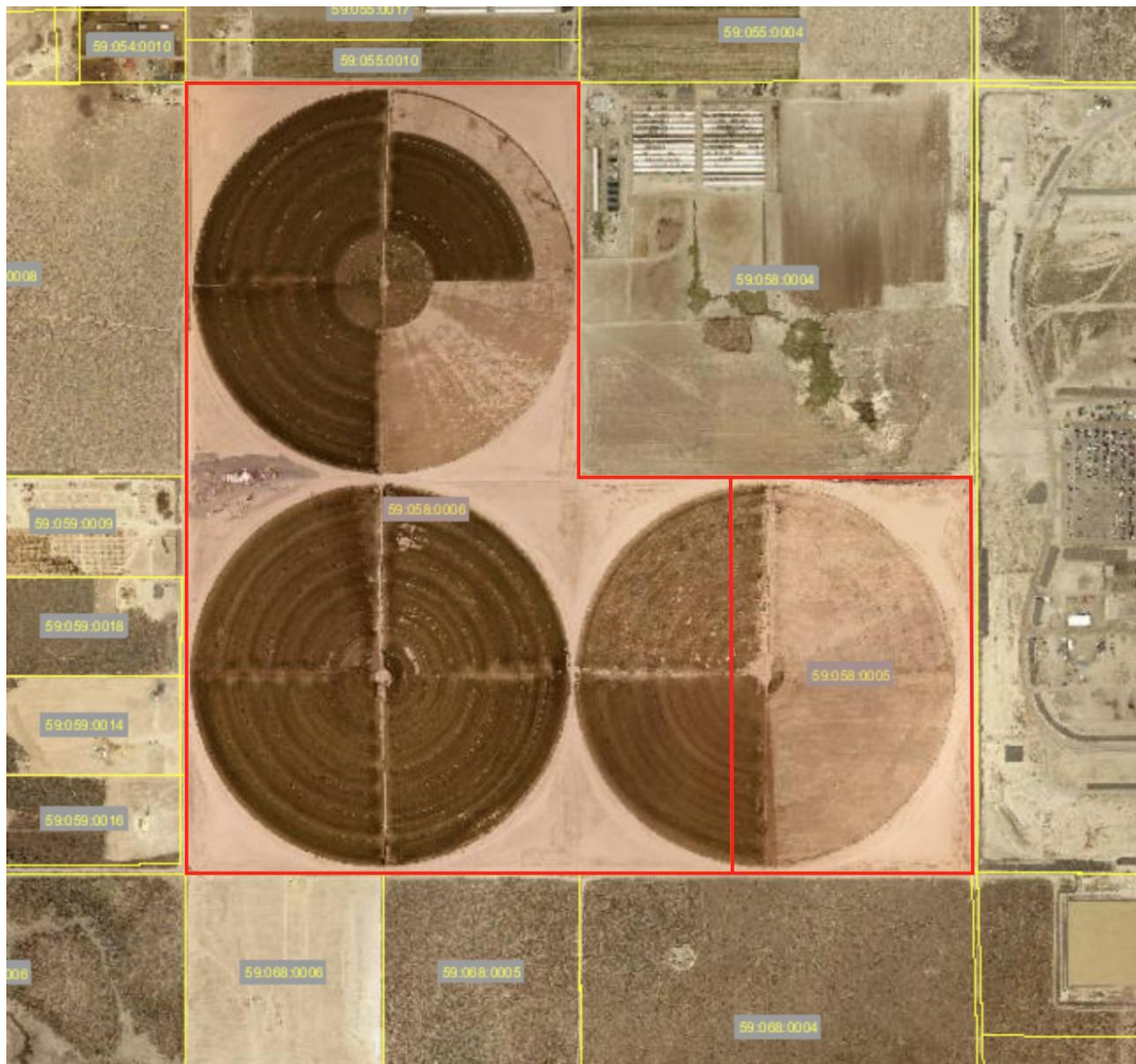
Legal Description: COM AT E 1/4 COR. SEC. 26, T6S, R2W, SLB&M.; S 0 DEG 16' 2" W 2672.43 FT; N 89 DEG 46' 24" W 1629.18 FT; N 0 DEG 16' 2" E 2675.07 FT; S 89 DEG 40' 50" E 1629.19 FT TO BEG. AREA 99.945 AC.
Contains 4,353,386.4 square feet or 99.94 acres, more or less.

Parcel: 59:058:0006

Legal Description: COM AT NW COR. SEC. 26, T6S, R2W, SLB&M.; S 89 DEG 44' 36" E 2667.1 FT; S 0 DEG 18' 56" W 2662.33 FT; S 89 DEG 40' 50" E 1027.86 FT; S 0 DEG 16' 2" W 2675.07 FT; N 89 DEG 46' 24" W 1030.11 FT; N 89 DEG 44' 18" W 2671.51 FT; N 0 DEG 26' 41" E 2679.42 FT; N 0 DEG 16' 50" E 2659.41 FT TO BEG. AREA 389.921 AC.

Contains 16,984,915.2 square feet or 389.92 acres, more or less.

EXHIBIT B: Project Area Map



**EXHIBIT “C”
To
INTERLOCAL AGREEMENT**

Project Area Budget

PROJECT AREA BUDGET

SWEETWATER INDUSTRIAL PARK COMMUNITY REINVESTMENT AREA (CRA) #3

EAGLE MOUNTAIN REDEVELOPMENT AGENCY, UTAH



MARCH 2022


LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

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Table of Contents

TABLE OF CONTENTS	2
SECTION 1: INTRODUCTION	3
SECTION 2: DESCRIPTION OF COMMUNITY DEVELOPMENT PROJECT AREA.....	3
SECTION 3: GENERAL OVERVIEW OF PROJECT AREA BUDGET	4
SECTION 4: PROPERTY TAX INCREMENT	5
SECTION 5: COST/BENEFIT ANALYSIS	7
EXHIBIT A: PROJECT AREA MAP	8
EXHIBIT B: MULTI-YEAR BUDGET	9

Section 1: Introduction

The Eagle Mountain Redevelopment Agency (the "Agency"), following thorough consideration of the needs and desires of the City of Eagle Mountain (the "City") and its residents, as well as understanding the City's capacity for new development, has carefully crafted the Project Area Plan (the "Plan") for the Sweetwater Industrial Park Community Reinvestment Project Area #3 (the "Project Area"). The Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development opportunities for the land encompassed by the Project Area which lies within the southern portion of the City, generally to the west of Magnolia Road, east of 2000 East, and to the north of 1000 North.

The Plan is envisioned to define the method and means of development for the Project Area from its current state to a higher and better use. The City has determined it is in the best interest of its citizens to assist in the development of the Project Area. This **Project Area Budget** document (the "Budget") is predicated upon certain elements, objectives and conditions outlined in the Plan and intended to be used as a financing tool to assist the Agency in meeting Plan objectives discussed herein and more specifically referenced and identified in the Plan.

The creation of the Project Area is being undertaken as a community reinvestment project pursuant to certain provisions of Chapters 1 and 5 of the Utah Community Reinvestment Agency Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area.

Section 2: Description of Community Development Project Area

The Project Area lies west of Magnolia Road, east of 2000 East, and to the north of 1000 North, and is located within the City's southern boundaries. The property encompasses approximately 489.86 acres of vacant/greenbelt land.

A map of the Project Area is attached hereto in **EXHIBIT A**.

Section 3: General Overview of Project Area Budget

The purpose of the Project Area Budget is to provide the financial framework necessary to implement the Project Area Plan vision and objectives. The Project Area Plan has identified that tax increment financing is essential in order to meet the objectives of the CRA Project Area. The following information will detail the sources and uses of tax increment and other necessary details needed for public officials, interested parties, and the public in general to understand the mechanics of the Project Area Budget.

Base Year Value

The Agency has determined that the Base Year Value for the Project Area will be equal to taxable value for the tax year immediately prior to the triggering of the Project Area and the individual phases. As the trigger year(s) have not been determined, the 2022 tax year has been used to estimate the Base Year Value. The Base Year Value is estimated to be \$13,355,671. Using the tax rates established within the Project Area, the property taxes levied equate to \$115,473 annually. Accordingly, this amount will continue to flow through to each taxing entity proportional to the amount of their respective tax rates being levied.

Payment Trigger

Each phase will have a twenty (20)-year duration from the date of the first tax increment received by the Agency. The first year for collection of tax increment will be determined by the Agency. The Agency will provide a trigger notice to Utah County before each first year of collection.

Projected Tax Increment Revenue – Total Generation

Development within the Project Area will commence upon favorable market conditions which will include both horizontal and vertical infrastructure and development. The Agency anticipates that new development will begin in the Project Area in the next two to three years. The contemplated development will generate significant additional property tax revenue as well as incremental sales and use tax above what is currently generated within the Project Area.

Property Tax Increment will begin to be generated in the tax year (ending Dec 1st) following construction completion and Tax Increment will actually be paid to the Agency in March or April after collection. It is projected that property Tax Increment generation within the Project Area could begin as early as 2024, though there is no requirement under this agreement that mandates the beginning date and it can be later. It is currently estimated that during the 20-year life of the Project Area Budget, property Tax Increment could be generated within the Project Area in the approximate amount of \$31.58 million or at a net present value (NPV)¹ of \$21.41 million. This amount is over and above the \$2.31M of base taxes that the property would generate over 20 years at the \$115,473 annual amount it currently generates as shown in Table 4.1 below.

¹ Net Present Value of future cash flows assumes a 4% discount rate. The same 4% discount rate is used in all remaining NPV calculations. This total is prior to accounting for the flow-through of tax increment to the respective taxing entities.

Section 4: Property Tax Increment

Base Year Property Tax Revenue

The taxing entities are currently receiving - and will continue to receive - property tax revenue from the current assessed value of the property within the Project Area ("Base Taxes"). The current assessed value is estimated to be \$13,355,671. Based upon the tax rates in the area, the collective taxing entities are receiving \$115,473 in property tax annually from this Project Area. This equates to approximately \$2.31M over the 20-year life of the first phase of the Project Area.

TABLE 4.1: TOTAL BASE YEAR TO TAXING ENTITIES (OVER 20 YEARS)

Entity	Total	NPV at 4%
Utah County	\$176,562	\$119,977
Alpine School District	1,528,957	1,038,951
Eagle Mountain City	144,508	98,196
Central Utah Water Conservancy District	106,845	72,603
Unified Fire Service Area – Salt Lake County	352,590	239,590
Total Revenue	\$2,309,463	\$1,569,318

Property Tax Increment Shared with RDA

All taxing entities that receive property tax generated within the Project Area, as detailed above, will share at least a portion of that increment generation with the Agency. All taxing entities will contribute 74% of their respective tax increment off of the personal property within the Project Area and 61% of their respective tax increment off of the real property for 20 years. The State will not contribute any portion of their incremental sales tax to implement the Project Area Plan. The assumptions in this analysis only include the tax increment projections on the first phase of the development. The Agency may be allowed to receive 20 years of tax increment for each phase that is undertaken, not to exceed 40 years for all phases beginning with the first year increment is remitted to the Agency. Each additional 20-year period will be outlined in an amended Project Area Budget, as necessary. Table 4.2 shows the amount of Tax Increment shared with the Agency assuming the participation levels discussed above.

TABLE 4.2: SOURCES OF TAX INCREMENT FUNDS

Entity	Percentage	Length	Total	NPV at 4%
Utah County	74% Personal Property 61% Real Property	20 Years	\$1,561,112	\$1,058,036
Alpine School District	74% Personal Property 61% Real Property	20 Years	13,518,614	9,162,172
Eagle Mountain City	74% Personal Property 61% Real Property	20 Years	1,277,703	865,957
Central Utah Water Conservancy District	74% Personal Property 61% Real Property	20 Years	944,697	640,264
Unified Fire Service Area – Salt Lake County	74% Personal Property 61% Real Property	20 Years	3,117,500	2,112,870
Total Sources of Tax Increment Funds			\$20,419,625	\$13,839,298

Uses of Tax Increment

The anticipated development includes numerous costs, including land purchase, infrastructure and over \$100 million of personal property. “But-for” the creation of the CRA and public participation, the costs associated with the development would be too high, and the Project Area would remain in its underutilized state.

The Agency will take an annual percentage of 5% to administer the CRA. The majority of the remaining Tax Increment collected by the Agency will be used to overcome the obstacles outlined above (85%). Including: offsetting certain on-site public infrastructure costs, development incentives, Agency requested improvements and upgrades, desirable Project Area improvements, and other redevelopment activities as approved by the Agency. The remaining 10% will go towards affordable housing, as required by the Act.

TABLE 4.3: USES OF TAX INCREMENT

Uses	Total	NPV at 4%
Redevelopment Activities	\$17,367,172	\$11,769,627
CRA Housing Requirement	2,041,962	1,383,930
Project Area Administration	510,491	345,982
School District Pilot Program @ \$25,000 annually/building	500,000	339,758
Total Uses of Tax Increment Funds	\$20,419,625	\$13,839,298

A multi-year projection of tax increment is included in **EXHIBIT B**.

Total Annual Property Tax Revenue for Taxing Entities at Conclusion of Project

As described above, the collective taxing entities are currently receiving approximately \$115,473 in property taxes annually from this Project Area. At the end of 20 years an additional \$1,869,012 in property taxes annually is anticipated, totaling approximately \$2,152,039 in property taxes annually for the area. “But for” the assistance provided by the RDA through tax increment revenues, this 1,619% increase in property taxes generated for the taxing entities would not be possible.

TABLE 4.4: TOTAL BASE YEAR AND END OF PROJECT LIFE ANNUAL PROPERTY TAXES

Entity	Annual Base Year Property Taxes	Annual Property Tax Increment at Conclusion of Project	Total Annual Property Taxes
Utah County	\$8,828	\$142,889	151,717
Alpine School District	76,448	1,237,361	1,313,809
Eagle Mountain City	7,225	116,948	124,174
Central Utah Water Conservancy District	5,342	86,468	91,811
Unified Fire Service Area – Salt Lake County	17,629	285,345	302,975
Total Revenue	\$115,473	\$1,869,012	\$1,984,485

Section 5: Cost/Benefit Analysis

Additional Revenues

Other Tax Revenues

The development within the Project Area will also generate sales taxes, energy sales and use taxes for natural gas and telecommunications.

Table 5.1 shows the total revenues generated by the Project Area. This total includes the anticipated property tax increment and energy sales and use tax.

TABLE 5.1 TOTAL REVENUES

Entity	Property Tax	Franchise Tax	Total Incremental Revenues
Utah County	\$2,414,246	-	\$2,414,246
Alpine School District	20,906,417	-	20,906,417
Eagle Mountain City	1,975,956	1,630,772	3,606,728
Central Utah Water Conservancy District	1,460,966	-	1,460,966
Unified Fire Service Area – Salt Lake County	4,821,186	-	4,821,186
Total Revenue	\$31,578,770	\$1,630,772	\$33,209,541

Additional Costs

The development anticipated within the Project Area will also likely result in additional general government, public works, and public safety costs. These costs, along with the estimated budget to implement the Project Area Plan, are identified below.

TABLE 5.2 TOTAL EXPENDITURES

Entity	CRA Budget	General Government	Public Works	Public Safety	Total Incremental Expenditures
Utah County	\$1,561,112	\$129,409	-	-	\$1,690,521
Alpine School District	13,518,614	258,128	-	-	13,776,741
Eagle Mountain City	1,277,703	199,426	241,579	30,748	1,749,456
Central Utah Water Conservancy District	944,697	29,705	-	-	974,402
Unified Fire Service Area – Salt Lake County	3,117,500	1,332,728	-	-	4,450,228
Total Expenditures	\$20,419,625	\$1,949,396	\$241,579	\$30,748	\$22,641,348

The total net benefit to the taxing entities of participating in the Project Area is \$10,568,193 with the City's net benefit being \$1,857,272².

² The net benefit does not include the \$2,041,692 housing portion of tax increment that will be reinvested into the City.

Exhibit A: Project Area Map

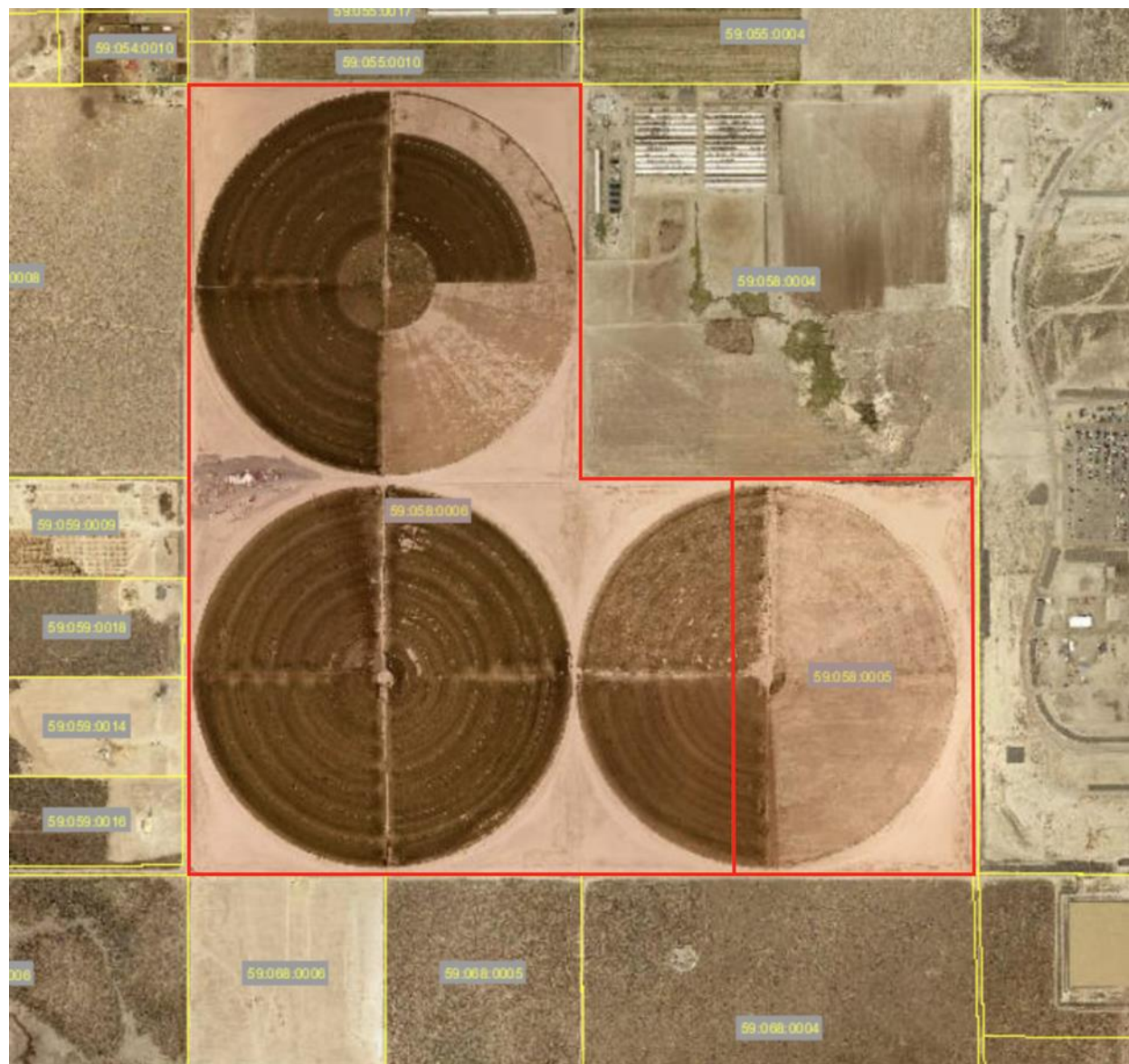




Exhibit B: Multi-Year Budget

Eagle Mountain Redevelopment Agency

Sweet Water Industrial Park CRA #3
Increment and Budget Analysis

ASSUMPTIONS:	
Discount Rate	4.0%
Inflation Rate	0.0%

INCREMENTAL TAX ANALYSIS:	Tax Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044		
Cumulative Taxable Value	Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20		
360,000 Sq. Ft. Building		\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690	\$131,170,690		
Personal Property Value		\$0	\$85,000,000	\$69,000,000	\$52,000,000	\$34,000,000	\$23,000,000	\$85,000,000	\$69,000,000	\$52,000,000	\$34,000,000	\$23,000,000	\$85,000,000	\$69,000,000	\$52,000,000	\$34,000,000	\$23,000,000	\$85,000,000	\$69,000,000	\$52,000,000	\$34,000,000		
Total Assessed Value:		\$131,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690		
Value of Current Property		\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671	\$13,355,671		
Less Base Year Value		(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)	(\$13,355,671)		
TOTAL INCREMENTAL VALUE:		\$131,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690	\$154,170,690	\$216,170,690	\$200,170,690	\$183,170,690	\$165,170,690		
TAX RATE & INCREMENT ANALYSIS:	2022 Rates																						
Utah County	0.000661	86,704	142,889	132,313	121,076	109,178	101,907	142,889	132,313	121,076	109,178	101,907	142,889	132,313	121,076	109,178	101,907	142,889	132,313	121,076	109,178	2,414,246	1,636,782
Alpine School District	0.005724	750,821	1,237,361	1,145,777	1,048,469	945,437	882,473	1,237,361	1,145,777	1,048,469	945,437	882,473	1,237,361	1,145,777	1,048,469	945,437	882,473	1,237,361	1,145,777	1,048,469	945,437	20,906,417	14,173,891
Eagle Mountain City	0.000541	70,963	116,948	108,292	99,095	89,357	83,406	116,948	108,292	99,095	89,357	83,406	116,948	108,292	99,095	89,357	83,406	116,948	108,292	99,095	89,357	1,975,956	1,339,636
Central Utah Water Conservancy District	0.000400	52,468	86,468	80,068	73,268	66,068	61,668	86,468	80,068	73,268	66,068	61,668	86,468	80,068	73,268	66,068	61,668	86,468	80,068	73,268	66,068	1,460,966	990,489
Unified Fire Service Area - Salt Lake County	0.001320	173,145	285,345	264,225	241,785	218,025	203,505	285,345	264,225	241,785	218,025	203,505	285,345	264,225	241,785	218,025	203,505	285,345	264,225	241,785	218,025	4,821,186	3,268,612
TOTAL INCREMENTAL REVENUE IN PROJECT AREA:	0.008646	\$1,134,102	\$1,869,012	\$1,730,676	\$1,583,694	\$1,428,066	\$1,332,960	\$1,869,012	\$1,730,676	\$1,583,694	\$1,428,066	\$1,332,960	\$1,869,012	\$1,730,676	\$1,583,694	\$1,428,066	\$1,332,960	\$1,869,012	\$1,730,676	\$1,583,694	\$1,428,066	\$31,578,770	\$21,409,410
PROJECT AREA BUDGET																							
Sources of Funds:	Year	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	TOTALS	NPV
Property Tax Participation Rate for Budget																							
Real Property Value (Building & Land)		61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%	61.0%		
Personal Property Value		74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%	74%		
Property Tax Increment for Budget																							
Utah County		\$52,889	\$94,466	\$86,640	\$78,325	\$69,520	\$64,140	\$94,466	\$86,640	\$78,325	\$69,520	\$64,140	\$94,466	\$86,640	\$78,325	\$69,520	\$64,140	\$94,466	\$86,640	\$78,325	\$69,520	\$1,561,112	\$1,058,036
Alpine School District		\$458,001	\$818,040	\$750,268	\$678,260	\$602,017	\$555,423	\$818,040	\$750,268	\$678,260	\$602,017	\$555,423	\$818,040	\$750,268	\$678,260	\$602,017	\$555,423	\$818,040	\$750,268	\$678,260	\$602,017	\$13,518,614	\$9,162,172
Eagle Mountain City		\$43,288	\$77,317	\$70,911	\$64,105	\$56,899	\$52,495	\$77,317	\$70,911	\$64,105	\$56,899	\$52,495	\$77,317	\$70,911	\$64,105	\$56,899	\$52,495	\$77,317	\$70,911	\$64,105	\$56,899	\$1,277,703	\$865,957
Central Utah Water Conservancy District		\$32,006	\$57,166	\$52,430	\$47,398	\$42,070	\$38,814	\$57,166	\$52,430	\$47,398	\$42,070	\$38,814	\$57,166	\$52,430	\$47,398	\$42,070	\$38,814	\$57,166	\$52,430	\$47,398	\$42,070	\$944,697	\$640,264
Unified Fire Service Area - Salt Lake County		\$105,619	\$188,647	\$173,018	\$156,412	\$138,830	\$128,085	\$188,647	\$173,018	\$156,412	\$138,830	\$128,085	\$188,647	\$173,018	\$156,412	\$138,830	\$128,085	\$188,647	\$173,018	\$156,412	\$138,830	\$3,117,500	\$2,112,870
Total Property Tax Increment for Budget:		\$691,802	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$20,419,625	\$13,839,298
Uses of Tax Increment Funds:	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	TOTALS	NPV	
Redevelopment Activities (Infrastructure, Incentives, etc.)	87.5%	\$580,327	\$1,056,181	\$966,608	\$871,438	\$770,669	\$709,087	\$1,056,181	\$966,608	\$871,438	\$770,669	\$709,087	\$1,056,181	\$966,608	\$871,438	\$770,669	\$709,087	\$1,056,181	\$966,608	\$871,438	\$770,669	\$17,367,172	\$11,769,627
CRA Housing Requirement	10.0%	\$69,180	\$123,564	\$113,327	\$102,450	\$90,934	\$83,896	\$123,564	\$113,327	\$102,450	\$90,934	\$83,896	\$123,564	\$113,327	\$102,450	\$90,934	\$83,896	\$123,564	\$113,327	\$102,450	\$90,934	\$2,041,962	\$1,383,930
Alpine School District Pilot Payment (\$25,000/Building)		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$500,000	\$339,758
RDA Administration (2.5%)	2.5%	\$17,295	\$30,891	\$28,332	\$25,613	\$22,733	\$20,974	\$30,891	\$28,332	\$25,613	\$22,733	\$20,974	\$30,891	\$28,332	\$25,613	\$22,733	\$20,974	\$30,891	\$28,332	\$25,613	\$22,733	\$510,491	\$345,982
Total Uses		\$691,802	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$838,957	\$1,235,635	\$1,133,267	\$1,024,500	\$909,335	\$20,419,625	\$13,839,298
REMAINING TAX REVENUES FOR TAXING ENTITIES	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	TOTALS	NPV	
Utah County		\$33,814	\$48,423	\$45,673	\$42,751	\$39,658	\$37,767	\$48,423	\$45,673	\$42,751	\$39,658	\$37,767	\$48,423	\$45,673	\$42,751	\$39,658	\$37,767	\$48,423	\$45,673	\$42,751	\$39,658	\$853,134	\$578,747
Alpine School District		\$292,820	\$419,321	\$395,509	\$370,209	\$343,420	\$327,050	\$419,321	\$395,509	\$370,209	\$343,420	\$327,050	\$419,321	\$395,509	\$370,209	\$343,420	\$327,050	\$419,321	\$395,509	\$370,209	\$343,420	\$7,387,803	\$5,011,719
Eagle Mountain City		\$27,676	\$39,632	\$37,381	\$34,990	\$32,458	\$30,911	\$39,632	\$37,381	\$34,990	\$32,458	\$30,911	\$39,632	\$37,381	\$34,990	\$32,458	\$30,911	\$39,632	\$37,381	\$34,990	\$32,458	\$698,253	\$473,679
Central Utah Water Conservancy District		\$20,463	\$29,303	\$27,639	\$25,871	\$23,999	\$22,855	\$29,303	\$27,639	\$25,871	\$23,999	\$22,855	\$29,303	\$27,639	\$25,871	\$23,999	\$22,855	\$29,303	\$27,639	\$25,871	\$23,999	\$516,269	\$350,225
Unified Fire Service Area - Salt Lake County		\$67,527	\$96,699	\$91,207	\$85,373	\$79,195	\$75,420	\$96,699	\$91,207	\$85,373	\$79,195	\$75,420	\$96,699	\$91,207	\$85,373	\$79,195	\$75,420	\$96,699	\$91,207	\$85,373	\$79,195	\$1,703,686	\$1,155,742
Total		\$442,300	\$633,376	\$597,409	\$559,194	\$518,730	\$494,003	\$633,376	\$597,409	\$559,194	\$518,730	\$494,003	\$633,376	\$597,409	\$559,194	\$518,730	\$494,003	\$633,376	\$597,409	\$559,194	\$518,730	\$11,159,145	\$7,570,112

Notes: The values, calculated increments, and years are estimates only.

This projected model does not take into account the phasing and triggering of future phases as the phasing and timing data has not been provided.





**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	UPDATE - Legislative Priorities List		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:			
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:

No

PREPARED BY:

Cliff Strachan, Admin

PRESENTED BY:

Cliff Strachan, Director of
Legislative Affairs

RECOMMENDATION:

For information

BACKGROUND:

EMMC 2.15.100 establishes a legislative priorities list to clarify by adoption or amendment the authorized ongoing priorities of the city council and to provide direction to the city administrator in prioritizing the day-to-day activities of the director of legislative affairs. The list is provided for information and discussion. The city council may make changes to the list of priorities via majority vote.

Several items listed have new updates as denoted in the column "Date of Last Update" being the current council meeting.

ITEMS FOR CONSIDERATION:

Updated items include: 23.001, 23.032, 23.002, 23.036, 23.022

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

[Legislative Priorities List Update](#)

EAGLE MOUNTAIN CITY COUNCIL
LEGISLATIVE PRIORITIES LIST

Number	Issue	Description	Priority [see EMMC 2.15.100]	Status	Target Date	Date of last update	Comment/Update	Date proposed	Date Adopted
23.001	Title 16 Subdivisions	Review and update language, address concerns in preliminary and final plat approvals regarding language and requirements due to SB174 (state removes council review of residential plats). Tighten up the code.	High Priority	In Progress	2/1/2024	8/1/2023	On the agenda at the 8/1/2023 work meeting.	5/2/2023	5/16/2023
23.032	Development Code	The Utah Legislature passed several bills in 2023 that necessitate changes to the city's code. SB174, HB364, HB406, HB265, and SB118 all affect the city's development codes. SB199 makes certain land use laws not referrable but no changes are needed to the code. SB127 requires changes to internet domains.	High Priority	In Progress	Various	8/1/2023	Most items are on the agenda at the 8/1/2023 work meeting. Waiting on internet domain names per SB127.	5/2/2023	5/16/2023
23.002	Zoning Map Update	Update the city's zoning map(s).	High Priority	In Progress	8/31/2023	8/1/2023	Planning is actively working on this, with weekly meetings; because of a staffing change, it has been reassigned to the engineering department GIS staff. Estimated completion at two-thirds done. Soon to come.	5/2/2023	5/16/2023
23.036	Water Conservation Issues	Adjust water rates to save for infrastructure needs.	High Priority	In Progress	8/31/2023	8/1/2023	Staff has prepared a rate review focused on O&M (operations and maintenance), recognizes that some future infrastructure costs will be covered by Impact Fees. Current tiers for water conservation capture 95% of users in the first tier. Staff is meeting individually with council members to preview. The proposed rates will be discussed in Council work session on August 15.	5/8/2023	5/16/2023
23.009	Facilities Master Plan	Create or update the Facilities Master Plan. Include civic buildings in the plan. Other comments include: Is there a deed restriction that prevents the cemetery from growing Pony Express Park. Need to have a financial plan to accomplish.	High Priority	In Progress	12/31/2023	6/6/2023	Contracted with Galloway, staff is meeting every two weeks; have toured existing facilities and met with key staff; and assessing space and staffing needs/wants through surveys and interviews. Not yet at the writing stage.	5/2/2023	5/16/2023
23.024	Future Land Use Plan	Redo residential zoning to specify housing unit mix.	High Priority	New			Within R1 there are various lot sizes, developers can propose all smaller size; wants a variety in each development. Tie this into the General Plan item. Working on General Plan map first.	5/2/2023	5/16/2023
23.034	Irrigation pipe requirements in code	Currently, we don't require it. Require purple pipe to make use of secondary water or other reuse options for the future.	High Priority	Ongoing		6/6/2023	A plan exists, city code authorizes where city can supply water within 3 years. All 3 phases of the plan would cost \$70+M. Currently, pipe runs to Corey Wride Park. A new plan would likely scale it back to be available for schools and regional parks. Requires reuse water.	5/2/2023	5/16/2023
23.010	City Hall Land Acquisition	Need to prioritize land acquisition for future civic uses, of different types.	High Priority	New			Related to the Facilities Master Plan project.	5/2/2023	5/16/2023

EAGLE MOUNTAIN CITY COUNCIL
LEGISLATIVE PRIORITIES LIST

Number	Issue	Description	Priority [see EMMC 2.15.100]	Status	Target Date	Date of last update	Comment/Update	Date proposed	Date Adopted
23.011	Airport & Midvalley Roads	Road needs to be prioritized and upgraded. Don't use the funds for this road on other projects. Council wants to know where this is in the process.	High Priority	In Progress	12/31/2024	6/6/2023	Phase 2 of Airport Road has \$9.1 million set aside from the 2022 Sales Tax bond that was issued. The City was also awarded \$7.2 million from the Transportation Improvement Plan managed by MAG. This funding will become available in FY 2026 and will be used to pay back any transportation impact fees used to make debt service payments on the 2022 Sales Tax Bond and then the remaining funds can either be held to pay the debt off early or held in reserves to make the future debt service payments. The city council approved the CO to complete the design at the last meeting. The surveyor will be out [in May], ... design completed by November. ...out to bid for construction next spring but ... still need to get right of way before ... [beginning] construction. ROW acquisition is progress, eminent domain letters have been sent, working on legal descriptions. Midvalley Road project is already awarded.	5/2/2023	5/16/2023
23.018	Transportation Funding	Work with MAG/UDOT/Lehi/Saratoga etc. to find out about our transportation funding. For example, the overpass for Mountain View Corridor and SR73.	High Priority	New			This is relevant per EMMC 2.19.030.G. Address needed UDOT projects. Overpass project is located in Saratoga Springs.	5/2/2023	5/16/2023
23.003	General Plan Land Use Map Update	Schedule joint 2-hour meeting between CC and PC within 30 days to consider the updates. Consider how to require equal zoning designations per land use designation (i.e.. NR1 requires 1/3 unit by count in R1, R2, and R3). Do all designated areas make sense? Consider additional zoning designations (i.e.. separate RC from MF1). It is time to look at it and see what needs to be updated, if any. Used to be tiered system as long as developer met certain (amenities?) requirements, they could have maximum densities. We have 31,000 units vested still.	Secondary Priority	New	8/31/2023	7/18/2023	Staff indicates this is a mix of GP and zoning issues. This really should be combined with the Future Land Use Map Item above. We need to do the small area plans first and suggest September as the earliest possible date.	5/2/2023	5/16/2023
23.004	MDP/MDA Amendment Proposals	Establish criteria for MDP/MDA amendment proposals. Require side by side vesting comparison (may be appropriate for EMMC 16.10.090). Other MDA modifications? Six years - is it serving us? NR2 - discretion is being removed. At ULCT, heard that we have to be careful with MDAs because if not structured carefully they can be undermined. Wants to see some side by side vesting comparisons. We still have some cities with unlimited end dates. Need to reevaluate MDAs.	Secondary Priority	New	12/31/2023			5/2/2023	5/16/2023
23.022	Affordable Housing	Objective to require a percentage of smaller, deed restrictive units, with smaller margin, in exchange with increased density (RC, R3). Look at MIHP, and the affordable housing money. How to use it. Wants to use it for deed restricted and have some form of assistance program. How do we get R1 when developers ask for R3? We have yellow with no better definitions.	Secondary Priority	In Progress		8/1/2023	Different than the MIHP, Evan is working on an affordable housing master plan with LYRB. Initial data gathering and stakeholder interviews are done. Staff and LYRB discussed this item with the Council on June 20. FYI - The annual MIHP report has been submitted to the state.	5/2/2023	5/16/2023

EAGLE MOUNTAIN CITY COUNCIL
LEGISLATIVE PRIORITIES LIST

Number	Issue	Description	Priority [see EMMC 2.15.100]	Status	Target Date	Date of last update	Comment/Update	Date proposed	Date Adopted
23.013	City-wide Trail Network Plan	Do a trail network plan separate from the bike and pedestrian plan; address power line corridor preservation. Connect trail along wash.	Secondary Priority	In Progress		7/18/2023	Parks' interns are mapping all the trails in the city. When we have that data, we can work on a plan. TBD. Tickville Wash plan is ready to be presented.	5/2/2023	5/16/2023
23.006	Wildlife Overlay Zone	Facilitate bringing forward a presentation soon.	Secondary Priority	In Progress	June or July	7/18/2023	A tour was done June 29. Significant code amendments are being prepared. Will go to PC before coming to the Council, possibly August or September.	5/2/2023	5/16/2023
23.008	Rodeo Feasibility Study	Coordinate a feasibility study to consider relocating the rodeo.	Secondary Priority	New		6/6/2023	The rodeo facility should be part of the Facilities Master Plan. A study for relocating can be done separately.	5/2/2023	5/16/2023
23.015	Buffering Code	Review Zone Transition Code	Secondary Priority	New	12/31/2023	5/16/2023	Planning can work on this and bring back by fall.	5/2/2023	5/16/2023
23.023	Water Plan	Establish a water plan based on residential density. Need to get a water element into the GP.	Secondary Priority	New		5/16/2023	ULCT conference showed some water usages based on residents; how much less used when apartments instead of having 1/4 acre lots. Higher density may use more water than 1/4 acre lots. Balance density with road needs and water use. Staff agrees that this needs to be looked at, in the context of multiple scenarios.	5/2/2023	5/16/2023
23.035	Capital Asset Management Plan	Incorporate into our planning and budget process, financing etc. Do impact fees sufficiently cover state mandates like ADUs?	Secondary Priority	New		5/16/2023	This idea came up in discussion and would help every department that has capital assets.	5/5/2023	5/16/2023
23.005	Establish discontinued zoning ordinances	Establish discontinued zoning ordinances for vested undeveloped expired zones or other antiquated land uses. Use Saratoga Springs' 19.04.09-6 Discontinuation of Office Warehouse Zone as a reference.	Secondary Priority	New		7/18/2023	Requires more research before getting back to the Council. A planner has commenced work on it.	5/2/2023	5/16/2023
23.007	Annual Council Training	Code to establish yearly training of Council by DOLA; to include duties, responsibilities, and authorities granted to the council by the state; LUDMA, OPMA, Ethics, etc.	Secondary Priority	New	12/31/2023	5/16/2023	State code requires annual trainings; DOLA could also create an orientation manual for new council members and update it annually. It is helpful for council members to meet with department heads.	5/2/2023	5/16/2023
Completed									
23.027	Second class city requirements	What needs to be done? When?	Secondary Priority	Completed	6/6/2023	6/6/2023	Reviewed Title 10 for differences between cities of the second and third classes to identify required and possible impacts on city governance and administration.	5/2/2023	5/16/2023

EAGLE MOUNTAIN CITY COUNCIL
LEGISLATIVE PRIORITIES LIST

Number	Issue	Description	Priority [see EMMC 2.15.100]	Status	Target Date	Date of last update	Comment/Update	Date proposed	Date Adopted
Proposed but not adopted									
23.016	Staff Report for Development Projects	Wants a staff report before unofficial council feedback. Developments - need more information before meeting with developers. Suggest having the staff report (even the one before the PC) before such meetings. Its hard to meet with the developer without useful information (#units, setbacks, etc.). SM - perhaps a summary of the project, a memo etc.	Proposed	New		5/16/2023	This is a process issue. Planners don't always know developers are already talking to councilors. It may be possible to provide the staff report to the PC to the Council.	5/2/2023	
23.017	Calendar Items	Schedule updates and reports on the Council calendar. Calendar list of things we need to do during the year and when should they be addressed. Sets expectations about timing and not lose things. Be more proactive about avoiding foreseeable issues. Planning for infrastructure. Safe walking routes, board appointments, budgets, etc.	Proposed	New			This is relevant per EMMC 2.19.030.F.	5/2/2023	
23.021	Track Strategic Objectives and Goals	Provide a monthly or quarterly report	Proposed	New			This is a requirement from EMMC 2.19.030.C.	5/2/2023	
23.030	Full Build Out Scenarios	Given current zoning, what are the city's full build out scenarios? What would we want to change? What roads are needed? How much water is needed?	Proposed	New		5/16/2023	This could be part of the general plan update and we could use a consultant on that.	5/2/2023	
23.028	Powerline Corridor Development	We have applications and need to think about how to develop the power corridor and what uses, vegetation, etc. to allow that benefit the city.	Proposed	New				5/2/2023	
23.031	Master Plan Process	How can the City Council be involved?	Proposed	New			Write a memo; also relates to EMMC 2.19.030.J.	5/2/2023	
23.033	Dashboard of city data and demographics	Provide a dashboard showing data and demographics, for example, permits, population, etc.	Proposed	New			Maybe get a regular report on these for the council.	5/2/2023	
23.029	Visitor Parking in Code	Visitor parking proximity in multi-family housing. Wants parking close to units, not all grouped in one area. It requires a code amendment.	Proposed	New				5/2/2023	
23.014	PUE sizes	Can they be changed/reduced in size going forward?	Proposed	New		5/16/2023	Write a memo; yes we can change them but we have to work out details.	5/2/2023	
23.019	Advise and Consent	Coordinate with city boards, committees, and commissions.	Proposed	New		5/16/2023	Currently there are empty positions. See what the EMMC directs. What is the status now? Memo	5/2/2023	
23.012	City Food Orchard	Suggests planting wild fruit trees in the city. Mayor supports? Put property to use for community benefit use city resources to beautify and create a commodity for community use.	Proposed	New				5/2/2023	
23.020	Agendas	Assist council on getting items on city council agendas.	Proposed	Ongoing			This is a requirement from EMMC 2.19.030.F.	5/2/2023	



**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 1, 2023**

TITLE:	DISCUSSION - Sunset Flats Phase E Conversion from Housing to Storage Units		
ITEM TYPE:	Concept Plan		
FISCAL IMPACT:			
APPLICANT:	Cedar Corners Management LLC and PC Storage Investment Group LLC, Jordan Architects representing		
GENERAL PLAN DESIGNATION Ag/RD2	CURRENT ZONE presumed "Residential"	ACREAGE 10.89	COMMUNITY Sunset Flats

PUBLIC HEARING:

No

RECOMMENDATION:

n/a

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

Last year representatives of Ridgepoint Management Group began conversations with the City about converting an area of land in the Sunset Flats Master Plan, Phase E from a residential build-out to a mini-storage complex. Prior to formalizing that request by submitting requisite applications, the Applicants are doing some due diligence -- approaching the City with a concept plan through their representatives to gauge reactions from decision makers regarding their proposal.

PRESENTED BY:

Robert Hobbs -- Planning Manager

ITEMS FOR CONSIDERATION:

1. If a formal application package is submitted to sanction the development of the concept storage facility, a Master Development Plan (MDP) amendment, General Plan Future Land Use Map Amendment, Rezone [to Commercial Storage] and a Conditional Use Permit would all be required.
2. The General Plan Use Future Land Use Map identifies the property currently as being within a setting/category of Ag/Residential Density 2 and abutting a Foothills Residential area to the south.
3. Current zoning is believed to be per the Sunset Flats Master Plan with the old "Residential" zone being in place at present.

4. A northeastern section of the property [5.2-acre parcel # 59:007:0104 and 1-acre parcel 59:007:0103] is already slated to be developed for commercial purposes per the approved 2017 MDP (see attachment).
5. The eastern end of proposed project abuts Lake Mountain Road; the west side of the proposed project abuts the "Pioneer Addition Subdivision" (a single-family residential subdivision with mostly 4,800-5,000 sq. ft. lots [that would adjoin Citadel if eventually approved]).
6. Future request would be to rezone the property to Commercial Storage.

REQUIRED FINDINGS:

16.15.020 Purpose.

The concept plan review is an optional process (except when making application for a master development plan) that is offered as a means for applicants, developers or property owners to receive input from the planning director, planning commission, and city council on a proposed development prior to incurring the costs associated with further stages of the approval process. A concept plan is a required process prior to making application for a master development plan. A concept plan shall not be presented to the city council unless it has already been presented to the planning commission. [Ord. O-10-2019 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 3.2)].

16.15.030 No vesting with concept plan review.

The concept plan review does not create any vested rights to proceed with development in any particular configuration and developers may anticipate that the planning director, planning commission, and/or city council will raise other issues not addressed at the concept plan stage. [Ord. O-10-2019 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 3.3)].

16.15.050 Review of concept plans.

The concept plan review shall include an informal conference with

the developer and the city's assigned staff, as well as an informal review of the plan by the planning commission and the city council. The developer shall receive comments from the assigned staff and other participants to guide the developer in the preparation of subsequent development applications. The planning commission shall not take any action on the concept plan review. Further, the staff's, the commission's, and the council's comments shall not be binding, but shall only be used for information in the preparation of future development applications. [Ord. O-04-2020 § 2 (Exh. A); Ord. O-10-2019 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 3.5)].

PLANNING COMMISSION ACTION/RECOMMENDATION:

Reviewed matter with Applicants. Generally vocalized more concerns than support. See attached minutes exhibit.

ATTACHMENTS:

[Vicinity Maps](#)

[Applicant Narrative](#)

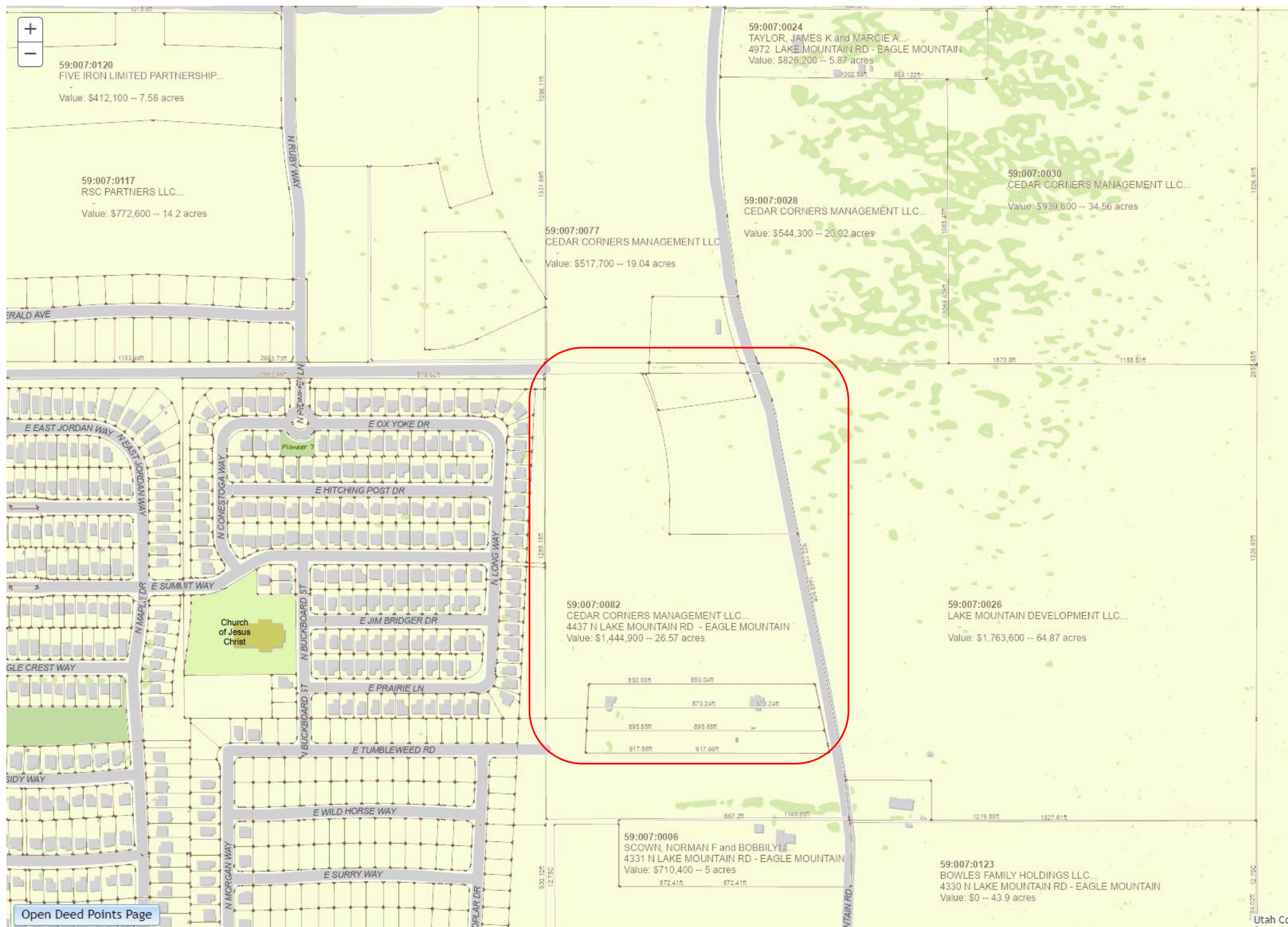
[Planning Commission Minutes - 06.13.2023](#)

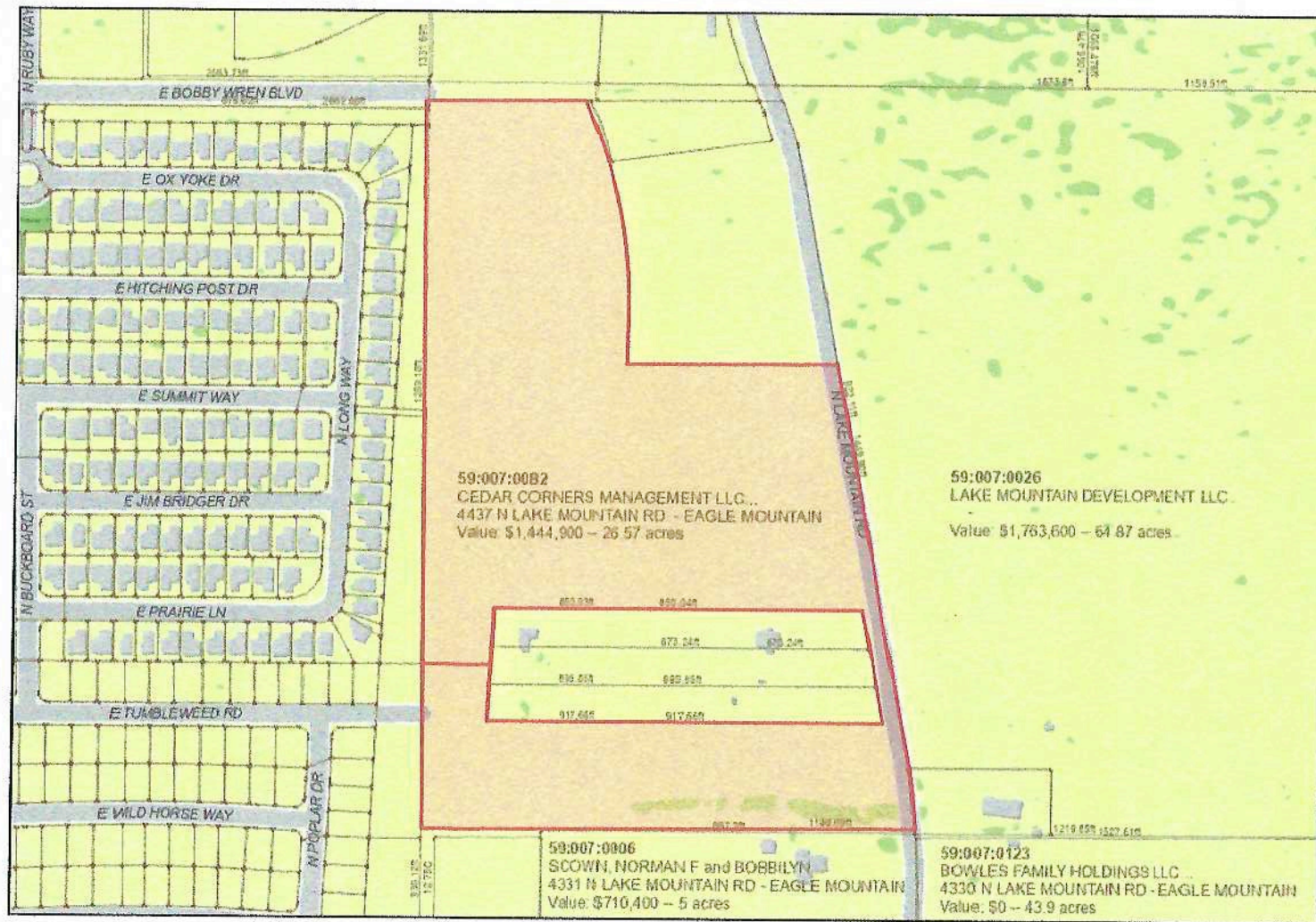
[Sunset Flats Master Plan - 07.19.2017](#)

[Site Plan](#)

[Elevations](#)







Utah County Parcel Map

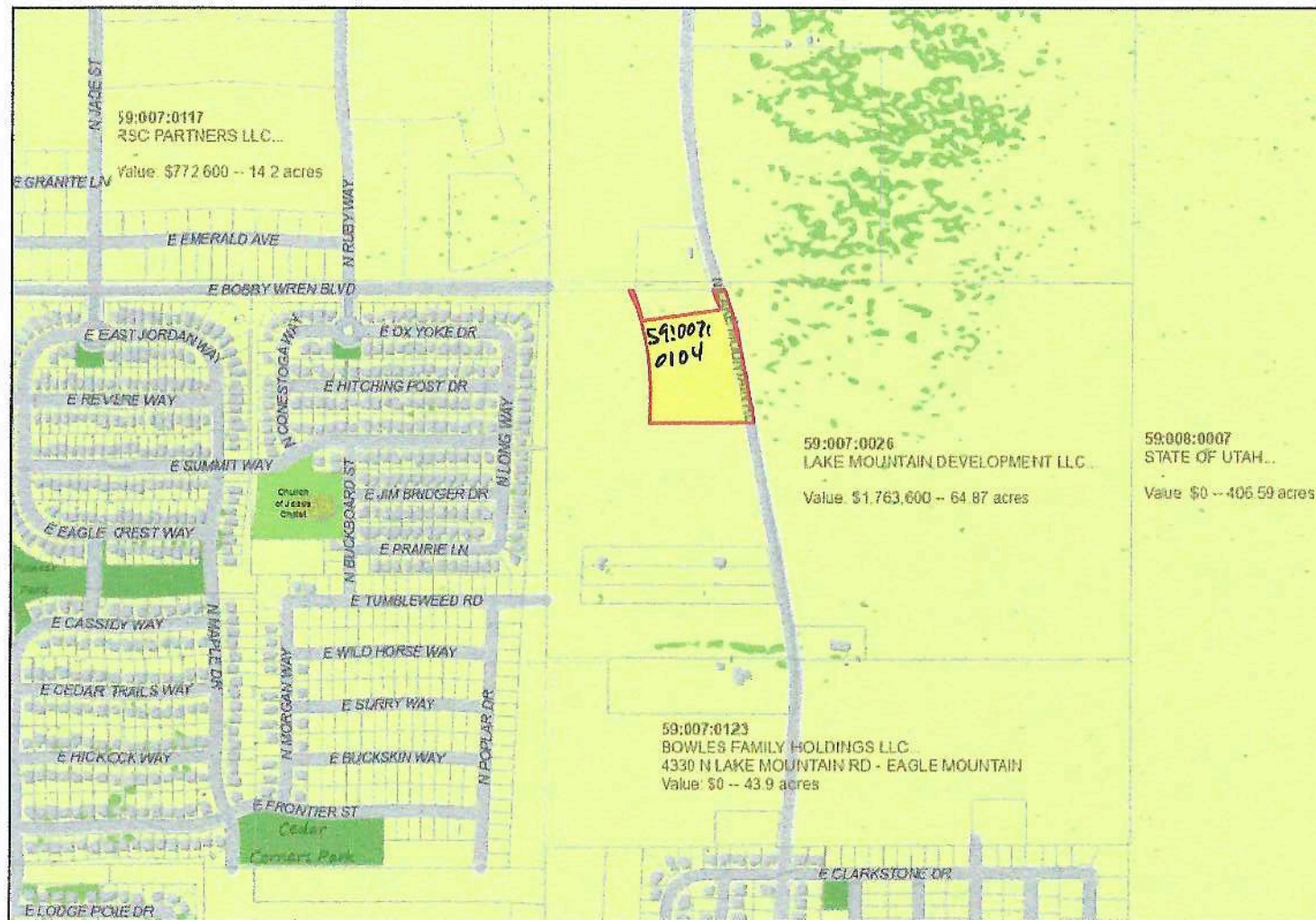
590070082

1 inch equals 376.2 feet

Date: 6/2/2023

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.





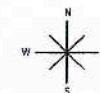
Utah County Parcel Map

590070104

1 inch equals 752.3 feet

Date: 6/2/2023

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.



Utah County
HEART OF UTAH

PROPERTY INFORMATION

[mobile view](#)

Serial Number: 59:007:0104 **Serial Life:** 2021...

Property Address:

Mailing Address: 947 S 500 E # 100 AMERICAN FORK, UT 84003

Acreage: 5.204455

Last Document: [208565-2020](#)

[Subdivision Map Filing](#)

Legal Description: COM S 89 DEG 40' 43" E 357.1 FT & S 1372.38 FT FR N 1/4 COR. SEC. 7, T6S, R1W, SLB&M.; N 89 DEG 57' 57" E 13.56 FT; S 22 DEG 4' 5" E .02 FT; ALONG A CURVE TO R (CHORD BEARS: S 18 DEG 21' 14" E 146.63 FT, RADIUS = 1085 FT); N 82 DEG 25' 23" E 370.24 FT; ALONG A CURVE TO L (CHORD BEARS: N 18 DEG 20' 7" W 64.82 FT, RADIUS = 973.5 FT); N 20 DEG 14' 34" W 30.98 FT; N 89 DEG 57' 56" E 54.64 FT; S 20 DEG 21' 29" E 107.76 FT; S 10 DEG 41' 49" E 511.14 FT; W 484.57 FT; N 1 DEG 4' 14" E 126.43 FT; ALONG A CURVE TO L (CHORD BEARS: N 11 DEG 54' 2" W 487.08 FT, RADIUS = 1085 FT) TO BEG. AREA 5.204 AC.

Owner Names	Value History	Tax History	Location	Photos	Documents	Aerial Image
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2021... [PC STORAGE INVESTMENT GROUP LLC](#)

Additional Information 

[Comments or Concerns on Value/Appraisal - Assessor's Office](#)
[Documents/Owner/Parcel information - Recorder's Office](#)
[Address Change for Tax Notice](#)

This page was created on 6/2/2023 11:11:51 AM

NARRATIVE FOR SUNSET FLATS C-1 AND C-2 AND E PROPOSAL

Background:

January 2, 2018--Sunset Flats Master Development Plan and Master Development Agreement Resolution No. 01-2018 was adopted by an ordinance of Eagle Mountain City

November 20, 2018: The Master Preliminary Plan for 384 lots was approved. During the approval process for Sunset Flats we followed the recommendation of the Eagle Mountain City Council to provide ¼ to 2 acre lots throughout the Master Plan Development and made many alterations to our original plan to accommodate those recommendations.

The preliminary plan was approved with a maximum of 384 lots. On the Final plats we have 320 Tier 1 Lots (1/4-1/2 acre lots) and 56 Tier 2 Lots (1/2-2 acre lots) with a total of 376 lots. A decrease of Eight (8) lots of those in the approved preliminary plan.

April 8, 2020: The final plat for A-1 (56 lots) and A-2 (23 lots) received Final Plat Notice of Decision.

November 17, 2021: The final plat for A-3 (55 lots) and A-4 (43 lots) received Final Plat Notice of Decision.

March 14, 2022: The final plat for B-1 (24 lots); B-2 (22 lots) and B-3 (35 lots) received Final Plat Notice of Decision.

March 10, 2022: The final plat for C-1 (34 lots) and C-2 (33 lots) was submitted for City Review.

March 10, 2022 through July 14, 2022: Plat C-1 and C-2 were reviewed by the City for 3 redline reviews and resubmittal.

June 21, 2022: Plat D (16-2 acre lots) and (29 – ½ acre lots) and E (13 (1 acre lots) was submitted and is in the process of being reviewed.

August 23, 2022: Plat D and E redline comments were received and we are in the process of resubmitting Plat D in two separate phases.

Eagle Mountain City Requests

On August 3, 2022 developer personnel met with Steve Mumford and Chris Trusty regarding changes requested on Plat C1 and C2 to accommodate City mobility enhancements. In the meeting Developer's personnel were informed that the City Manager desired Aviator Avenue and Bobby Wren be connect to Airport Road with both roads needing to be 77 foot right-of-ways. Under the City's restructuring request of Plat C-1 and C-2 the developer would suffer a financial impact due to the elimination of 5 lots as well as additional development costs. In order to make that change the lots

in C-1 and C-2 would have to be reduced from 67 lots to 62 lots. Both parties agreed to look for a solution which would mitigate the financial impacts to the developer for making these changes to the Preliminary plat which had already been approved by the city.

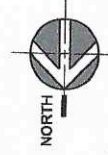
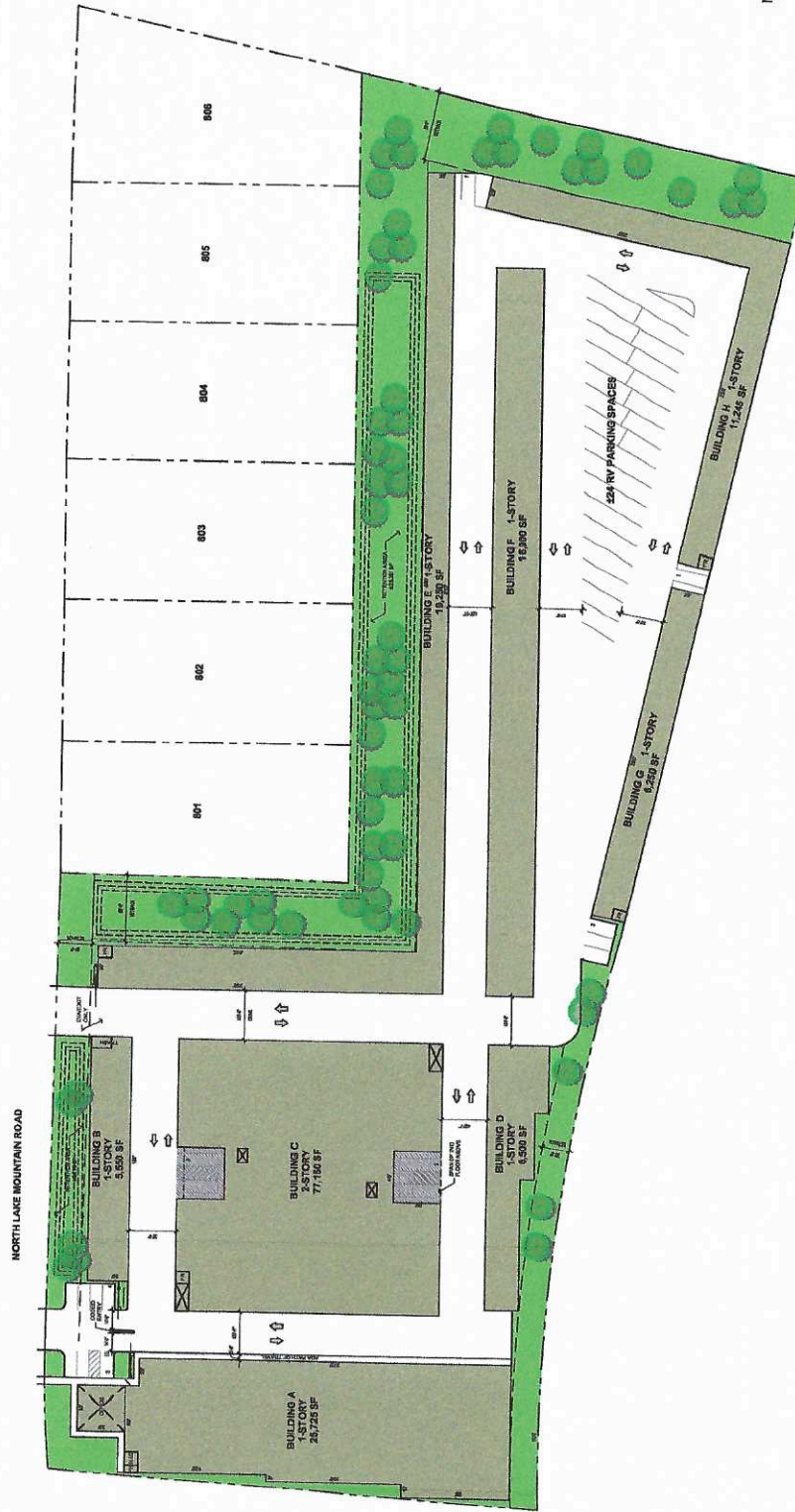
Proposal to City:

The latest requests by the City to make the desired connection of Aviator Avenue to Airport Road will require some adjustments to our Approved Preliminary Plat. We propose to incorporate the recommendations of the City Manager to make the connection of Aviator Avenue to Airport Road on the north of Phase C-1 & C-2, along with the dedication of the 77 foot Right-of-Way, to connect to Lake Mountain Road. The developer would incorporate the requested changes on Plat C-1 and C-2 as depicted in the attached drawings (drawings enclosed) while simultaneously changing Plat E to include 6 each (1/2) acre lots along Lake Mountain Road while maintaining the 3 (1) acre lots on the South boundary of Phase E.

This would be accomplished through a zone change of approximately 6 acres to a Commercial Storage Zone located behind the 6 each (1/2) acre lots adjacent to Airport Road. A preliminary layout of the of the storage unit proposal is attached. West of the self storage units would be the Airport Road, and then further west an open space allowing a large buffer between the proposed storage units and the Residential homes located in Pioneer Crossing subdivision which abut the open space.

Summary of Solutions

- Accommodates the Cities request to connect Aviator Avenue at Airport Road.
- Mitigates any financial risk to the City for the requested changes.
- Offsets the financial impacts to the developer, associated with added costs and the loss of the 5 lots required for the requested changes in phase C1 & C2, by increasing the market value of the property in Phase E.
- Maximizes the number of larger lots in the Sunset Flats development.
- Enhances Environmental sensitivity by strategically locating the storage units behind the larger lots and adjacent to the utility corridor, creating an esthetically pleasing landscape
- Provides the much needed storage space along with RV storage



ja
JORDAN
ARCHITECTS
 131 CALLE IGLESIA, SUITE 100
 SAN CLEMENTE, CA 92672
 949.388.8090

SCHEME B **PRELIM SITE PLAN**

RIDGEPOINT MANAGEMENT GROUP, LLC
CITADEL EAGLE MOUNTAIN
EAGLE MOUNTAIN, UT

JOB NUMBER: 23-316
 SCALE: 1"=40'
 DATE: 05/06/2023

THIS DOCUMENT IS THE PROPERTY OF JORDAN ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JORDAN ARCHITECTS.

SITE DATA			
APN	328,216	SQ. FT.	
LOT AREA	7.83	ACRES	
USE	VACANT	SELF STORAGE (PROPOSED)	
BASIS OF DESIGN			
	REQUIRED	PROVIDED	
ZONING	RC	NA	
OVERLAY	3B	TBD	
STRUCTURE HEIGHT		41% (134,678 SF)	
LOT COVERAGE		23.8% (70,086 SF)	
SETBACKS			
	FRONT	25'	25'
	REAR	50'	50'
PARKING			
	TBD		19 SPACES

BUILDING AREA TABULATIONS (Square Feet)			
BUILDING	SELF STORAGE	OFFICE	TOTAL
BUILDING A - 1 STORY	25,725	1,228	26,953
BUILDING B - 1 STORY	77,150		77,150
BUILDING C - 2 STORY	6,500		6,500
BUILDING D - 1 STORY	18,900		18,900
BUILDING E - 1 STORY	19,250		19,250
BUILDING F - 1 STORY	11,248		11,248
BUILDING G - 1 STORY	11,248		11,248
BUILDING H - 1 STORY	11,248		11,248
TOTAL GROSS AREA	170,871	1,228	172,099
ESTIMATED NET RETAILABLE			
BUILDING CONSTRUCTION TYPE: III			
BUILDINGS ARE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH IBC 10.10.1			
TOTAL			
172,099			



RIDGEPOINT MANAGEMENT GROUP, LLC
CITADEL EAGLE MOUNTAIN
 EAGLE MOUNTAIN, UT

SCHEME B PRELIM SITE PLAN

JOB NUMBER: 23,318
 SCALE: 1"=40'
 DATE: 05/08/2023



JORDAN ARCHITECTS
 131 CALLE IGLESIA, SUITE 100
 SAN CLEMENTE, CA 92672
 949.388.8090



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 13, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brent Strong. Alternate Commissioner Robert Fox was excused.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; and Jed Shum, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Everett called the meeting to order at 5:36 p.m.

1. Discussion Items

1.A. SUNSET FLATS E CONVERSION

Planning Manager Robert Hobbs introduced the applicant representative.

Applicant representative Norm Avery with Ridgepoint Management Group reviewed the packet materials of their proposal for a Citadel mini storage complex located in Phase E of the Sunset Flats Master Plan. The City requested to extend Aviator Road through their project to connect with Old Airport Road which would require the removal or reduction in size of 5 to 8 residential lots in Phase C of the development. When researching a solution, they found that Eagle Mountain has the lowest number of storage units per capita in the State of Utah. This proposal financially offsets the loss of the lots to provide the road connection by replacing some of the half-acre lots in Phase E with a storage facility. The storage units will be placed along Old Airport Road. Old Airport Road and the utility corridor would serve as a buffer and transition between the power substation and storage facility and the homes. This plan would mitigate the financial impact on the developer and the City as they would not seek compensation from the City for the road improvements. The proposed color scheme and materials for the building would blend in with the community and be aesthetically pleasing.

Discussion explored:

- The lot sizes and the lack of an average lot size requirement in the current agreement;
- The General Plan Future Land Use Map designations for this area, Agricultural/Rural Density Two, and the remainder of the project to the west, Neighborhood Residential One; and

- The possibility of including a clause in a development agreement for the zoning to revert to residential or to restrict commercial uses should the storage facility be permitted but later cease operation.

Commissioner Pengra said that although he appreciates the quality of the appearance of the storage units, he is unsure if this is the appropriate area for them given the intended land use for the benches area despite the power substation being in the vicinity.

Commissioner Everett concurred with Commissioner Pengra, especially where the storage facility would remove or reduce several large lots from the overall project.

Commissioner Allen stated that he approves of the appearance of the units and does not object to having the storage facility near the power corridor. However, the open space between the homes and the units could attract undesirable behaviors and garbage, especially if an enclosed corridor were created by fencing along the residential lots. He encouraged the applicant to be diligent in maintaining those areas.

Mr. Avery explained that the open space buffer was only included because it is required by Municipal Code standards and he is willing to consider other options if permitted.

Commissioner Strong expressed concern with the plan meeting transitioning standards. While he agrees that the storage units look attractive and there is a need for more storage options in the City, residents with half-acre and acre lots generally have sufficient area to store their belongings. A storage facility located near multifamily development would cause him less concern and would better serve the community.

Commissioner Bergener noted that approval of the proposal would require a master development plan amendment, General Plan Future Land Use Map amendment, rezone, and conditional use permit and advised the applicant to have a well thought out explanations and justifications for the changes. The plan could also encounter difficulties with meeting the requirements for transitioning from residential to commercial uses.

Discussion ensued regarding the approvals required for the project and the unlikelihood of the proposal receiving a favorable recommendation from the majority of the Planning Commission.

1.B. DISCUSSION ITEM(S) – CODE AMENDMENT(S)

Planning Manager Robert Hobbs presented proposed changes to Eagle Mountain Municipal Code 17.10.030, 16.50.020, and 16.55.040(E) in response to recent legislative changes in HB 406.

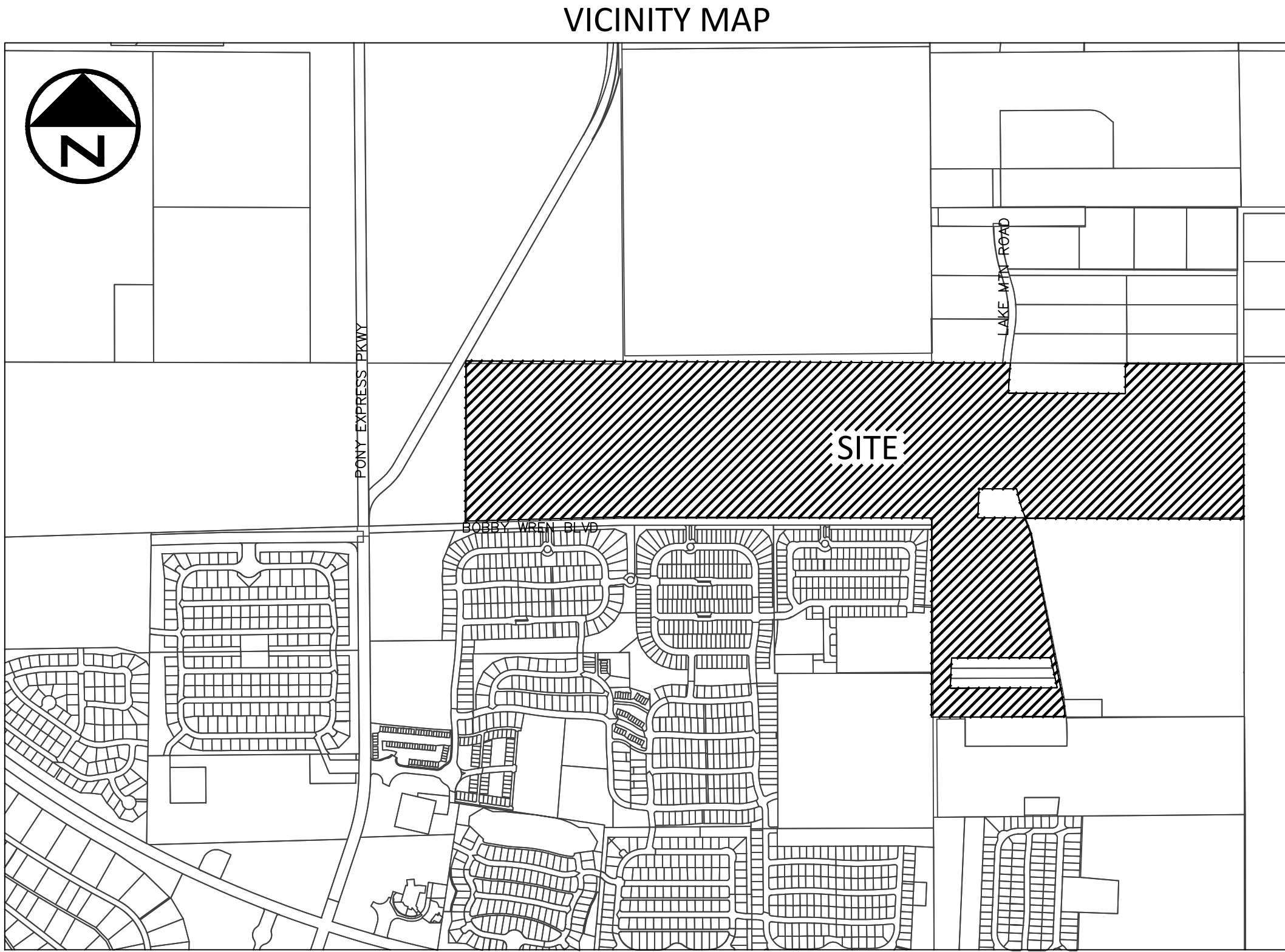
Discussion clarified the State requirements, definitions, and potential applications of lot line adjustments and the benefits of amending Municipal Code to reflect Utah Code even though State statutes automatically govern in cases of conflict.

Commissioner Pengra expressed concerns with 16.55.040(E), “Exception(s): Subdivision amendment approval shall not be required for a lot line adjustment between a single lot and an

SUNSET FLATS

MASTER DEVELOPMENT PLAN

COVER SHEET



INDEX OF DRAWINGS:

WILDING ENGINEERING PLANS:

- EXISTING CONDITIONS
- EXISTING SLOPE
- SITE PLAN
- TRAIL PLAN
- SEWER PLAN
- WATER PLAN
- DRAINAGE PLAN

NORTHLAND DESIGN PARK PLANS:

- PARK 1 PLAN
- PARK 2 PLAN
- PARK 3 PLAN
- PARK 4 PLAN
- PARK 7 PLAN

DEIV ARCHITECTURE STORAGE UNIT PLANS:

- SITE PLAN
- GROUND FLOOR PLAN
- 2ND FLOOR PLAN
- ELEVATIONS
- 3D RENDERINGS

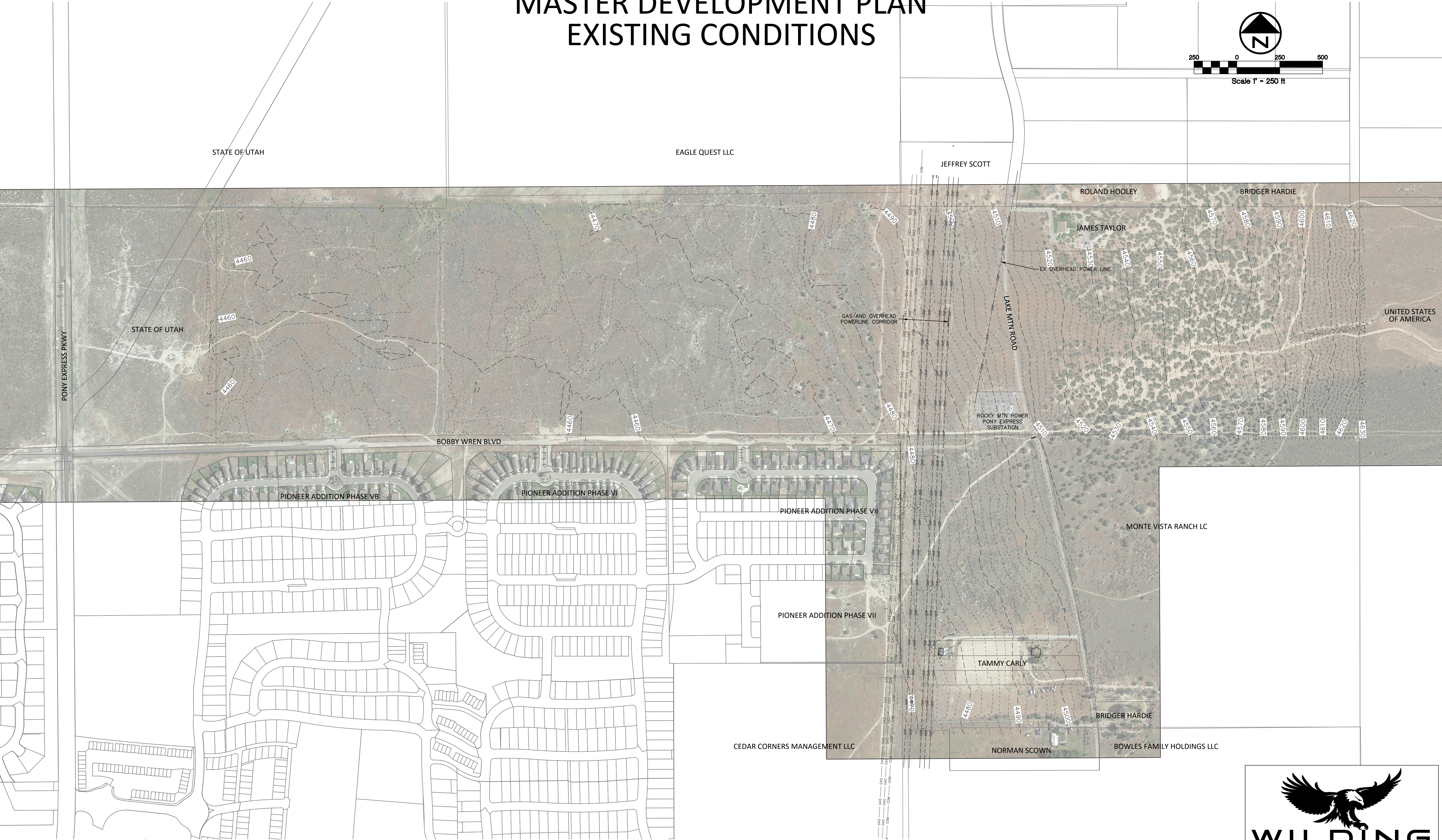
EXAMPLE CONDOMINIUM UNITS



SUNSET FLATS

MASTER DEVELOPMENT PLAN

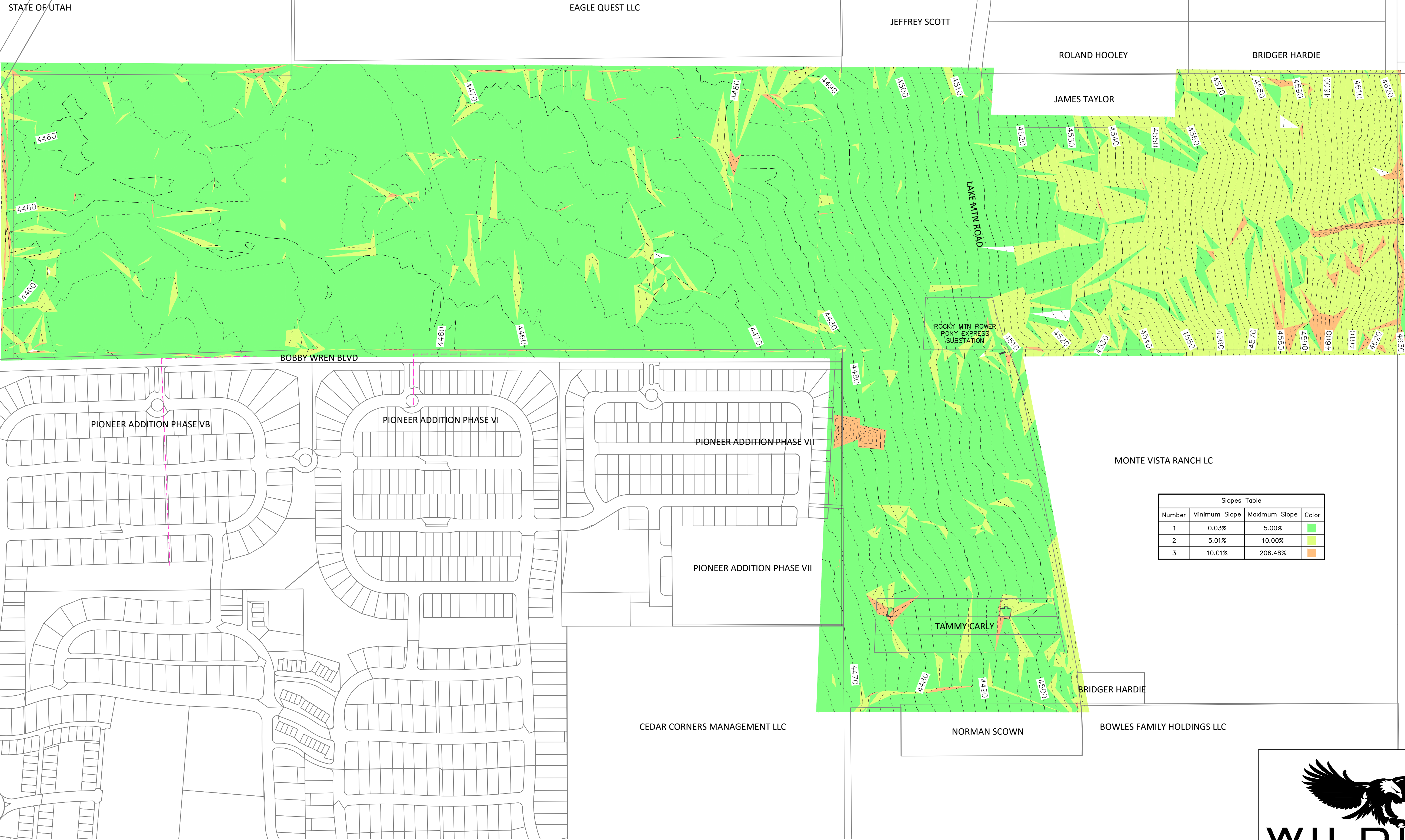
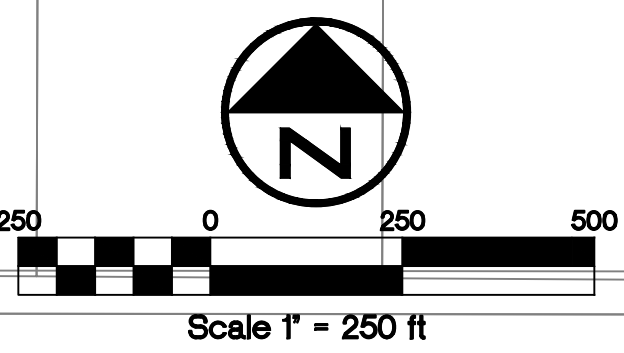
EXISTING CONDITIONS



SUNSET FLATS

MASTER DEVELOPMENT PLAN

EX SLOPE ANALYSIS



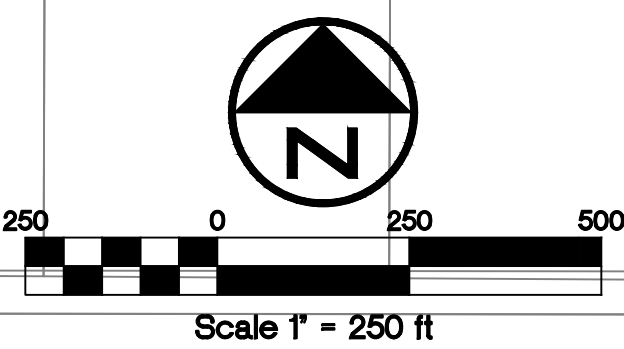
Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.03%	5.00%	Green
2	5.01%	10.00%	Yellow
3	10.01%	206.48%	Orange



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14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

SUNSET FLATS
MASTER DEVELOPMENT PLAN
SITE PLAN



STATE OF UTAH

EAGLE QUEST LLC

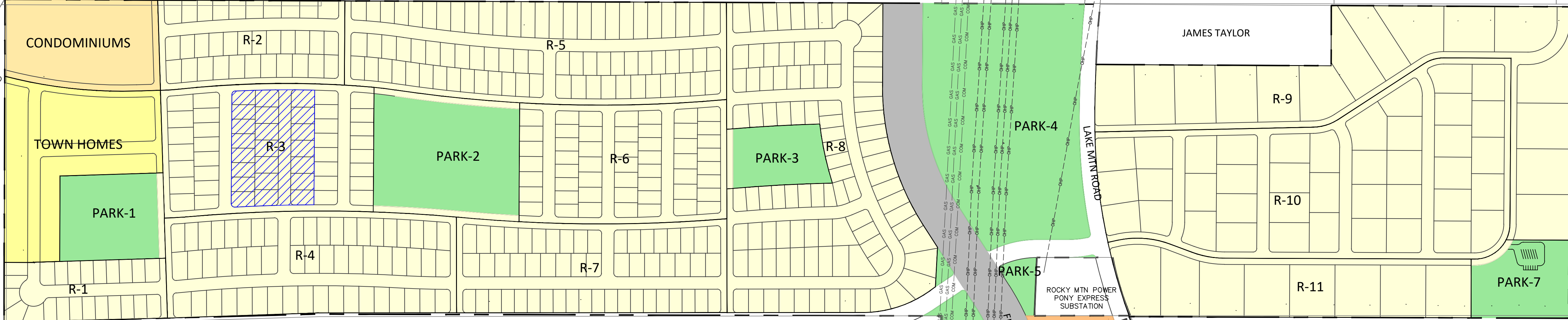
JEFFREY SCOTT

ROLAND HOOLEY

BRIDGER HARDIE

JAMES TAYLOR

UNITED STATES OF AMERICA



BOBBY WREN BLVD

COMMERCIAL STORAGE

MONTE VISTA RANCH LC

TAMMY CARLY

BRIDGER HARDIE

NORMAN SCOWN

BOWLES FAMILY HOLDINGS LLC

CEDAR CORNERS MANAGEMENT LLC

PIONEER ADDITION PHASE VB

PIONEER ADDITION PHASE VI

PIONEER ADDITION PHASE VII

PIONEER ADDITION PHASE VII

Unit Density Calculations				
Parcel	Type	Acres	Units	Units/AC
R-1	Residential - Single Family	3.80	23	6.05
R-2	Residential - Single Family	6.58	33	5.02
R-3	Residential - Single Family	11.24	53	4.72
R-4	Residential - Single Family	12.36	56	4.53
R-5	Residential - Single Family	15.58	76	4.88
R-6	Residential - Single Family	10.29	52	5.05
R-7	Residential - Single Family	10.50	54	5.14
R-8	Residential - Single Family	20.11	96	4.77
R-9	Residential - Single Family	17.33	15	1
R-10	Residential - Single Family	25.68	40	2
R-11	Residential - Single Family	9.16	8	1
R-12	Residential - Single Family	6.13	6	1
R-13	Residential - Single Family	3.54	3	1
Total		152.30	515	3.55

Condominium	5.63	96	17	
Total	5.63	96	17	14.0%
Town Homes	7.74	77	10	
Total	7.74	77	10	11.2%

Park-1	Open Space	3.50
Park-2	Open Space	6.56
Park-3	Open Space	2.44
Park-4	Open Space	14.59
Park-5	Open Space	0.73
Park-6	Open Space	10.31
Park-7	Open Space	2.85
Total		40.98

Totals	206.65	688	3.33	100.0%
--------	--------	-----	------	--------

Commercial Storage	5.23
Total	5.23

- LEGEND
- SINGLE FAMILY RESIDENTIAL
 - CONDOMINIUMS
 - TOWN HOMES
 - OPEN SPACE
 - COMMERCIAL STORAGE
 - POTENTIAL 4 ACRE CHURCH SITE

GENERAL NOTES:
1. ALL LOTS MEET THE 55' MINIMUM FRONTAGE REQUIREMENT, WITH OVER 20% OF THE LOTS HAVING 60'+ OF FRONTAGE.

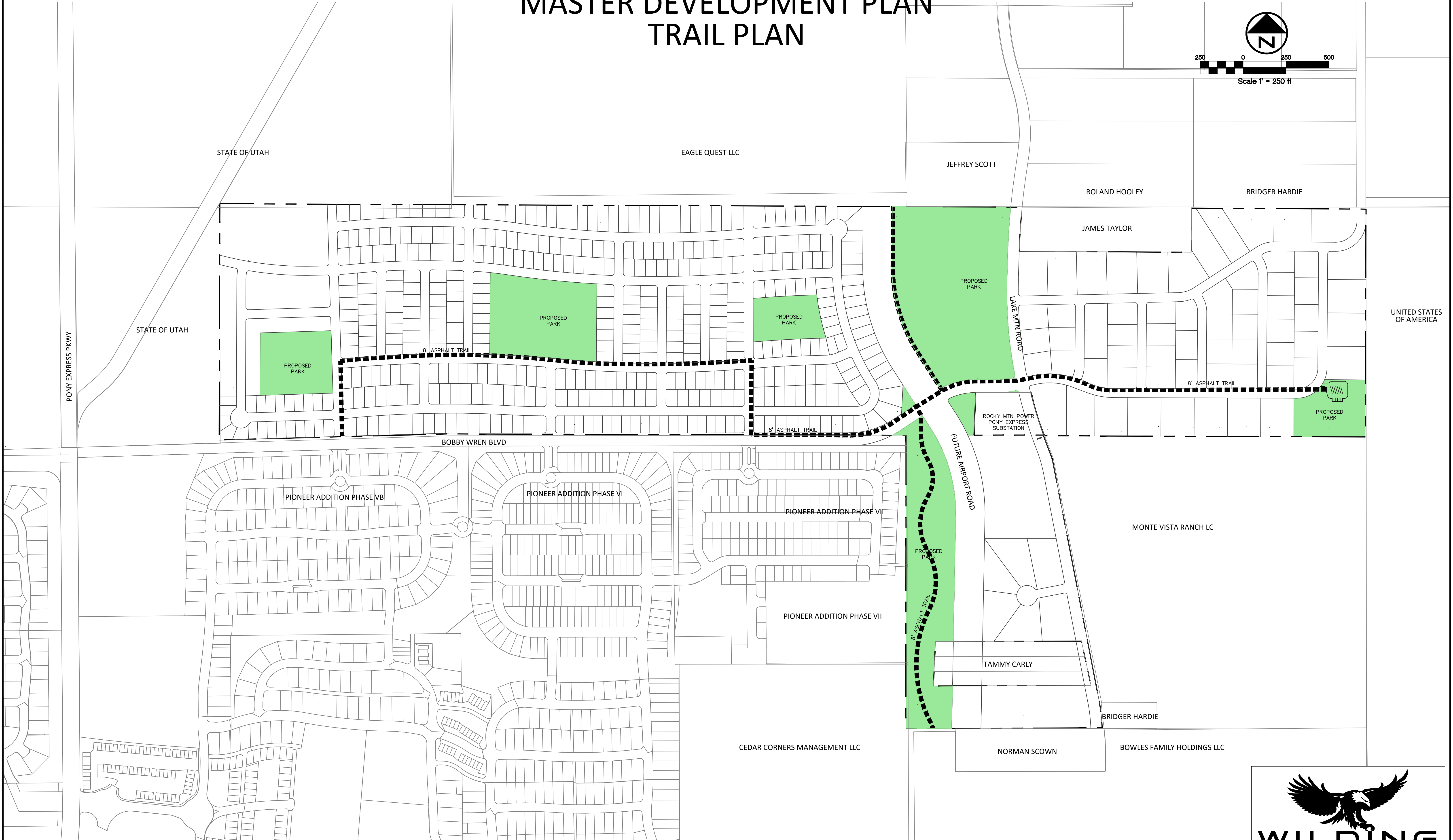
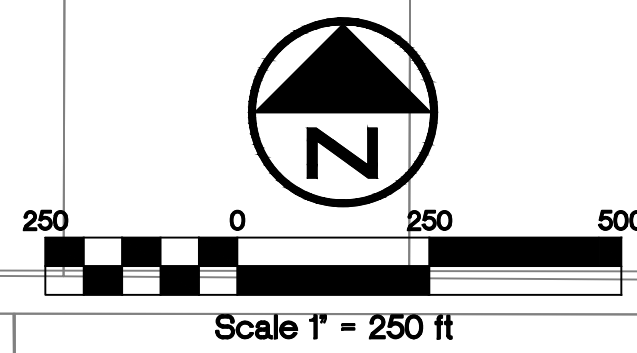
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SUNSET FLATS

MASTER DEVELOPMENT PLAN

TRAIL PLAN





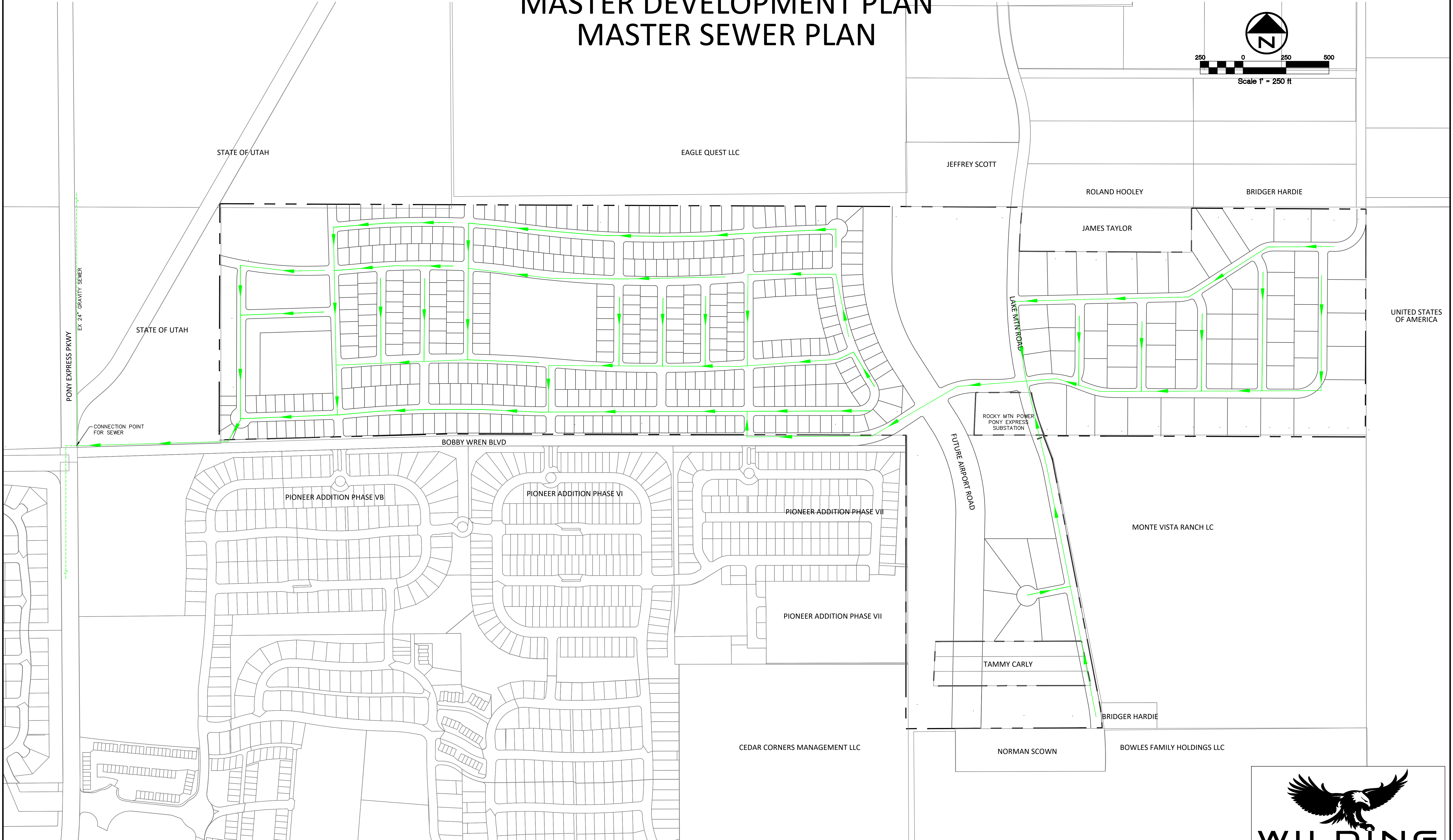
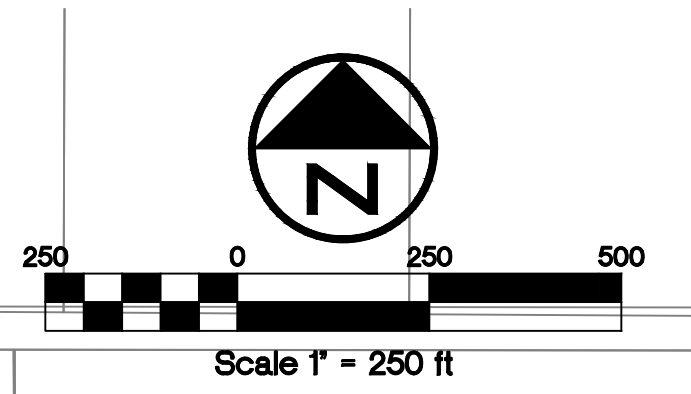
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SUNSET FLATS

MASTER DEVELOPMENT PLAN

MASTER SEWER PLAN



NOTES:
1. DESIGN WILL CONFORM TO EAGLE MOUNTAIN CITY STANDARDS.
2. PROPOSED SEWER PIPE SIZES SHALL BE 8" DIAMETER.

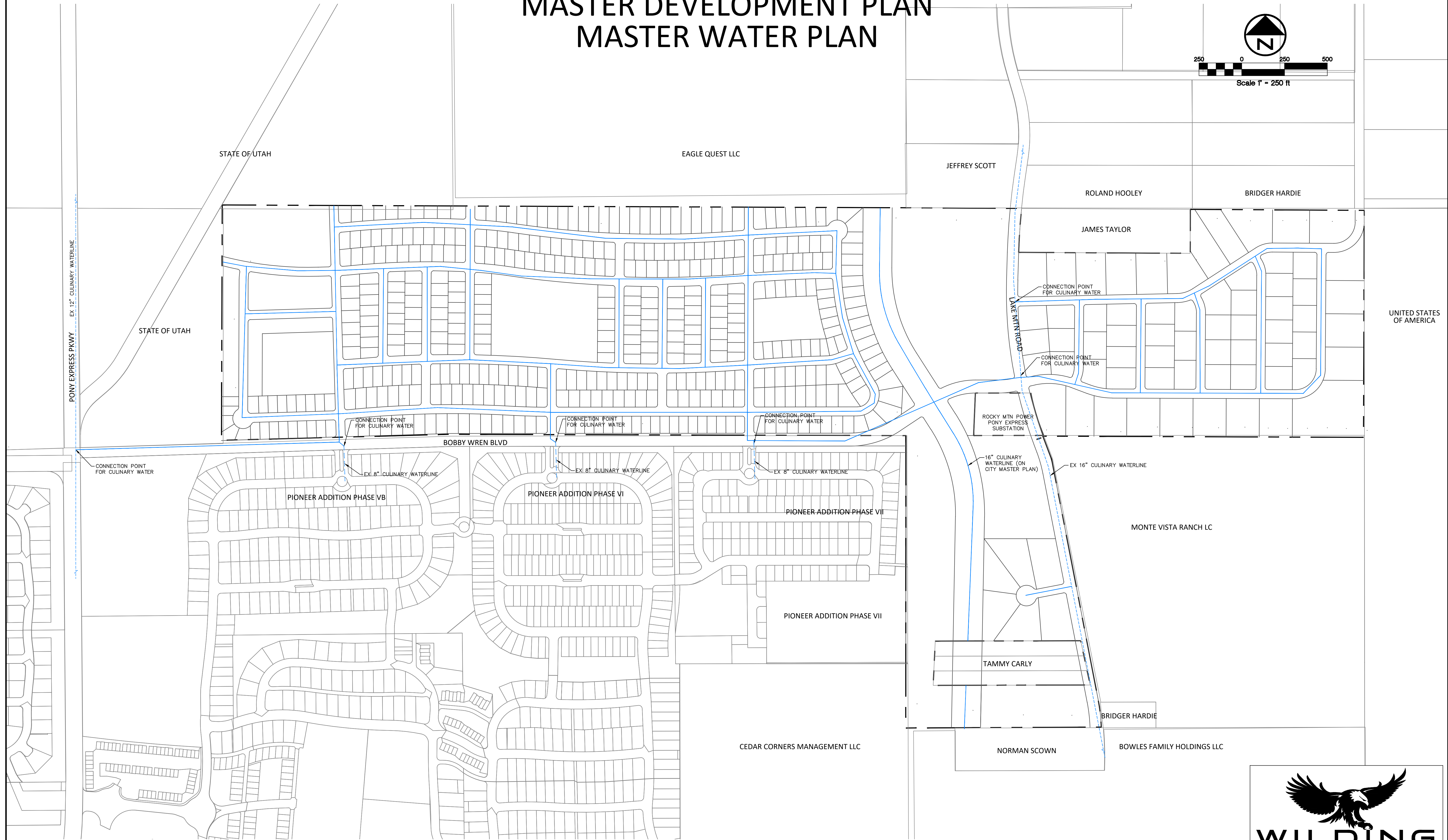
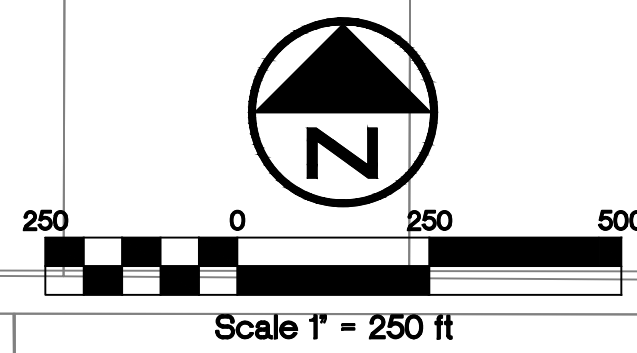
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SUNSET FLATS

MASTER DEVELOPMENT PLAN

MASTER WATER PLAN



- NOTES:
1. DESIGN WILL CONFORM TO EAGLE MOUNTAIN CITY STANDARDS.
 2. EXCEPT FOR THE MASTER PLANNED 16" CULINARY LINE IN THE FUTURE AIRPORT ROAD, THE PROPOSED WATERLINE SIZING FOR THE PROJECT SHALL BE DETERMINED VIA WATER MODELING, BUT SHALL NOT BE LESS THAN 8" DIAMETER.
 3. PER EAGLE MOUNTAIN CITY ENGINEER, THE ENTIRE PROJECT WILL BE WITHIN THE SAME PRESSURE ZONE.



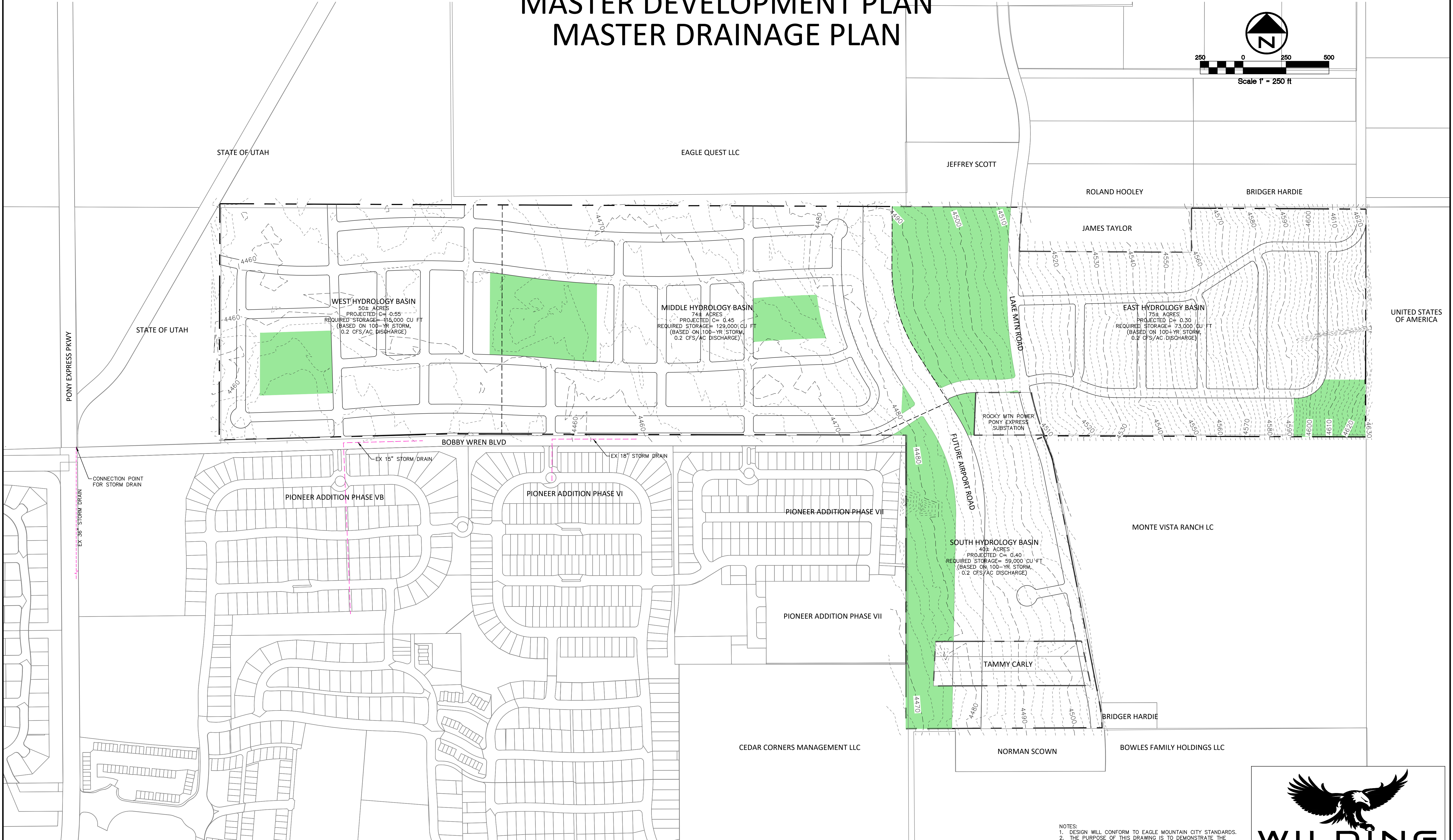
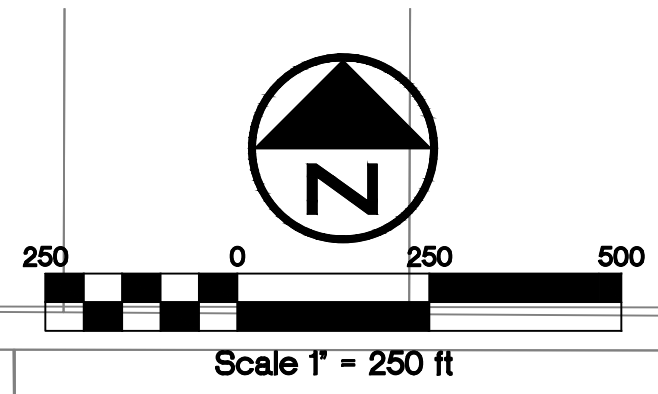
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SUNSET FLATS

MASTER DEVELOPMENT PLAN

MASTER DRAINAGE PLAN



- NOTES:
1. DESIGN WILL CONFORM TO EAGLE MOUNTAIN CITY STANDARDS.
 2. THE PURPOSE OF THIS DRAWING IS TO DEMONSTRATE THE PRELIMINARY STORAGE REQUIRED USING SIMPLE RATIONAL METHOD CALCULATIONS.
 3. IT IS ASSUMED THAT THE MAJORITY OF THE STORM WATER STORAGE WILL BE DONE AT EACH PARK LOCATION.
 4. THE DESIGN OF THIS PROJECT WILL INCLUDE LID'S WHICH MAY REDUCE THE AMOUNT OF STORAGE REQUIRED FROM THESE PRELIMINARY CALCULATIONS.
 5. A STORM DRAIN MODEL WILL BE PERFORMED TO JUSTIFY STORAGE VOLUME AND PROPOSED PIPE SIZING.

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SUNSET FLATS PARK I 3.5 ACRE

PARK PROGRAM KEY

- A BIOSWALE / STORM WATER TREATMENT APPLICATION UTILIZING NATIVE PLANTINGS
- B STONE VENEER PARK MONUMENT SIGN WITH SPLIT RAIL FENCE
- C BOARDWALK PLATFORM
- D GRASS DETENTION BASIN - 102,469 CF
- E NATIVE WILDFLOWER PLANTINGS
- F VEHICULAR PARKING
- G 8' WIDE TRAIL - (CONNECTS TO THE 5 ACRE PARK TO THE EAST)
- H LOW PROFILE STONE VENEER WALLS
- I PARK PAVILION WITH PICNIC TABLES, BBQ GRILL AND TRASH RECEPTACLE
- J 16' WIDE TRAIL WITH A PLANTER MEDIAN
- K LAWN BERMS FOR UNSTRUCTURED PLAY
- L STRUCTURED PLAY 6-12
- M TOT LOT FOR AGES 2 TO 6
- N TERRA PARK: SEE IMAGE FOR CONCEPT
- O SUSPENSION BRIDGES AT TERRA PARK



ROCK CLIMBING STRUCTURE



UNSTRUCTURED FREE PLAY



BOARDWALK PLATFORMS & BIOSWALE PLANTINGS



STRUCTURED PLAY - TOT LOT



STRUCTURED PLAY - 6-12 YEAR OLDS



PARK PAVILION: RUSTIC THEME



FLAGSTONE VENEER WALLS & COLUMNS



SUBTLE LAWN BERMS

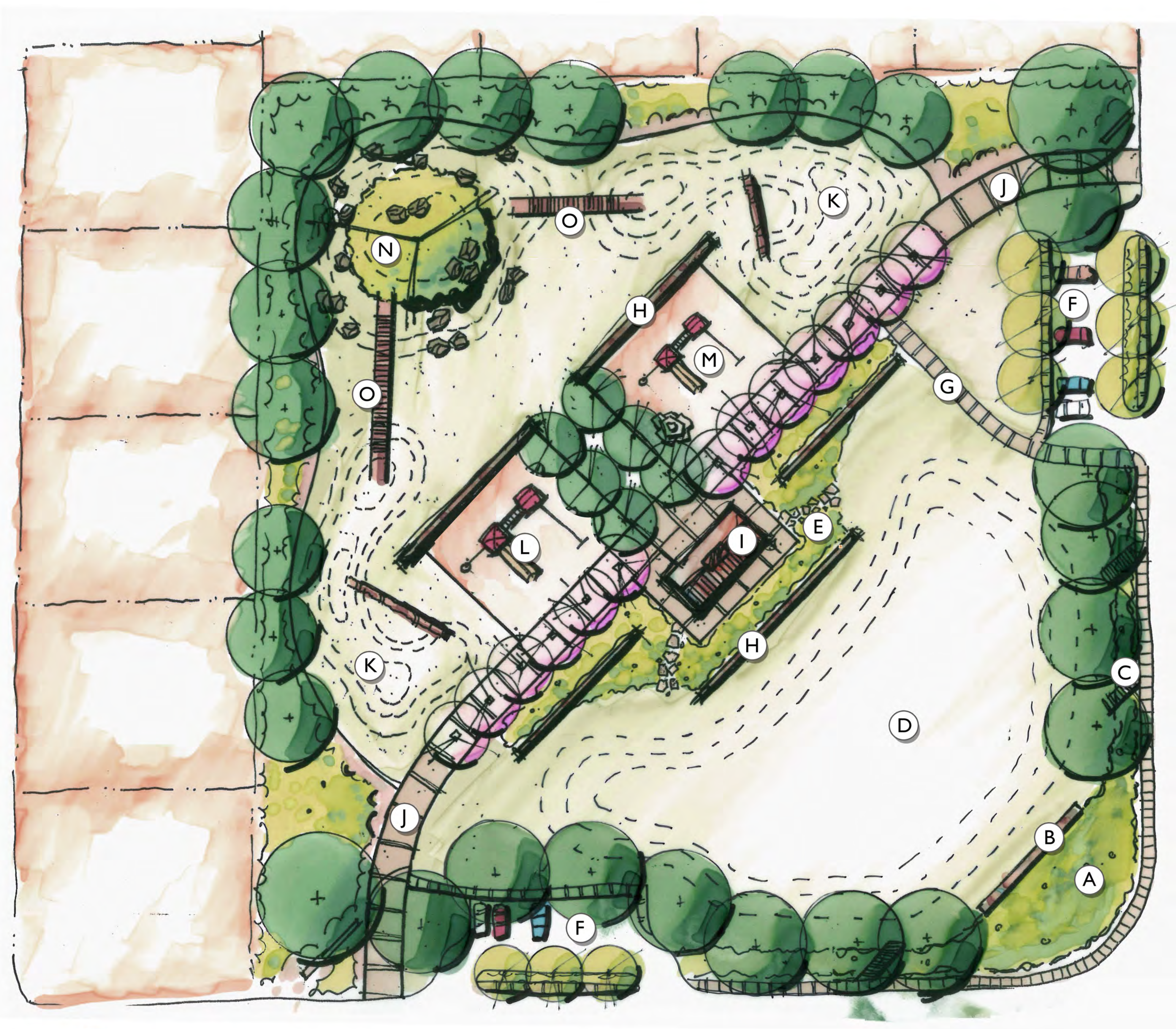


SPLIT RAIL FENCE

PROPOSED BUILDING MATERIALS

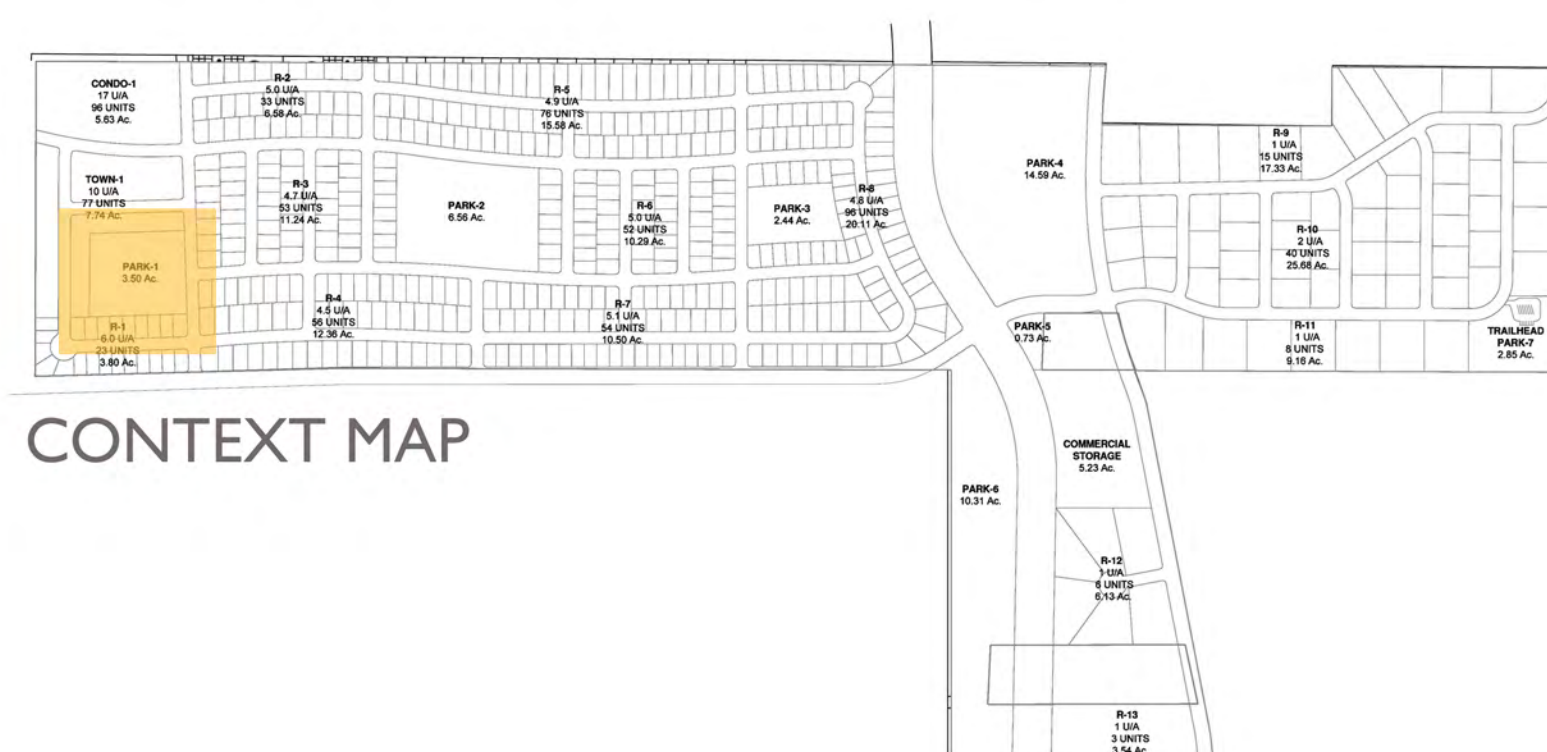


CREATIVE PLAY (TERRA PARK: BOULDERS, WALLS, BOARDWALK)



NORTH

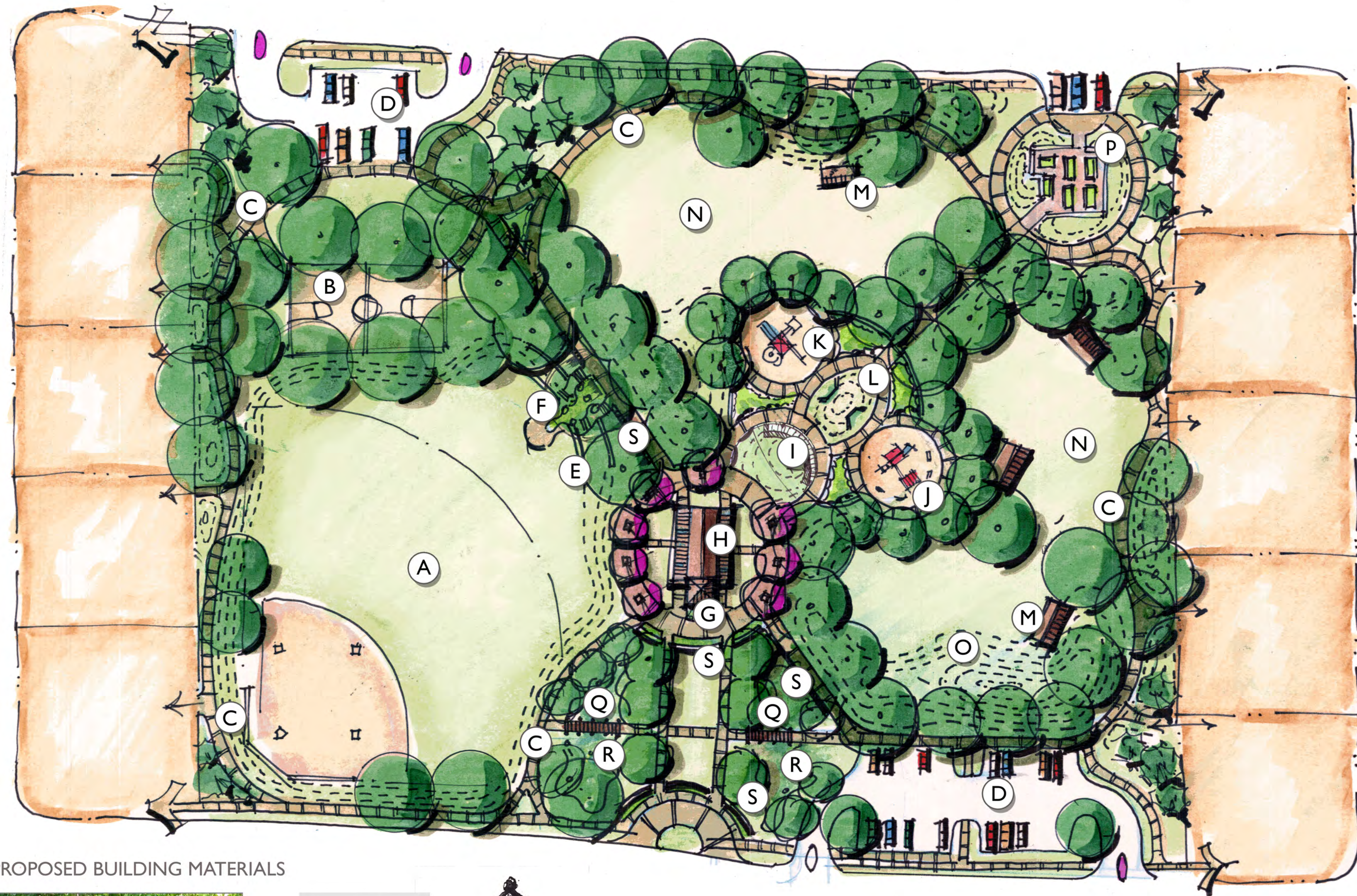
SCALE: 1" = 30' on 24"x36" Sheet



CONTEXT MAP

3.5 Acre Park

SUNSET FLATS PARK 2 5.6 ACRE



PARK PROGRAM KEY

- A GRASS DETENTION BASIN - 177,468 CF / INTERIM LITTLE LEAGUE BASEBALL FIELD
- B BASKETBALL COURT
- C 8' WIDE TRAIL - (CONNECTS TO THE 3.5 ACRE PARK TO THE WEST)
- D VEHICULAR PARKING LOTS
- E INFORMAL LAWN AMPHITHEATER WITH CONCRETE SEATWALLS
- F WATER FEATURE
- G PARK LANDMARK FEATURE - (I.E. CLOCK TOWER, WATER SILO)
- H PARK PAVILION WITH PICNIC TABLES, BBQ GRILL AND TRASH RECEPTACLE WITH RESTROOM
- I LAWN BERM WITH BUILT IN SEATING
- J TOT LOT - AGES 2 TO 6
- K TOT LOT - AGES 5 TO 12
- L GRASS KNOLL WITH TUNNEL
- M SHADE STRUCTURE WITH BENCH SEATING
- N OPEN GREEN SPACE
- O LAWN BERM
- P FUTURE COMMUNITY GARDENS
- Q BOARDWALK PLATFORMS
- R BIOSWALE / STORM WATER TREATMENT APPLICATION UTILIZING NATIVE PLANTINGS
- S LOW PROFILE STONE VENEER WALLS WITH SPLIT RAIL FENCES



MULTI - PURPOSE SPACE: DETENTION BASIN, AMPHITHEATER, EVENTS (MOVIE IN THE PARK, CONCERTS, ACTIVITIES (SLEDDING, SOCCER FIELDS, ETC.))



COMMUNITY GARDENS



PARK PAVILION: RUSTIC THEME

PROPOSED BUILDING MATERIALS



SPLIT RAIL FENCE



SUBTLE LAWN BERMS



FLAGSTONE VENEER WALLS & COLUMNS



- LANDMARK CONCEPTS
- STONE OBELISK
 - CLOCK TOWER
 - WATER SILO
 - SCULPTURES

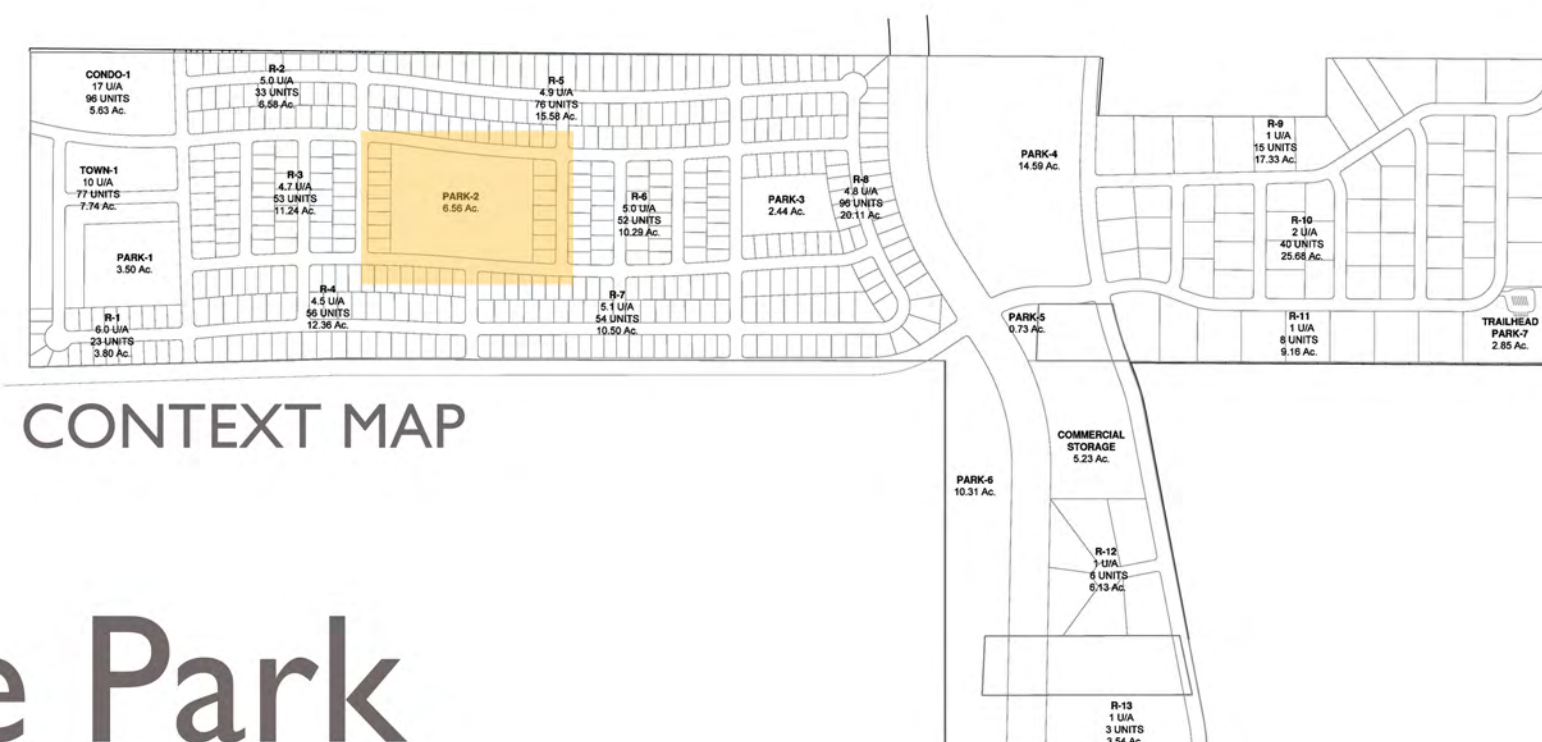


ACTIVE SPORTS: SOCCER FIELD AND BASKETBALL COURT



NORTH

SCALE: 1" = 40'
on 24"x36" Sheet



CONTEXT MAP



BOARDWALK PLATFORMS & BIOSWALE PLANTINGS



PLAYGROUND CONCEPT A - WHIMSICAL / ARTISTIC THEME



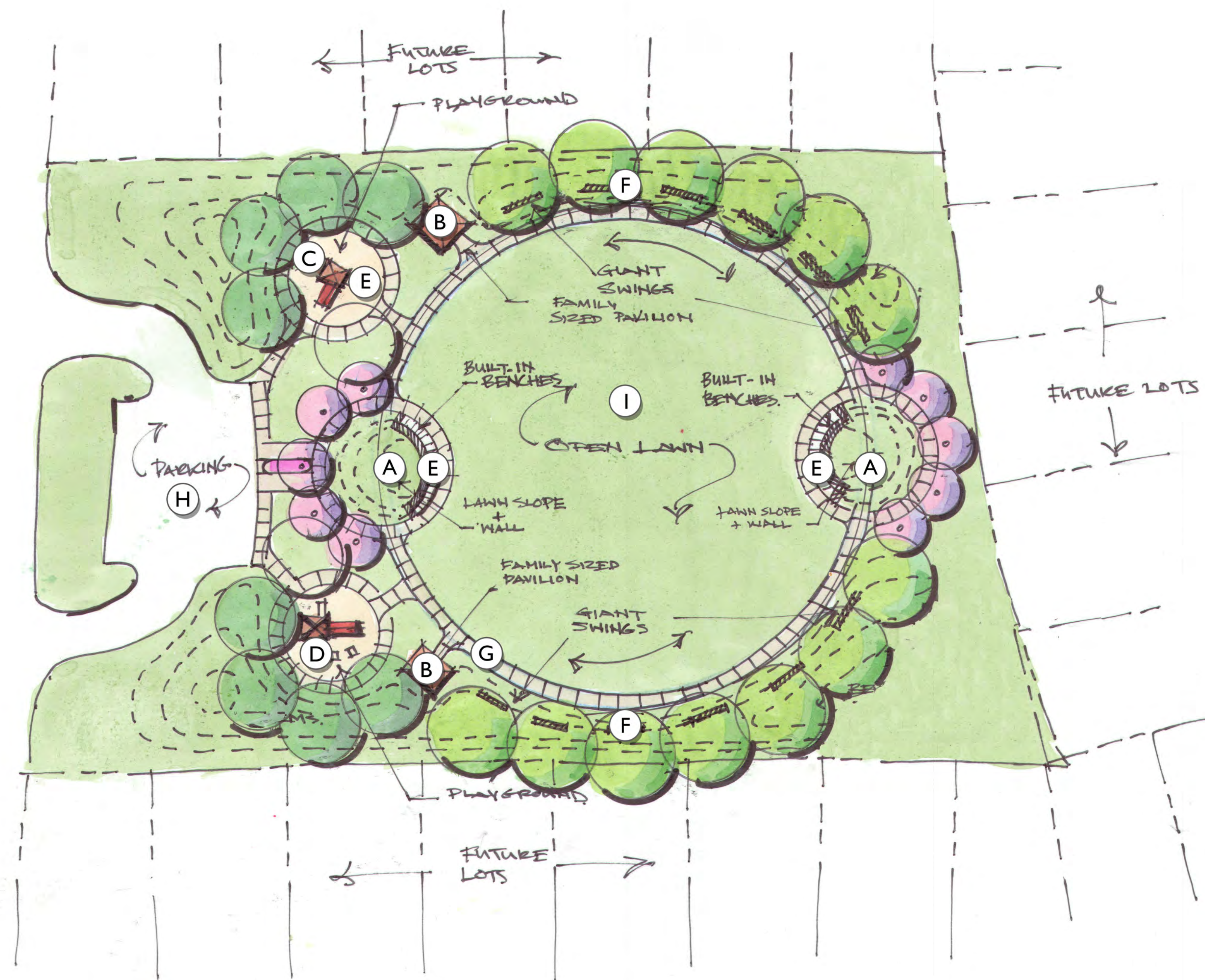
PLAYGROUND CONCEPT C - OVERSIZED NATURE / INSECT THEME



PLAYGROUND CONCEPT B - STRUCTURED ART / SCIENCE THEME

2 5.6 Acre Park

SUNSET FLATS PARK 3 2.4 ACRE



SCALE: 1" = 30' on 24"x36" Sheet
NORTH

PARK PROGRAM KEY

- A LAWN BERM CUT WITH RETAINING WALL (SEE IMAGE BELOW)
- B SMALL RUSTIC PAVILION
- C 2-6 YEAR OLD PLAYGROUND
- D 6-12 YEAR OLD PLAYGROUND
- E BUILT IN SEATING
- F TALL SWINGS
- G WALKING PATH
- H VEHICULAR PARKING
- I OPEN RECREATIONAL LAWN



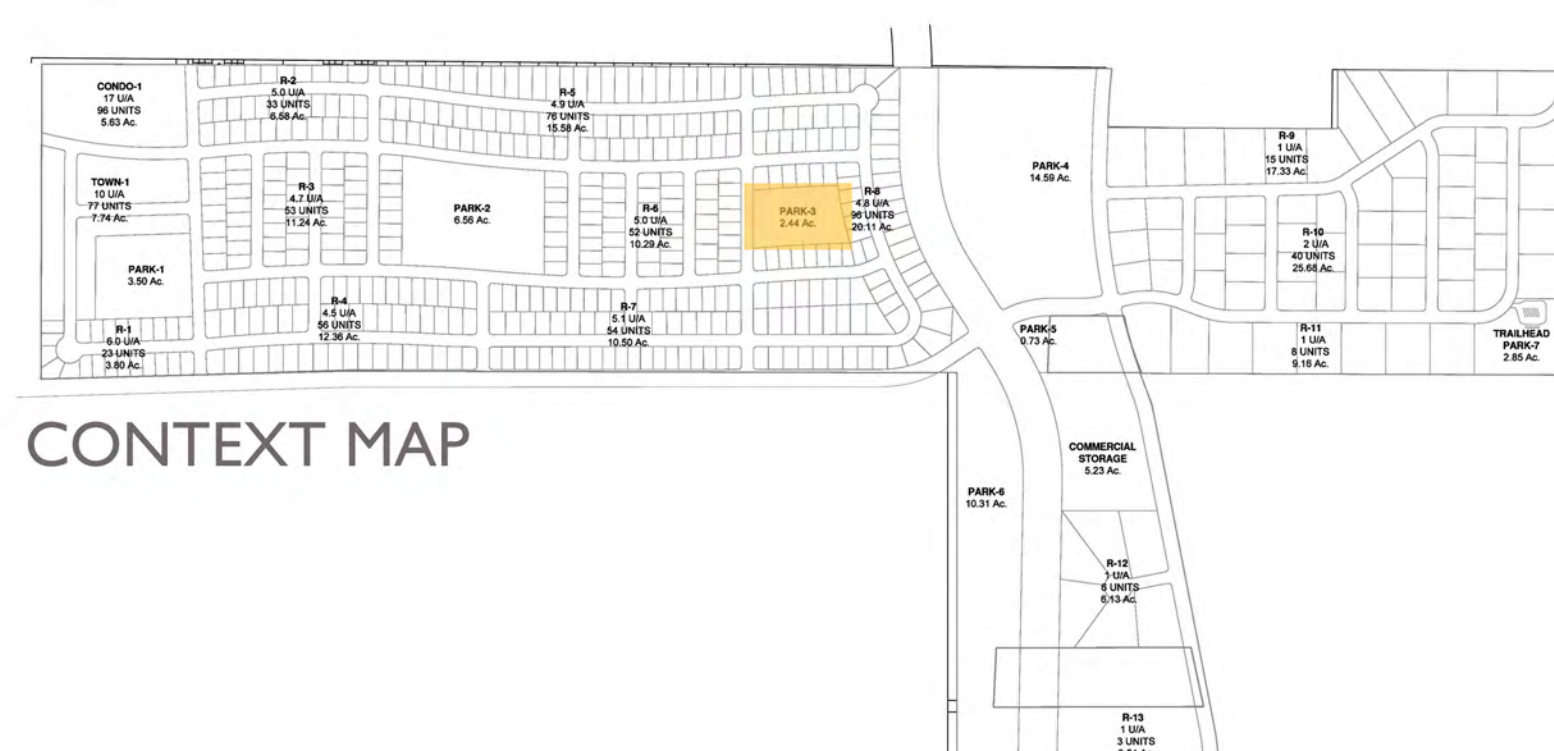
PLAYGROUND 6-12 YEAR OLDS



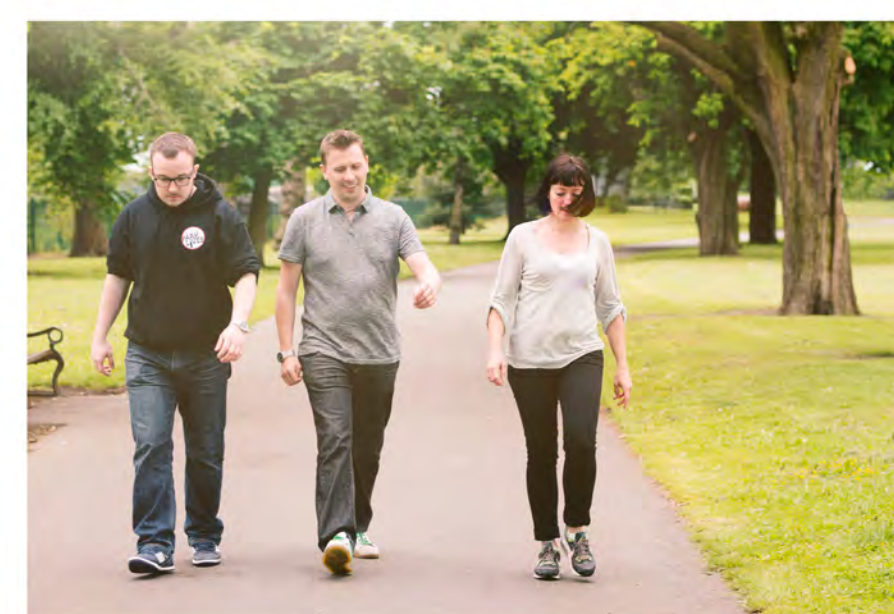
PLAYGROUND 2-6 YEAR OLDS



LAWN BERM CUT WITH RETAINING WALL



CONTEXT MAP



WALKING PATH



TALL SWINGS



SMALL RUSTIC PAVILION

SUNSET FLATS PARK 4 12.2 ACRE



PROPOSED BUILDING MATERIALS



SPLIT RAIL FENCE



SUBTLE LAWN BERMS



FLAGSTONE VENEER WALLS & COLUMNS

PROPOSED PARK AMENITIES



PARK BICYCLE AND WALKING TRAIL



PARK PAVILION: RUSTIC THEME



RESTROOM: RUSTIC THEME

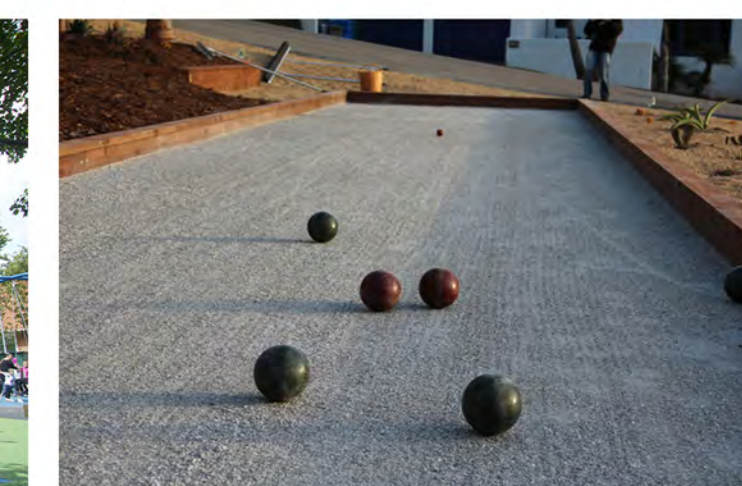
ACTIVE RECREATION OPPORTUNITIES (OPEN LAWN AREAS) - ISBEE, VOLLEYBALL, ETC.



PASSIVE RECREATION OPPORTUNITIES (OPEN LAWN AREAS) - READING, YOGA, DOG PARK, ETC.

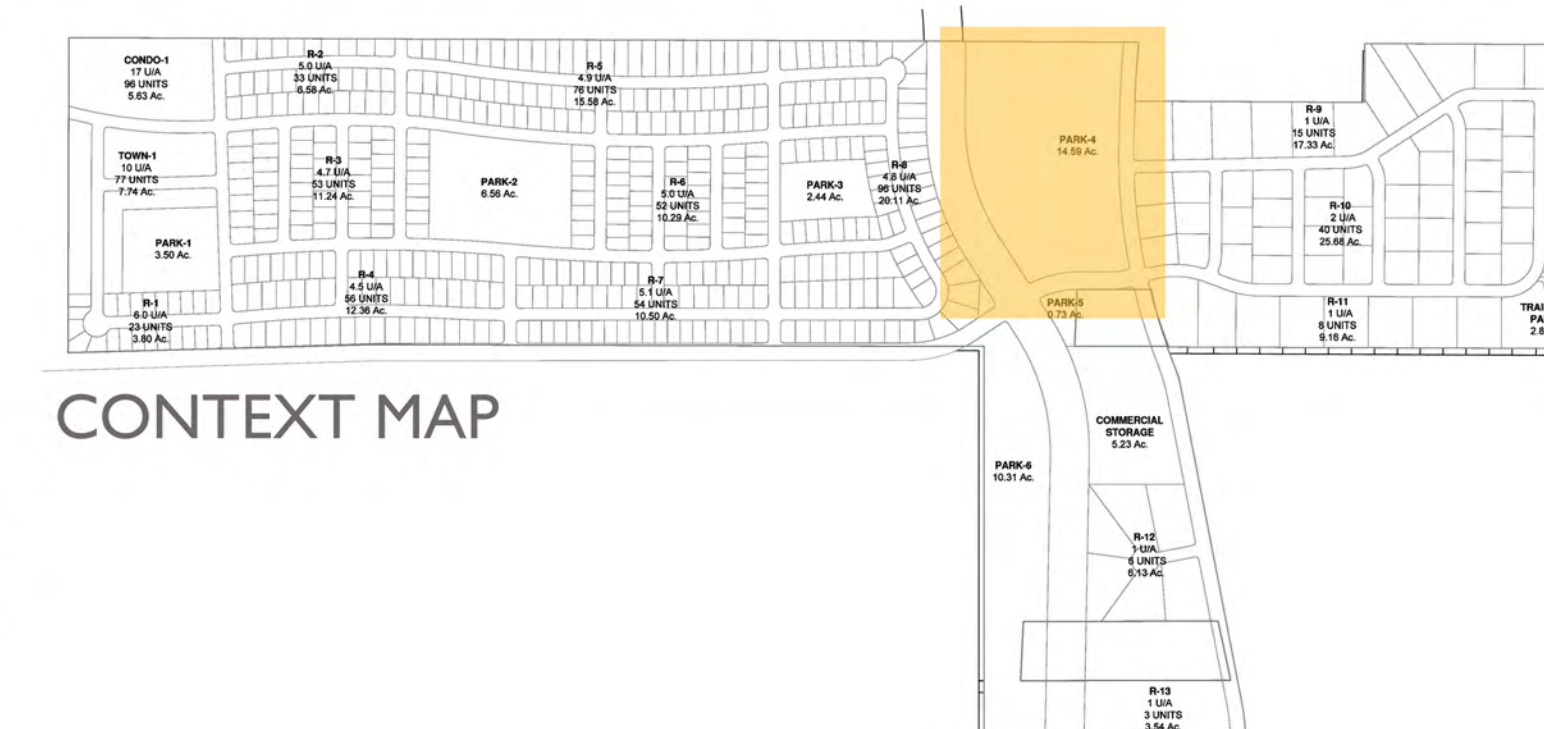


ACTIVE RECREATION OPPORTUNITIES - TENNIS, PICKLEBALL, PLAYGROUND, BOCCE BALL

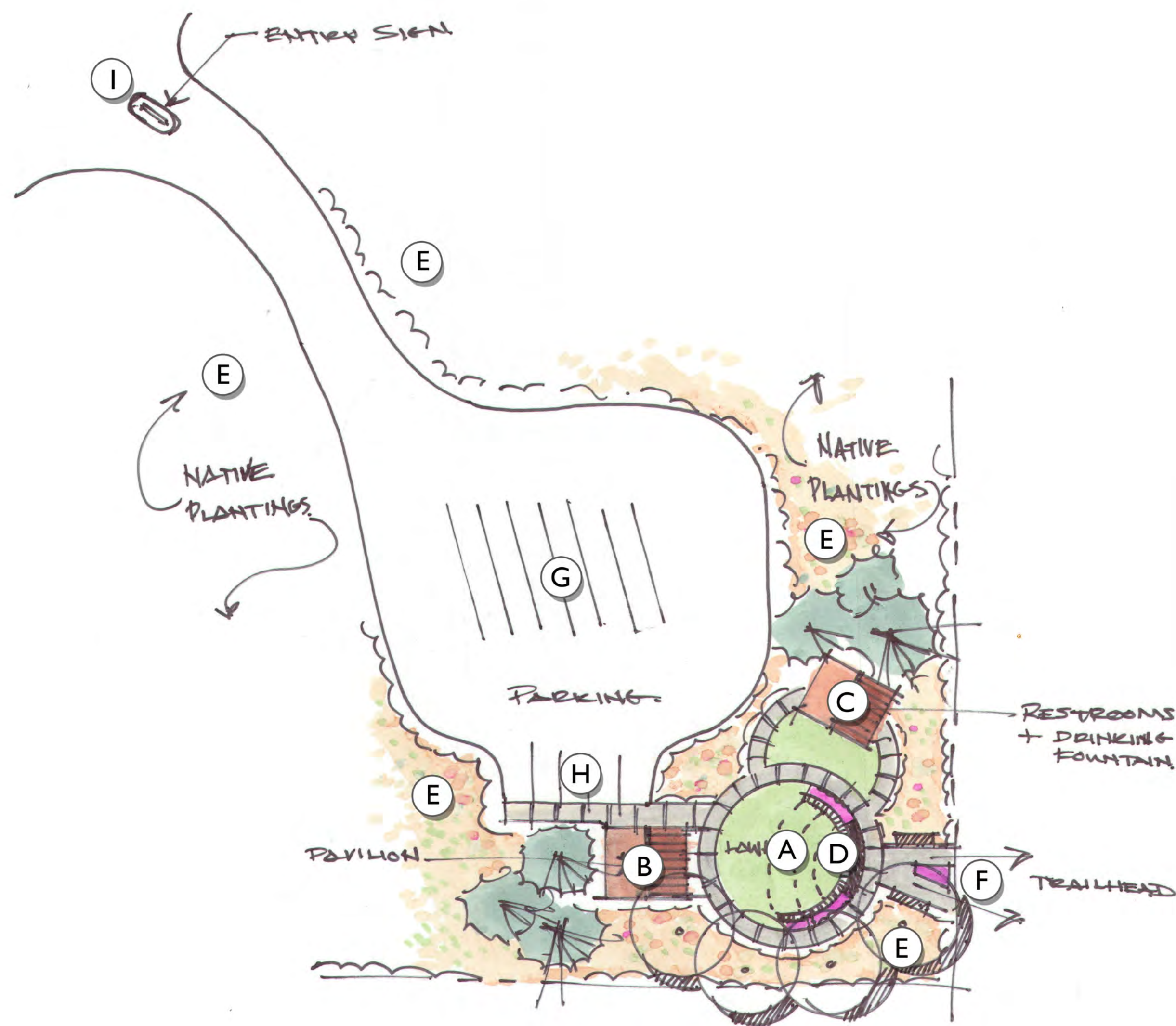


PARK PROGRAM KEY

- A GRASS DETENTION BASIN - 343,094 CF
- B BIKE / PEDESTRIAN TRAIL - 8' WIDE (CONNECTS TO 3.5, 5.6 & 10 ACRE PARKS)
- C OPEN LAWN AREAS FOR ACTIVE AND PASSIVE RECREATION
- D DOG PARK
- E LANDSCAPE BERMS WITH DROUGHT TOLERANT PLANTINGS
- F PERVIOUS ACCESS ROAD TO POWER LINES - INCLUDES REMOVABLE BOLLARDS
- G PARK ENTRY MONUMENT - STONEWALL WITH SIGNAGE
- H COURTYARD AREA WITH BENCHES, SHADE TREE, LAWN AND PUBLIC ART SCULPTURE
- I STONE VENEER LOW WALL
- J SPLIT RAIL FENCE ALONG PARK ENTRY PASEO
- K PARK PAVILION WITH RESTROOM AND PICNIC TABLES, BBQ GRILLS AND TRASH RECEPTILES
- L PLAYGROUND OR BOCCE BALL COURT - (PLAYGROUND SHOWN)
- M PICKLEBALL COURTS - 2 TOTAL
- N TENNIS COURT

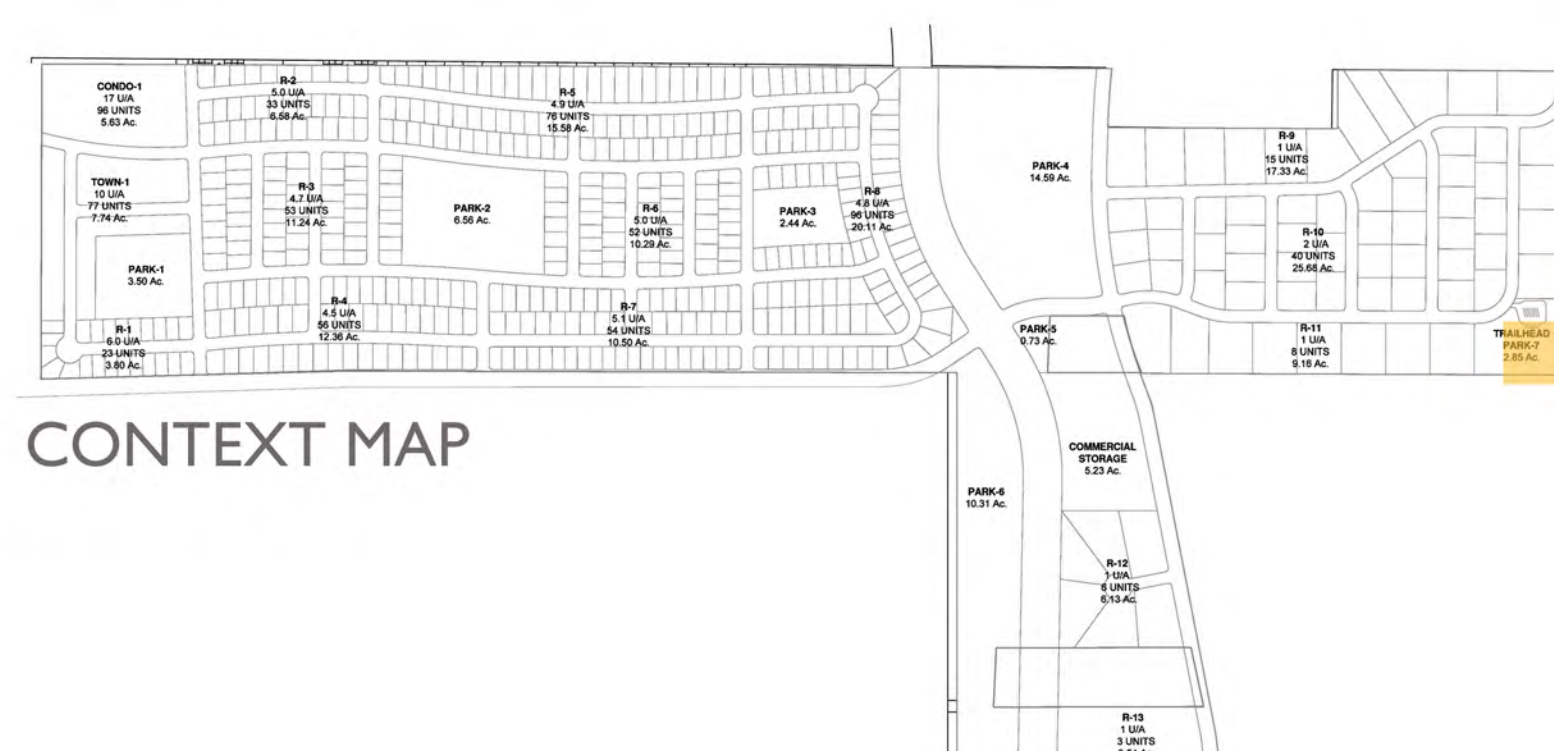


SUNSET FLATS PARK 7 2.8 ACRE



SCALE: 1" = 30' on 24"x36" Sheet

NORTH



CONTEXT MAP

PARK PROGRAM KEY

- A LAWN BERM CUT WITH RETAINING WALL (SEE IMAGE BELOW)
- B SMALL RUSTIC PAVILION
- C RUSTIC RESTROOMS
- D BUILT IN SEATING
- E NATIVE WILDFLOWER PLANTINGS
- F TRAILHEAD
- G TRAILOR PARKING
- H VEHICULAR PARKING
- I ENTRY SIGN LOCATION



NATIVE PLANTINGS



SPLIT RAIL FENCE



LAWN BERM CUT WITH RETAINING WALL



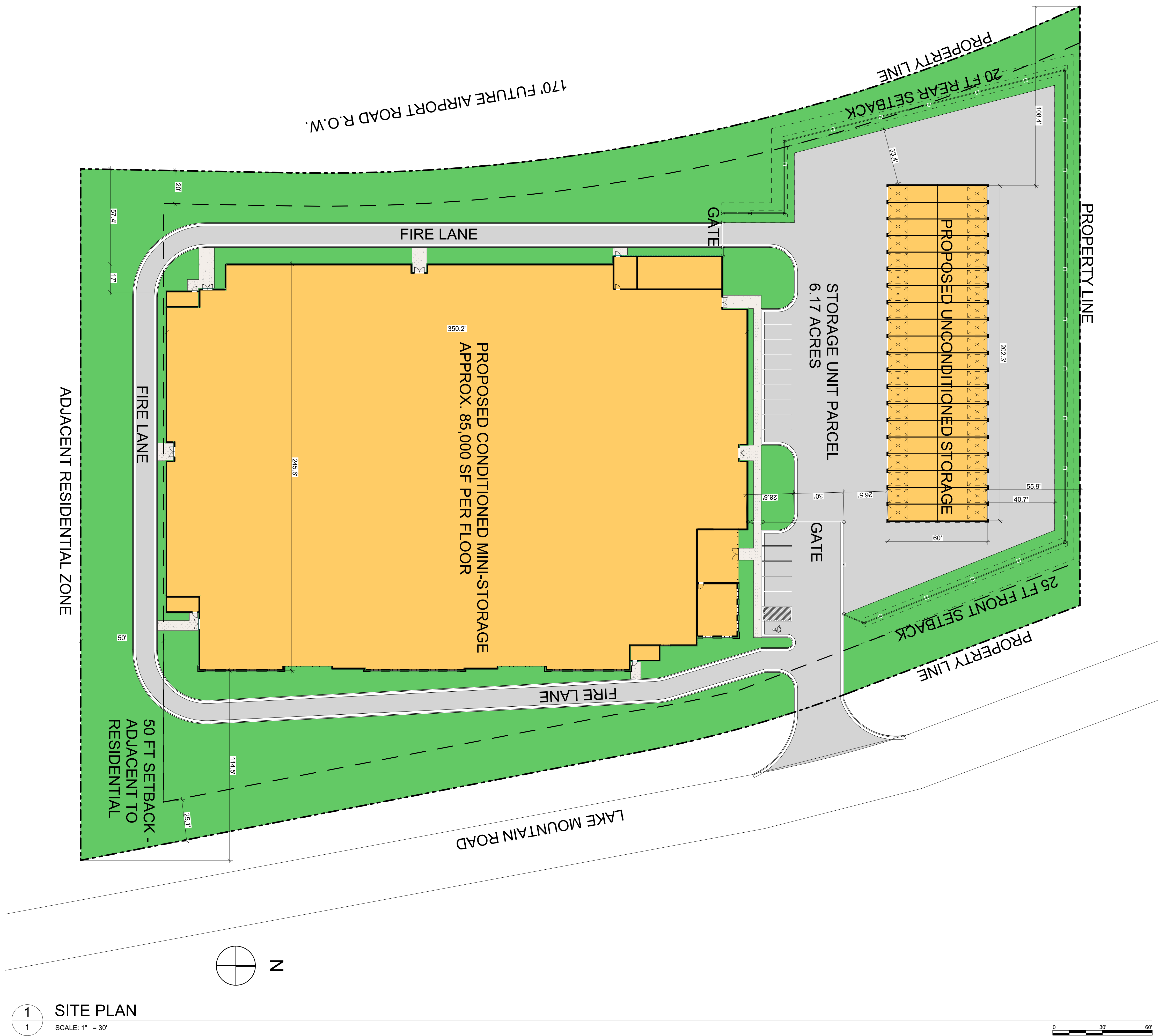
TRAILHEAD



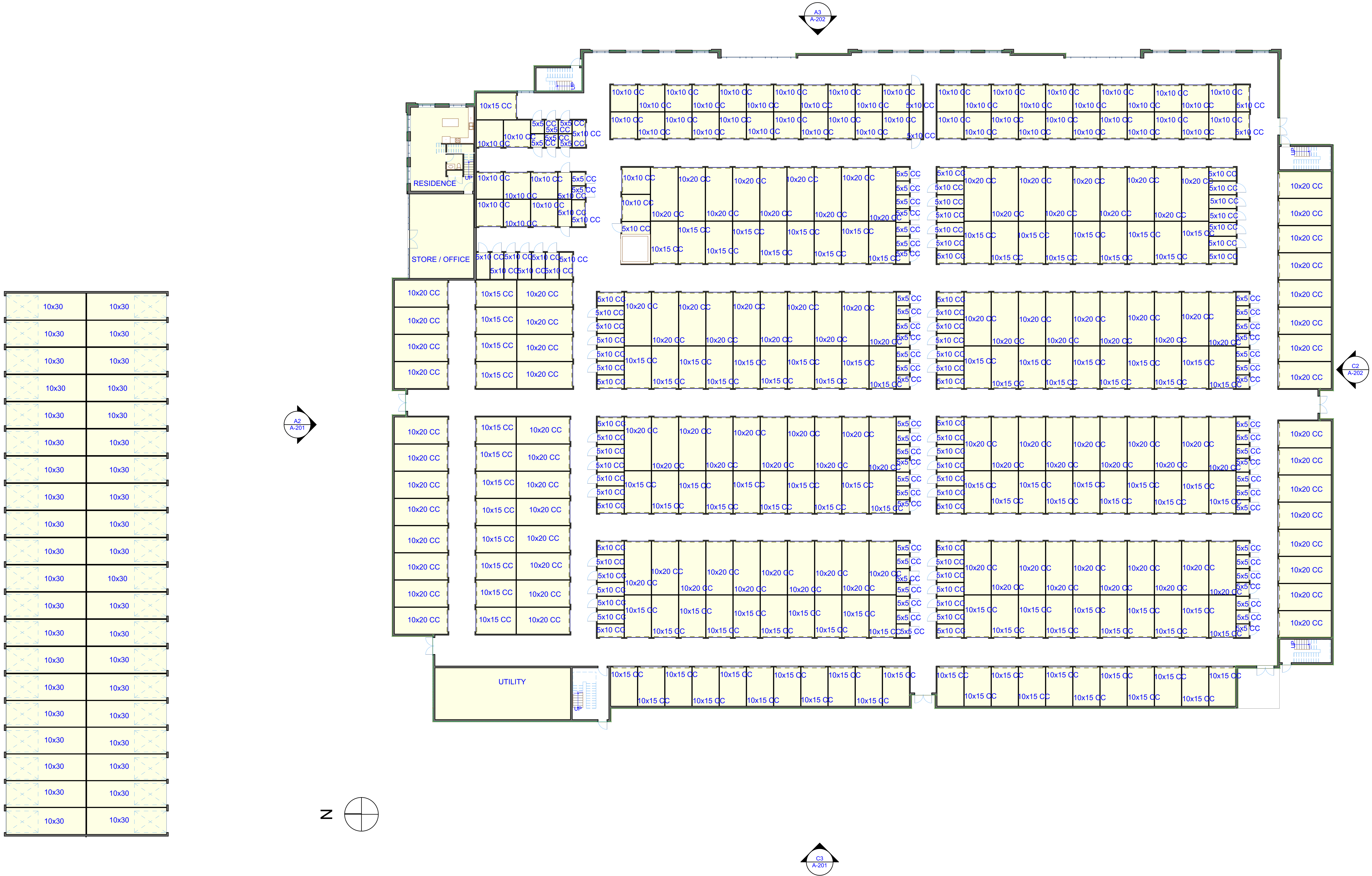
RUSTIC RESTROOMS



SMALL RUSTIC PAVILION

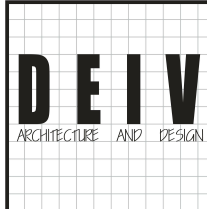


1 SITE PLAN
SCALE: 1" = 30'



MAIN LEVEL PROPOSED PLAN

SCALE: 1/16" = 1'-0"

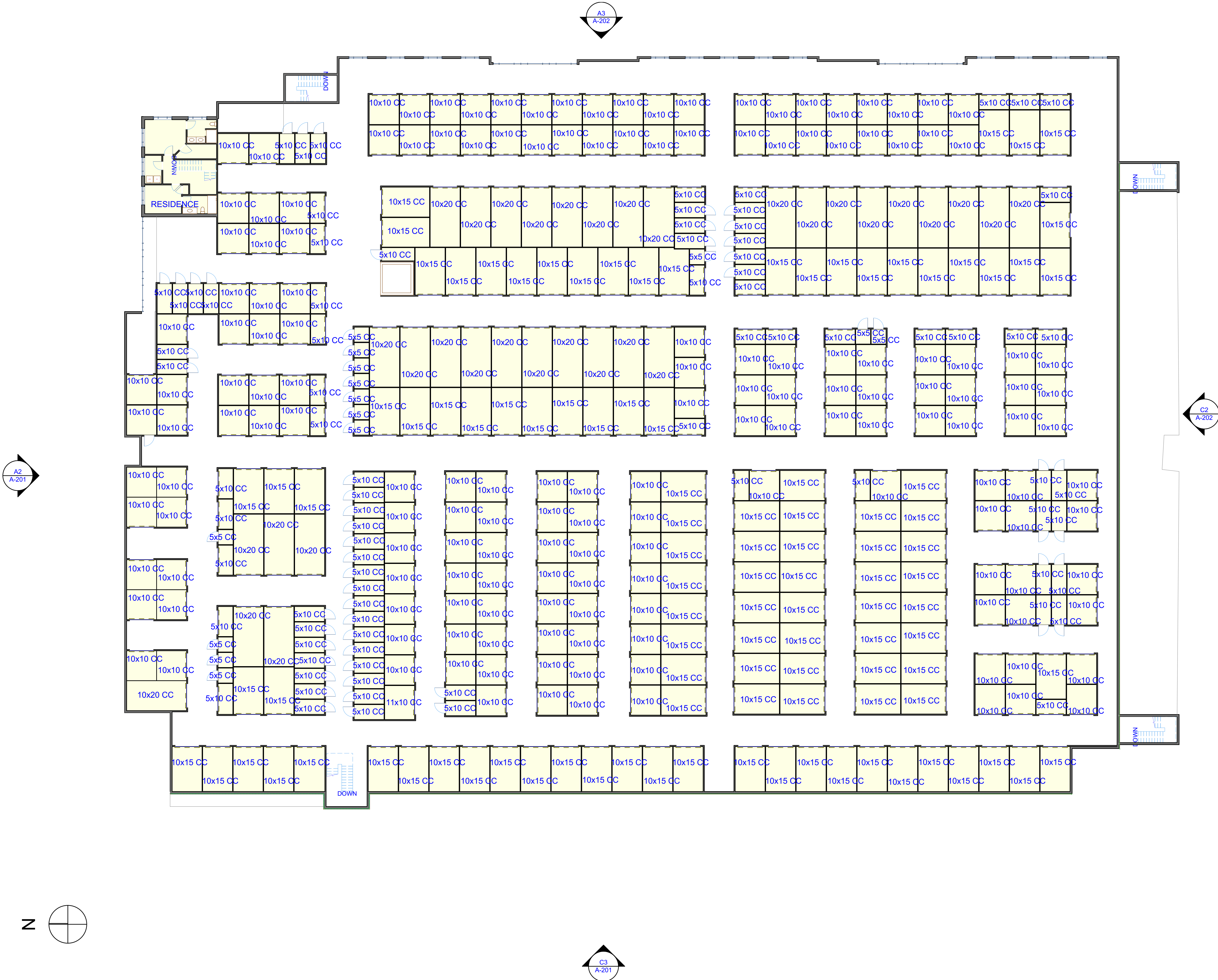


DEIV ARCHITECTURE & DESIGN
1116 W 500 S, #2
WEST BOUNTIFUL, UT 84087

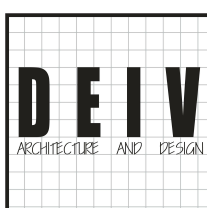
SUNSET FLATS SELF-STORAGE

RIDGEPOINT MANAGEMENT

GROUND FLOOR PLAN
7/14/2017



1 PROPOSED 2nd FLOOR PLAN
3 SCALE: 1/16" = 1'-0"

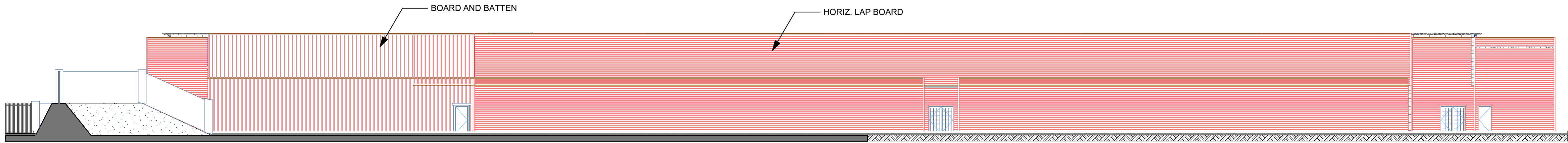


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1116 W 500 S, #2
WEST BOUNTIFUL, UT 84087

SUNSET FLATS SELF-STORAGE

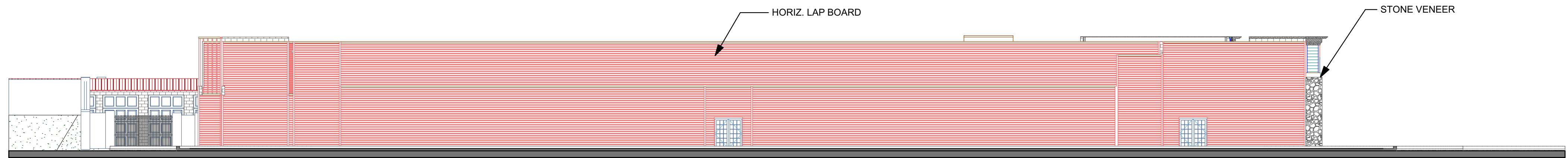
RIDGEPOINT MANAGEMENT

2nd FLOOR PLAN
7/14/2017



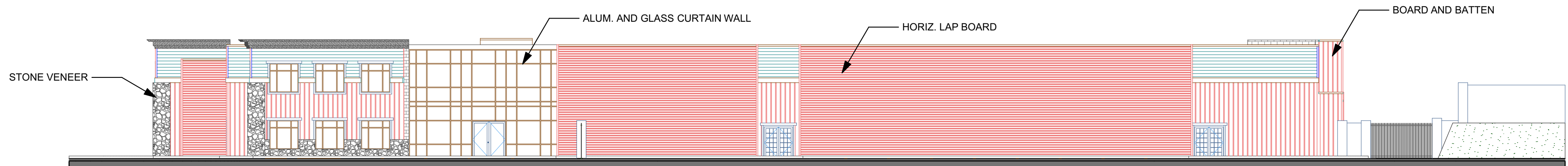
EAST ELEVATION DESIGN UNDER DEVELOPMENT

SCALE: 1/16" = 1'-0"



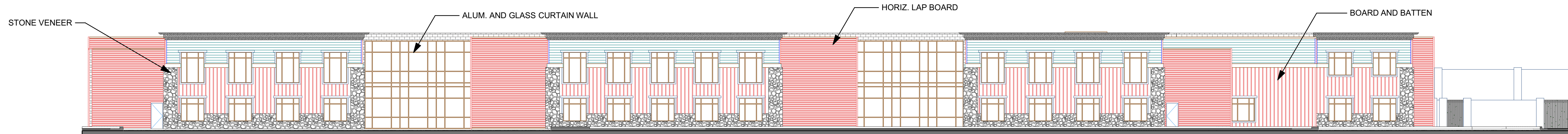
SOUTH ELEVATION DESIGN UNDER DEVELOPMENT

SCALE: 1/16" = 1'-0"



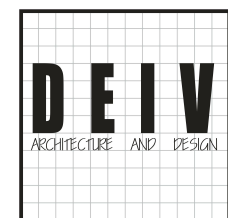
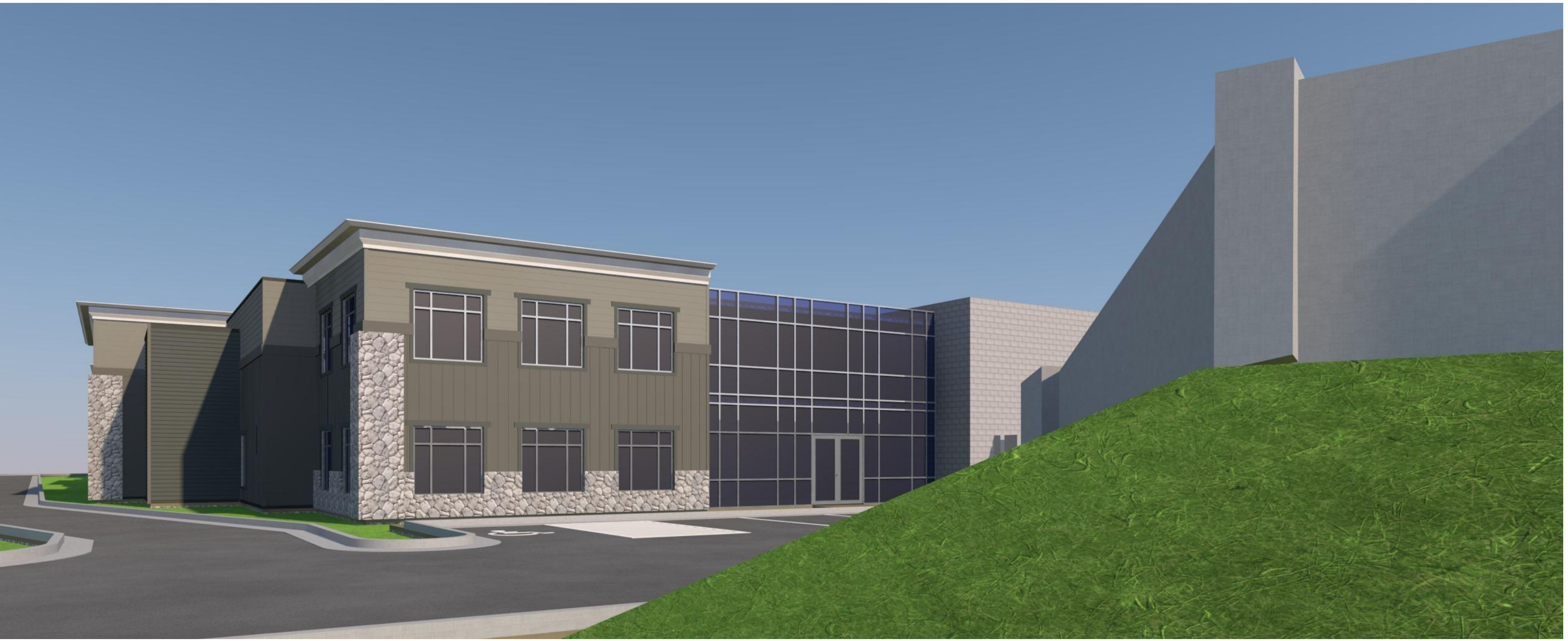
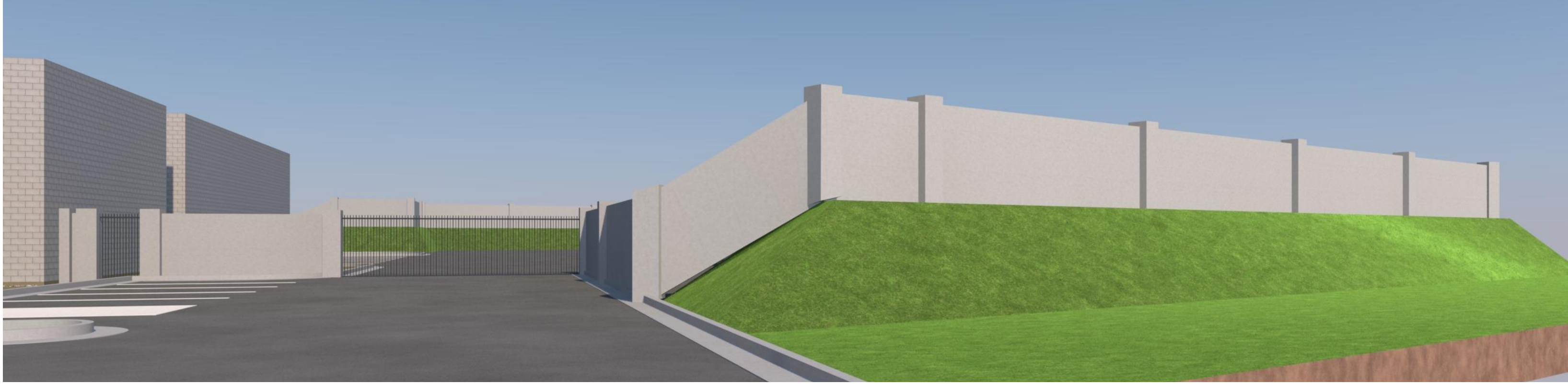
NORTH ELEVATION-FRONT FACADE

SCALE: 1/16" = 1'-0"



WEST ELEVATION-SIDE FACADE

SCALE: 1/16" = 1'-0"



DEIV ARCHITECTURE & DESIGN
 1116 W 500 S, #2
 WEST BOUNTIFUL, UT 84087

SUNSET FLATS SELF-STORAGE

RIDGEPOINT MANAGEMENT

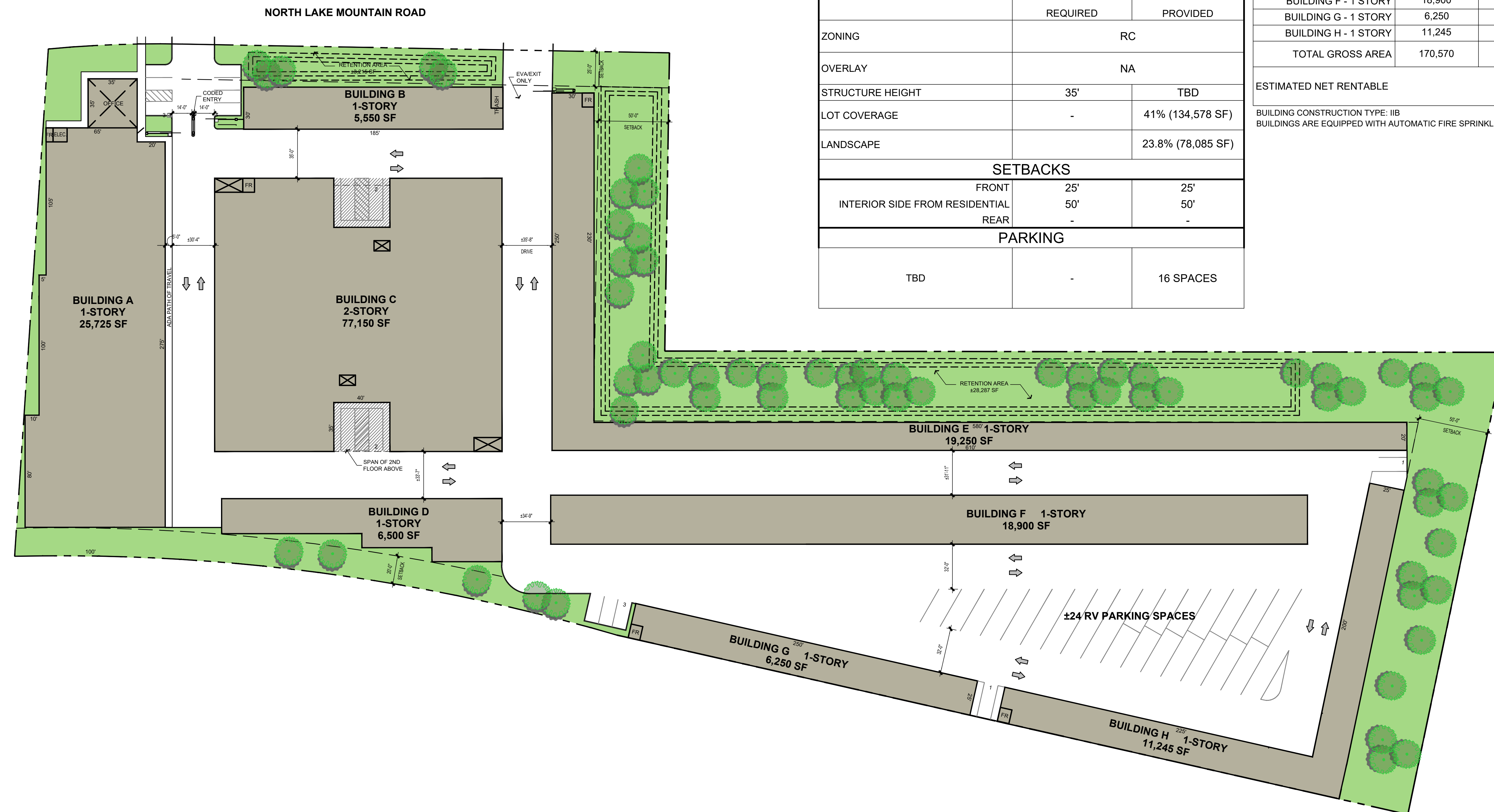
3D RENDERS
 7/14/2017

SUNSET FLATS

MASTER DEVELOPMENT PLAN

EXAMPLE CONDOMINIUM UNITS





SITE DATA		
APN		-
LOT AREA	328,218	SQ. FT.
	7.53	ACRES
USE	VACANT	SELF STORAGE (PROPOSED)
BASIS OF DESIGN		
	REQUIRED	PROVIDED
ZONING	RC	
OVERLAY	NA	
STRUCTURE HEIGHT	35'	TBD
LOT COVERAGE	-	41% (134,578 SF)
LANDSCAPE		23.8% (78,085 SF)
SETBACKS		
FRONT	25'	25'
INTERIOR SIDE FROM RESIDENTIAL	50'	50'
REAR	-	-
PARKING		
TBD	-	16 SPACES

BUILDING AREA TABULATIONS (Square Feet)			
BUILDING	SELF STORAGE	OFFICE	TOTAL
BUILDING A - 1 STORY	25,725	1,225	26,950
BUILDING B - 1 STORY	5,550		5,550
BUILDING C - 2 STORY	77,150		77,150
BUILDING D - 1 STORY	6,500		6,500
BUILDING E - 1 STORY	19,250		19,250
BUILDING F - 1 STORY	18,900		18,900
BUILDING G - 1 STORY	6,250		6,250
BUILDING H - 1 STORY	11,245		11,245
TOTAL GROSS AREA	170,570	1,225	171,795
ESTIMATED NET RENTABLE			±140,000 SF

BUILDING CONSTRUCTION TYPE: IIB
 BUILDINGS ARE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13.

BUILDING CONSTRUCTION TYPE: IIB
BUILDINGS ARE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13.

RIDGEPOINT MANAGEMENT GROUP, LLC
CITADEL EAGLE MOUNTAIN

EAGLE MOUNTAIN, UT

SCHEME B PRELIM SITE PLAN

AN

IBER: 23-316
1"=40'
05/08/2023

ja

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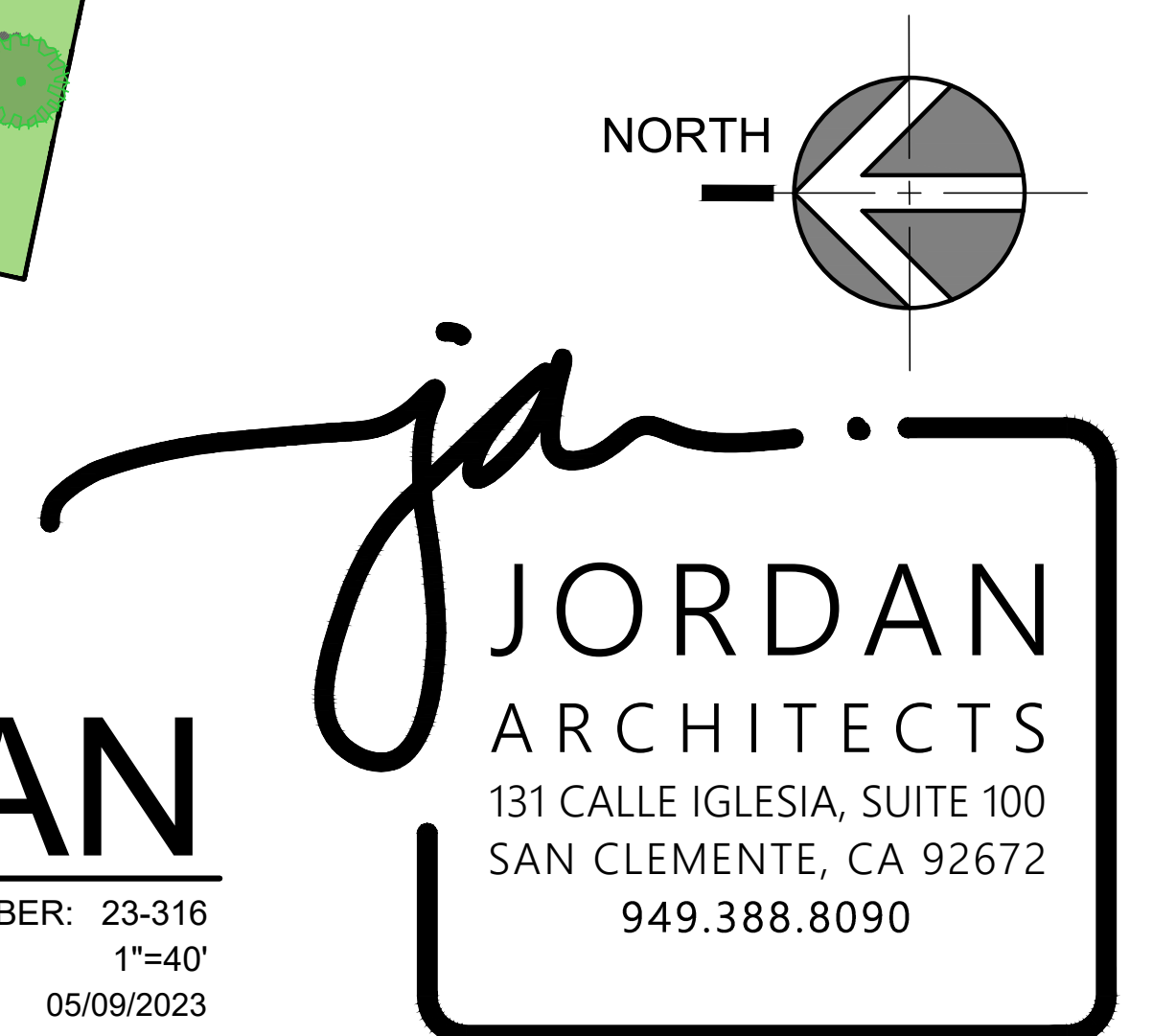
131 CALLE IGLESIA, SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090

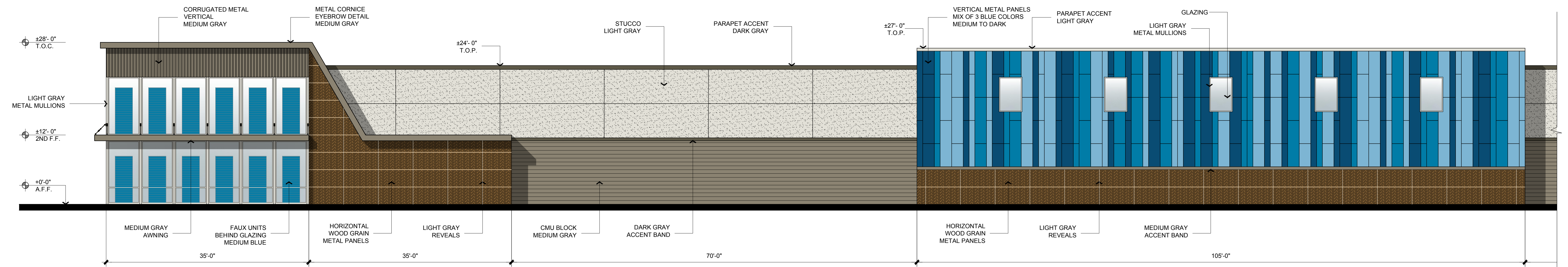
RIDGEPOINT MANAGEMENT GROUP, LLC CITADEL EAGLE MOUNTAIN EAGLE MOUNTAIN, UT

SCHEME B PRELIM SITE PLAN

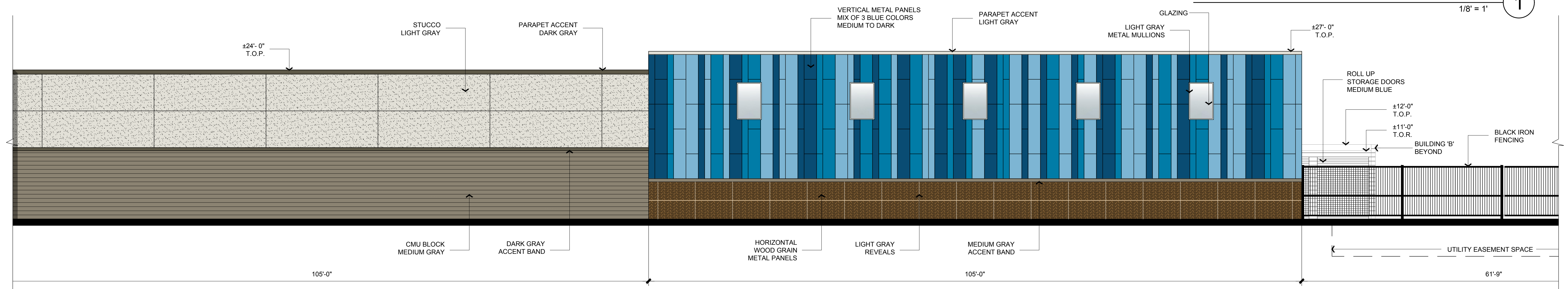
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JOB NUMBER: 23-316
SCALE: 1"=40'
DATE: 05/09/2023

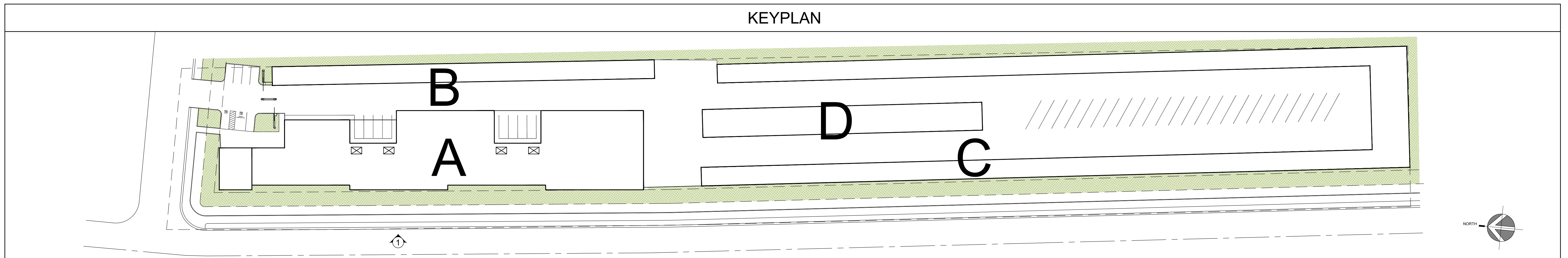




WEST ELEVATION BLDG. 'A' 1
1/8" = 1'



KEYPLAN



SALEM SELF STORAGE
SALEM, UT

BUILDING A (WEST)
PRELIMINARY ELEVATIONS

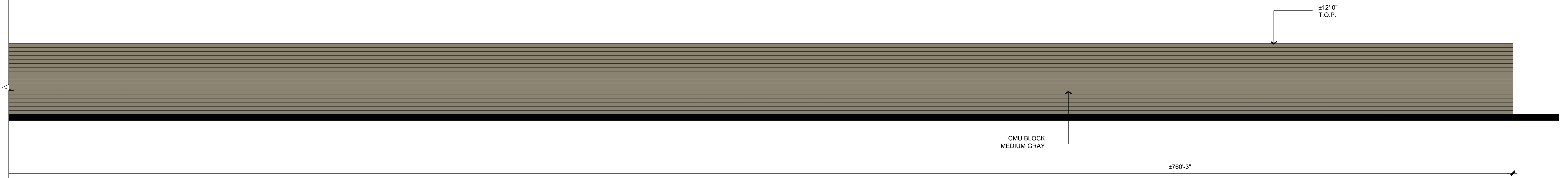
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JOB NUMBER: 21-626
1/8" = 1'
DATE: 09/17/2021

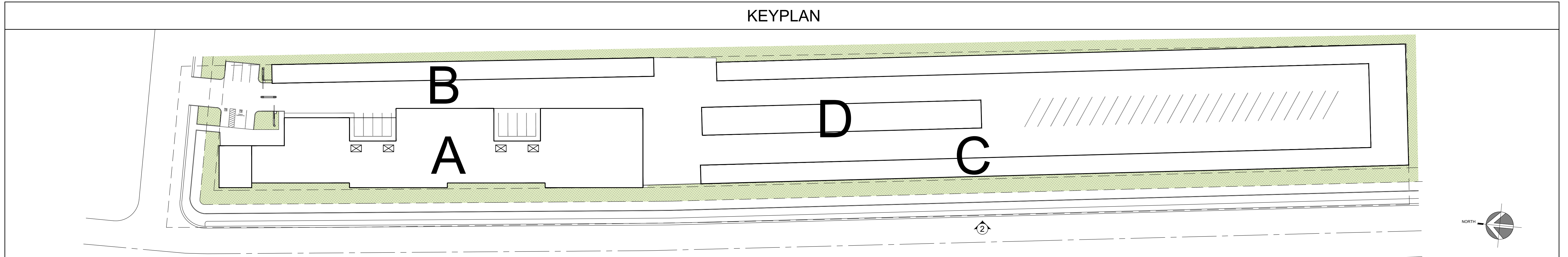
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WEST ELEVATION BLDG. 'C' 2
1/8" = 1'



KEYPLAN



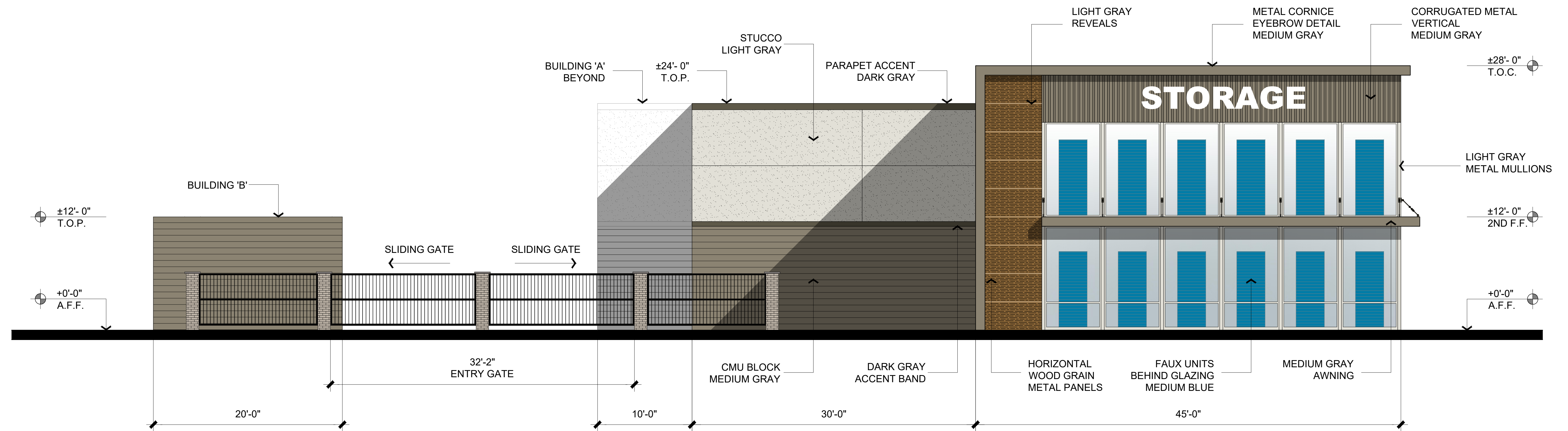
SALEM SELF STORAGE
SALEM, UT

BUILDING C (WEST)
PRELIMINARY ELEVATIONS

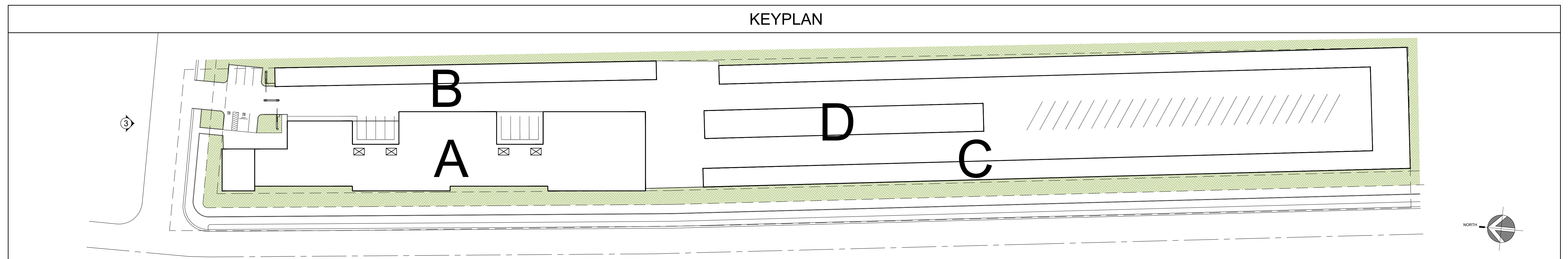
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JOB NUMBER: 21-626
1/8" = 1'
DATE: 09/20/2021





NORTH ELEVATION BLDG. 'A' & 'B' 3
3/16" = 1'



SALEM SELF STORAGE

SALEM, UT

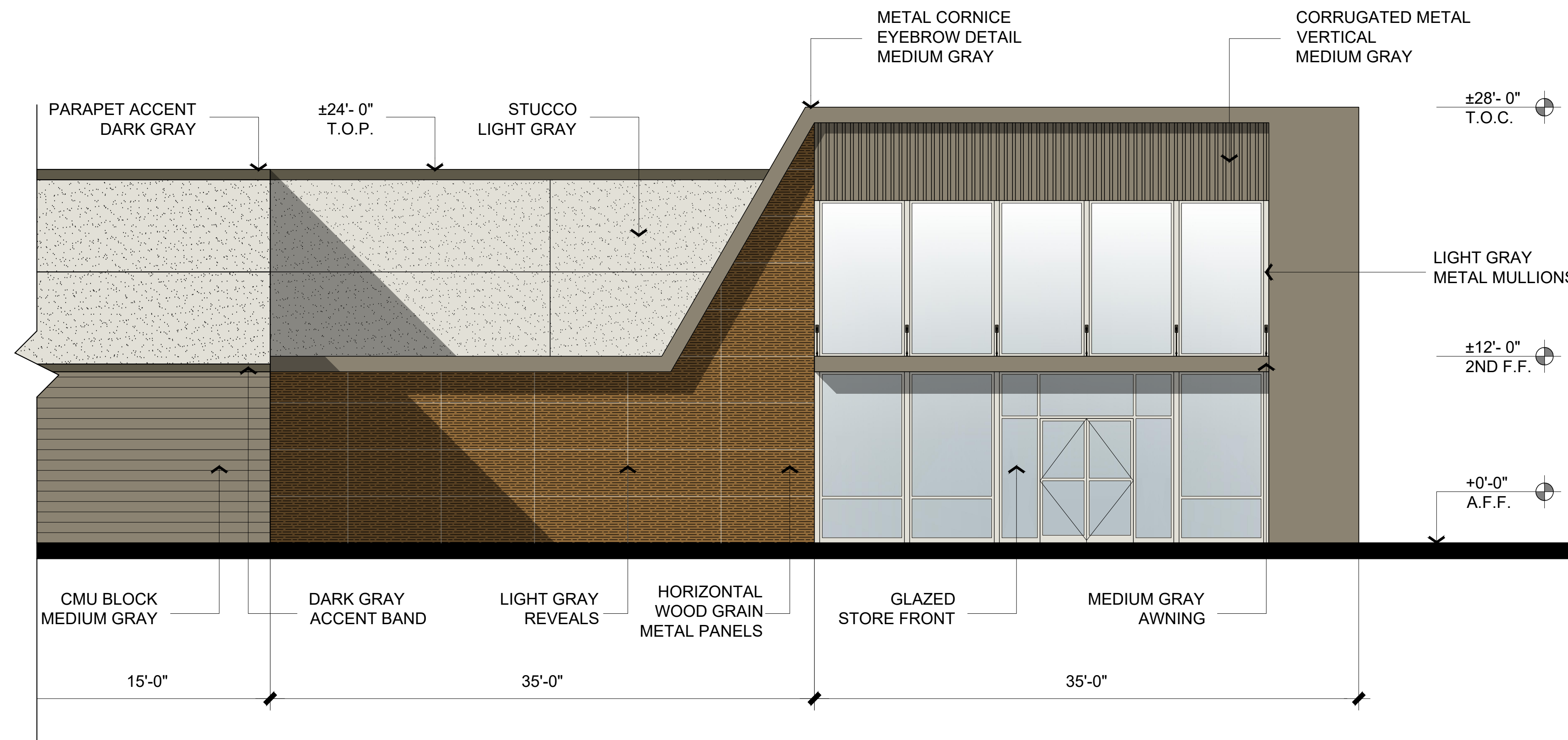
BUILDING A & B (NORTH)

PRELIMINARY ELEVATIONS

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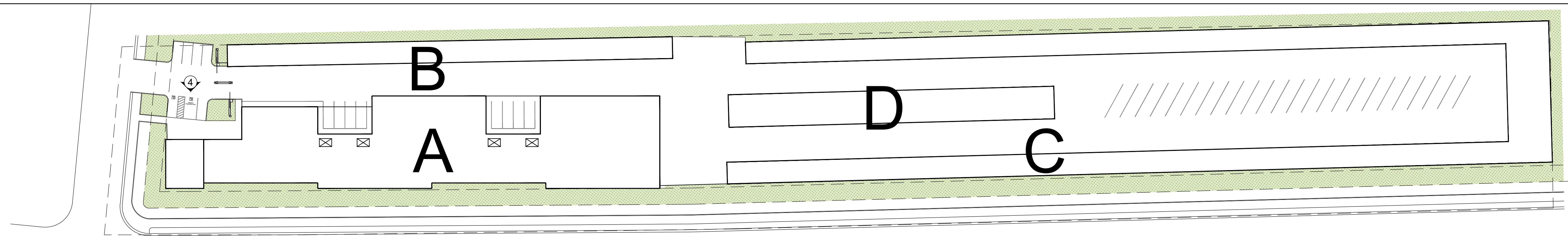
JOB NUMBER: 21-626
3/16" = 1'
DATE: 09/20/2021





EAST ELEVATION OFFICE 4
3/16" = 1'

KEYPLAN



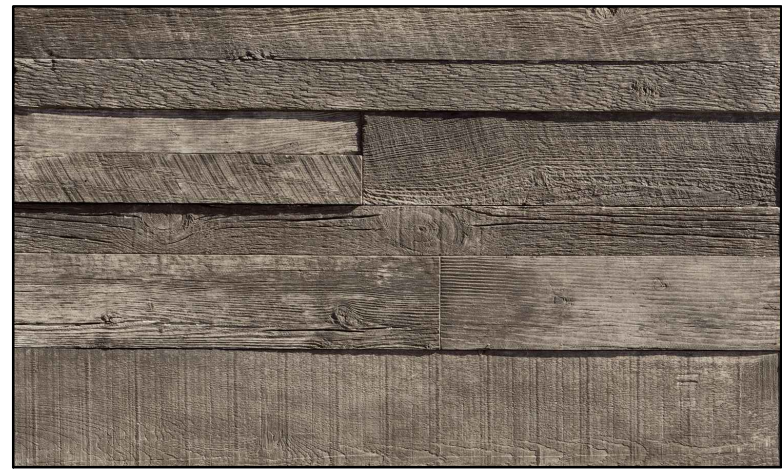
SALEM SELF STORAGE
SALEM, UT

OFFICE (EAST)
PRELIMINARY ELEVATIONS

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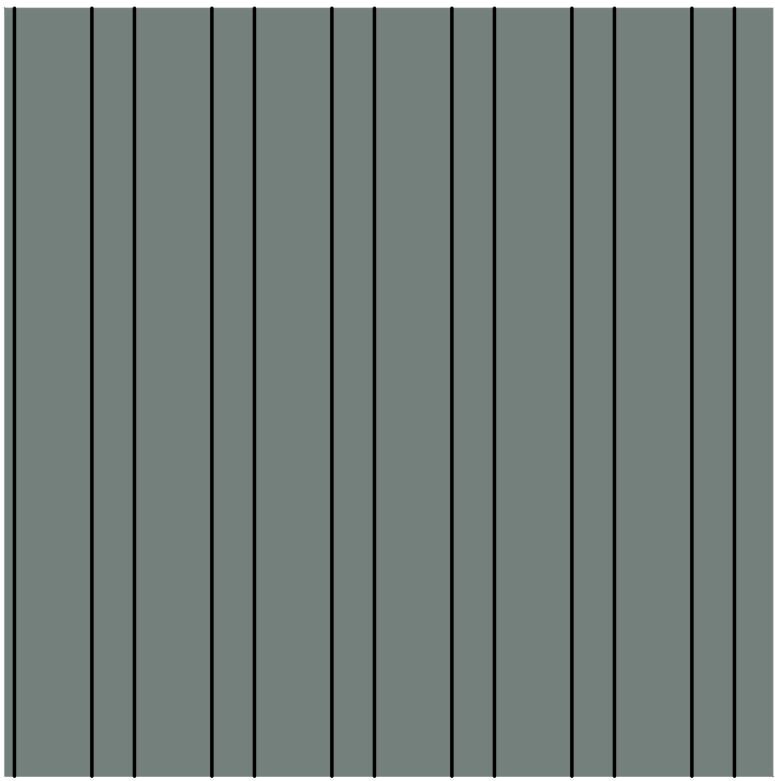
JOB NUMBER: 21-626
3/16" = 1'
DATE: 09/20/2021





1

MATERIAL: HORIZONTAL WOOD GRAIN
COLOR: PARCHWOOD
MANUFACTURER: EL DORADO STONE
(OR APPROVED OTHER/ EQUAL)



2

MATERIAL: VERTICAL METAL PANEL
COLOR: ZINC GRAY
MANUFACTURER: KINGSPAN
(OR APPROVED OTHER/ EQUAL)



3

MATERIAL: VERTICAL METAL PANEL
COLOR: SLATE BLUE
MANUFACTURER: KINGSPAN
(OR APPROVED OTHER/ EQUAL)



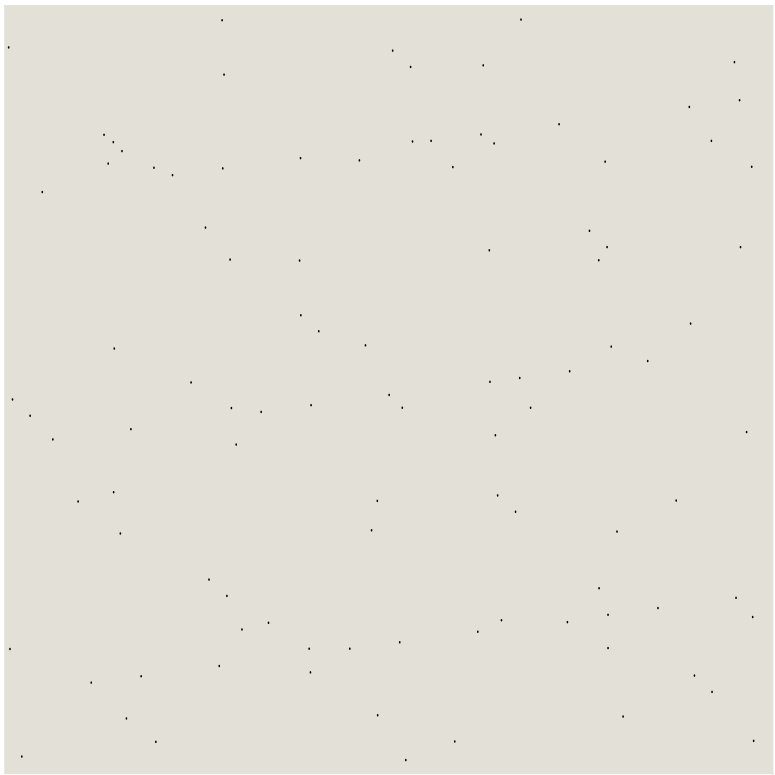
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MATERIAL: VERTICAL METAL PANEL
COLOR: REGAL BLUE
MANUFACTURER: KINGSPAN
(OR APPROVED OTHER/ EQUAL)



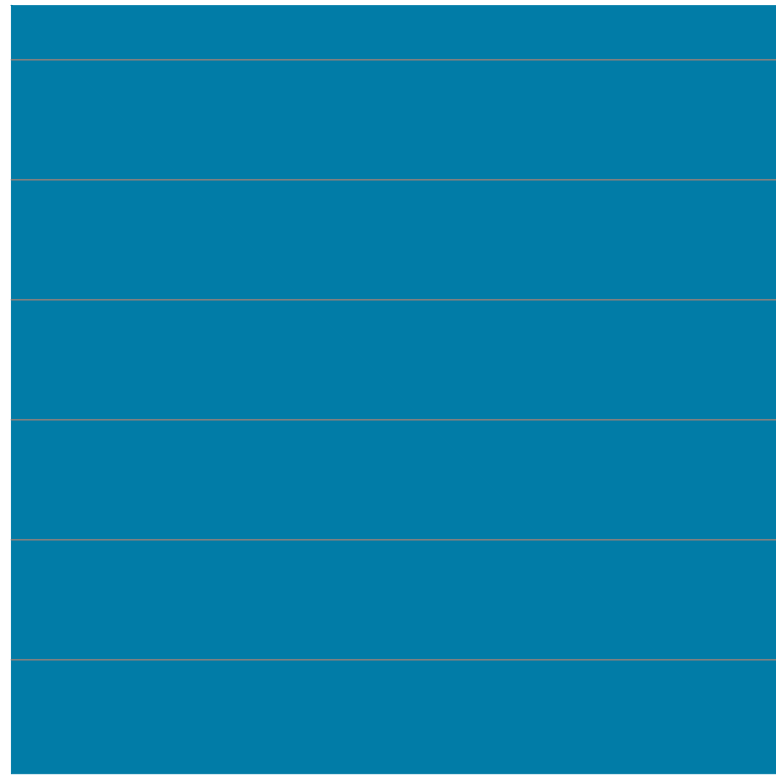
5

MATERIAL: VERTICAL METAL PANEL
COLOR: TAHOE BLUE
MANUFACTURER: KINGSPAN
(OR APPROVED OTHER/ EQUAL)



6

MATERIAL: PAINTED STUCCO
COLOR: GRAY/TBD
MANUFACTURER: N/A
(OR APPROVED OTHER/ EQUAL)



7

MATERIAL: METAL ROLL-UP DOORS (FAUX UNITS)
COLOR: ROYAL BLUE
MANUFACTURE: JANUS INTERNATIONAL
(OR APPROVED OTHER/EQUAL)



8

MATERIAL: SPLIT FACE CMU BLOCK
COLOR: NATURAL GRAY LW
MANUFACTURE: ORCO BLOCK
(OR APPROVED OTHER/EQUAL)



9

MATERIAL: GLASS STOREFRONT GLAZING
COLOR: TRANSPARENT
(OR APPROVED OTHER/EQUAL)



10

MATERIAL: METAL PARAPET CAP/
ACCENT BAND
COLOR: DE 6378 (JET)
MANUFACTURER: DUNN-EDWARDS
(OR APPROVED OTHER/ EQUAL)



11

MATERIAL: METAL CORNICE
COLOR: DE 6377 BOAT ANCHOR
MANUFACTURE: DUNN-EDWARDS
(OR APPROVED OTHER/EQUAL)



12

MATERIAL: WROUGHT IRON SECURITY FENCE
COLOR: BLACK
MANUFACTURE: N/A
(OR APPROVED OTHER/EQUAL)

SALEM SELF STORAGE

SALEM, UT

MATERIAL BOARD

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SCALE: N.T.S.
DATE: 03/16/2023



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949.388.8090



UPCOMING AGENDA ITEMS

Upcoming Items

Consolidated Fee Schedule Update – Impact Fees

Planning Items

Cleverly Court Rezone and Preliminary Plat

Eagle Mountain Pet Care

Pinnacles Multifamily Preliminary Plat

Rose Ranch MDP, Rezone, and Preliminary Plat

1st Draft Zoning Map

Eagle Mountain Benches

Code Amendments

Internal ADU Connection Clarification

Lot Line Adjustments

RTI Overlay

Solar Panel Protection

Subdivision Code

Wash Setbacks