



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

June 13, 2023, 5:30 PM

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

5:30 P.M. - Eagle Mountain City Planning Commission Work Session

1. Discussion Items

1.A DISCUSSION ITEM -- SUNSET FLATS E CONVERSION

Planning Commission review of a proposed re-purposing of open land formerly associated Sunset Flats E to convert the same from housing to a mini-storage unit complex.

[Citadel Storage \(Sunset Flats E\) Vicinity Maps](#)

[Citadel Storage Open Space and Lots](#)

[06.01.23 Sunset Flats Concept Plan \(Re-Purpose\) Application](#)

[Citadel Storage Parcel](#)

[Sunset Flats Master Plan 7-19-17](#)

[Citadel at Eagle Mountain_Site Plan](#)

[Citadel Storage - Rendering](#)

[09.20.21 Project Elevations](#)

[03.16.23 Elevation Material Board](#)

1.B DISCUSSION ITEM(S) -- CODE AMENDMENT(S)

Planning Commission review and comment on draft code language edits/revisions:

[HB 406 Code Amendments Regarding Lot Line Adjustments etc.](#)

[HB_406_EMMC_Code_Amendments_Lot Line Adjustments](#)

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

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A May 23, 2023 Planning Commission Minutes

[PC 05.23.23 DRAFT Minutes](#)

5. Status Report

6. Action and Advisory Items

6.A ACTION ITEM -- ORDINANCE/PUBLIC HEARING: AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY'S GENERAL PLAN FUTURE LAND USE MAP AND REZONING OF CERTAIN LANDS KNOWN AS THE EAGLE MOUNTAIN BENCHES

Planning Commission action on a request by Jeff and Karen Scott for a General Plan Future Land Use Amendment from Agricultural/Rural Density 1 to Agricultural/Rural Density 2 and an associated Rezone from RA2 and AG to RD1 for parcel numbers: 59:006:0047, 59:006:0046, 59:006:0042, 59:006:0054, 59:006:0055 comprising 101.68 acres of ground. The request has been remanded for Planning Commission review to be able to consider all of the applicants' land, and, for the stated purpose of obtaining a recommendation regarding what the minimum average lot size (suggested between 1.1 – 1.9 dwelling units/acre) should be for the entire property in anticipation of potential, future residential build-out with detached residences thereon. The Applicants are also asking for a waiver of any requirement to create a Master Development Plan for the property at this time.

[ArcGis Vicinity Map](#)

[EMB Map of Proposed Zoning](#)

[Map of Applications' Area of Effect](#)

[Eagle Quest Plan Map and Location Map Insert](#)

[Waiver of MDP request letter for EMB](#)

[Public Correspondence](#)

6.B ACTION ITEM -- PUBLIC HEARING: AMENDING VARIOUS SECTIONS OF TITLE 16, SUBDIVISIONS

Various text amendments regarding land use authority, public hearing or public meeting standards, and appeal authority, of subdivision regulations.

[Title 16 draft](#)

[Title 16 tables](#)

7. Discussion Items of Draft Code Amendments Continued (as needed)

7.A WORK SESSION ITEMS CONTINUED -- CODE AMENDMENT(S)

Planning Commission review and comment on draft code language edits/revisions:

[EMMC Fence Code Revisions](#)

[Residential Definitions and Controls Revamp](#)

[Golf course netting](#)

[Internal ADU Connection Clarification](#)

[Fence Code Revisions - May 2023](#)

[Res. Definitions and Controls Revamp - March 2023](#)

Livestock Housing Setbacks Clarified
17.60.120 Golf Course Fencing
17.70.030 Internal ADU Connection Clarification

8. **Next scheduled meeting**

9. **Adjournment**

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



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JUNE 13, 2023**

TITLE: DISCUSSION ITEM -- SUNSET FLATS E CONVERSION

ITEM TYPE: Concept Plan

APPLICANT: Cedar Corners Management LLC and PC Storage Investment Group LLC, Jordan Architects representing

ACTION ITEM:

No

PUBLIC HEARING:

No

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.

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]).

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)].

RECOMMENDATION:

n/a

ATTACHMENTS:

Citadel Storage (Sunset Flats E) Vicinity Maps

Citadel Storage Open Space and Lots

06.01.23 Sunset Flats Concept Plan (Re-Purpose) Application

Citadel Storage Parcel

Sunset Flats Master Plan 7-19-17

Citadel at Eagle Mountain_Site Plan

Citadel Storage - Rendering

09.20.21 Project Elevations

03.16.23 Elevation Material Board

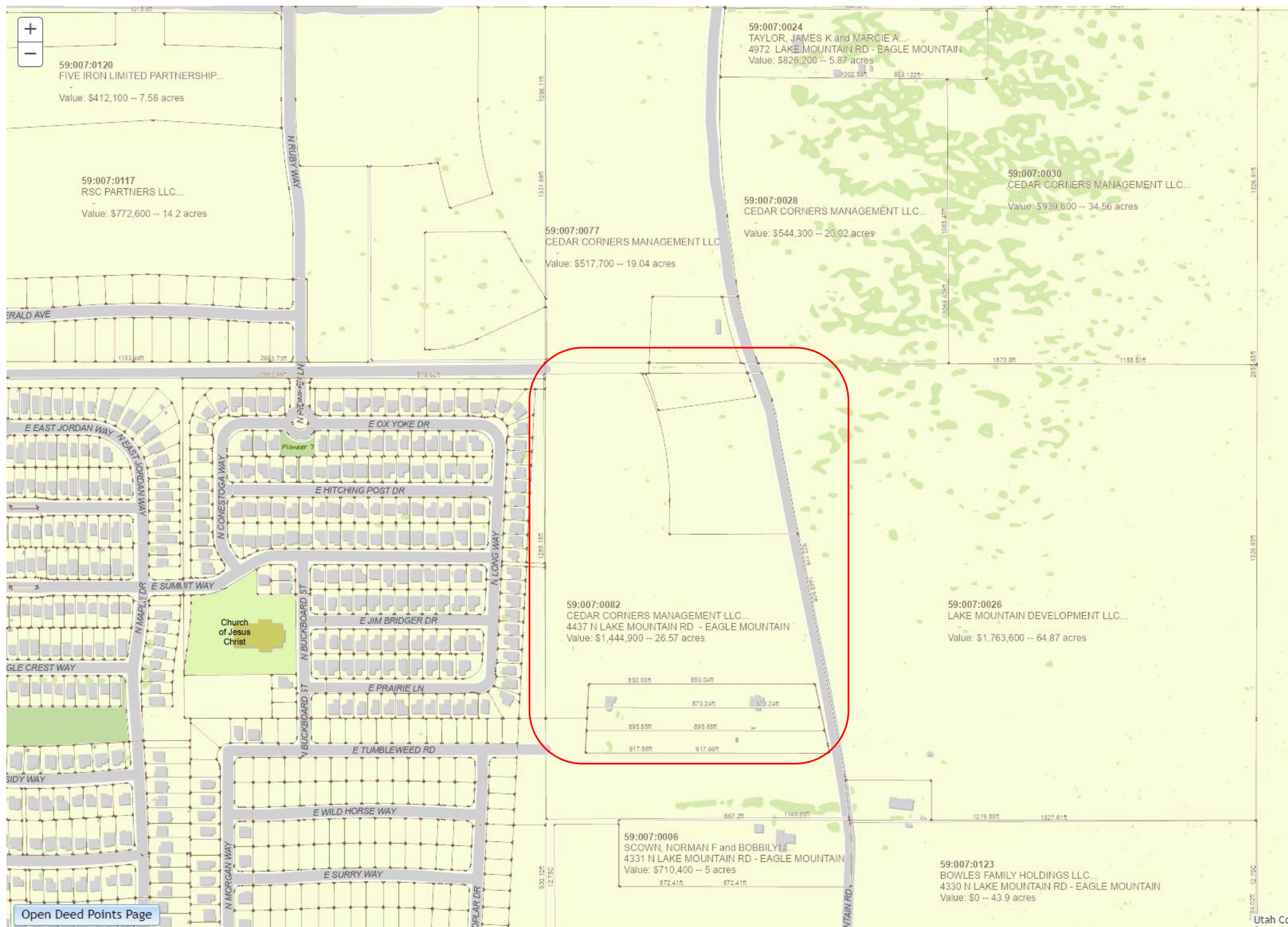
4:0163
E OF UTAH...
: \$0 -- 99.96 acres

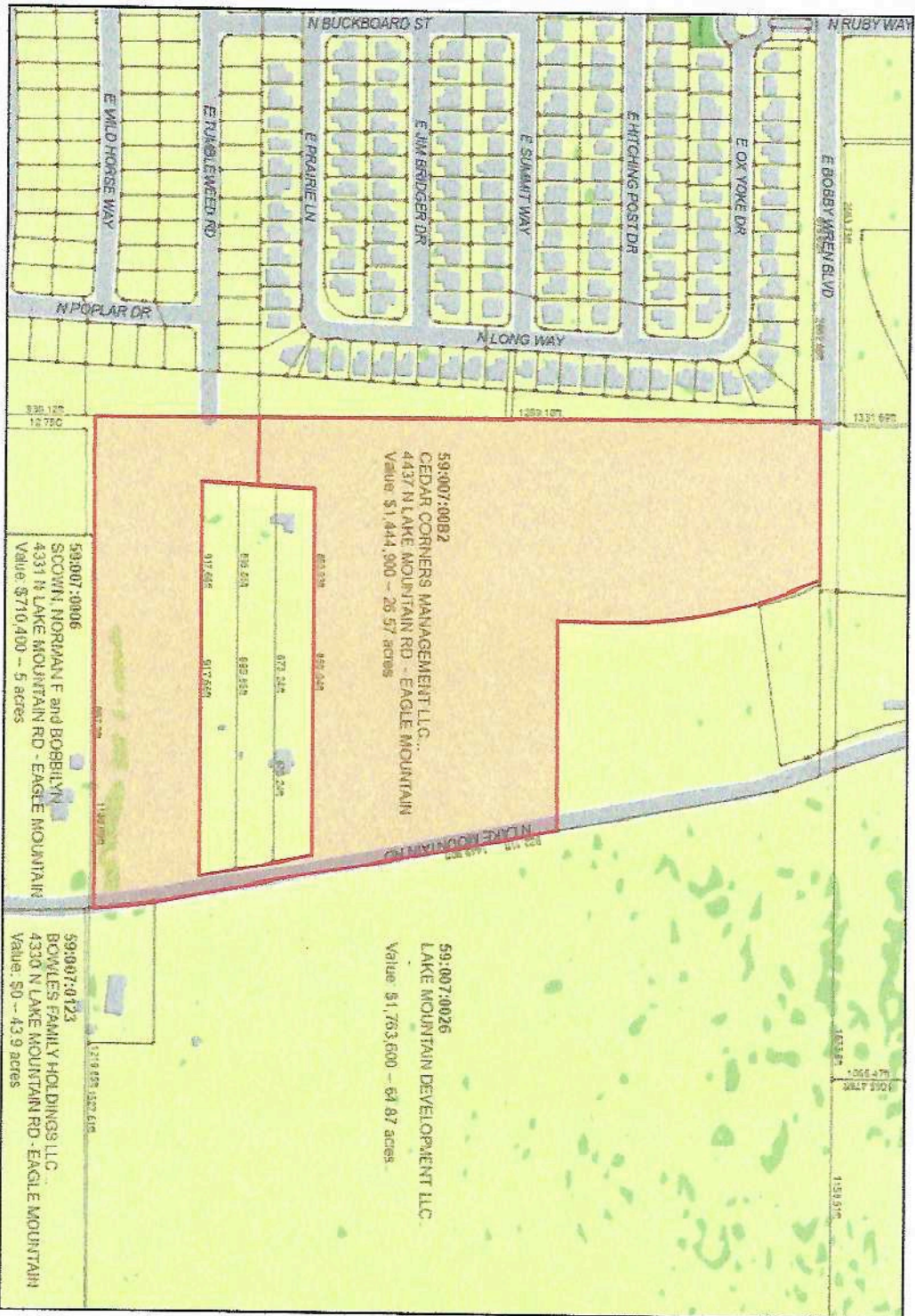
59:044:0187
BRMK CEDAR CORNERS LLC...
Value: \$0 -- 31.36 acres

59:007:0117
RSC PARTNERS LLC...
Value: \$772,600 -- 14.2 acres

59:007:0026
LAKE MOUNTAIN DEVELOPMENT LLC...
Value: \$1,763,600 -- 64.87 acres

59:007:0123
BOWLES FAMILY HOLDINGS LLC...
4330 N LAKE MOUNTAIN RD - EAGLE MOUNTAIN
Value: \$0 -- 43.9 acres





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.





CONCEPT PLAN APPLICATION

(801) 789-6642 • 1650 E STAGECOACH RUN, EAGLE MOUNTAIN, UT 84005 • WWW.EAGLEMOUNTAINCITY.COM

PROJECT INFORMATION		UPDATED: 10/2012
Official Project Name: <u>Citadel Storage - Eagle Mountain</u>		
Zone: _____ Surrounding Land Uses: <u>Residential</u>		
Number of Lots or ERU: _____ Total Acreage of the Subject Property: _____		
General Location of the Property: <u>Lake Mtn Rd - Pebble Way & Bobby Wren Blvd.</u> <u>Eagle Mountain, Utah</u>		
AUTHORIZED AGENT INFORMATION		PROPERTY OWNER INFORMATION
Authorized Agent: <u>Ridgepoint Mgmt Group</u> <u>Shauna Billings</u>		Property Owner: <u>Heath Johnston</u> <u>Cedar Corners Mgmt., LLC</u>
Address: <u>947 S. 500 E., Ste 300</u> <u>American Fork, UT 84003</u>		Address: <u>947 S. 500 E. Ste 300</u> <u>American Fork, UT 84003</u>
Phone: <u>801-764-9000</u> Cell: <u>801-427-7211</u>		Phone: <u>801-764-9000</u> Cell: <u>801-764-9191</u>
E-mail: <u>Shauna@ridgepointmg.com</u>		E-mail: <u>Heath@ridgepointmg.com</u>

****IMPORTANT:** Incomplete applications will not be accepted. In order for an application to be deemed complete, all required materials must be submitted with the application. If any required materials are not applicable to your submittal, you must submit a letter for each required item stating the reason why it is not applicable to your application.**

SUBMITTAL REQUIREMENTS		
2 large (24" x 36") paper copies of all plans. 1 electronic copy of all plans is required to be submitted on CD in PDF & CAD (.dwg or .dxf) file format. Please ensure there is only one PDF electronic file for each type of plan; do not separate the individual pages within a set of plans. Please label accordingly. 1 electronic copy of all other required materials is also required to be submitted on CD in PDF format (or any other applicable format). Correctly label these files.		
FOR OFFICE USE ONLY		
Date: _____	Application & fee received by: _____	Application Complete? ☐ Yes ☐ No If not complete, what is missing: _____
For a plan containing 40 lots or less: Base Fee \$300.00		☐ Check ☐ Charge ☐ Cash Amount Paid: _____ Receipt Number: _____ File Number: _____
For a plan containing over 40 lots: Base Fee \$300.00 + Number of ERU _____ x \$5.00 = _____		
Condominium projects: Base Fee \$650.00 + Number of ERU _____ x \$10.00 = _____		
Land Use Concept Plan: Base Fee \$250.00		
To Present the Concept Plan before the Planning Commission: Additional Fee of \$250.00		

Please see Applicant Certification on the following page.

APPLICANT CERTIFICATION: I certify under penalty of perjury that this application and all information submitted as part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Eagle Mountain City may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Eagle Mountain Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I acknowledge that I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this ordinance. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: _____ Date: _____

Documents to attach to application:

- Concept Plan Application Requirements/Checklist

Please mark whether you want your concept plan to be reviewed only by City Staff or by both City Staff and the Planning Commission:

☐

City Staff Only

☐

City Staff and
Planning Commission

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](#)

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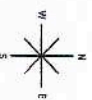
Utah County Parcel Map

590070104

1 inch equals 752.3 feet

Date: 6/2/2023

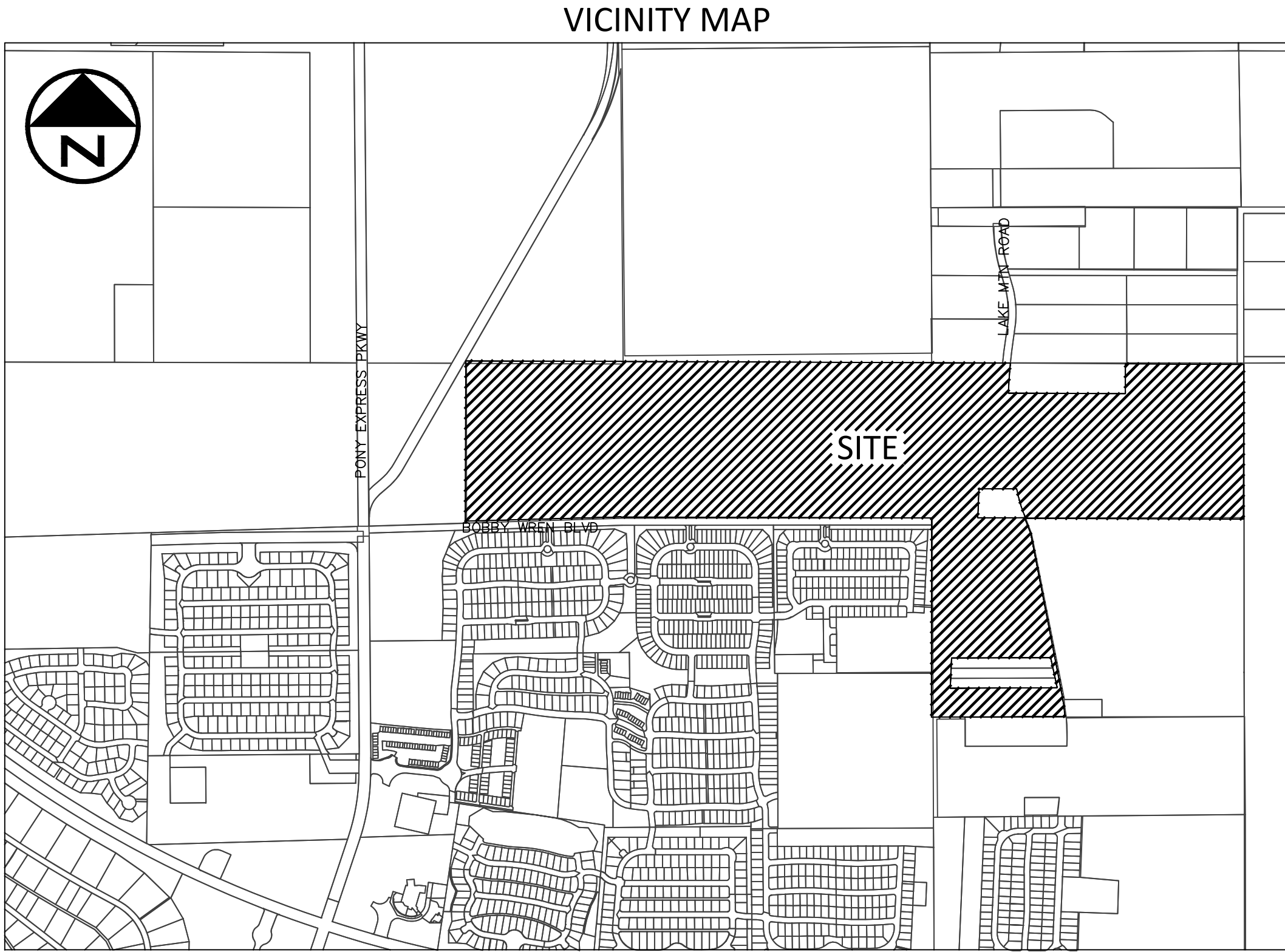
This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.



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

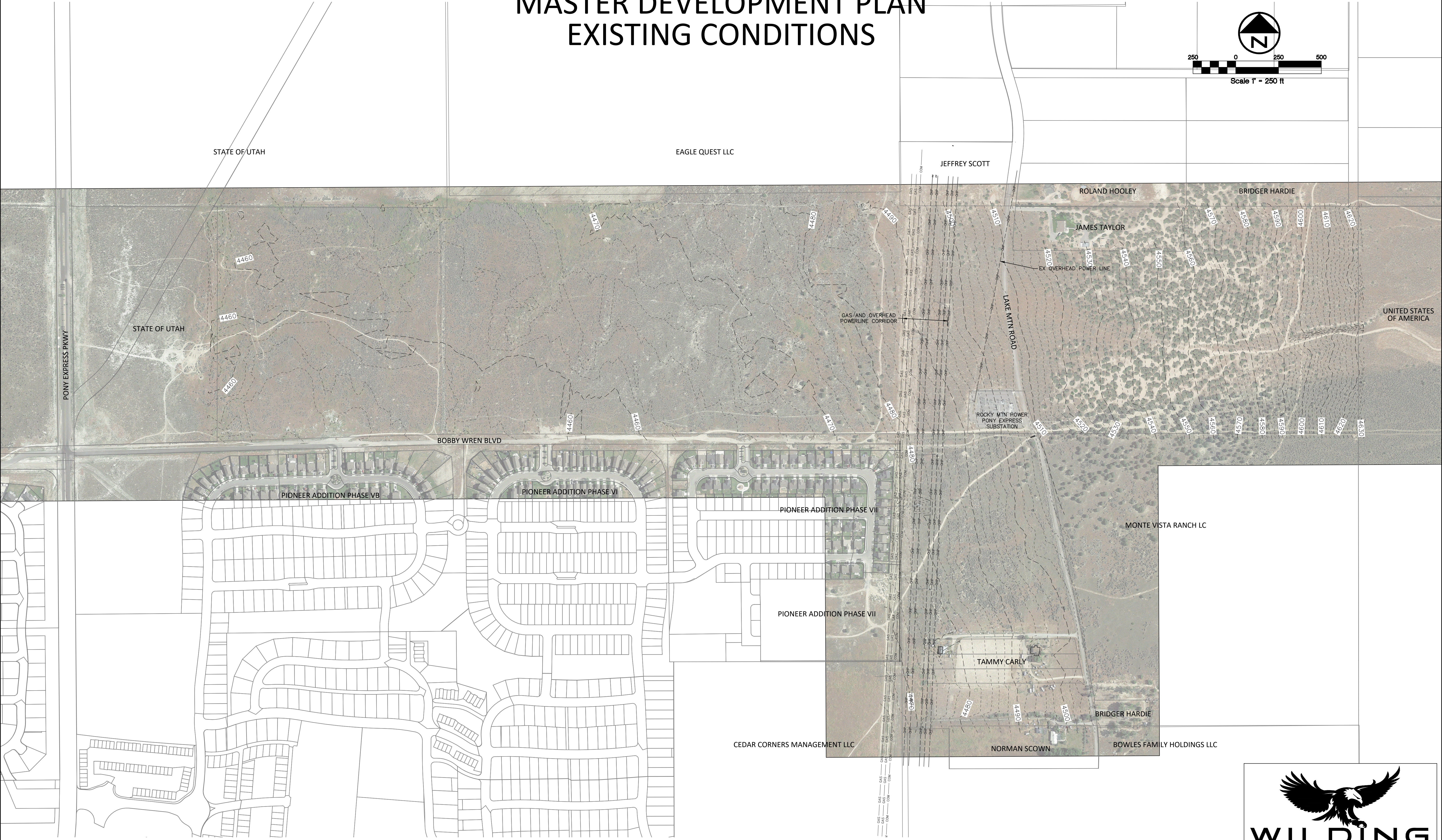
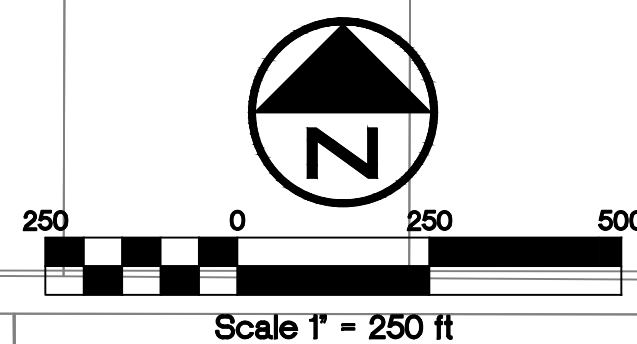
EXAMPLE CONDOMINIUM UNITS



SUNSET FLATS

MASTER DEVELOPMENT PLAN

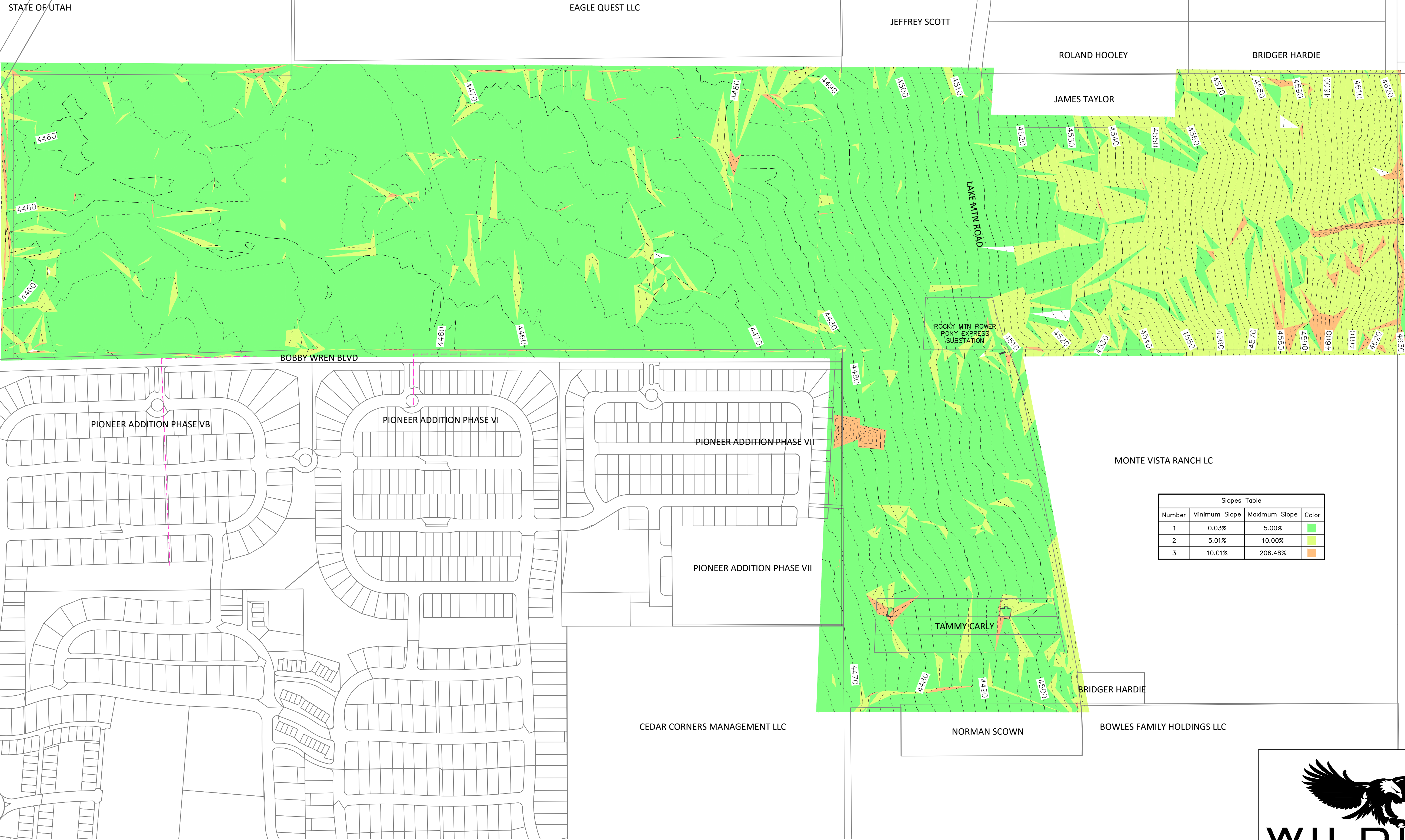
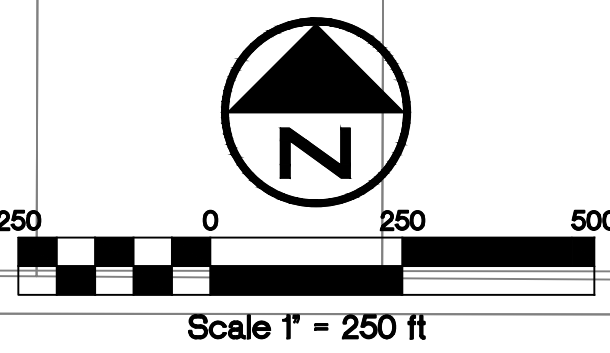
EXISTING CONDITIONS



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

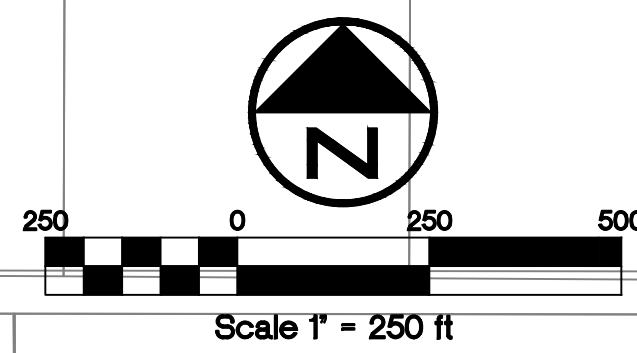
WILDING
ENGINEERING

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

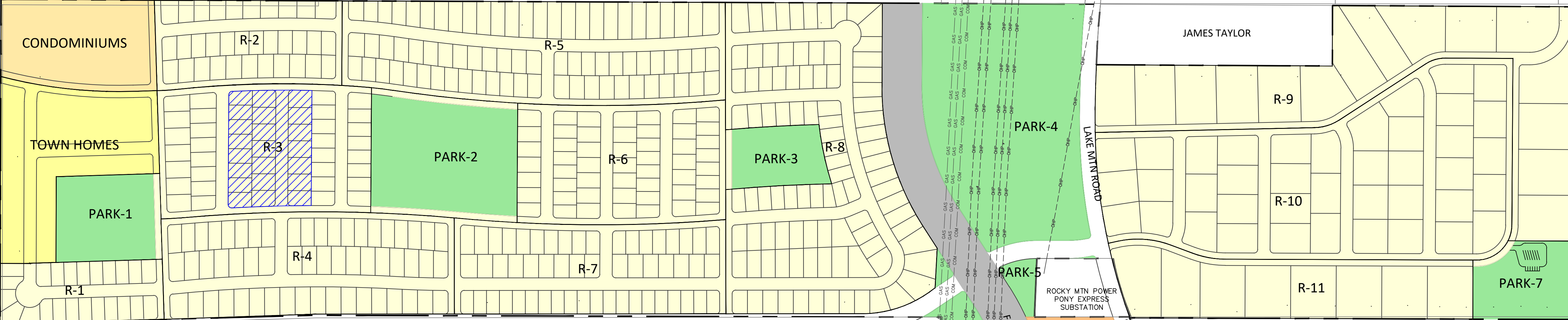
JAMES TAYLOR

UNITED STATES OF AMERICA

STATE OF UTAH

CONNECTION TO HIGH SCHOOL ROAD

PONY EXPRESS PKWY



BOBBY WREN BLVD

COMMERCIAL STORAGE

MONTE VISTA RANCH LC

TAMMY CARLY

BRIDGER HARDIE

NORMAN SCOWN

CEDAR CORNERS MANAGEMENT LLC

BOWLES FAMILY HOLDINGS LLC

- LEGEND**
- SINGLE FAMILY RESIDENTIAL
 - CONDOMINIUMS
 - TOWN HOMES
 - OPEN SPACE
 - COMMERCIAL STORAGE
 - POTENTIAL 4 ACRE CHURCH SITE

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
				74.9%

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%
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Commercial Storage	5.23
Total	5.23

WILDING
ENGINEERING

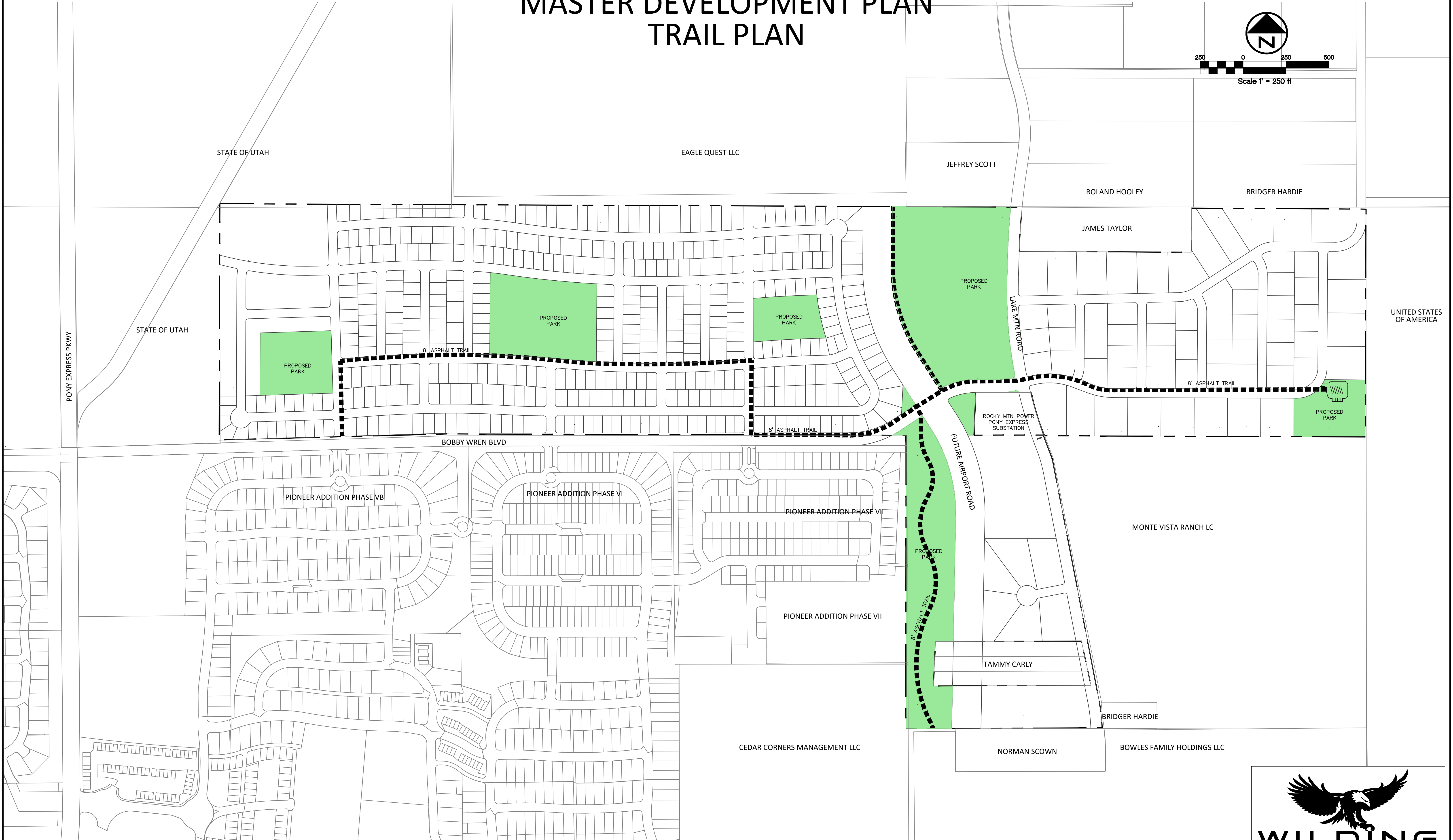
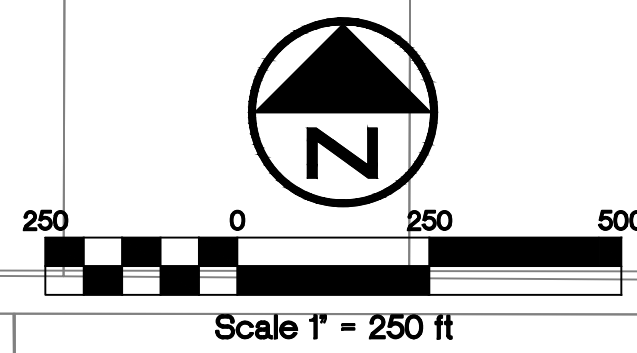
14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

GENERAL NOTES:
1. ALL LOTS MEET THE 55' MINIMUM FRONTAGE REQUIREMENT, WITH OVER 20% OF THE LOTS HAVING 60'+ OF FRONTAGE.

SUNSET FLATS

MASTER DEVELOPMENT PLAN

TRAIL PLAN



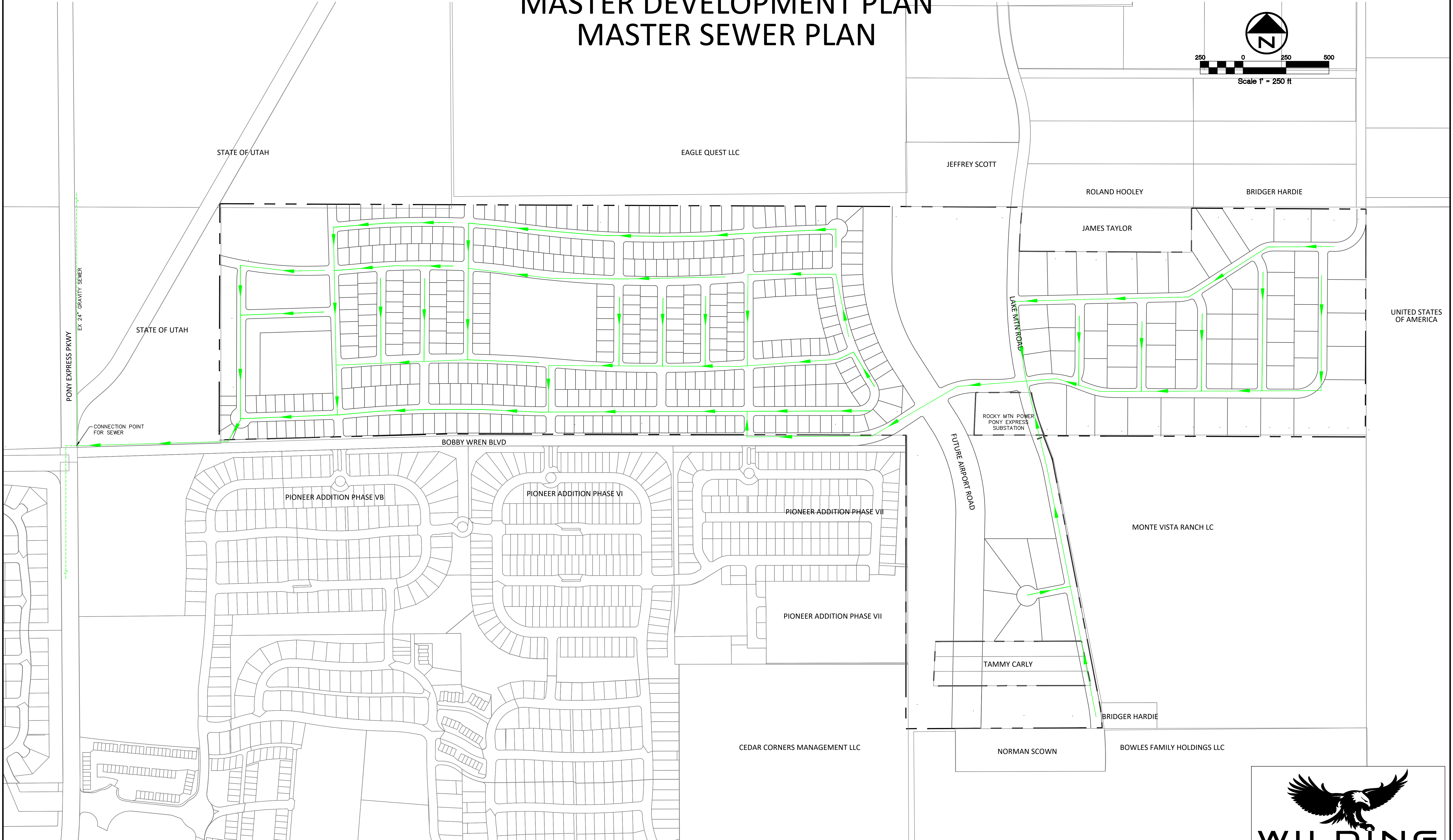
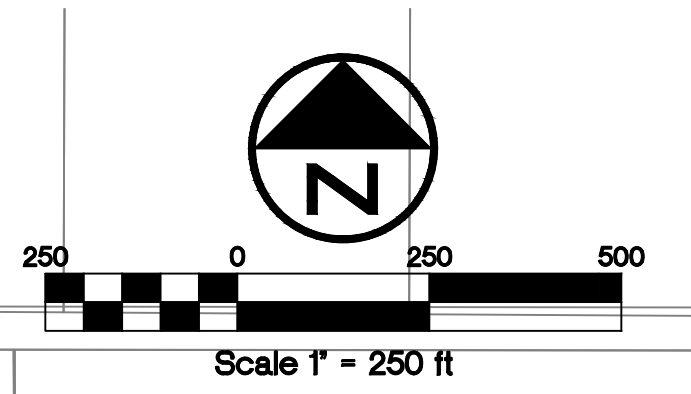
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SUNSET FLATS

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.

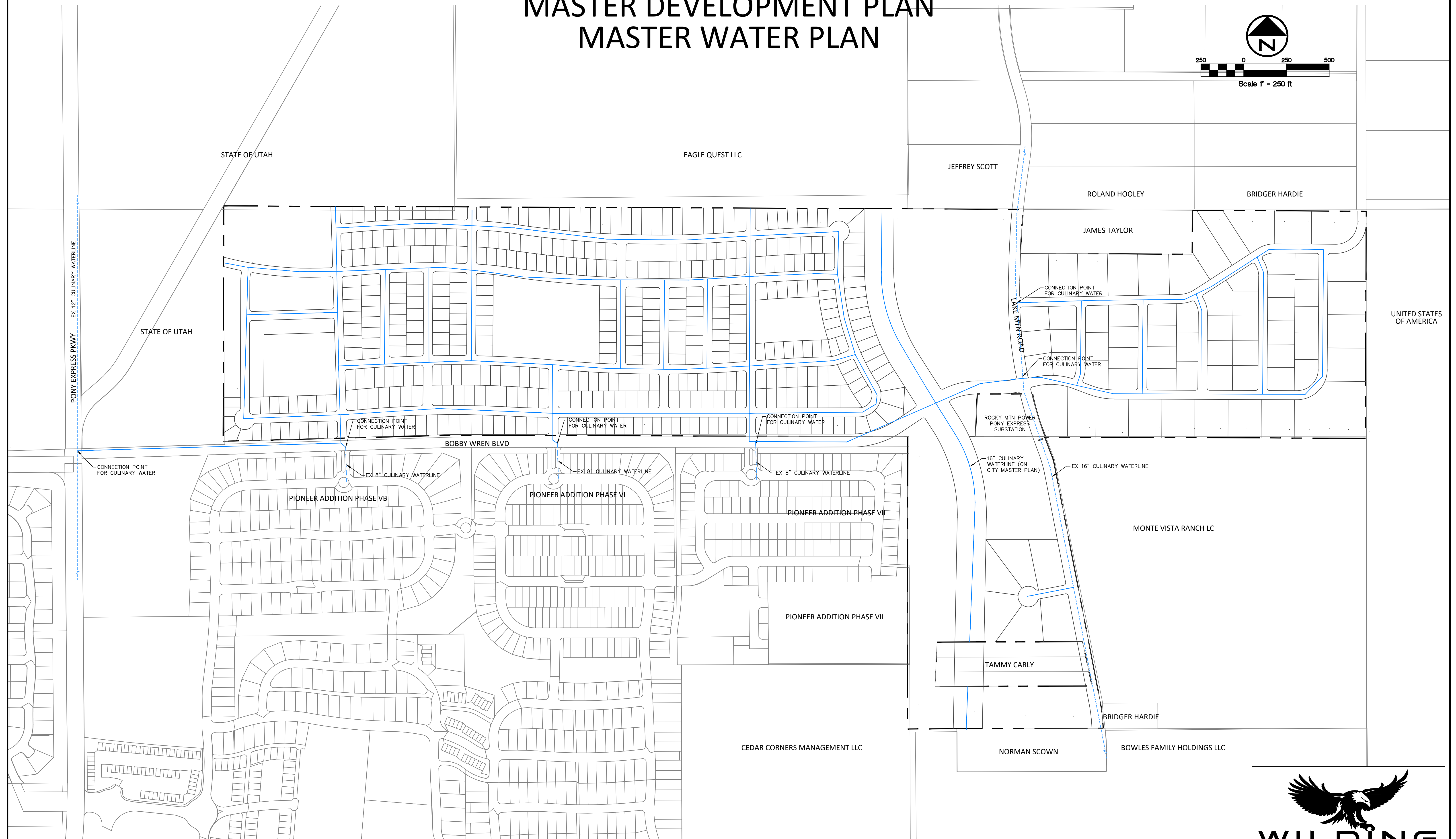
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SUNSET FLATS

MASTER DEVELOPMENT PLAN

MASTER WATER PLAN



NOTES:

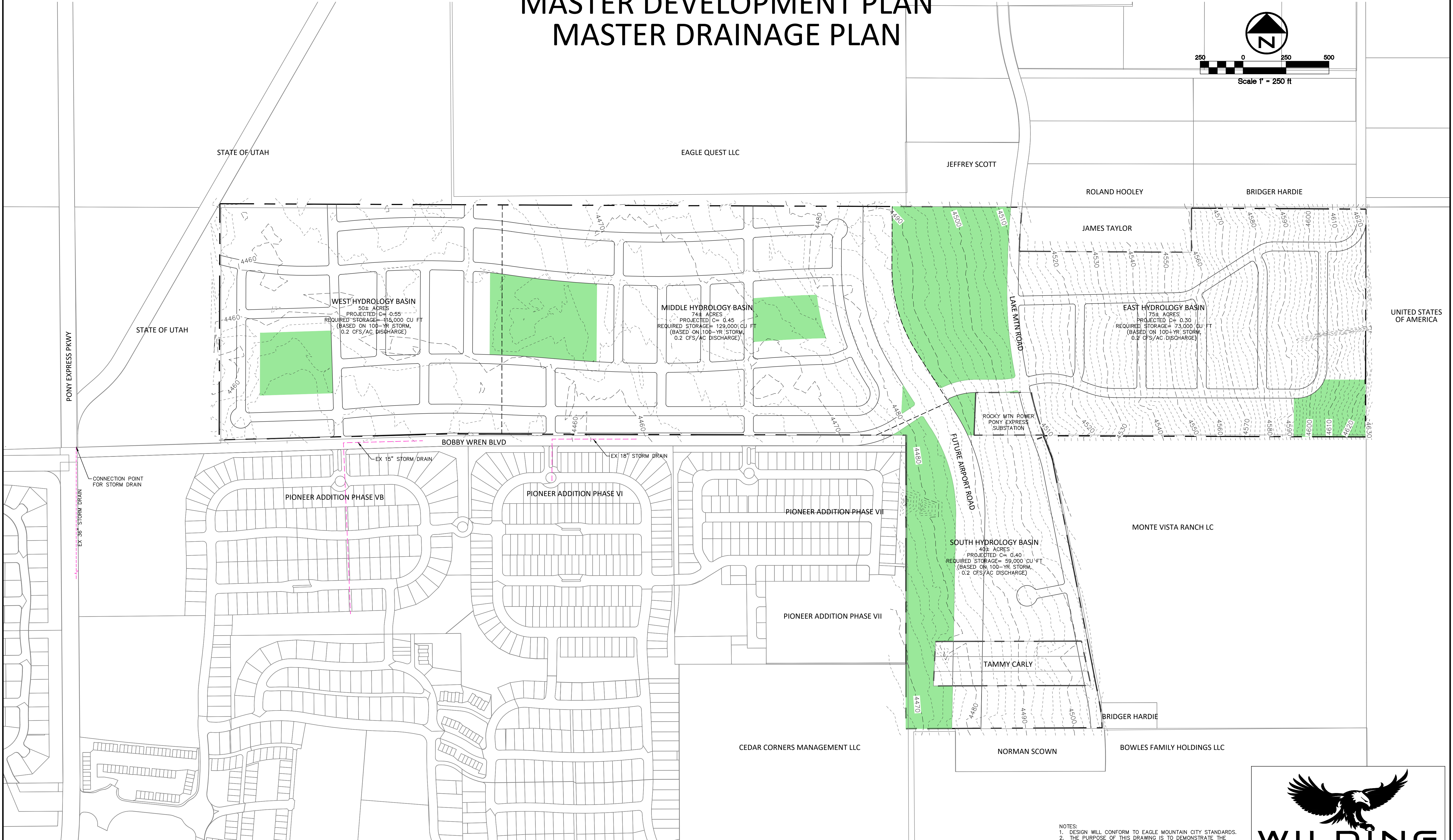
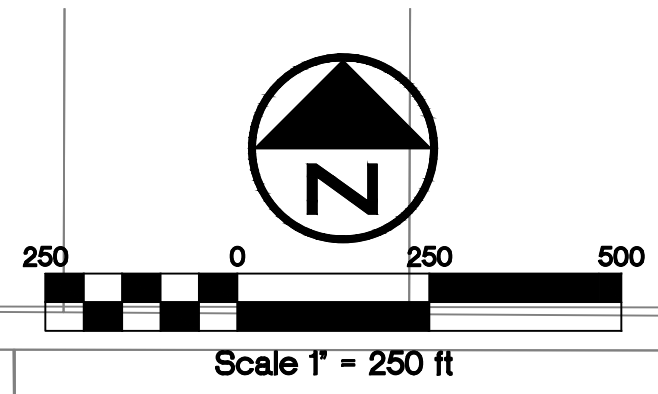
1. DESIGN WILL CONFORM TO EAGLE MOUNTAIN CITY STANDARDS.
2. EXCEPT FOR THE MASTER PLANNED 16" CULINARY LINE IN THE FUTURE AIRPORT ROAD, THE PROPOSED WATERLINE SIZING FOR THE PROJECT SHALL BE DETERMINED VIA WATER MODELING, BUT SHALL NOT BE LESS THAN 8" DIAMETER.
3. PER EAGLE MOUNTAIN CITY ENGINEER, THE ENTIRE PROJECT WILL BE WITHIN THE SAME PRESSURE ZONE.



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



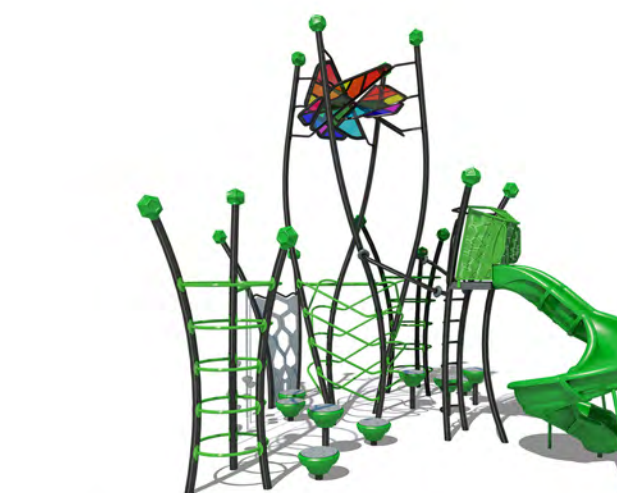
UNSTRUCTURED FREE PLAY



BOARDWALK PLATFORMS & BIOSWALE PLANTINGS



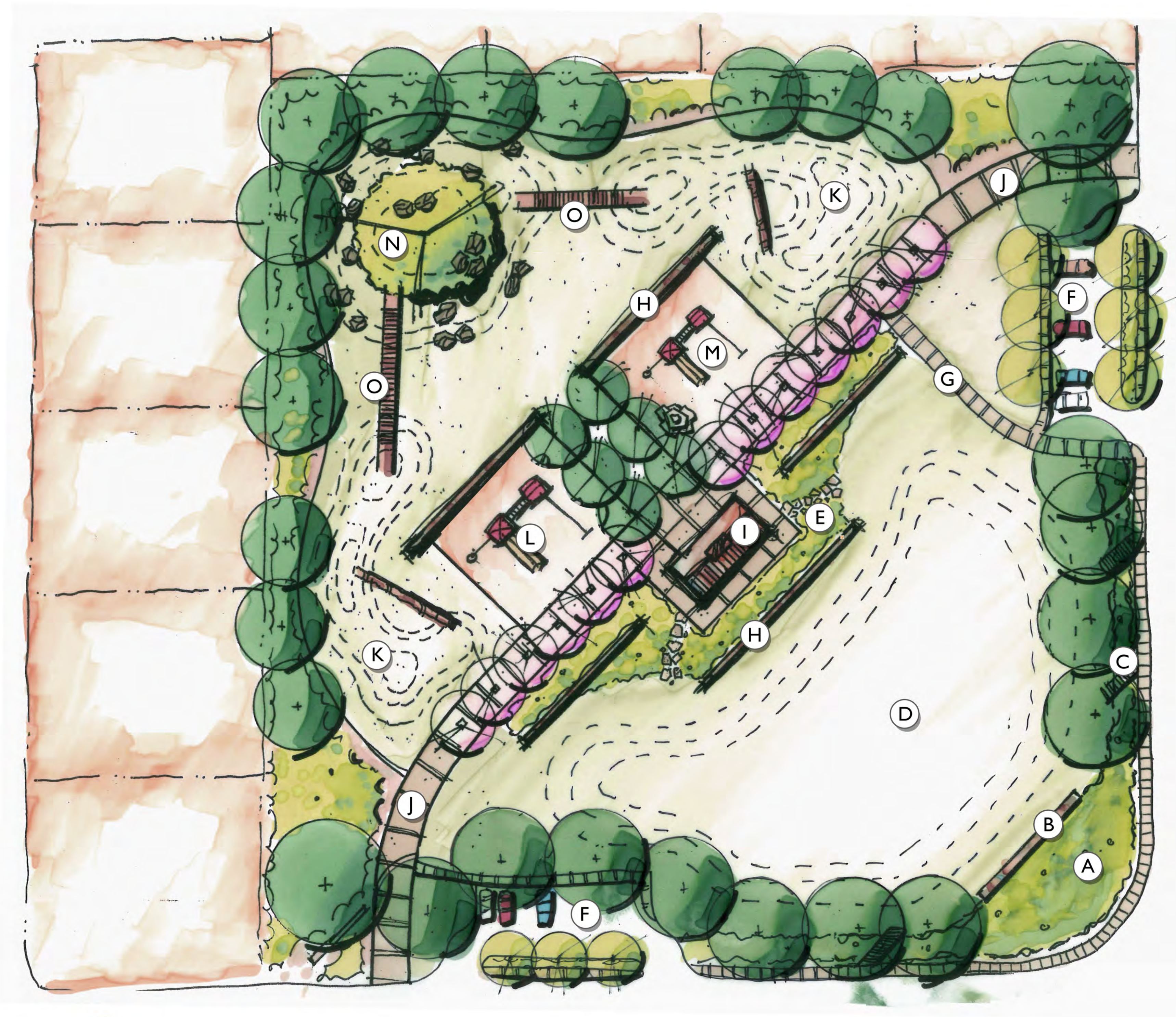
STRUCTURED PLAY - TOT LOT



STRUCTURED PLAY - 6-12 YEAR OLDS

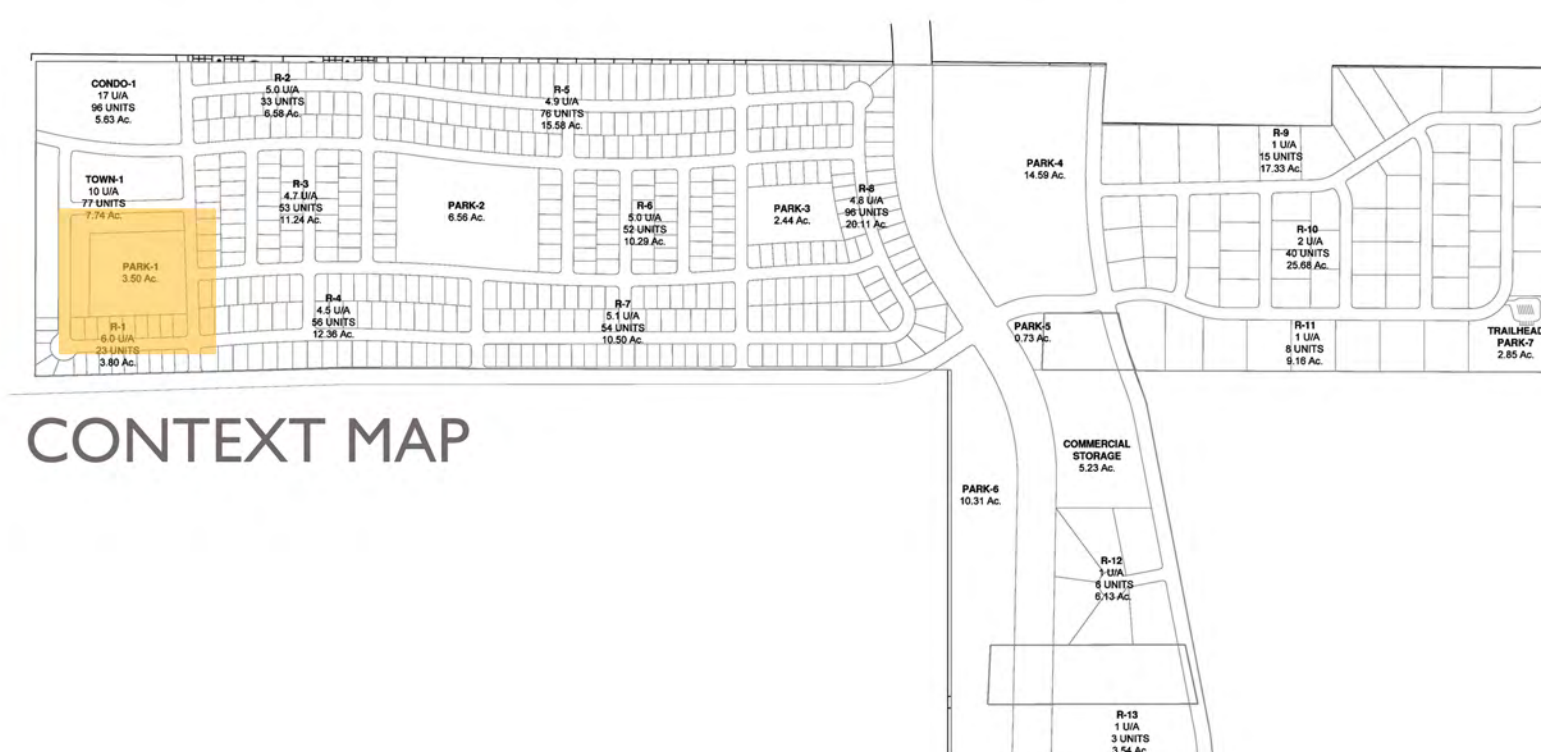


PARK PAVILION: RUSTIC THEME



NORTH

SCALE: 1" = 30' on 24"x36" Sheet



CONTEXT MAP



FLAGSTONE VENEER WALLS & COLUMNS



SUBTLE LAWN BERMS



SPLIT RAIL FENCE

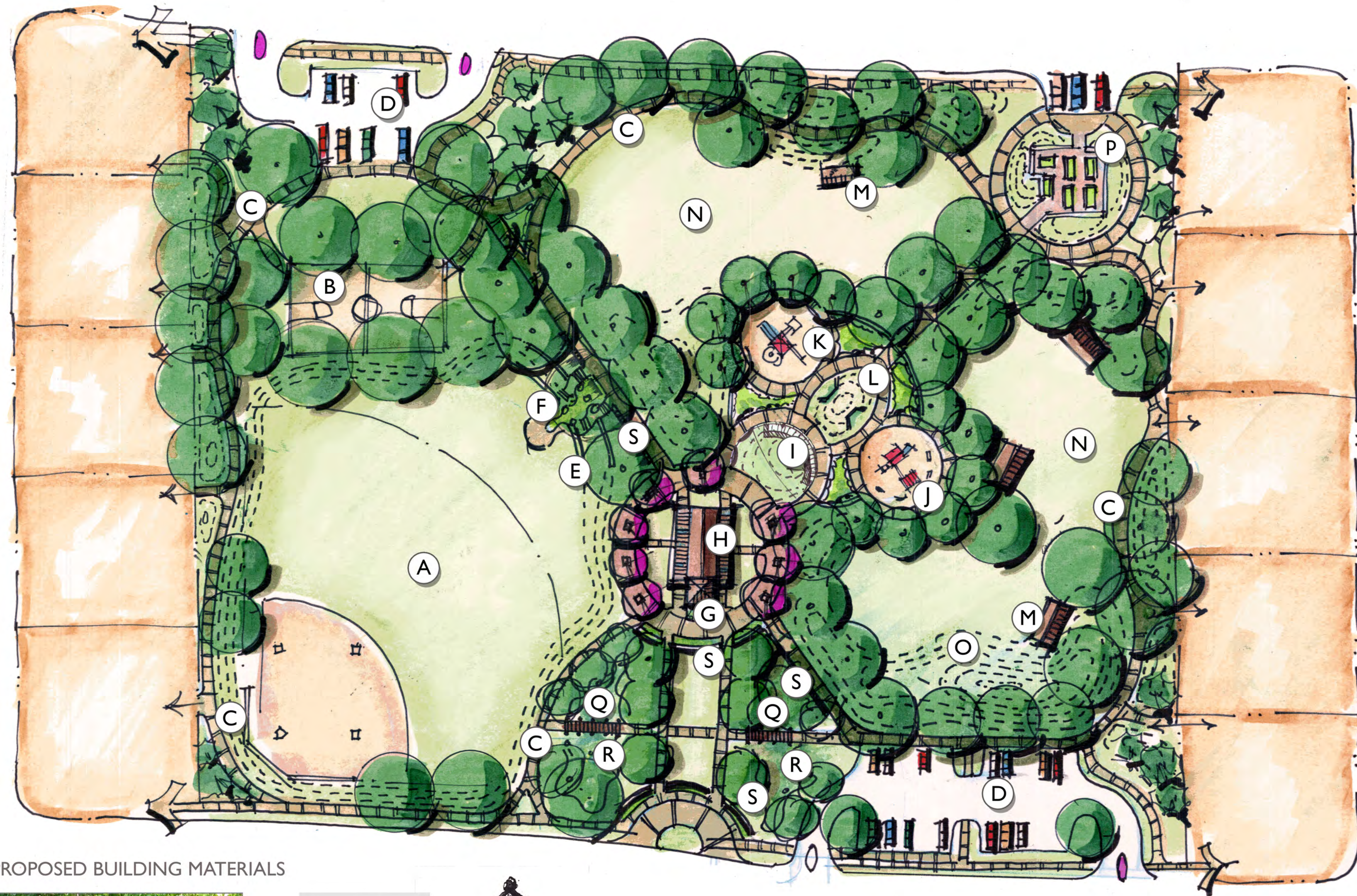
PROPOSED BUILDING MATERIALS



CREATIVE PLAY (TERRA PARK: BOULDERS, WALLS, BOARDWALK)

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



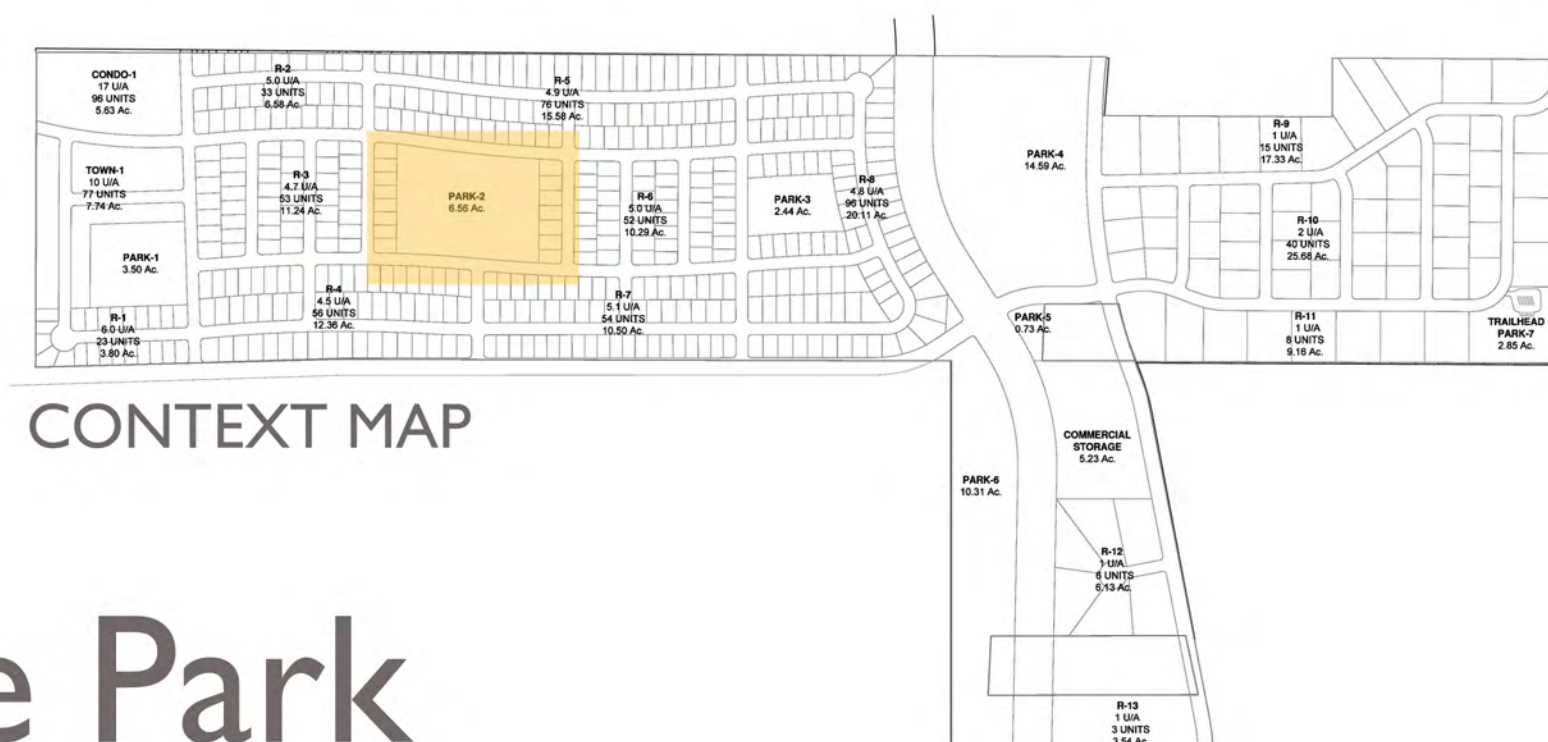
LANDMARK CONCEPTS
- STONE OBELISK
- CLOCK TOWER
- WATER SILO
- SCULPTURES



ACTIVE SPORTS: SOCCER FIELD AND BASKETBALL COURT



SCALE: 1" = 40'
on 24"x36" Sheet



CONTEXT MAP



BOARDWALK PLATFORMS & BIOSWALE PLANTINGS



PLAYGROUND CONCEPT A - WHIMSICAL / ARTISTIC THEME



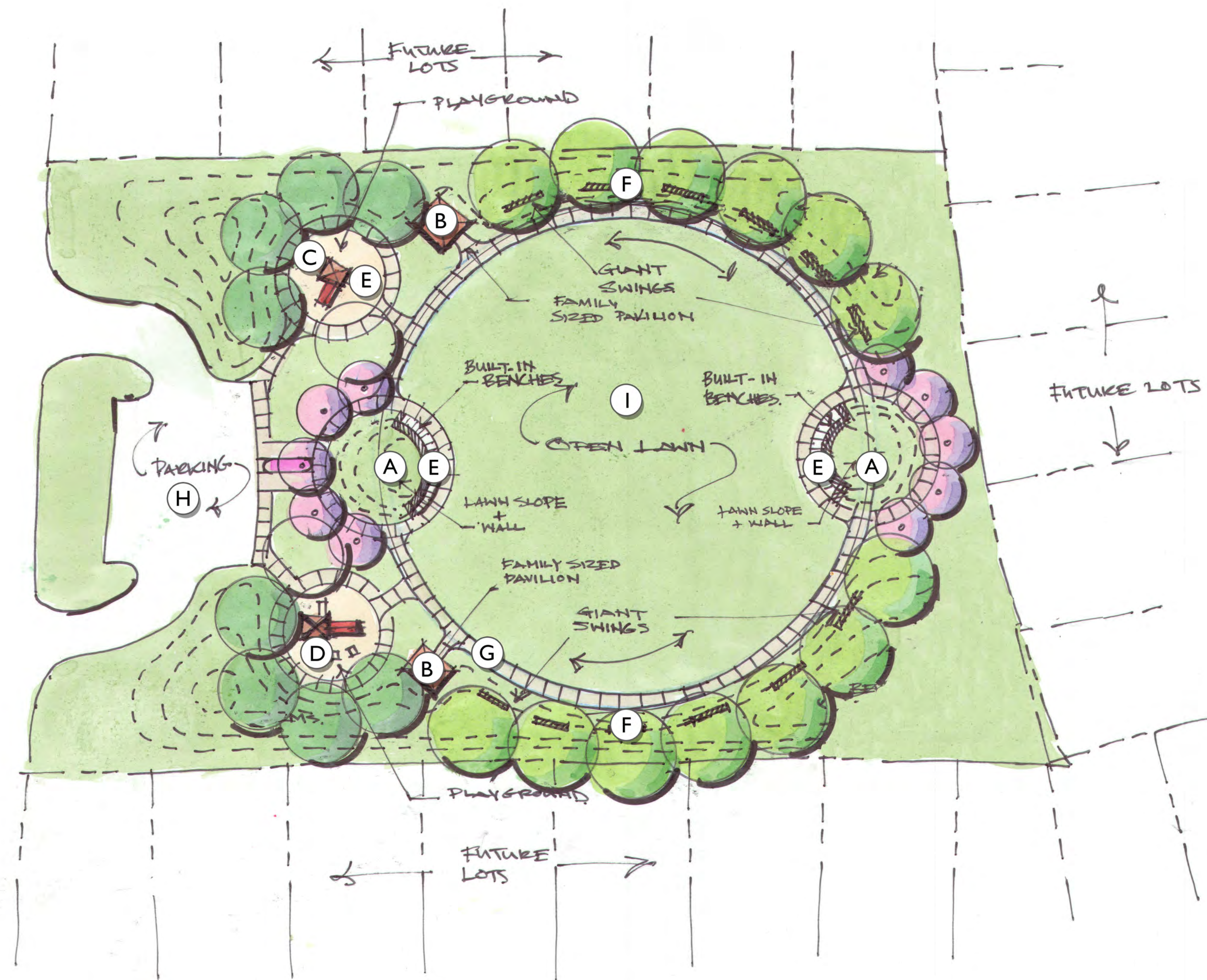
PLAYGROUND CONCEPT C - OVERSIZED NATURE / INSECT THEME



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



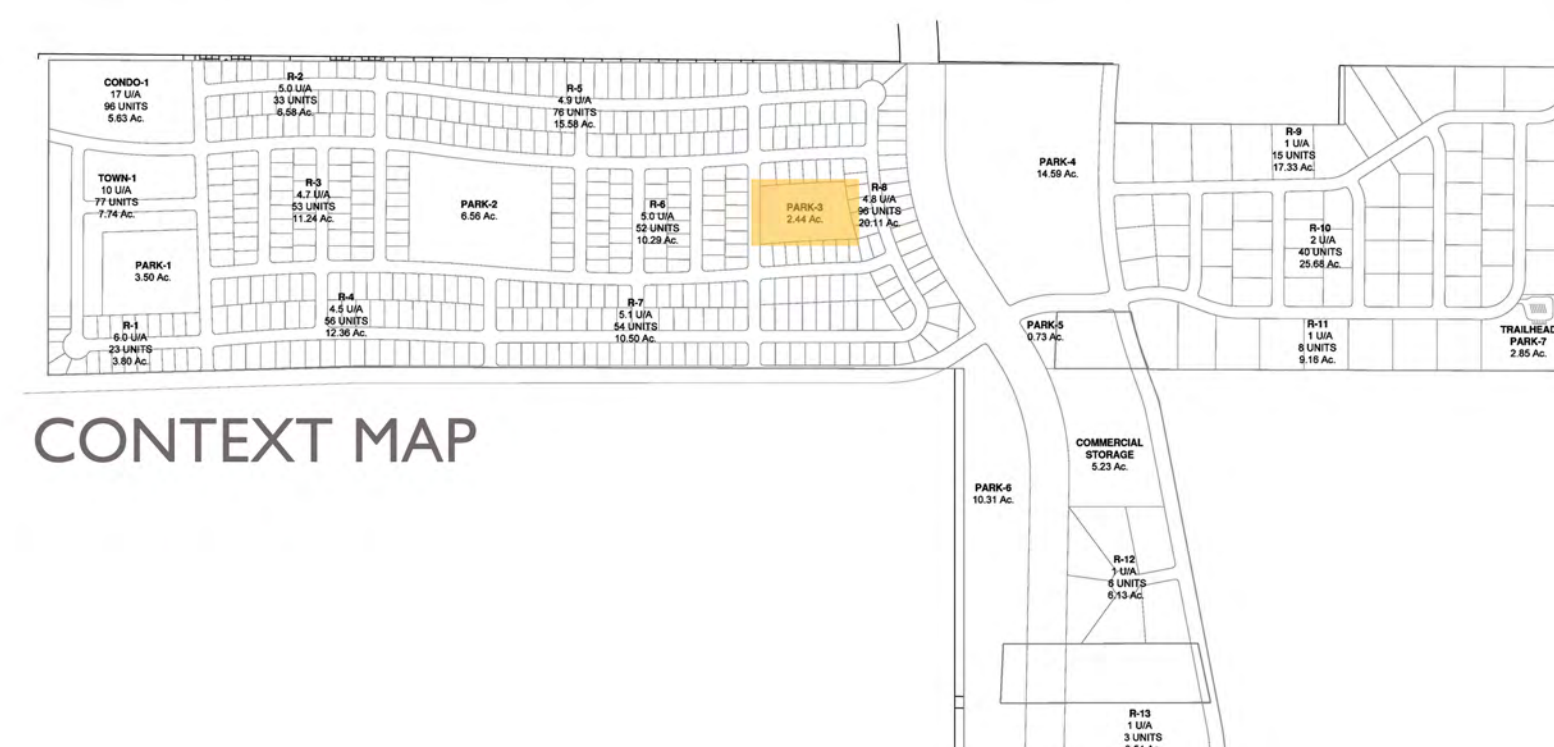
PLAYGROUND 6-12 YEAR OLDS



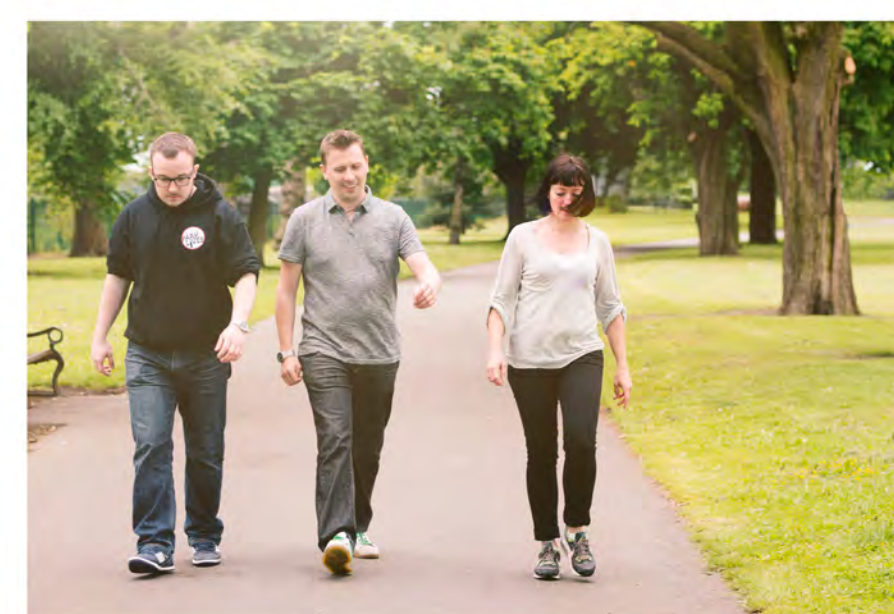
PLAYGROUND 2-6 YEAR OLDS



LAWN BERM CUT WITH RETAINING WALL



CONTEXT MAP



WALKING PATH

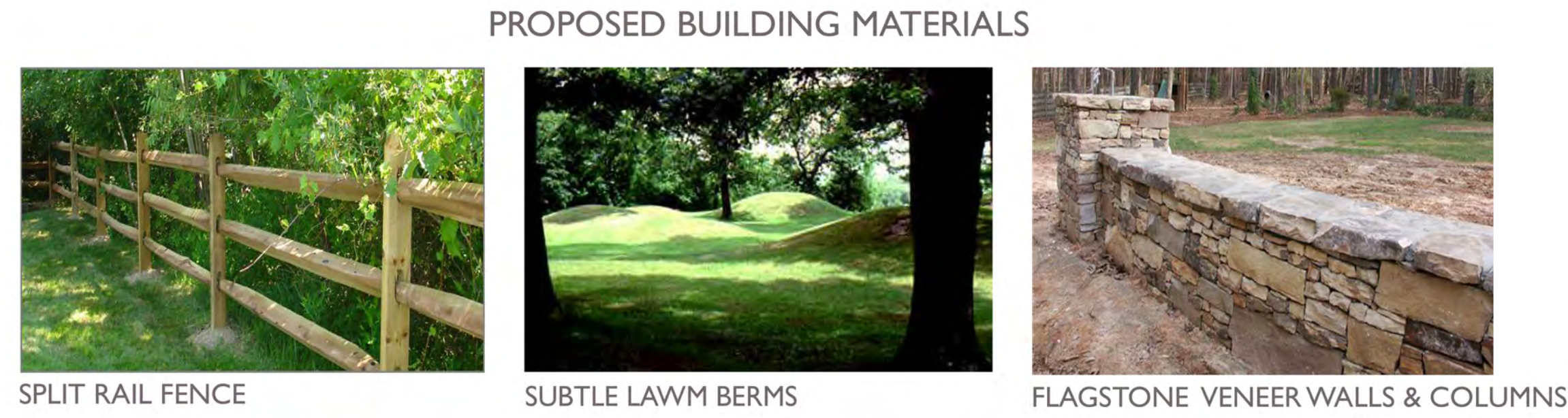


TALL SWINGS



SMALL RUSTIC PAVILION

4 12.20 Acre Park



ACTIVE RECREATION OPPORTUNITIES (OPEN LAWN AREAS) - ISBEE, VOLLEYBALL, ETC.



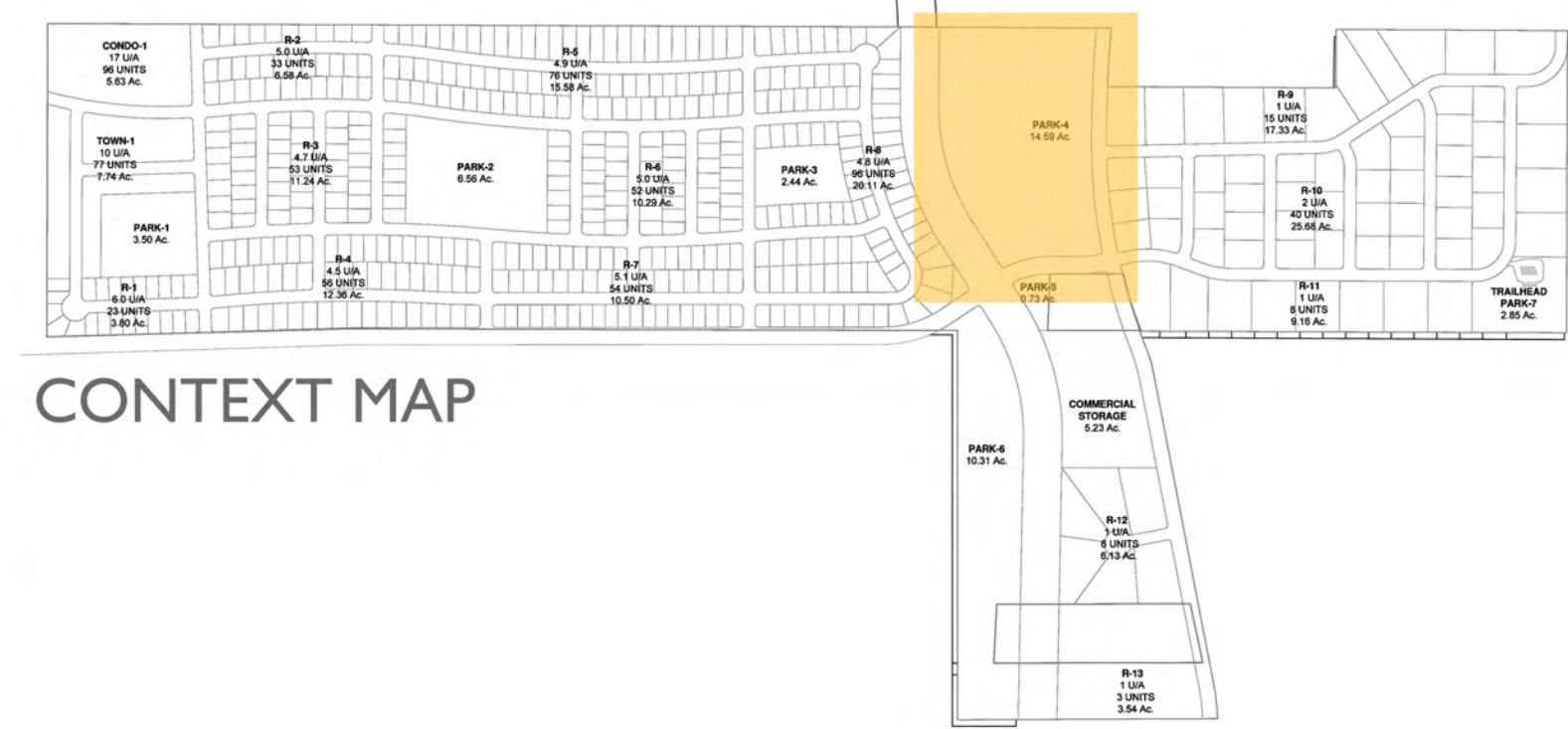
PASSIVE RECREATION OPPORTUNITIES (OPEN LAWN AREAS) - READING, YOGA, DOG PARK, ETC.



ACTIVE RECREATION OPPORTUNITIES - TENNIS, PICKLEBALL, PLAYGROUND, BOCCE BALL

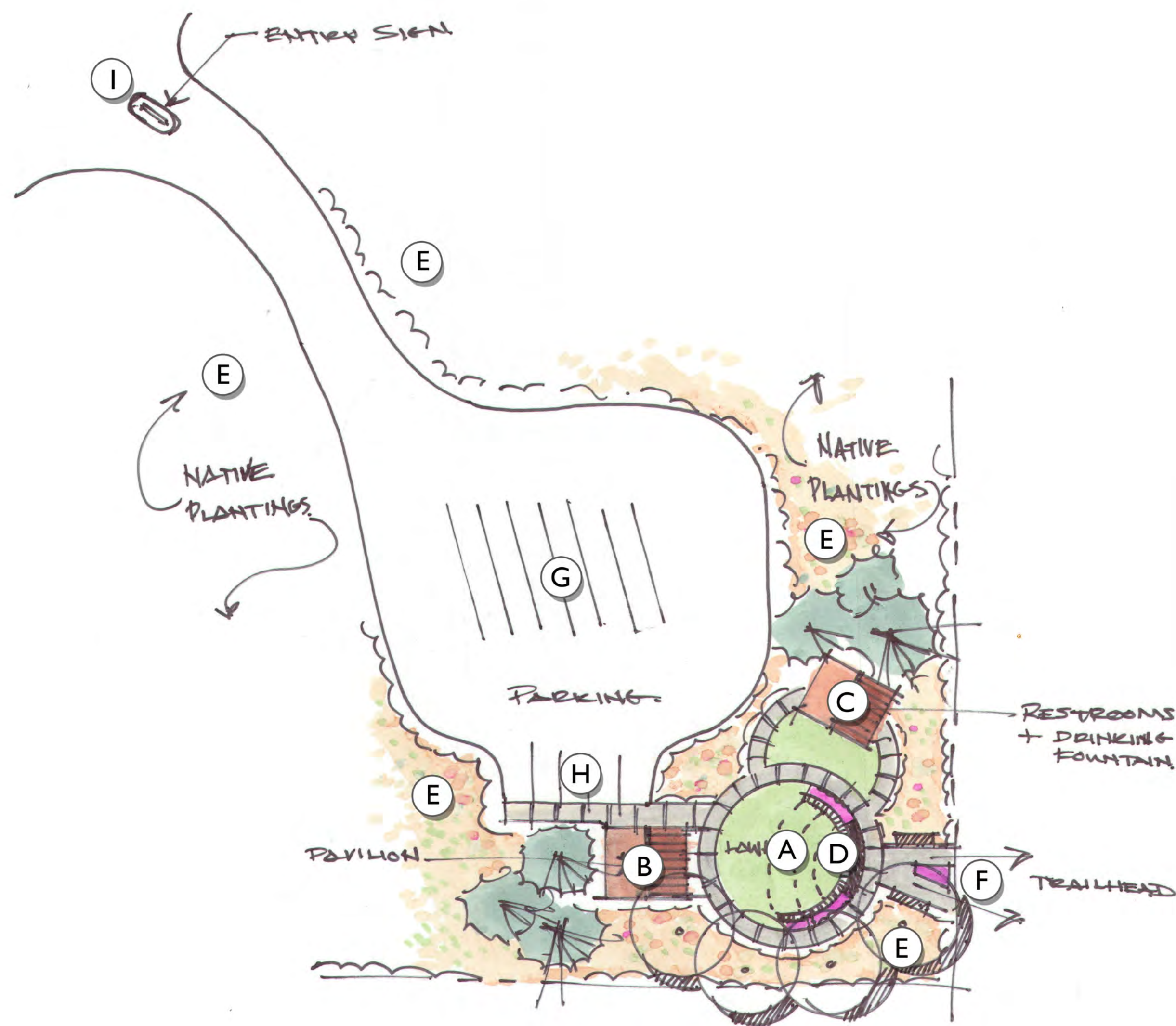


- PARK PROGRAM KEY**
- A GRASS DETENTION BASIN - 343,094 CF
 - B BIKE / PEDESTRIAN TRAIL - 8' WIDE (CONNECTS TO 3.5, 5.6 & 10 ACRE PARKS)
 - C OPEN LAWN AREAS FOR ACTIVE AND PASSIVE RECREATION
 - D DOG PARK
 - E LANDSCAPE BERMS WITH DROUGHT TOLERANT PLANTINGS
 - F PERVIOUS ACCESS ROAD TO POWER LINES - 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



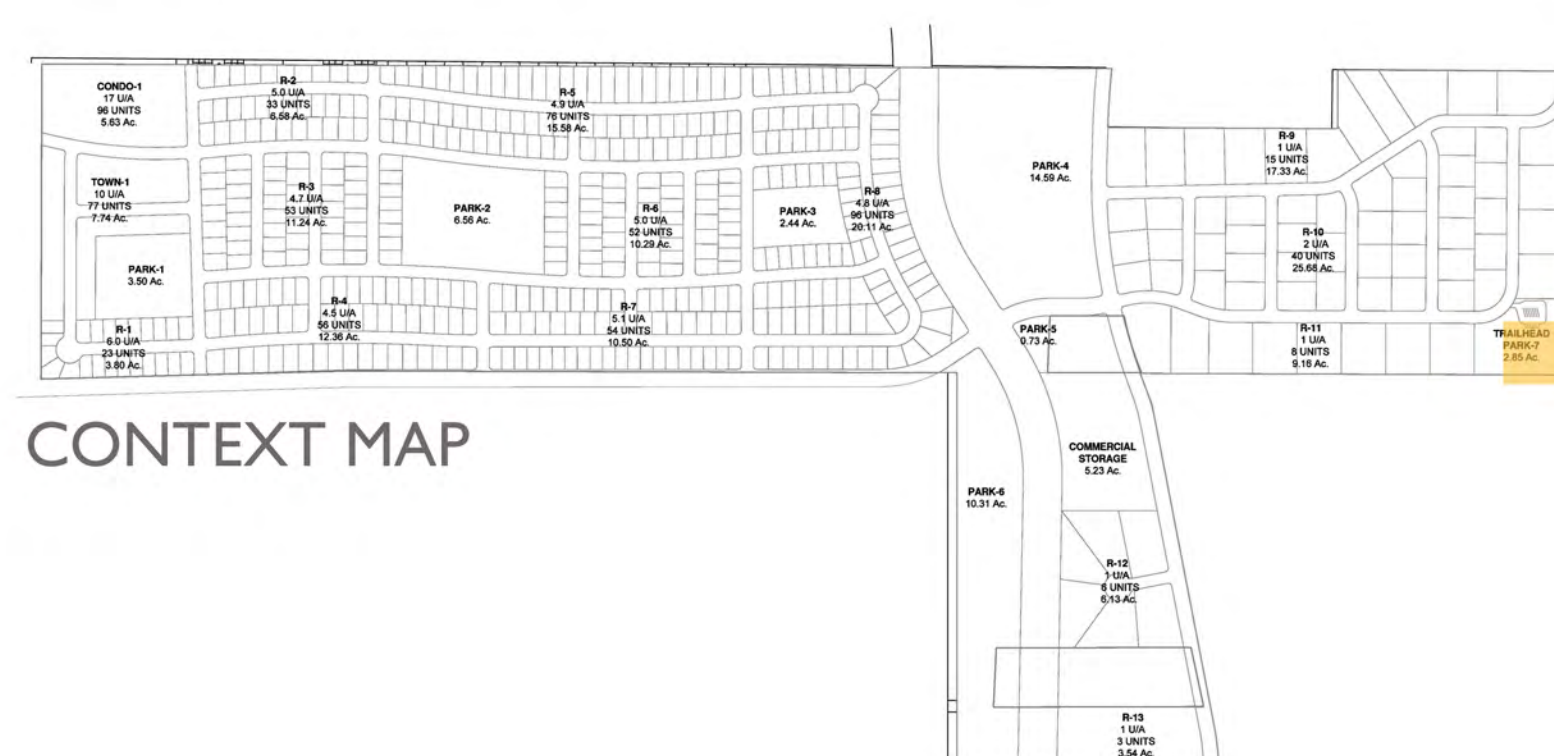
SUNSET FLATS PARK 4 12.2 ACRE

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



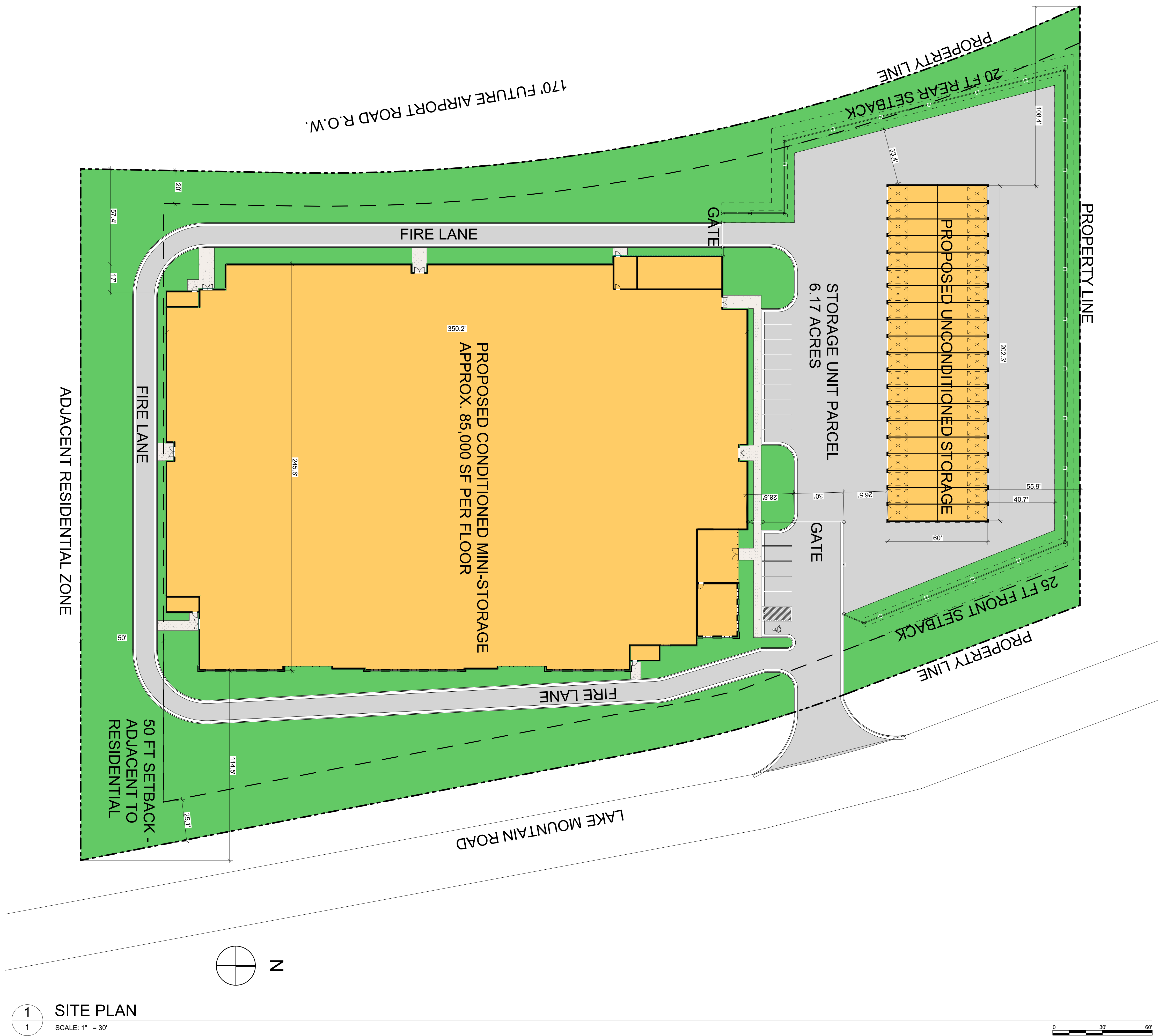
TRAILHEAD

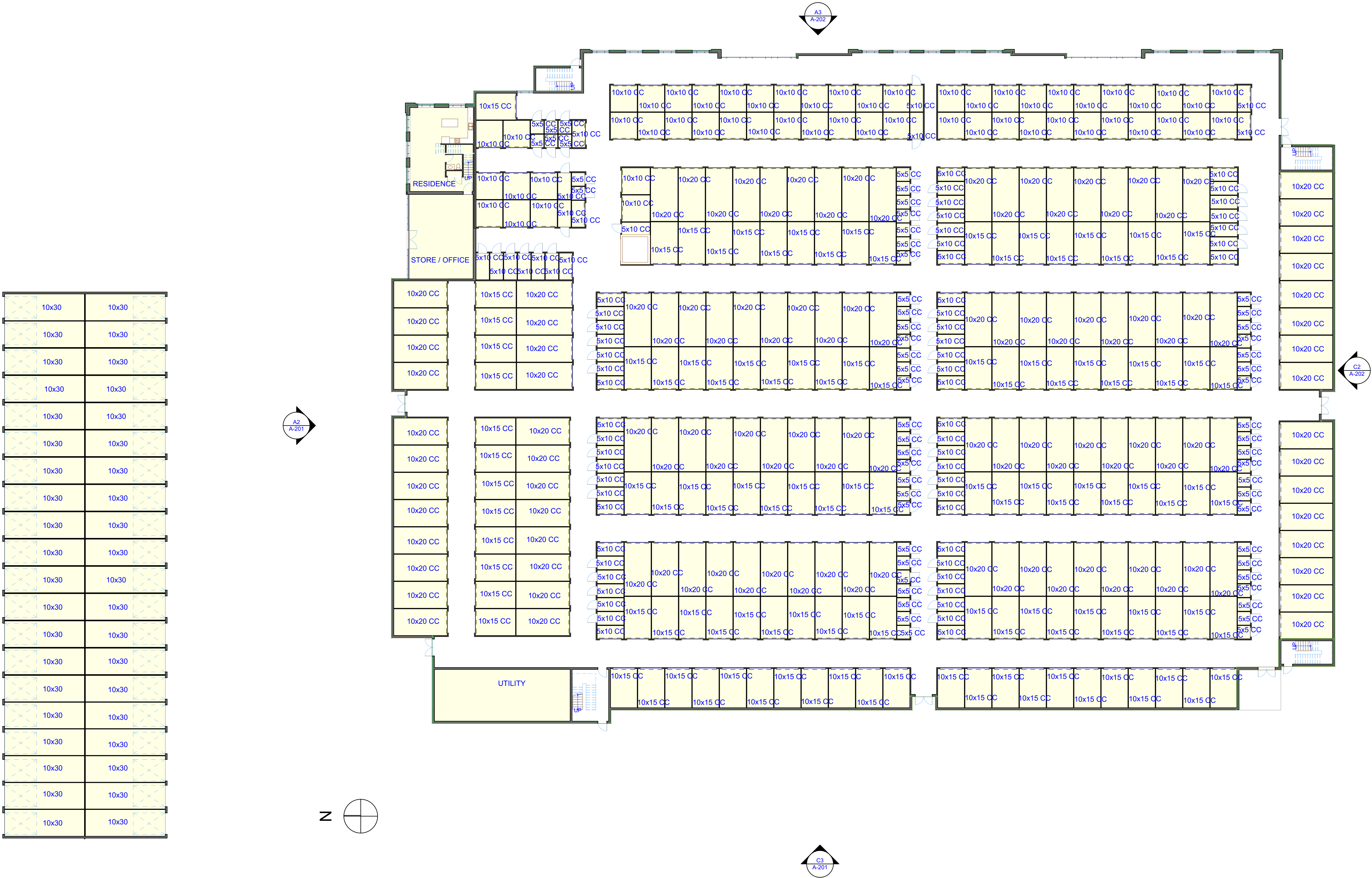


RUSTIC RESTROOMS



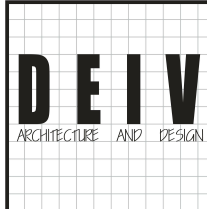
SMALL RUSTIC PAVILION





MAIN LEVEL PROPOSED PLAN

SCALE: 1/16" = 1'-0"

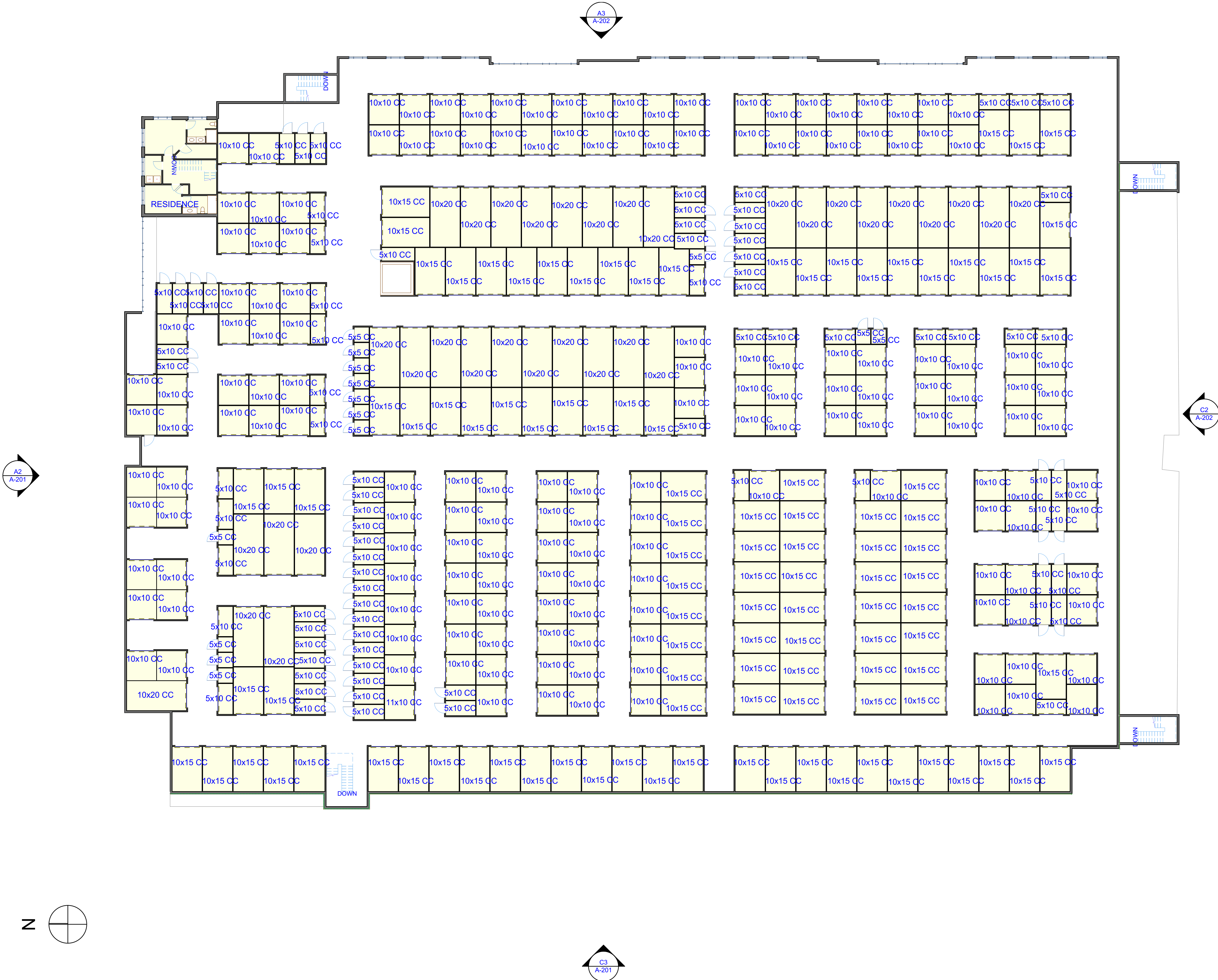


DEIV ARCHITECTURE & DESIGN
1116 W 500 S, #2
WEST BOUNTIFUL, UT 84087

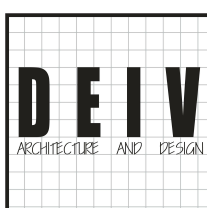
SUNSET FLATS SELF-STORAGE

RIDGEPOINT MANAGEMENT

GROUND FLOOR PLAN
7/14/2017



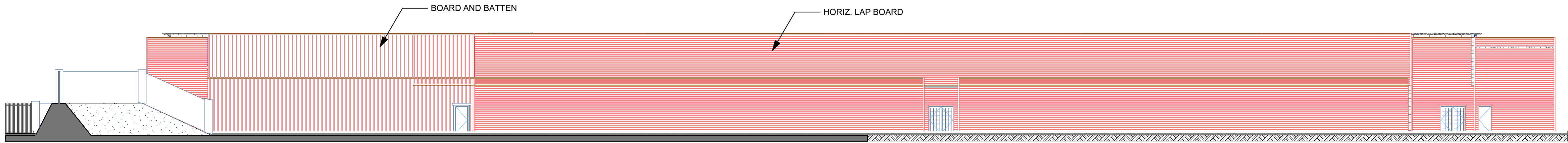
1 PROPOSED 2nd FLOOR PLAN
3 SCALE: 1/16" = 1'-0"



DEIV ARCHITECTURE & DESIGN
1116 W 500 S, #2
WEST BOUNTIFUL, UT 84087

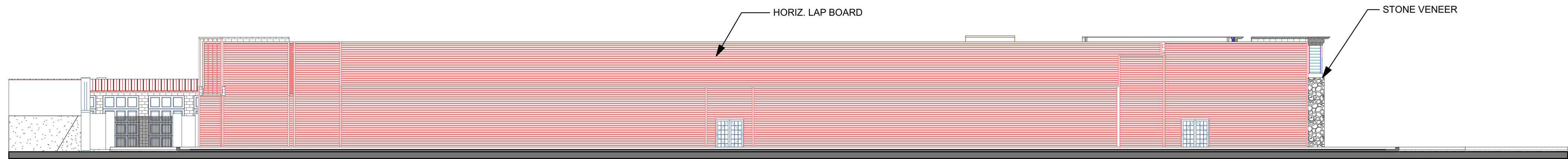
SUNSET FLATS SELF-STORAGE

RIDGEPOINT MANAGEMENT



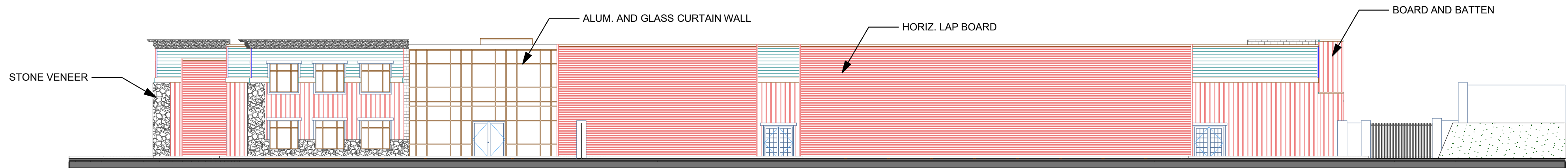
EAST ELEVATION DESIGN UNDER DEVELOPMENT

SCALE: 1/16" = 1'-0"



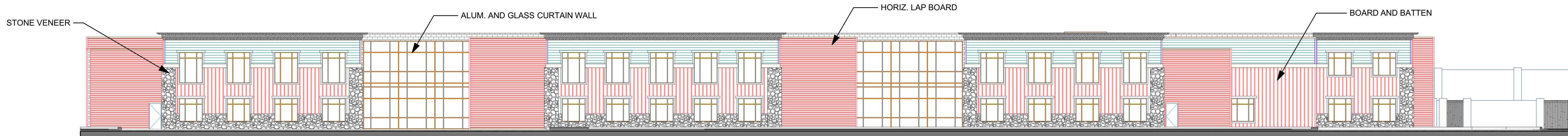
SOUTH ELEVATION DESIGN UNDER DEVELOPMENT

SCALE: 1/16" = 1'-0"



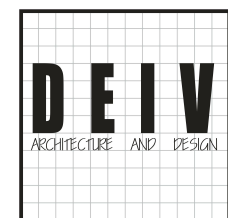
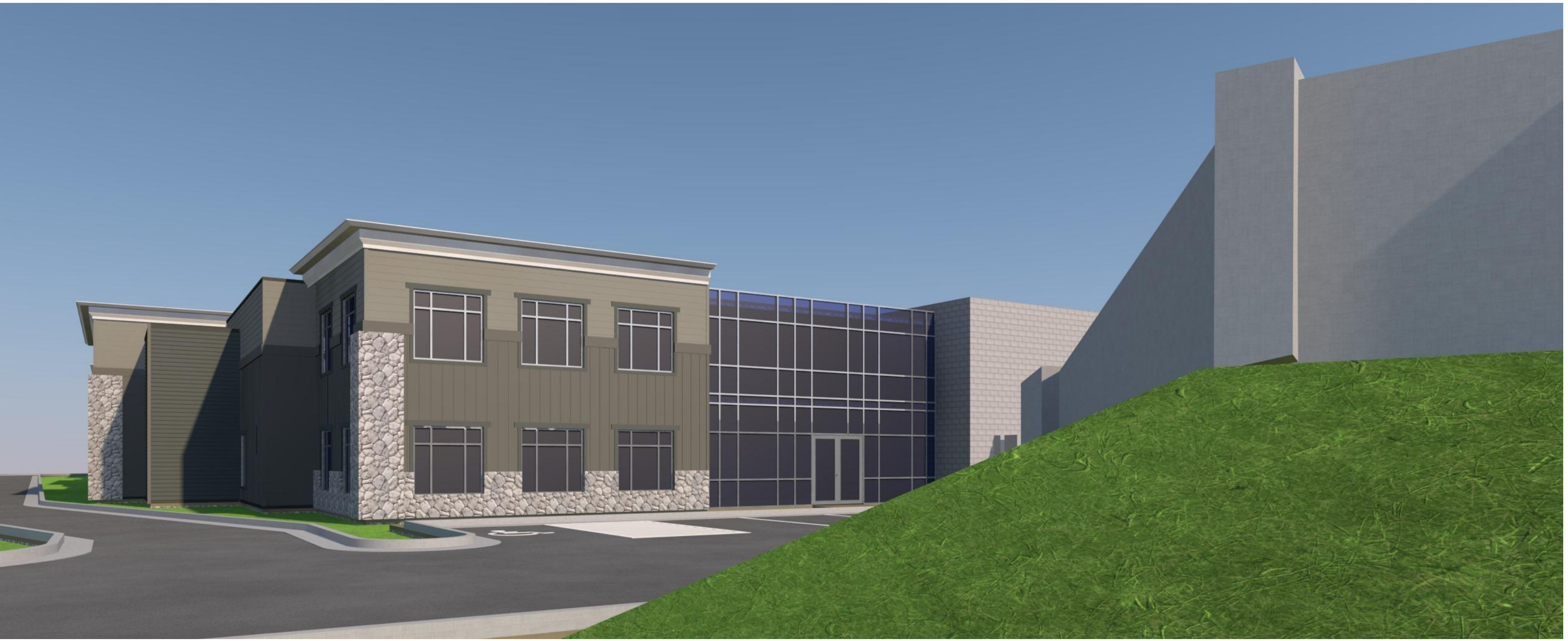
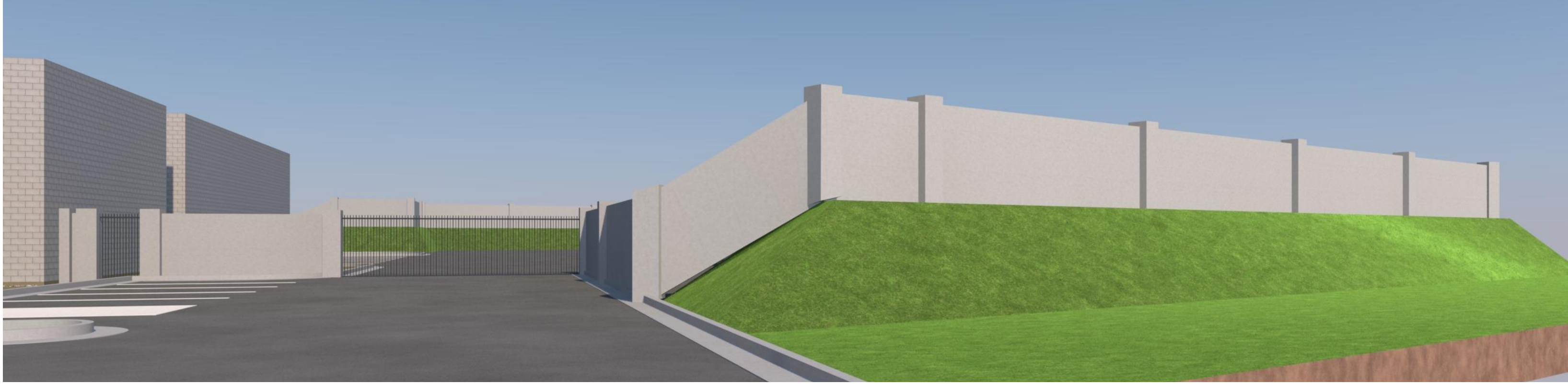
NORTH ELEVATION-FRONT FACADE

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

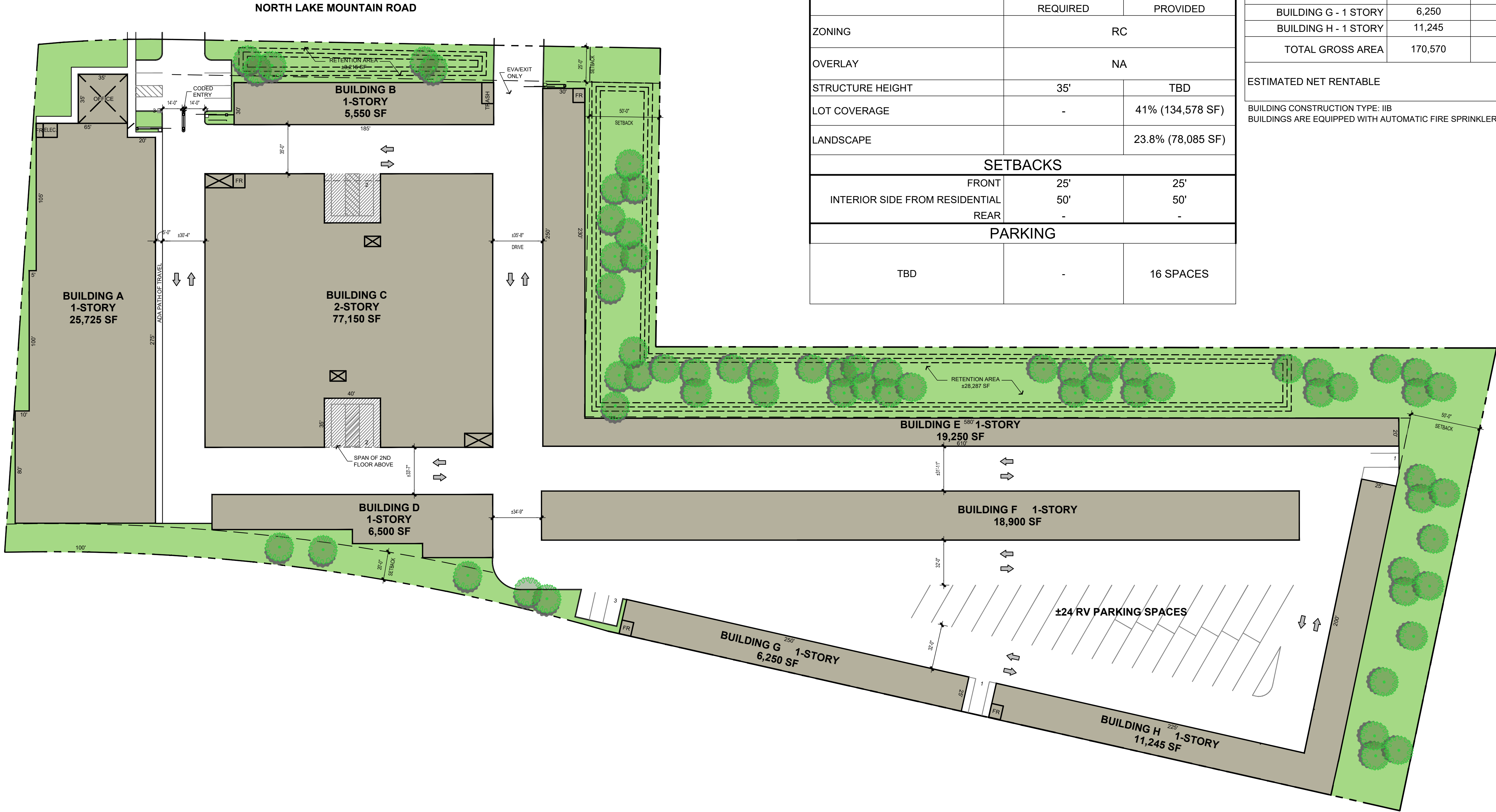
MASTER DEVELOPMENT PLAN

EXAMPLE CONDOMINIUM UNITS



RIDGEPOINT MANAGEMENT GROUP, LLC
CITADEL EAGLE MOUNTAIN
EAGLE MOUNTAIN, UT

SCHEME B
PRELIM SITE PLAN



SITE DATA		
APN	328,218	-
LOT AREA	7.53	SQ. FT. 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.

JORDAN ARCHITECTS
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

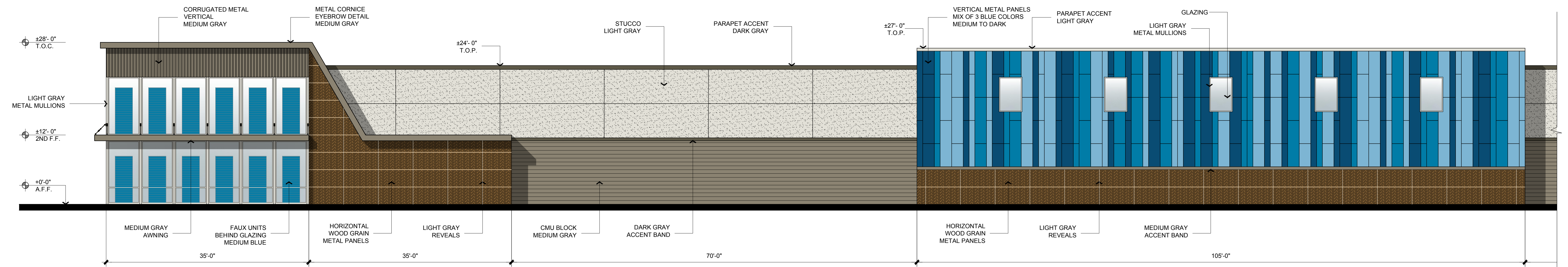


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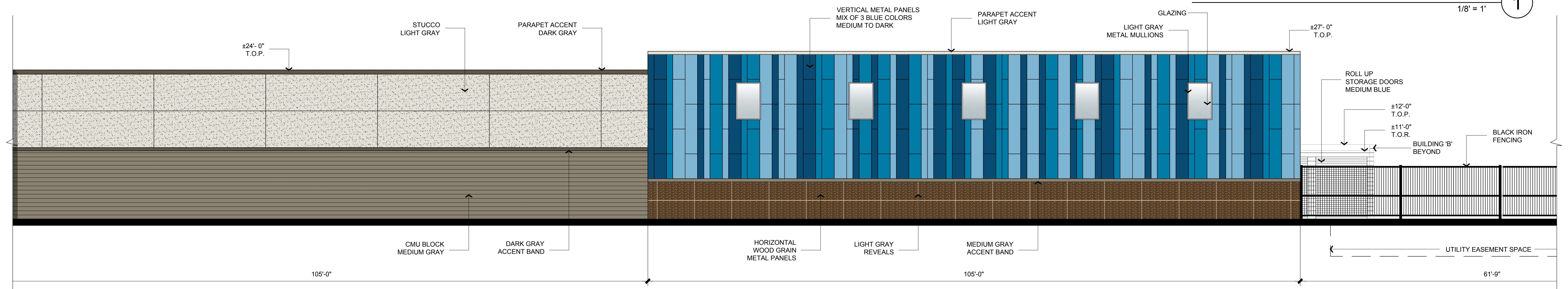
JOB NUMBER: 23-316
SCALE: 1"=40'
DATE: 05/09/2023



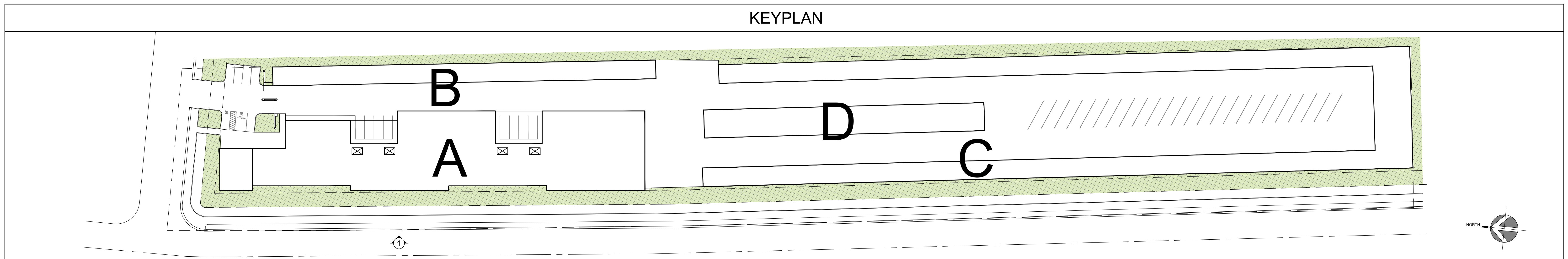




WEST ELEVATION BLDG. 'A' 1
1/8" = 1'



KEYPLAN



SALEM SELF STORAGE
SALEM, UT

BUILDING A (WEST)
PRELIMINARY ELEVATIONS

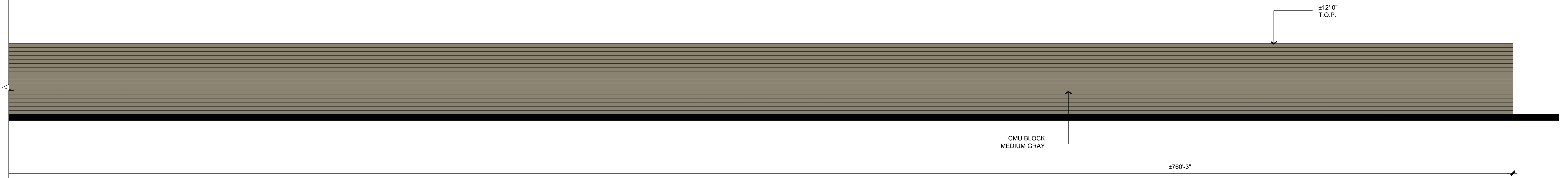
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JOB NUMBER: 21-626
1/8" = 1'
DATE: 09/17/2021

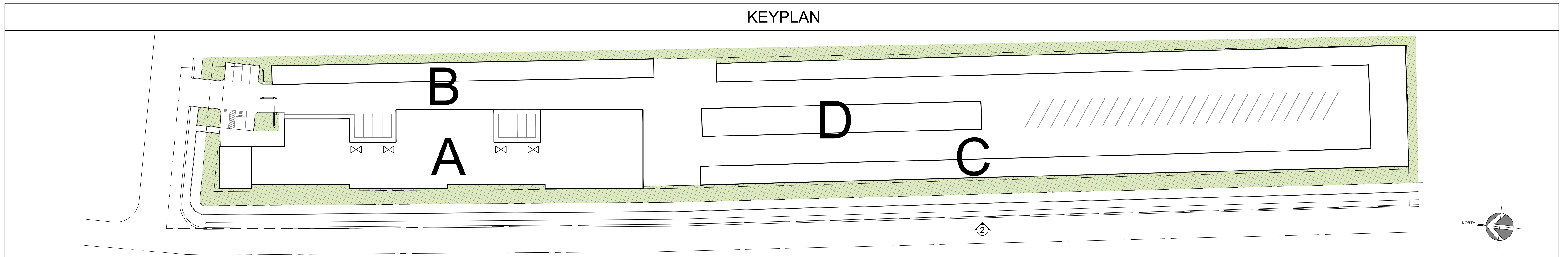




WEST ELEVATION BLDG. 'C' 2
1/8" = 1'



KEYPLAN



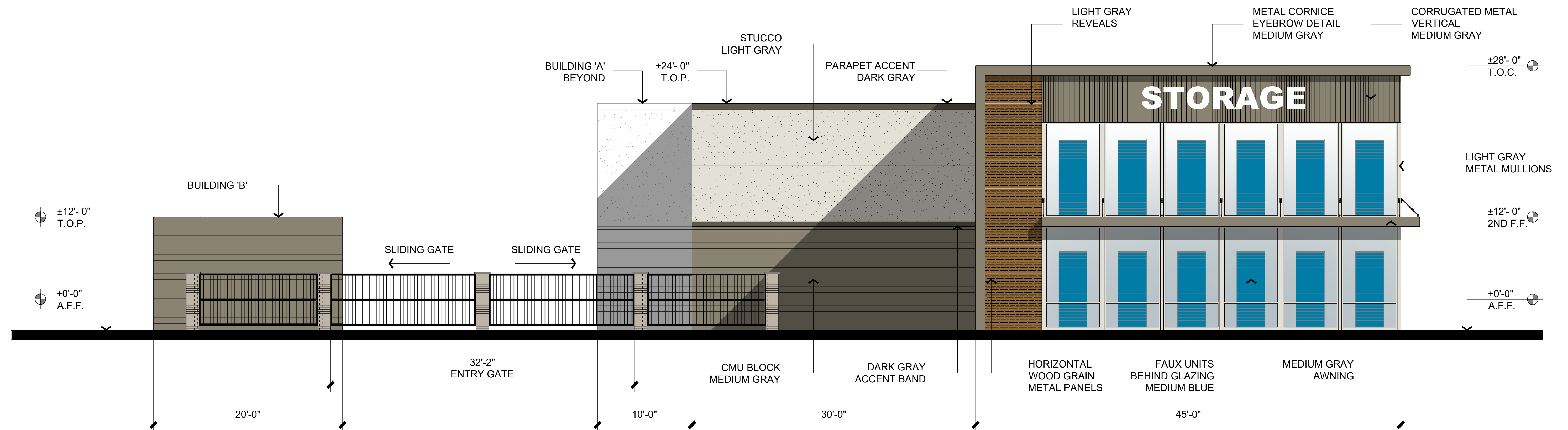
SALEM SELF STORAGE
SALEM, UT

BUILDING C (WEST)
PRELIMINARY ELEVATIONS

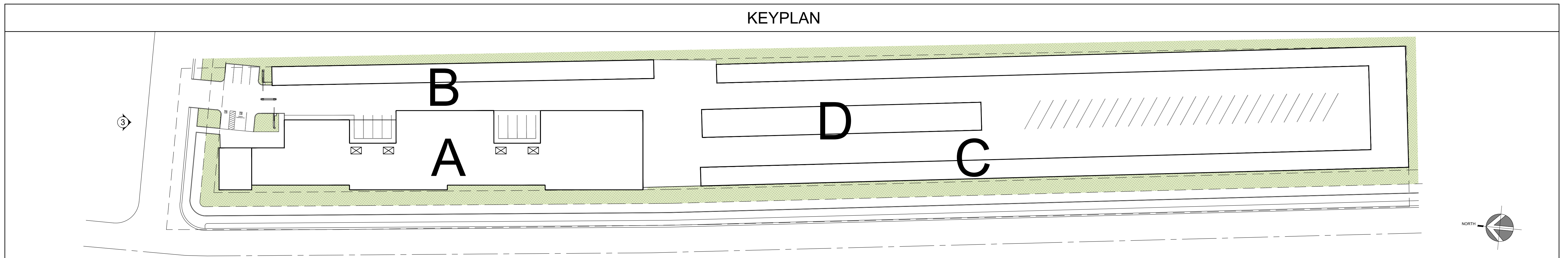
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JOB NUMBER: 21-626
1/8" = 1'
DATE: 09/20/2021





NORTH ELEVATION BLDG. 'A' & 'B' 3
3/16" = 1'



SALEM SELF STORAGE

SALEM, UT

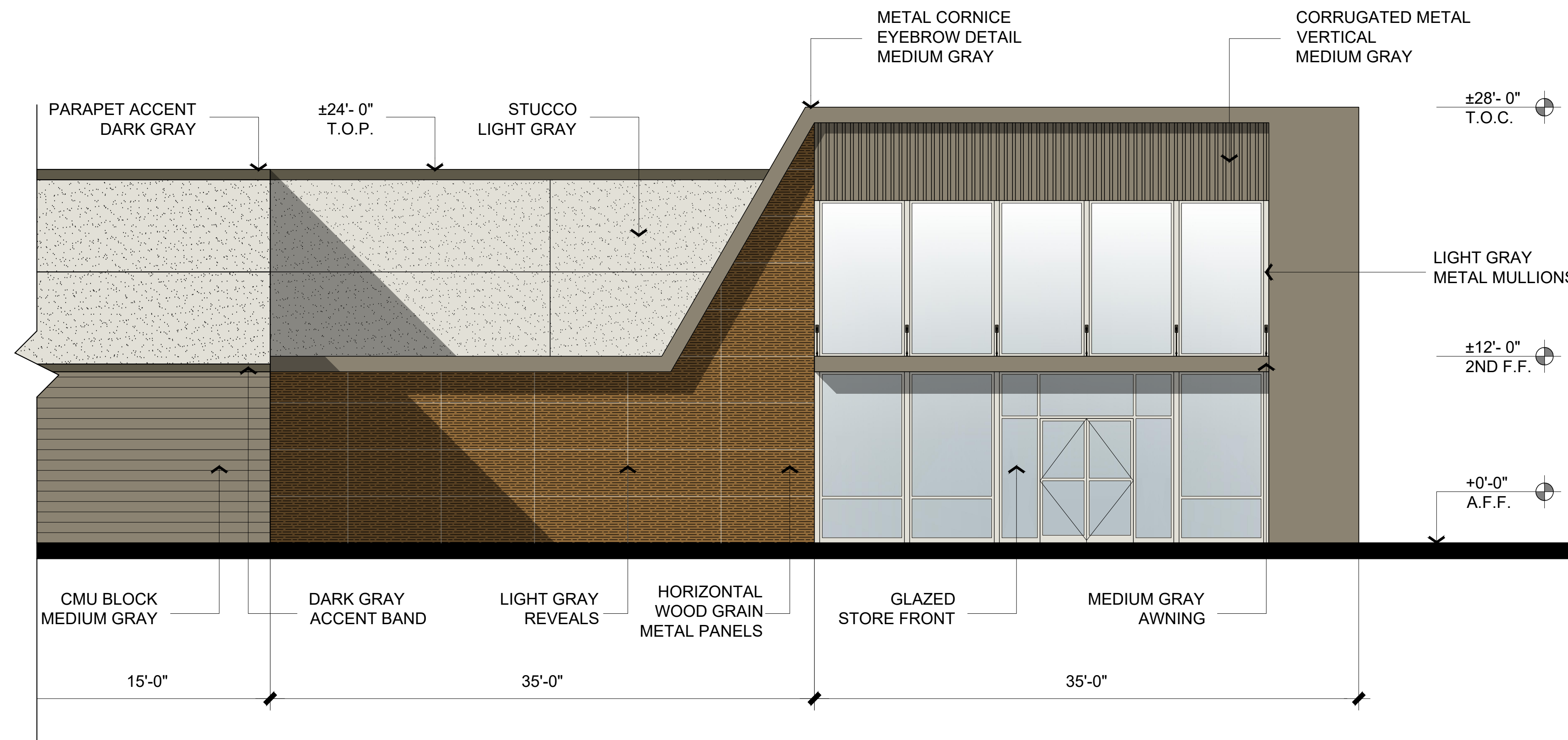
BUILDING A & B (NORTH)

PRELIMINARY ELEVATIONS

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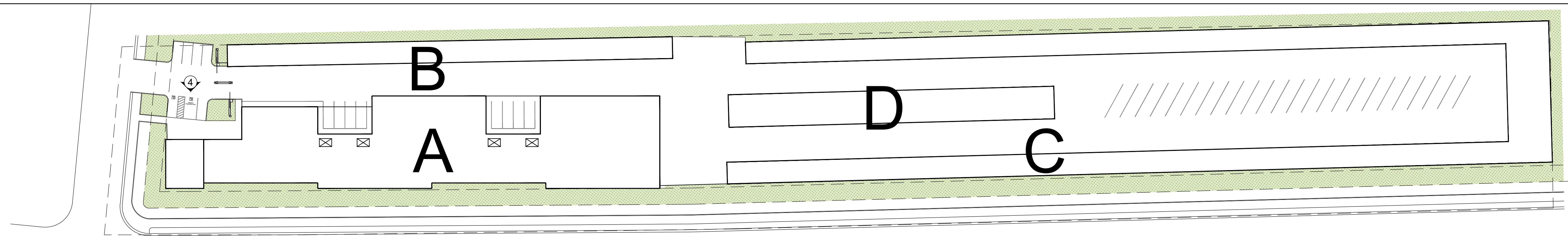
JOB NUMBER: 21-626
3/16" = 1'
DATE: 09/20/2021





EAST ELEVATION OFFICE 4
3/16" = 1'

KEYPLAN



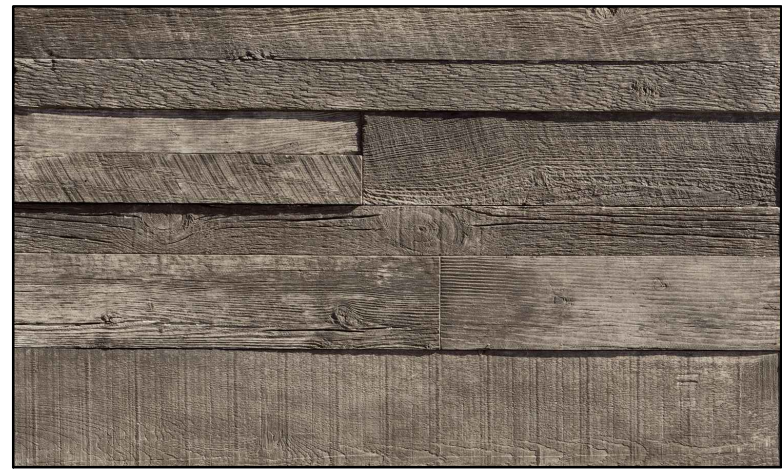
SALEM SELF STORAGE
SALEM, UT

OFFICE (EAST)
PRELIMINARY ELEVATIONS

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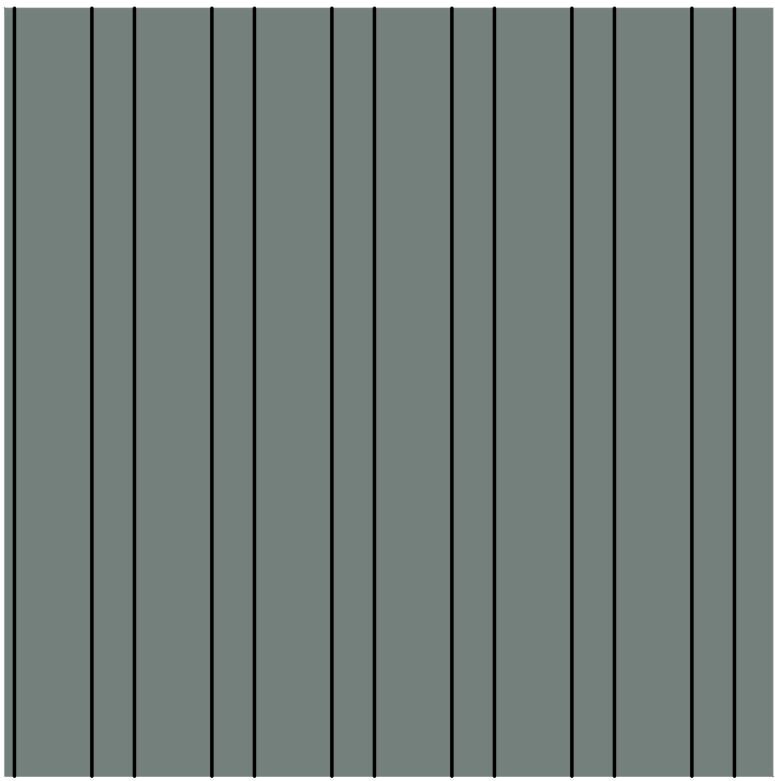
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3/16" = 1'
DATE: 09/20/2021





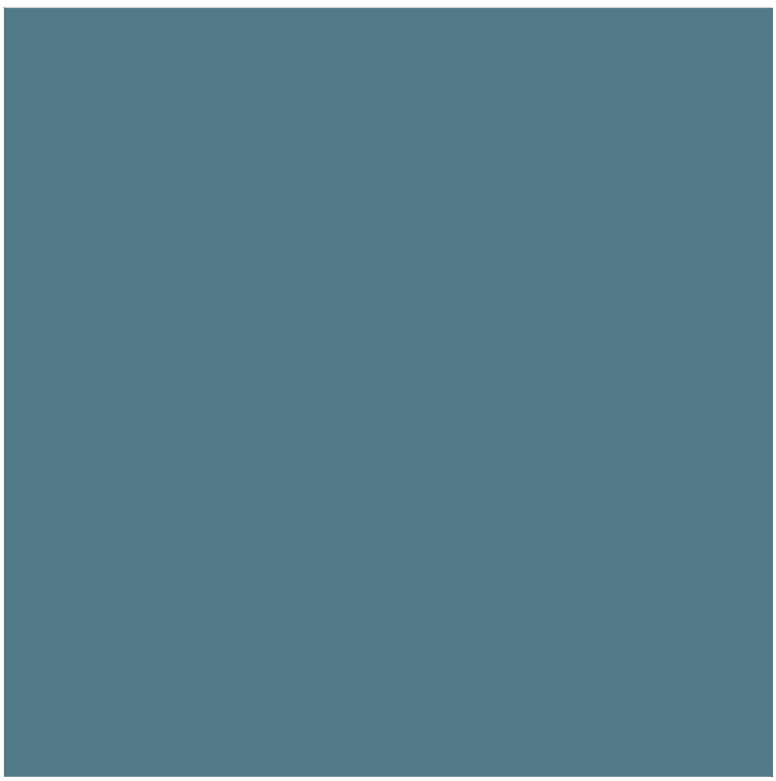
1

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)



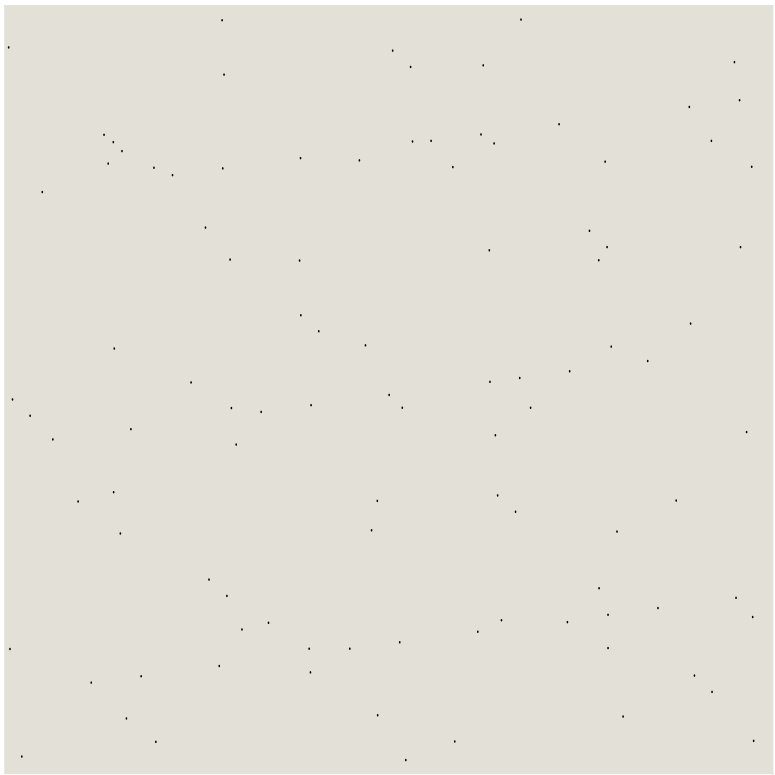
4

MATERIAL: VERTICAL METAL PANEL
COLOR: REGAL BLUE
MANUFACTURER: KINGSPAN
(OR APPROVED OTHER/ EQUAL)



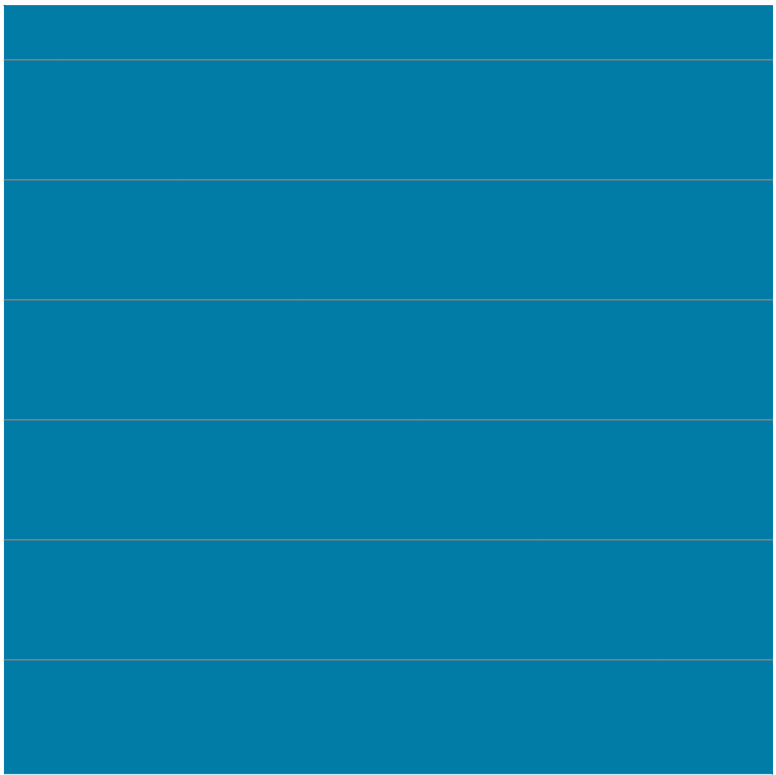
5

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)



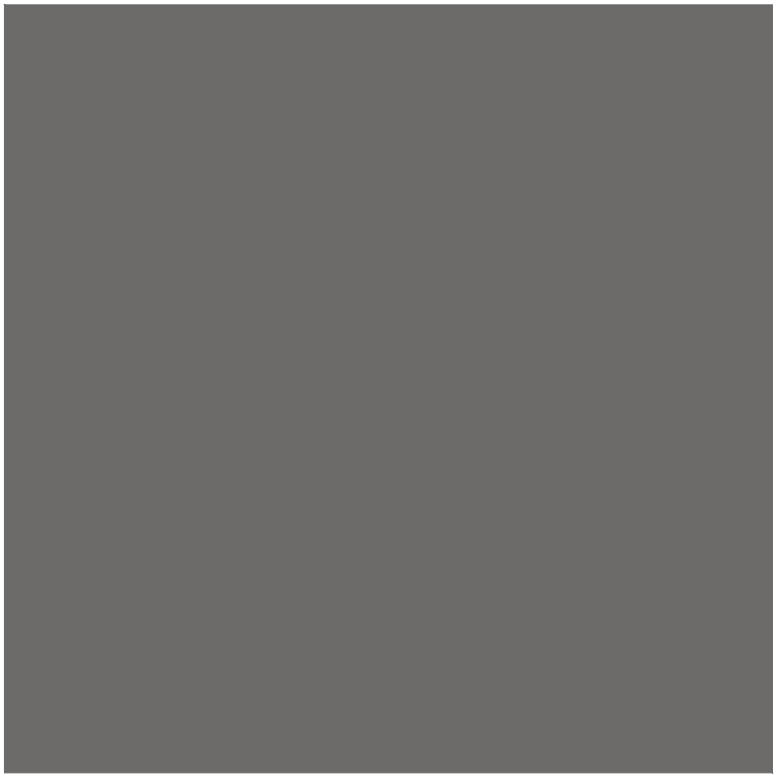
9

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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JOB NUMBER: 21-626
SCALE: N.T.S.
DATE: 03/16/2023

JORDAN
ARCHITECTS
131 CALLE IGLESIA, SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JUNE 13, 2023**

TITLE: DISCUSSION ITEM(S) -- CODE AMENDMENT(S)

ITEM TYPE: Development Code Amendment

APPLICANT: City of Eagle Mountain

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

The attached drafts are provided in response to recent legislative amendments to state law as well as to clarify code language.

ITEMS FOR CONSIDERATION:

n/a

REQUIRED FINDINGS:

n/a

RECOMMENDATION:

n/a

ATTACHMENTS:

[HB_406_EMMC_Code_Amendments_Lot Line Adjustments](#)

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 Planning Commission MEETING MINUTES

May 23, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Matthew Everett, Christopher Pengra, Brent Strong, and Alternate Commissioner Robert Fox. Commissioner Jeremy Bergener was excused.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jed Shum, Planner; and Lianne Pengra, Chief Deputy Recorder.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Everett called the meeting to order at 5:35 p.m.

1. Discussion Items

1.A. DISCUSSION – PROPOSED CHANGES TO EMMC 17.35.030 & 17.35.040 FOR THE ATTRACTION OF HOTELS

Deputy City Administrator/Community Development Director Steve Mumford presented the item and proposed Municipal Code amendment changes to attract hotels to Eagle Mountain created with input from Economic Development Director Evan Berrett after his discussions with industry representatives and commercial developers. The main changes are to height standard measurements and length of stay as there is interest in extended-stay hotels near the data centers. He recommended limiting extended-stay hotels to certain zones to prevent conflicts with residential areas. The City lacks year-round demand to make large hotels sustainable but the City believes Eagle Mountain could support smaller hotels. As the focus on tourism and outdoor recreation attraction expands, hotel needs will grow. A four-story hotel with a small footprint has been determined to be the most viable for a market like Eagle Mountain which would necessitate raising the height limit from 50 to 60 feet.

Discussion ensued regarding the following:

- The definition and timeframe of extended-stay rooms;
- Concerns with extended stay hotels attracting and facilitating undesirable behaviors;
- The likelihood of Eagle Mountain hotels being utilized by the transient workforce mitigating issues faced in other cities and current challenges in those individuals finding temporary housing;
- Percentages of standard room requirements and enforceability difficulties; and
- The reasons for hotels desiring a 60-foot height and support for and objections to allowing the height increase.

City Attorney Marcus Draper clarified that the proposed standards would allow a hotel to go above 50 feet in height to achieve four stories which could result in a building height of under or over 60 feet.

1.B. DISCUSSION ITEM – PROPOSED SUBDIVISION CODE AMENDMENTS

Planning Manager Robert Hobbs presented proposed amendments to bring Municipal Code into compliance with HB 406 and staff recommended changes.

Commissioner Pengra requested to be provided with the materials ahead of the meeting for him to have time to review the proposal before the review to be able to provide meaningful feedback.

Commissioner Everett concurred and requested for the item to return for a more thorough work session review as he would not be willing to move it forward as an action item at this point.

Commissioner Everett adjourned the work session at 6:20 p.m.

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

Commissioner Everett called the policy session to order at 6:30 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. April 25, 2023 Planning Commission Minutes

MOTION: *Commissioner Allen moved to approve the April 25, 2023 minutes.
Commissioner Fox seconded the motion.*

Those Voting Yes

☒ ***Jason Allen***
☐ ***Jeremy Bergener***
☒ ***Matthew Everett***
☒ ***Chris Pengra***
☒ ***Brent Strong***
☒ ***Robert Fox***

Those Voting No

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***
☐ ***Robert Fox***

Those Abstaining

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***
☐ ***Robert Fox***

Those Absent

☐ ***Jason Allen***
☒ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Chris Pengra***
☐ ***Brent Strong***
☐ ***Robert Fox***

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

5. Status Report

Planning Department staff reviewed the planning items discussed and voted upon during the May 16, 2023 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – PUBLIC HEARING: PRELIMINARY PLAT APPROVAL OF THE EAGLE MOUNTAIN DATA CENTER SUBDIVISION

Senior Planner David Stroud presented the item. Eagle Mountain Data Center is requesting preliminary plat approval to create 11 lots, and a City-owned lot to locate a pump station. The plat contains 490 acres with lots that range from 5 acres to 98 acres. The City lot is 0.06 acres. The data center property is currently in the Regional Technology Industry (RTI) overlay zone and would normally be approved by staff as the preliminary plat would be contained in the agreement. However, the agreement has not yet been approved by City Council so the standard process of preliminary plat approval from the City Council via the Planning Commission is required.

Applicant representative Corey Berg with The Ritchie Group said QTS, a data center group, has purchased lot 1 and they are under contract to purchase lot 2. They are working on a development agreement with the City for data centers that are not water-cooled. Other entities have shown interest in other lots in the development. The infrastructure work has been completed and once they have approval they will begin road construction, sewer and water installation, and complete the lift station.

Applicant representative Colby Anderson with CIR Engineering explained the utility easement widths and locations.

Commissioner Everett opened the public hearing at 6:43 p.m.

Regan Peck said his access to his property cuts through the corner of this development and he was told he owns an easement. He desires to work with the applicant to secure access to his property and to clarify fencing responsibilities to protect his livestock and the adjacent owner's property.

Commissioner Everett closed the public hearing at 6:48 p.m.

MOTION: ***Commissioner Allen moved to recommend approval to the City Council of the preliminary plat for the Eagle Mountain Data Center Subdivision. Commissioner Fox seconded the motion.***

Those Voting Yes

☒ ***Jason Allen***

☐ ***Jeremy Bergener***

Those Voting No

☐ ***Jason Allen***

☐ ***Jeremy Bergener***

Those Abstaining

☐ ***Jason Allen***

☐ ***Jeremy Bergener***

Those Absent

☐ ***Jason Allen***

☒ ***Jeremy Bergener***

☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

6.B. ACTION ITEM – PUBLIC HEARING: CODE AMENDMENTS TO TITLES 17.35.030, 17.40.040, AND 17.75.

Planner Steven Lehmitz presented the item and the following proposed amendments to Eagle Mountain Municipal Code:

- 17.35.030 land use table – deletes footnote references to avoid contradiction;
- 17.40.040(U) – adds racetracks as a conditional use in the Industrial Zone;
- 17.75.073 – adds special use standards for automobile sales and/or minor service standards referenced elsewhere;
- 17.75.074 – adds special use standards for racetracks for go-karts, ATVs, and other motorized sports recreational facilities; and
- 17.75.091 – allows generators in conjunction with communication facilities and towers.

Mr. Lehmitz clarified that the fencing for the racetrack requires a minimum height of six feet whereas other uses have a maximum fence height. No specific materials are proposed but could be added.

Commissioner Fox suggested requiring specific fencing materials for racetracks as he feels wood fencing would be inappropriate.

Commissioner Strong requested for the racetrack standards to require dirt, dust, and exhaust mitigation.

Commissioner Everett opened the public hearing at 7:01 p.m. As there were no comments, he closed the hearing.

Commissioner Pengra suggested allowing vehicles to be unloaded on-site at automobile dealerships in a designated area and amending the restriction to allow temporary tents for special events.

Commissioner Everett agreed with allowing temporary tents for special dealership events and vehicle repair but not for extended use; he proposed adding a usage time limit.

Discussion clarified the purpose of prohibiting spray painting of vehicles and special events tent concerns, timeframes, and enforcement obstacles.

Mr. Draper recommended amending 17.75.073(C)(2) to “Spray painting of vehicles shall not be conducted *outside*. Spray painting of parts shall occur inside a fully enclosed building.”

Commissioner Strong stated that he would be amenable to allowing full vehicles to be spray painted indoors within a properly ventilated building.

Commissioner Everett advocated for requiring automobiles stored on-site for repairs to be screened by a fence or an enclosed area.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Titles 17.35.030, 17.40.040, and 17.75. 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;” and*
- *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.”*

Commissioner Everett seconded the motion.

Commissioner Everett requested the inclusion of his recommended change to require the screening of automobiles being repaired.

Commissioner Allen asked if the Planning Commission desired to include requiring specific materials for racetrack fencing.

Discussion ensued regarding the appropriate fencing type for racetracks and if the cost would be prohibitive to businesses.

Mr. Lehmitz clarified that chain-link fencing is prohibited in commercial zones but is allowed in industrial zones.

Commissioner Pengra concluded to decline to add a fencing material requirement for racetracks to his motion.

AMENDED MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Titles 17.35.030, 17.40.040, and 17.75. 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.”*

Commissioner Everett seconded the motion.

Those Voting Yes

☒ *Jason Allen*
☐ *Jeremy Bergener*
☒ *Matthew Everett*
☒ *Chris Pengra*
☒ *Brent Strong*
☒ *Robert Fox*

Those Voting No

☐ *Jason Allen*
☐ *Jeremy Bergener*
☐ *Matthew Everett*
☐ *Chris Pengra*
☐ *Brent Strong*
☐ *Robert Fox*

Those Abstaining

☐ *Jason Allen*
☐ *Jeremy Bergener*
☐ *Matthew Everett*
☐ *Chris Pengra*
☐ *Brent Strong*
☐ *Robert Fox*

Those Absent

☐ *Jason Allen*
☒ *Jeremy Bergener*
☐ *Matthew Everett*
☐ *Chris Pengra*
☐ *Brent Strong*
☐ *Robert Fox*

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

6.C. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC TITLE 16 SUBDIVISIONS AND EMMC TITLE 17 ZONING

Mr. Stroud presented the item. Changes to State Code have caused the City to need to amend the approval process of subdivisions. This has also given the City the chance to look at other aspects of Eagle Mountain Municipal Code and propose changes to be in line, but not required, with State Code. The proposed text alterations to Tables 16.05.220 and 17.05.200 change land use authority, designate that administrative applications are finalized at the Planning Commission, amend noticing requirements, and amend public hearing requirements. Commercial plats are still allowed to be reviewed by the City Council; however, changes to State Code prohibit Council review of single-family, townhomes, and duplex units.

Mr. Mumford clarified that preliminary plat reviews by the Planning Commission and City Council are not State Code requirements. He recommended that all preliminary plat administration applications be treated similarly.

Mr. Stroud verified that State legislative changes require an Appeal Panel.

Mr. Draper explained that the Appeal Panel has not been defined and the individuals would likely vary depending on the application and situation. The Mayor and City Administrator have the authority to designate the Appeal Panel. Additional appeals would follow the Land Use and Development Management Act (LUDMA) process for land use decisions as outlined in State Code and that process could be referenced in Municipal Code but it is not required to add State Code standards to Municipal Code as State Code supersedes municipal standards.

Discussion ensued clarifying the process and authority for designating the Appeal Panel per State requirements and when the changes will go into effect.

Commissioner Everett recommended for consistency, to require the same notification distances and number of residents informed regarding master development plan and zoning map applications. Commissioners Fox and Strong agreed.

Mr. Mumford explained that the number of individuals informed and the distance from the subject property notification requirement is at the purview of the City and varies between municipalities. When determining the appropriate standard for the City to notify impacted residents, staff time and other methods of communication with residents should be considered.

Commissioner Strong stated that although he recognizes the burden to staff, he is in favor of a wider notification radius due to the importance of City communication to residents. However, he is agreeable to holding one rather than two public hearings.

Commissioner Everett concurred regarding the importance of informing residents of changes near their homes.

Commissioner Pengra said while he is in favor of providing more rather than less information to residents, the transition standards and other protections reduce his concerns with the impacts of rezones in residential areas.

Mr. Draper clarified that per State Code, the Planning Commission is required to hold a public hearing when enacting a land use regulation, and the City Council is required to hold a public meeting; however, the City has elected to hold a public hearing at the Council meetings.

Discussion considered the appropriate noticing distance and the number of residents contacted, the impact of the current standards on recent applications, and the information being shared with interested parties via other methods.

Commissioner Everett opened the public hearing at 8:00 p.m. As there were no comments, he closed the hearing.

Mr. Mumford asked the Planning Commission to table the item to allow staff additional time to work on the amendment and make additional changes.

MOTION: ***Commissioner Everett moved to table an amendment to Eagle Mountain Municipal Code Title 16 Subdivisions and Title 17 Zoning to a future meeting***

allowing staff to incorporate feedback and make additional changes. Commissioner Allen seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

6.D. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC CHAPTERS 17.10, 17.38, AND 17.40 REGARDING CARETAKER DWELLINGS

Mr. Stroud presented the item. The City Council directed staff to look at the potential of permitting a caretaker dwelling in certain zones. Proposed text changes would: permit caretaker dwellings in the Industrial and Commercial Storage zones, set a 1,200 square foot maximum, limit occupancy to one family, require a minimum of two parking stalls in a garage or carport, and allow City verification of the occupant's connection to the business.

Commissioner Allen expressed concern with the ambiguity in the requirement for the caretaker to 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.”

Commissioner Everett opened the public hearing at 8:06 p.m. As there were no comments, he closed the hearing.

Discussion considered the following:

- The appropriate square footage for the unit;
- The number of working hours and possible reasons for having a caretaker onsite;
- Employment verification to prevent the unit from being used as a regular rental; and
- Enforcement and violation concerns.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Chapters 17.10, 17.38, and 17.40 regarding caretaker dwellings. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>

☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

**6.E. ACTION ITEM – PUBLIC HEARING: TITLE 16 & 17 AMENDMENTS
PERTAINING TO STREET AND ALLEY VACATIONS, SERVICE DRIVES
AND ADA PARKING STANDARDS**

Mr. Hobbs presented proposed amendments to Eagle Mountain Municipal Code 16.56 Vacation of Rights-of-Way, 17.10.030 Definitions, 17.25.050 Generally Applicable Provisions, 17.55.040 General Provisions for Nonresidential and Multifamily Off-Street Parking Facilities, 17.55.070 Handicapped Accessible Parking, 17.55.130 Drive-Thru Regulations, and 17.72.030 Site Design.

Commissioner Everett opened the public hearing at 8:37 p.m. As there were no comments, he closed the hearing.

Commissioner Allen suggested the following changes:

- Amending 17.55.070(E) to, “Dimensions of Stalls. The dimensions of standard handicapped parking stalls shall be a minimum of 10-feet wide by 18-feet deep, with an adjoining 5-foot access aisle alongside the same (two handicapped parking spaces may share an access aisle between them), in accordance with ADA requirements,” to remove a superfluous five;
- Formatting correction to 17.55.130 to make Section A a header;
- Amending 17.55.130(H) to improve clarity; and
- Combining subsection (a) with the above wording in 17.72.030(1).

Discussion ensued regarding size requirements for turnarounds on service drives longer than 150 feet.

Commissioner Pengra stated that he struggled to understand the proposed amendments and is concerned about confusion arising in interpretation when the standards are applied. As such, he is in favor of drastically simplifying the language. He is concerned that requiring escape lanes could discourage restaurants from locating in the City.

Commissioner Everett verified with staff that the language used for 17.55.070 was sourced from language pertaining to the Americans with Disabilities Act. He struggled to understand the drive-thru regulations and asked for a visual representation to clarify the intent of the standards.

Discussion ensued regarding the potential positive and negative impacts of requiring drive-thru escape lanes.

Commissioner Everett advocated for either amending 17.72.030(C) to allow garages on the front façade of townhomes or to begin enforcing the requirement for rear-loaded garages. He recommended approving each section of Municipal Code with individual motions to be able to approve or table sections of standards independently. Otherwise, he would suggest tabling the full proposal.

Mr. Mumford confirmed that the proposed amendments could be divided into separate motions.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 16.56 Vacation of Rights-of-Way changing 16.56.030 to "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 recorded plat or amended plat or through the plat amendment process." Commissioner Strong seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☒ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☐ Chris Pengra	☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a vote of 4:1.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

Commissioner Pengra clarified that his dissenting vote was due to not fully understanding the verbiage in the proposed amendment.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.10.030 Definitions. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☒ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.25.050 Generally Applicable Provisions. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.55.040 General Provisions for Nonresidential and Multifamily Off-Street Parking Facilities Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☐ <i>Chris Pengra</i>	☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>

The motion passed with a vote of 4:1.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

Commissioner Pengra stated that he voted against recommending approval because he is unaware of the impacts of the proposed dimensions for the backup area.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.55.070 Handicapped Accessible Parking with the following changes:*

1. 17.55.070(E) shall be amended to “Dimensions of Stalls. The dimensions of standard handicapped parking stalls shall be a minimum of 10-feet wide by 18-feet deep, with an adjoining 5-foot access aisle alongside the same (two handicapped parking spaces may share an access aisle between them), in accordance with ADA requirements,” to remove the superfluous five; and
 2. Column B shall be added to Table 17.55.120(b) as presented.
- Commissioner Allen seconded the motion.

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☒ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

MOTION: Commissioner Everett moved to table an amendment to Eagle Mountain Municipal Code 17.55.130 Drive-Thru Regulations to continue working with staff to adjust and add the language. Commissioner Allen seconded the motion.

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☒ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Robert Fox	☐ Robert Fox	☐ Robert Fox	☐ Robert Fox

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

MOTION: Commissioner Everett moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.72.030 Site Design. Commissioner Allen seconded the motion.

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen

☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

7. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for June 13, 2023.

8. Adjournment

MOTION: *Commissioner Strong moved to adjourn at 9:13 p.m. Commissioner Pengra seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☒ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>

The motion passed with a unanimous vote.

As Commissioner Jeremy Bergener was absent, Alternate Commissioner Robert Fox voted.

The meeting was adjourned at 9:13 p.m.

Approved by the Planning Commission on June 13, 2023.

Steve Mumford, AICP
Deputy City Administrator/Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JUNE 13, 2023**

TITLE:	ACTION ITEM -- ORDINANCE/PUBLIC HEARING: AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY'S GENERAL PLAN FUTURE LAND USE MAP AND REZONING OF CERTAIN LANDS KNOWN AS THE EAGLE MOUNTAIN BENCHES
ITEM TYPE:	General Plan Amendment and Rezone
APPLICANT:	Jeff and Karen Scott, Dan Landon representing

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

June 09, 2015 -- PC Meeting: Rezone including residential & commercial. Planning Commission recommended approval of the residential and denial of the commercial proposals.

June 16, 2015 -- CC Meeting: Rezone denied by Council. Concerns were expressed regarding proposed lot sizes, use of septic tanks, road traffic and a commercial storage component.

August 25, 2015 -- PC Meeting: Rezone tabled to research the future of Lake Mountain Road.

October 27, 2015 -- PC Meeting: Rezone recommended for approval with minimum 1-acre lots.

November 17, 2015 -- CC Meeting: Rezone denied

January 26, 2016 -- PC Meeting: Recommended rezone approval with minimum 1-acre lots.

February 16, 2016 -- CC Meeting: Rezone denied

August 23, 2016 -- PC Meeting: Preliminary plat for 5-acre lots recommended for approval.

? 16, 2016 -- CC Meeting: Preliminary plat for 5-acre lots approved. (Expired)

April 10, 2018 -- PC Meeting: Planning Commission recommended denying the application for a revised plat design.

June 05, 2018 -- CC Meeting: Item tabled.

On June 19th, 2018, the Eagle Mountain Benches development was considered by the Eagle Mountain City Council. During that meeting the application was then tabled pending resolution of site development concerns. Apparently, efforts to redesign the project's

layout between work-session and policy session at the meeting was not agreeable.

On July 17th of 2018, the item returned for renewed Council review. At such time the Council again considered the project proposal, apparently with the following proposed conditions by the Applicants:

1. That the entire subdivision be serviced by sewer (vs. septic tanks);
2. That Lake Mountain Road be finished (paved) to the north up to the point where it reaches Glenmar Ranches;
3. That a 150' wide buffer be included along the southern edge of the project;
4. That [lots along the property's southern boundary] be kept to 1-acre in size at a minimum;
5. That lots not infringe in the main powerline corridor [that traverses across some of the property] to discourage trying to build under the same and to provide an open space, trail corridor area therein. However, land under the small powerline stretch could be made a part of future building lots;
6. That each lot would have a minimum of 20,000 sq. ft. of buildable area;
7. That 1/2 acre lots [would] be permitted in an area north [and west] of the powerline corridor;
8. That 1/3 acres lots [would] be also allowed in an area north and west of the powerline corridor;
9. That 1-acre lots be approved for development on the east, southeast side of the powerline corridor;

The Council voted [2018] to approve the rezone request, contingent upon Applicant/project compliance with the following conditions relating to any residential subdivision developed within the confines of the subject property:

1. The area east of the powerline corridor shall have a minimum lot size of 2.5 acres, with the lots to be served by septic systems.
2. The area west of the powerline corridor shall have a minimum lot size of one acre, without a stipulation in this motion as to whether septic systems would be permitted west of the corridor.
3. The main powerline corridor shall be preserved as open space for a possible future regional trail.
4. A 150' wide buffer shall be required along the south side of the property.

5. The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.

6. Each lot shall have a minimum 1/2 acre building envelope.

7. A note shall be recorded against the plat stating that there are agricultural uses in the area.

Now in 2023, a General Plan Future Land Use Map and an associated Rezone application set have been filed (effectually as a request to change zoning to effectually amend some of the prior rezone's conditions) with conceptual drawings for a fresh review this year. Also connected to that package request (as of June 13, 2023) is a request for a waiver to the need to submit a Master Development Plan (MDP).

The Planning Commission, on April 25, 2023, voted to forward a recommendation to the City Council that the requested General Plan Future Land Use Map Amendment and associated Rezone should be denied.

However, the Council were more receptive to the applications. Following input during their May 16, 2023 hearing on the matter, the City Council voted to remand the matter for Planning Commission review to be able to [now] consider *all* of the applicants' land, and, for the stated purpose of obtaining *a recommendation regarding what the minimum average lot size (suggested between 1.1 – 1.9 dwelling units/acre) should be for the entire property* in anticipation of potential, future residential build-out with detached residences thereon.

ITEMS FOR CONSIDERATION:

Note: The following information is from prior reports until the "update" heading.

Surrounding Zoning:

North: BLM Government Land

East: BLM Government Land

South: Ag

West: Eagle Quest development (various zones)/Ag

Current General Plan Future Land Use Map Designation:

Agricultural/Rural Density 1

Proposed General Plan Future Land Use Map Designation:

Agricultural/Rural Density 2

General Plan Future Land Use Map Findings/Conclusions

The requested RD1 future land use change from Agricultural/Rural Density 1 to Agricultural/Rural Density 2 designation may be considered appropriate given that:

1. The proposed future land use category is deemed by City code as compatible with Ag/RD1, Parks and Open Space and Foothills Residential future land use categories per EMC § 17.60.160 Table 1. The [proposed Ag/RD2 designation lies abutting or adjacent to each of those settings.
2. The proposed future land use category would harmonize with the residential land use zone proposed to be overlaid the property.
3. Single-family detached residential homes are proposed for build-out across the property within the Ag/RD2 General Plan setting.
4. The Foothills Residential General Plan Future Land Use setting could also be overlaid on the property given its description; however, it may not be the best choice given the zone regulations pertaining to its companion FR Zone. That said, see comments below.

If the afore-noted General Plan Map Amendment is approved, then the new zoning district proposed may be considered harmonious with, and supported by, the new City's Future Land Use Map. If the City Council determines a modification to the proposed Rezone designation is necessary, the proposed General Plan Future Land Use category/setting should be first approved to support the preferred zone.

Note also that the pattern of General Plan categories working north to south starting in the area of Glenmar Ranches is Ag/Rural Density 2 (which supports the RD1 and RD2 Zones with 1-acre and 1/2-acre minimum sized lots), then, Ag/Rural Density 1 (supports the RA1 and RA2 Zones with 5+ and 2.5 acre lots), then, back to the Ag/Rural Density 2 setting [south of the Applicants' lands and the 5-acre parcels "below" them], then, to Foothill Residential (supports the

Foothill Residential Zone (coincides with the FR Zone with 1/4-acre lots being allowed), then south of Pole Canyon Boulevard extended, the future plan changes to facilitate Ag/RD2 density again.

Summarily, the Plan's pattern causes the Applicants' lands and those immediately south to take the brunt of lower density housing provision while those properties north and south of the same all along the same range area with similar topography are entitled to enjoy higher density housing -- even the East Bench area.

Opinion: The preservation of lands for lower density development [if truly desired] may require a revamping down the road of the General Plan's Future Land Use Map for that area east of Lake Mountain Road generally spanning some 7.5 miles north (Glenmar area) to south (and that's not to mention the miles of Foothill Residential area southeast of the Applicants' property in the area of the "East Bench" that is slated to accommodate 1/4-acre properties). That said, perhaps some or all of the owners of the larger properties in the vicinity, pre-development growth pressure, favor preservation of something of an island, per se, of rural sized parcels?

Rezone Findings

Proposed Zone(s) Compatibility:

EMC § 17.60.160 Table (see attachment) establishes the appropriate zone transitions and compatible adjacencies. Given the requested General Plan Future Land Use Map Amendment and existing future land use category patterning shown in the area surrounding and adjoining the property, plus, the currently developed and entitled residential and open space land uses also in, and abutting, the Applicants' land, Staff does not believe the Applicant's request to constitute a "spot zone" of the extent readily challenged via legal proceedings. The proposed RD1 Zone is noted as an agreeable transition to/from the Ag, RA2, RD2, OS-I and OS-N Zones. The federal lands abutting the property are considered as Ag ground, the Applicants' property across (to the west) of, and abutting against, the other lands they own being proposed for rezoning are currently zoned RD2, and the Eagle Quest development has established RD1, RD2 and R1 zoning against the Benches' western frontier.

City Utility and Emergency Services Issues:

1. Applicants are aware that whoever develops the property will be

tasked with installing utilities for homesites.

2. Septic vs. sewer: In 2018, the City had been working with a hydrogeologist to identify priority areas for future well sites. A map provided to the City Council the last time this matter was considered showed a potential well site identified in the City's Impact Fee Facilities Plan (IFFP) near the project. That map is attached to this report ("see Figure 3 Well Map"). Septic systems, if used, would have a possible impact on the well's future installation given minimum separation distances required between septic systems and wells regardless of which comes first. The area in red-cross hatching on that map as pointed to by arrows would not be able to accommodate a well if septic systems were allowed within a future Benches Subdivision.

3. Note that the Eagle Quest was just approved by the City Council on 4/18 which would bring sewer and water utilities to a point where connection to the Benches is possible. Zoning Staff is not aware yet whether there would be any capacity or pressure issues etc. with such an endeavor however. The availability of water should be one of the factors well understood as part of the review and approval of the Applicants' request.

4. Utility Corridor/Easement: A pair of parallel running and abutting utility easement corridors bisect the property. On the west side of the corridor is a 75' wide gas line easement with two pipes therein; on the east side is a 320' powerline easement. The two easements slightly overlap. The area within the scope of the easements is considered unbuildable with any permanent, primary structures. Minor "non-constructed" encroachments [kept under 12' tall per RMP] into the corridor should/would not necessarily interfere with the corridor's easement protections or the City's ability to get a trailway developed therein were the trail area delineated and cordoned.

An email received from a concerned citizen alleges further that there is a fiber-optic line with an associated easement within the easement and also comments on the above-mentioned power and gas easement situation. Note it is believed that the outlying powerline east of the main transmission lines is within the scope of the 320' easement.

5. Emergency services are available to the site.

Transportation/Traffic Issues:

Expected trip generation for future homes built within the Eagle Benches development is circa 9.55 trips/day. City Engineering finds that such traffic generation is acceptable predicated on any streets within the project and Lake Mountain Road are paved and built in conformance with currently adopted City standards. Specifically, the City Council previously designated Lake Mountain Road as a "Rural Residential" road. As development along Lake Mountain Road occurs, each development will be required to pave its frontage portion of that right-of-way. Interplan Transportation Planning was hired years ago to provide a traffic analysis of the road. Interplan concluded that:

1. Paving is/will be necessary if and as development continues.
2. Any increase in traffic volume on/along the road will likely result from mainly local traffic.
3. Cut-through traffic is expected to be, and remain, minimal.
4. An incomplete roadway network forestalls Lake Mountain Road being used for regional trips.
5. Traffic calming on the road would produce undesirable adverse effects.
6. Future roadway networking will expectedly address volume and speed concerns.

An improved (including paving) Lake Mountain Road will be required of any subdivision that develops fronting and using the same for project access, including Eagle Mountain Benches.

Property Values:

Approval of the applications will expectedly make the Applicant's land more marketable and buildable in the current housing market in our area. Accordingly, we presume the property value of the Applicant's land will increase. No value decrease of consequence is predicted for adjoining lands.

Miscellaneous:

1. Unbuildable Land: Due to this project's location, there are portions of the same that may be [considered] "unbuildable". Eagle Mountain City Code § 17.75.120: "In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to unbuildable lands. No construction may occur in areas that have slopes in excess of 25 percent, land restricted

by power lines, high volume floodplains, alluvial discharge areas, floodplains and floodways, and wetlands. Land in excess of 15 percent is ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies have determined to be an approved entity. In this case, only the acreage of unbuildable land in excess of 15 percent which is improved will be considered towards the improved open space requirements." [Ord. O-27-2020 § 2 (Exh. A)].

2. Trailway: The 2018 Council decision reserved the powerline corridor/easement area as open space for a future regional trail. The easement bisects an area of the Applicants' parcels. Such a trail has been deemed desirable by City Parks but its scope and precise location [footprint] has not yet been defined.

3. Development Codes: Approval of a Rezone request [and in this matter a corresponding General Plan Map Amendment request also] does not guarantee the ability to develop the rezoned land. A developer/project must still comply with all requisite zoning, engineering, fire codes pertinent to development of said land. Subdivision plans submitted in conjunction with the applications addressed by this report is for visioning purposes only at this time and is to be considered as conceptual.

4. Prior Conditions:

It is primarily condition number 1 which is proposed for modification by the Applicants via submittal of a new rezone request. The Applicants seek City approval to have 1-acre lots east of the utility corridor instead of 2.5 acre lots. The concept plat plan the Applicants have provided show an average building lot size in excess of 1-acre.

Condition 3's preservation of the "powerline" corridor" as open space for a possible future regional trail" could be re-evaluated as noted above. Its propriety, its scope/size/dimension, its reasonableness, etc. Note that the City Parks Department understandably favors development of a regional trail within/under the corridor. Competing with that interest is the Applicants' desire to maintain all or part of the ground within the corridor that cuts through their land as countable lot [*sans* buildings] area. The Applicants' position in this regard seems to be reversed from their proposed compromise conditions used to negotiate during their 2018 Council proceedings

as noted in the Staff report from that era.

Condition 4's 150' buffer requirement could be evaluated in terms of its propriety (i.e., its extent/depth) given that the land south of, and abutting the Applicant's ground may presently, per the adopted Future Land Use Map be developed with homesites too.

Citizen/Agency/Intra-Departmental Correspondence:

Any written correspondence received by Staff respecting this matter prior to the time this report was published is hereto attached.

Update (June 05, 2023):

During their May 16, 2023, hearing on this matter, the City Council voted to remand this matter back to the Planning Commission in order to:

1. Include parcels 59:006:0054 and 59:006:0042 as well as a previously not considered portion of parcels 59:006:0046 and 59:006:0055 into a new, over-arching rezone proposal for the Applicants' entire property (101.68 acres); and,
2. Obtain the Planning Commission's recommendation on a minimum average building lot size for that 101.68 acres.

The Council expressed, in the majority, if not unanimously, that they were open to entertaining 1-acre lots for of the Applicants' parcels, and, to establishing an overall future building lot minimum average size for the Applicants entire property.

Regarding an overall minimum building lot average, the Council voiced 1.5 and 1.75 dwelling units per acre as possibilities. Also, note that the Council seemed disposed to allowing some amount of lot platting underneath a portion of the powerline easement that clips an area of the Applicants' land.

Of note is that the Applicants' representative has stated in a letter that, "After talking to many builders they suggested diving Lake Mountain Road down the middle and adding more space to the 1 acre lots. Now [the Applicants have] come up with a compromise that they think will work better[...]...if the city will agree to [the] 1 acre lots for the entire property then they would be willing to donate Lake

Mountain Road which they own and donate it to the city, which is 5 or 6 acres of land." That said, Staff is not prepared to issue an opinion respecting that proposal as the road may be claimed as having been prescriptively established and any future subdivision of the land(s) abutting the same would trigger a requirement for its dedication and improvement anyway.

Finally, the Applicants' representative has provided (copy hereto attached) a formal letter of request to waive the requirement to submit a MDP for the reasons stated therein.

REQUIRED FINDINGS:

General Plan Map Amendments and Rezones are legislative decisions and are considered valid if reasonably debatable and not illegal (i.e., the decisions do not require the City Planning Commission or City Council to take action based on findings of facts). Eagle Mountain does not have any code standards to govern General Plan [Map] Amendments. The Council should consider the health, safety, and welfare of the community.

The criteria for approval for a Rezone are listed in EMMC § 17.90.060 and are commented upon within the "Items of Consideration" section above.

Master Development Plan (MDP) approvals, per EMMC § 16.10.020, are required, "...for any development in excess of 50 acres in size." Further, in conjunction with a MDP, per EMMC § 16.10.060, a master development agreement is also required to be created. Section 16.10.050 allows the city to entertain requests for waivers to the master plan submittal requirement. Such requests are handled in a hearing environment -- the Applicants are submitting their request as "part and parcel" to their Future Land Use Map Amendment and associated Rezone request. The criteria for evaluating a MDP waiver request are listed in subsection C of 16.10.050.

They specify that "the city council may approve a request for a waiver of [a Master Development Plan] upon finding [concluding] one or more of the following justifications is pertinent-- that:

1. The project's concept plan review (pursuant to Chapter 16.15 EMMC) received feedback from the planning commission and/or city council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or
4. The strict application of this chapter would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or preexisting easement restrictions. [Ord. O-32-2020 § 2 (Exh. A)].

RECOMMENDATION:

1. Staff had recommended last time this matter came before the Planning Commission that the General Plan Future Land Use Map necessary to support the proposed rezoning of the entirety of the Applicants' land, and, the requested Rezone be approved. The Planning Commission previously recommended rather that the two requests be denied. However, as this matter is now again before the Planning Commission and includes more property than before, Staff believes it agreeable and proper for the Commission to revisit their prior motion and, again, vote to either recommend approval, approval with conditions, or, denial of the proposed requests. As the new addition to the Applicants' original application already has a vestiture of 1-acre minimum sized building lots and the "Residential" Zone is no longer a codified district, Staff recommends that the RD1 Zone be applied to parcels 59:006:0054 and 59:006:0042 as well as a previously not considered portion of parcels 59:006:0046 and 59:006:0055 that lie west of the powerline corridor and to parcels 59:006:0046, 59:006:0047 and formerly considered portions of parcels 59:006:0046 and 59:006:0055.

2. Of principle concern to the City Council at this juncture (and a primary reason this matter was remanded) is a minimum required building lot average for future build-out of the Applicants' overall property. Obviously, the Applicants would prefer the number to be as close to 1.0 as possible. As already noted, the numbers 1.5 and

1.75 were floated by Council during their May 16th meeting. Council seeks the Planning Commission's recommendation respecting this issue.

3. Staff recommends that the requested waiver of a Conceptual Master Development Plan (MDP) be granted given the nature of this application.

4. And, as to the Lake Mountain land dedication proposal voiced in writing by their representative (as stated elsewhere in this report), Staff withholds any opinion regarding that offering as the road may be one that would be acquired by forced dedication and improvement anyway in the future (at such point in time as the Applicants' land is proposed for platting, development and build-out).

ATTACHMENTS:

[ArcGis Vicinity Map](#)

[EMB Map of Proposed Zoning](#)

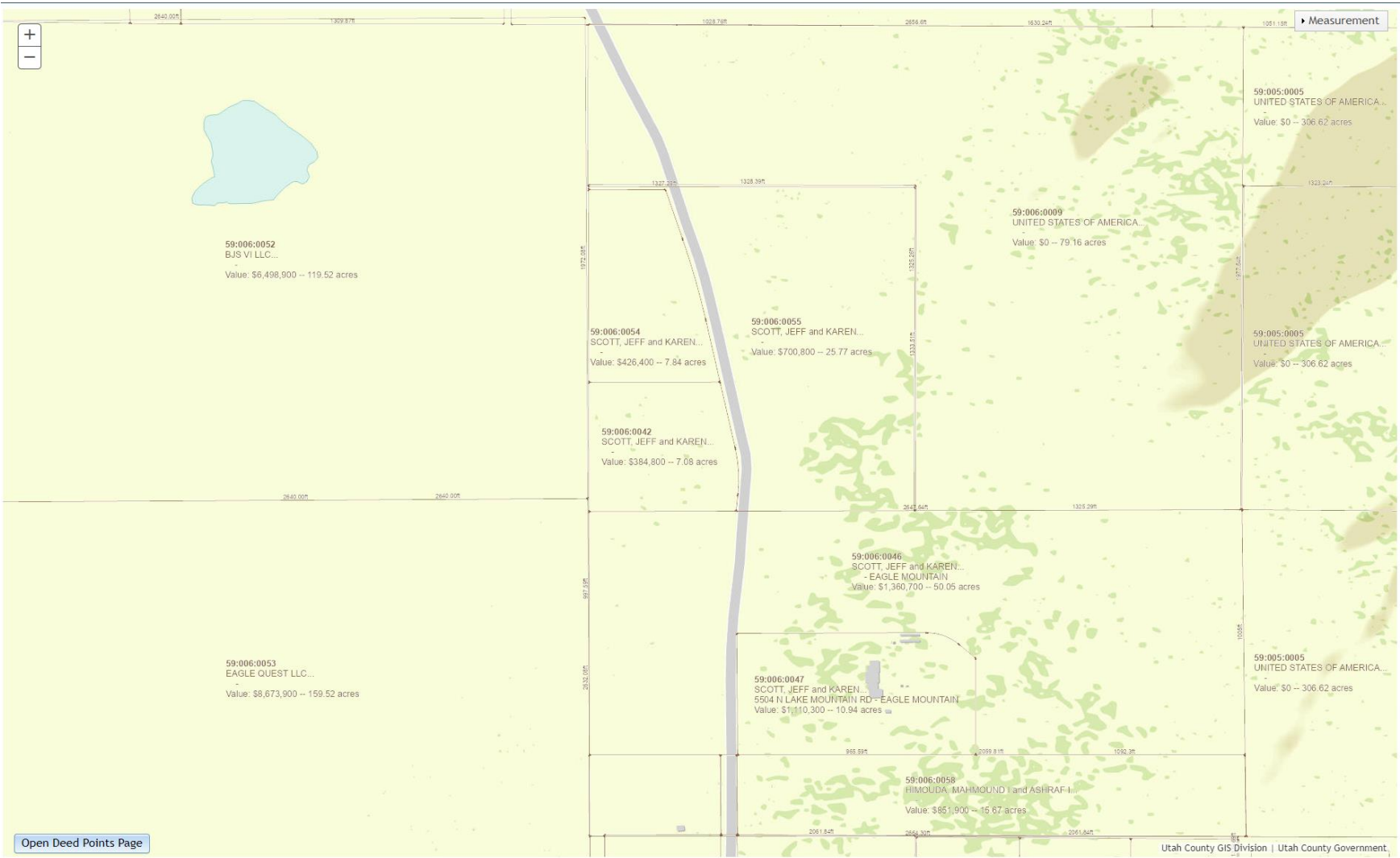
[Map of Applications' Area of Effect](#)

[Eagle Quest Plan Map and Location Map Insert](#)

[Waiver of MDP request letter for EMB](#)

[Public Correspondence](#)

Vicinity Map – County Assessor Parcel Viewer Map



Proposed Zoning



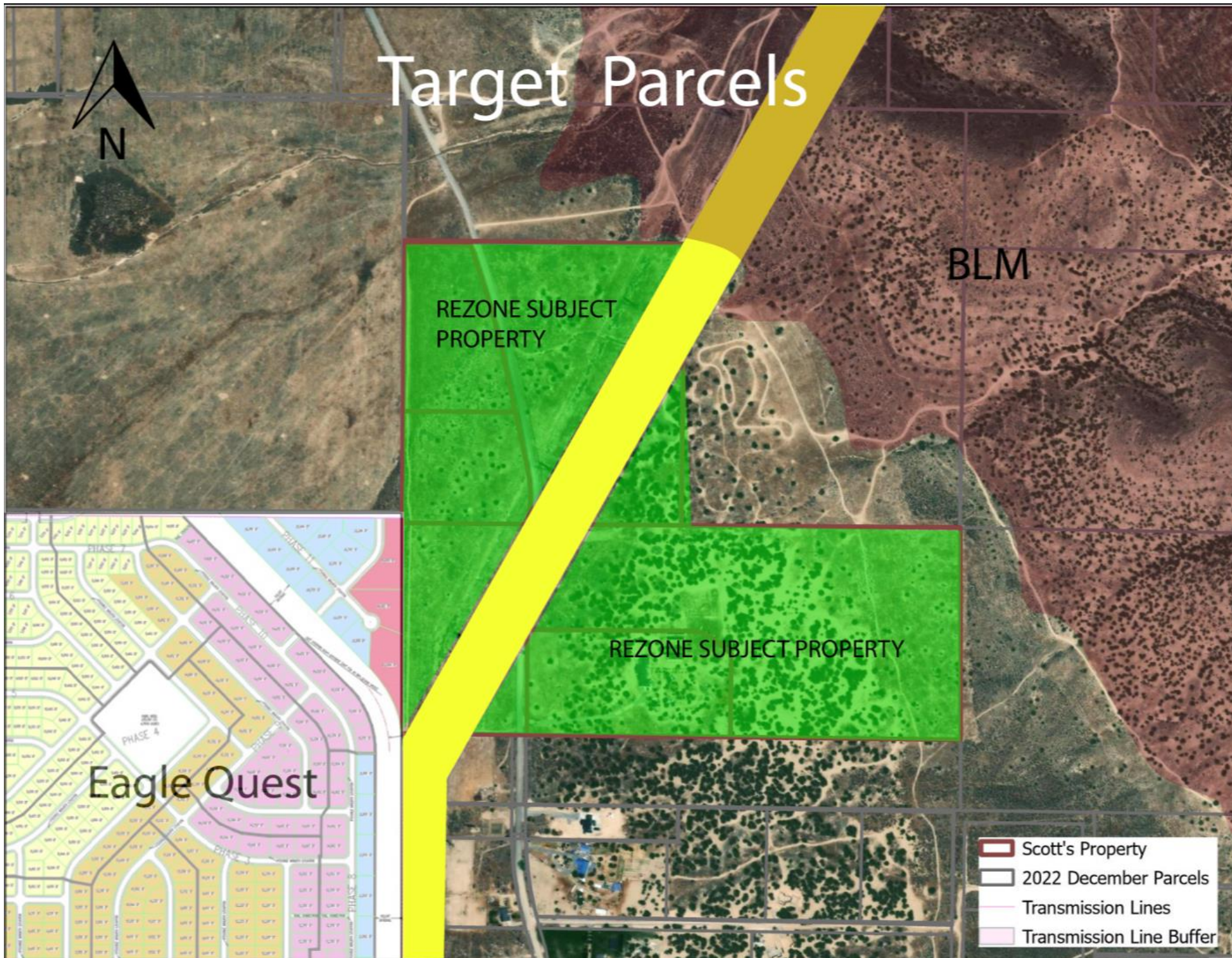
Open Space

Eagle Quest

Vested 1 Acre Lots
Zone: Residential
Rezone to: RD1

Vested 2.5 Acre Lots
Zone: Residential
Rezone to: RD1

- Scott's Property
- 2022 December Parcels
- Transmission Lines
- Transmission Line Buffer



Eagle Quest MDP and MDA Approved Project Layout/Zoning



Jeff & Karen Scott, Eagle Mountain Benches

June 8, 2023

Robert Hobbs
Planning Manager
City of Eagle Mountain

Dear Mr. Hobbs:

This letter is a request by Jeff and Karen Scott for a Waiver of Requirement for Master Development Approval for the Eagle Mountain Benches project located at 5500 Lake Mountain Road.

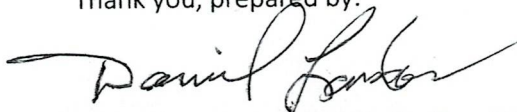
During their meeting of May 16, 2023, this project's concept plan received feedback from the City Council. In the materials provided for that meeting, City staff noted that the proposed RD1 Zone is an agreeable transition to/from the Ag, RA2, RD2, OS-I and OS-N Zones. Further, the federal lands abutting the property are considered as Ag ground, the nearby Eagle Quest development has RD1, RD2 and R1 zoning against the Eagle Mountain Benches' western frontier.

The Eagle Benches property is bisected by a pair of parallel running and abutting utility easement corridors. On the west side of the corridor is a 75' wide gas line easement with two pipes in it; on the east side is a 320' powerline easement. These two easements overlap and reduce the buildable area of parcels within the project. Also, due to this property's location, there are some portions that may be considered unbuildable. Further, a 2018 action by the City Council reserved the powerline easement as open space for a future trail, but the scope and precise location of this reservation has not yet been determined.

Based on the information presented above, the strict application of Chapter 16.10 of the Eagle Mountain Municipal Code would significantly reduce the buildable area of the property.

Please submit this waiver request to the Planning Commission and City Council.

Thank you, prepared by:



Daniel Landon, on behalf of Jeff and Karen Scott

Loreen Johnson

From:
Sent: Wednesday, May 24, 2023 7:34 PM
To: recorder
Subject: Rezoning/paving of Lake Mountain Rd

Hello! I have been a member of the city for 20 years this year. I love living here!
I wanted to share my opinion that I am in support of our rezone of 1 acres lots I also feel that paving part of Lake Mountain Road would be very helpful to city center and am also in support of this as well.

Sincerely,
Amber Dean Hobdy

Loreen Johnson

From:
Sent: Saturday, May 20, 2023 3:08 PM
To: recorder
Subject: 1 acre. Lots on lake Mountain Road.

Hello,

I am a citizen of Eagle Mountain City. I have been notified there is a development for 1 acre lots on Lake Mountain Road along with partial payment. I am sending this email to notify the city that I support this development.

Thank you,
Tiffany Johnson

Sent from my iPhone

Loreen Johnson

From:
Sent: Saturday, May 20, 2023 9:36 PM
To: recorder
Subject: Jeff Scott property

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

To whom it may concern.

My name is Nate Brusik, I am the owner of Lighthouse Custom Homes and I have inquired seriously about the property Jeff and Karen Scott have as a potential Executive home development site or possible upper end neighborhood that the city desperately needs. We feel that this location is a perfect spot up on the East bench of Eagle Mountain city center and along Lake mountain road which is a slightly less traveled road when compared to other main streets in the city.

We hope that the city will support this development and will work with us, or any other developer that determines it's the right purchase. Right now with the market in the position that it's in we are contemplating waiting, but are seriously interested.

Please feel free to contact me with any questions, and we hope that the city will be supportive with this land as a potential development as they have with so many other developments and projects in the City and in the area. It seems for some reason there has been some push back from the city which I don't fully understand, and would hope that the city will see this project for the opportunity that it truly is. Thank you for your time and consideration concerning this matter.

Nate Brusik



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JUNE 13, 2023**

TITLE: ACTION ITEM -- PUBLIC HEARING: AMENDING VARIOUS SECTIONS OF TITLE 16, SUBDIVISIONS

ITEM TYPE: Development Code Amendment

APPLICANT: City-initiated

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

David Stroud, Planning

BACKGROUND:

A recent state code change (SB174) requires cities to amend their code, if applicable, to remove preliminary plat approval from the review by the City Council. This recent state code change is only applicable to single-family, two-family, and townhome subdivision plats. Staff is proposing, due the administrative nature of plats, that all preliminary plats be approved by the Planning Commission. Staff will continue to approve final plats. The changes mandated by state code has an implementation date of February 1, 2024.

The current public hearing held by the Planning Commission is also proposed to be eliminated. If a preliminary plat meets the platting and zoning standards, it must be approved by the City. State code states *"If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, [10.9a.604.1] the administrative land use authority shall approve the preliminary subdivision application."* State code does not require a public hearing regarding preliminary plat approval.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Ordinances pertaining to subdivision code amendments, and processing of the same, may be found in EMMC 1.05.010 & USC 10-9a-501.

RECOMMENDATION:

Staff recommends the Planning Commission forward a positive recommendation to the City Council regarding the proposed amendments to Title 16, Subdivisions, subject to modification or recommendation by the Planning Commission.

ATTACHMENTS:

[Title 16 draft](#)

[Title 16 tables](#)

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;

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

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 cCouncil. 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).~~

~~56.~~ 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
PLANNING COMMISSION MEETING
JUNE 13, 2023**

TITLE: WORK SESSION ITEMS CONTINUED -- CODE
AMENDMENT(S)

ITEM TYPE: Discussion

APPLICANT: City of Eagle Mountain

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

The attached drafts are provided in response to issues raised to Staff or advance code revisions by Staff in anticipation of forthcoming issues that may be confronted, as well as to clarify code language.

ITEMS FOR CONSIDERATION:

n/a

REQUIRED FINDINGS:

n/a

RECOMMENDATION:

n/a

ATTACHMENTS:

[Fence Code Revisions - May 2023](#)

[Res. Definitions and Controls Revamp - March 2023](#)

[Livestock Housing Setbacks Clarified](#)

[17.60.120 Golf Course Fencing](#)

[17.70.030 Internal ADU Connection Clarification](#)

17.10.030 Definitions.

"Fence" means a type of upright structure that serves as a barrier and is customarily used to mark a property boundary and/or to control access to/from a property, serve as a sight or protective screen or decorative element.

"Privacy Screen, Residential" means a type of fence or curtain wall placed on a property not as a fence but rather a barrier to facilitate enhanced privacy or view screening on a property. Screens in this title are treated as a form of accessory structure instead of a fence and are subject to accessory structure code standards.

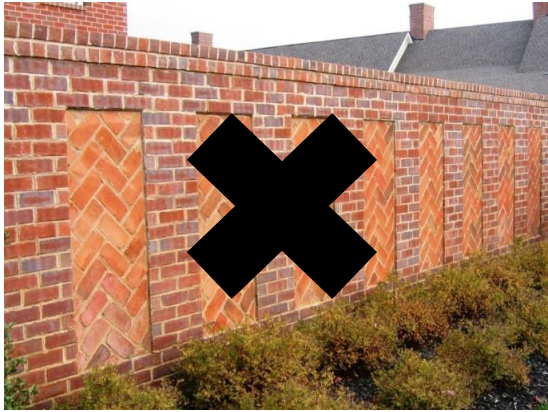
17.60.110 Required buffer widths and improvements.

...

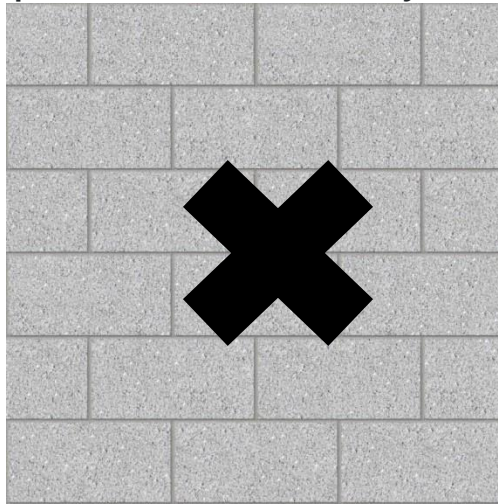
~~B. Walls or Fences. Where required, screening walls or fences shall not be less than six feet in height, unless approved by the city council after recommendation of the planning commission as part of site plan review. Masonry or decorative concrete is the suggested type of wall/fence, and is required where a commercial development borders a residential or agricultural zone or development. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. Decorative concrete and masonry walls shall be subject to approval of the planning commission.~~

~~Examples of appropriate decorative concrete and masonry walls are provided below:~~





~~Examples of inappropriate concrete and masonry walls are provided below:~~



~~B. C. Berming.~~ Berms shall be at least three and one-half feet in height and shall not exceed a slope of 2.5:1, except where a retaining wall is used to support one side of the berm.

~~C. D. Headlight Screen.~~ A headlight screen shall consist of a berm, fence, wall, or landscaping consisting of at least three and one-half feet in height and capable of blocking headlights. Headlight screening may also be provided by buildings. [Ord. [O-13-2016](#) § 2 (Exh. A); Ord. [O-05-2008](#) § 2 (Exh. A § 12.11); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 12.11)].

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

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

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

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

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

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

~~P. 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.~~

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

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

~~S. 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. 0-33.~~

~~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)].~~

~~17.60.130 Chain link fencing.~~

~~Chain link fencing is prohibited as a residential perimeter fence. Chain link fencing for nonresidential projects shall comply with the following standards noted below and depicted in Diagram 17.60.170(b), Chain Link Fencing.~~

~~A. Detached Residential. Chain link fencing may be used as an animal enclosure. Chain link fence shall not exceed six feet in height and is permissible in rear and side yards only. Chain link fencing shall be screened from view of a street by a solid fence or wall.~~

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

~~C. Industrial. Chain link fencing in industrial areas shall not exceed eight feet in height, and shall be permissible no closer than the front wall of the building (or, in the case of a corner lot, the side wall of the building). Where chain link fencing is visible from the street or parking, additional landscaping shall be established. All chain link fencing in industrial areas shall be vinyl-coated. The planning commission or city council can require a solid screen fence other than chain link to screen outdoor storage or similar uses.~~

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

~~E. Slats are not allowed.~~

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

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

~~H. Fencing must be constructed with the open cut of fence mesh down to the ground. [Ord. O-33-2020 § 2 (Exh. A); Ord. O-05-2008 § 2 (Exh. A § 12.13); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.13)].~~

17.60.120 General fencing provisions.

A. The standards in this section shall apply universally to fencing, walls (excluding retaining types), and screens in all zones -- unless specified otherwise. A fence permit or authorization via city site plan approval may be required by the city to sanction the placement of a fence or wall or privacy screen. Property owners should only install fencing on their property. If the property lines are not clearly marked, the city encourages the property owner(s) to consider having a surveyor determine property line locations and mark the same.

B. Residential Perimeter Fencing Standards:

1. Material Type(s):

a. Allowed: Board (e.g., cedar), vinyl, and/or decorative concrete or masonry (including brick).

b. Not Allowed: Chain link, wire, and/or electric (save as allowed per standards hereafter).

Exception(s):

aa. Animal Enclosure: Chain link may be used with animal enclosures. In such cases, the fence shall not exceed 6' in height and may only be used within/alongside or rear yard areas. Further, chain link fencing used as part of an animal enclosure shall itself be screened from view from a street by an allowed form of solid residential fencing.

bb. Sport Court or Golf Course Protection Screening: Chain link fencing may be used to enclose sport courts or screen against golf courses.

cc. Electric fences as allowed in accordance with electric fence provisions stated in this section.

2. Height(s):

a. Interior Lots: No fence shall exceed 4' in height in the front yard area of a property. Wing-fencing extending from the front corners of a residence to the side property lines may be up to 6' tall. Fencing along the side property lines past the front wall plane of a residence to, and along, the rear property line -- including against an alley or service drive -- may be up to 6' tall. Fencing that adjoins an alley or service drive shall be required to comply with clear vision triangle standards where applicable.

b. Corner Lots: Same as interior lots save that no fencing over 3' in height shall be within a clear vision triangle. Fencing that adjoins an alley or service drive shall be required to comply with clear vision triangle standards where applicable.

Exception(s): Sport court fencing or golf course screening shall be exempt from the height regulations of this section but may not be used as exterior property fencing/screening.

C. Commercial Fencing Standards: Same as residential zoning, save that fencing in commercial zones shall not exceed 8' in height in any property area.

D. Industrial Fencing Standards: Same as residential zoning, save that fencing in commercial zones shall not exceed 8' in height in any property area, and, chain link fencing is allowed as herein regulated.

E. Public Facilities Fencing Standards: Security fencing type/materials and height for public, municipal facilities shall be as determined by the City.

G. Materials, Appearance and Maintenance Standards:

1. Fences shall be constructed of commonly available commercial fencing materials.

2. Fences shall be constructed such that one material (i.e., wood or vinyl, etc.) is used throughout and its color(s), pattern, and composition are consistent.

3. Where chain link is allowed in industrial zones:

a. Chain link fences shall have top rails.

b. Chain link fencing shall be vinyl coated.

c. Chain link fencing shall be obscured by a vegetative screen between it and any parking lot or adjoining public street.

Exception(s): Wire fencing. Barbed wire shall only be allowed in conjunction with the care and keeping of livestock. Razor fences and other metal fences (e.g., hog wire, chicken wire, and similar.) are, and shall be, prohibited fence materials.

4. Public View: Finished wooden fence side slats shall face the street or public view to hide cross member support boards

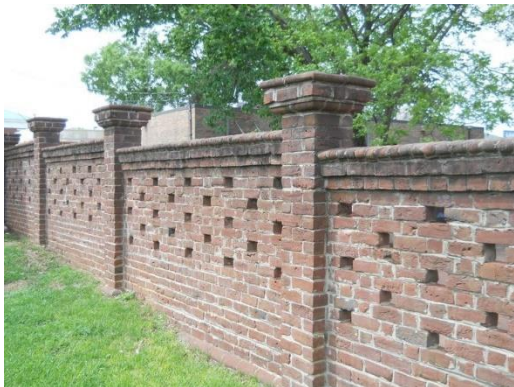
H. Walls or Fences as Buffers or Street Screens: Where required, screening walls or fences shall not be less than 6' feet in height, unless approved by the planning commission as part of site plan review. Masonry or decorative concrete shall be used as a:

1. Buffer: Where and when a commercial use borders a residential or agricultural zone or development. Such wall, fence and landscaping shall be maintained in good condition

with no advertising thereon. Decorative concrete and masonry walls shall be subject to approval of the planning commission.

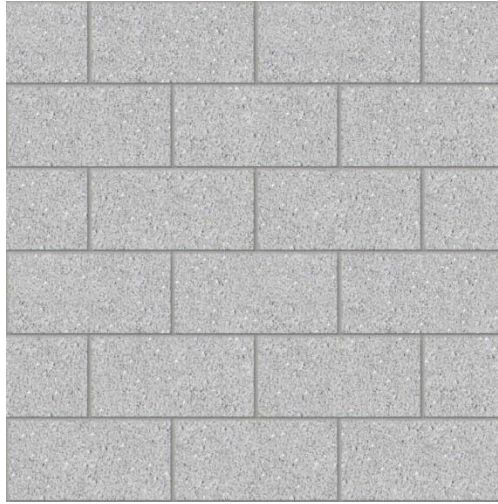
2. Refuse Areas: Trash enclosures and other refuse collection areas shall be screened by a solid masonry or decorative concrete wall. Gates shall be metal and sight-obscuring, not chain link or chain link with slats.

3. Street Screen: Where and when residential fencing abutting a road identified by the City as an "arterial" or "collector" is installed, it shall be of consistent height (not less than 6'), material and color, and, be made of stone, masonry or decorative.





Examples of inappropriate concrete and masonry walls are provided below:



I. Residential Privacy Screens:

Privacy screens on residential properties that serve as view curtains, decorative elements, buffers to neighboring properties etc. shall be allowed provided that:

1. They are treated as accessory structures in terms of allowed height(s), required setback(s) and the need to avoid being placed in or across an easement.

2. If over 6' in height, a building permit is first obtained to authorize their construction/placement.

J. Location Restrictions:

1. Rights-of-Way: Neither fences nor walls shall be located within any portion of any public right-of-way without written city consent. If allowed within a public right-of-way, it shall be the duty of the owner of the fence or wall to remove the same at their expense upon notification by the City for any reason deemed sufficient by the city.

2. Easements:

a. Fences may be placed across or in easements.

b. Walls (including retaining types) shall not be allowed to cross or rest within an easement unless approved otherwise by vacating all or a portion of the easement or obtaining an easement release coupled with an encroachment license/agreement from the city.

3. Utility Fixtures: Fire hydrants and utility boxes shall not be fenced into a yard (i.e., trapped). Fencing shall be kept at least 3' from any such fixtures.

4. Utility Meters. Fencing shall not obstruct access to gas, electric and water meters. If an area of a property with such meters is enclosed by fencing, there shall be a left an unlocked entrance (e.g., a gate) to allow access to the meter(s).

K. Electric Fences:

Electric fences. Electric fences shall only be allowed in the city as provided in this section, subject to the following standards:

1. IEC Standard 60335-2-76. Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) standard 60335-2-76.

2. Energizer. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

3. Charge limit. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in figure 102 of IEC standard 60335-2-76.

4. Installation requirements. No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is not less than 6' in height save in the case where the fence serves to contain livestock -- in which case the fence may be no higher than 6'.

5. Outdoor storage areas. Electric fences shall be permitted on any non-residential outdoor storage area property.

6. Signage. Electric fences shall be clearly identified with warning signs that read, "Warning - Electric Fence" placed at intervals not less than 60 feet apart.

7. Governing regulations. Electric fences shall otherwise be governed and regulated under burglar alarm regulations and permitted as such.

8. Violation. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section save those fences designed and operated to contain livestock. Those fences shall comply with traditional practice and industry standards applicable to livestock enclosure.

L. Berms and Landscape Screens or Hedges: Berms, landscape screens --including hedges -- shall be considered functionally equivalent to fences and if used as may be allowed shall be restricted in height allowed for fences.

M. Private covenants, codes and restrictions (CC&Rs): Recognizing that many subdivisions/properties have private covenants, codes and restrictions that in part govern the type, placement, height and appearance of fences, the city shall undertake no efforts to enforce any fence provisions stated in private covenants. Rather, the city shall only enforce its municipal fence code.

N. Non-Conforming Fencing: Non-conforming may be maintained in current styles and configuration(s) as if in fact it is legally non-conforming. Such fencing, if damaged or destroyed may re-built or repaired if such repairs or replacement is executed within 6 months of it being damaged or destroyed.

O. Retaining Walls: As stated in EMMC 17.25.050.G., retaining walls shall comply with standards in EMMC 15.80 and 17.62. Retaining walls that are over 4' in height shall also obtain a building permit to include provision of structural engineering calculations etc. as may be required by the city's building division. All retaining walls shall comply with hillside site development standards found in Chapter 15.80 EMMC.

P. Certain Uses Require Screening: Certain uses are declared (and others may be declared in the future by the city) to possess characteristics that require sight/site obstruction in order to preclude damage, hazard, nuisance or other detriment to public health, safety or welfare, or to prevent a materially injurious situation to property or improvements in a given vicinity.

For example, unless specified elsewhere in this title, the following uses are declared to require sight/site obscuring fences: Junkyard(s), wrecking yard(s), equipment storage yard(s), vehicle salvage and/or storage yard(s), sanitary landfill(s), and any other uses determined to be similar in nature to the preceding uses by the planning director or his/her designee.

Q. Abatement: Abatement of unlawful fences. The following fences are declared unlawful nuisances and shall be subject to the enforcement provisions of section 3-4-2, "Abatement of nuisances", of this Code:

1. Any fence that is in whole or in part weak, or constructed of broken, unsightly, inferior or old, worn materials of an inflammable nature that may impair the value of the adjoining land.
2. Any fence constructed or maintained for the purpose of maliciously annoying the owners or occupants of an abutting property.
3. Any fence not constructed or maintained in accordance with this section.

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.

~~"Accessory dwelling unit (ADU)" is an independent habitable living unit, with a kitchen, bath facilities, and its own entryway, which is (1) within or attached to an owner-occupied single-family residential dwelling, or (2) within a separate detached accessory structure, or above a detached garage, on a single-family lot. Does not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels.~~

~~"Accessory structure or building" means a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.~~

~~"Bed and breakfast facility" means a limited commercial activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms, on a residential scale for short-term guest rental. This definition will typically involve overnight accommodations, limited food services, parking facilities and open space in a natural setting.~~

~~"Manufactured home or dwelling" means a single-family dwelling complying with the National Manufactured Home Construction and Safety Standards Act (4 USC 5401), the International Building Code or the International Residential Code. Mobile homes, travel trailers, houses mounted on self-propelled or drawn vehicles, shipping containers and tents or other forms of temporary housing or portable housing are not included within this definition.~~

~~"Multifamily dwelling" means all attached housing products and types, including condominiums, apartments, townhomes, and twinhomes. Multifamily dwellings may include dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like. Any multifamily dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a short-term rental. See also "Family."~~

~~“Patio home” means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. Patio homes may also be attached to one or more other patio homes, each with a small private patio or yard area. A patio home development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as cluster homes.~~

~~“Residential facility for persons with a disability” means a residence in which more than one person with a disability resides and which is licensed or certified by: the Utah Department of Human Services under Utah Code Annotated Title 62A, Chapter 2, Licensure of Programs and Facilities; or the Utah Department of Health under Utah Code Annotated Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.~~

~~“Residential juvenile group home” means a 24-hour-per-day group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.~~

~~“Residential rehabilitation and treatment facility” means a facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health.~~

17.10.030 Definitions.

Dwellings, Residential (any of the following):

“Accessory dwelling (residential), detached” means a detached accessory residential dwelling unit (including but not limited to guesthouses) as a separate structure, is allowed on the same lot/parcel as a house, provided they contain only one bedroom, no separate address, no separate utilities for their use. They may be combined with or be part of another detached structure such as a detached garage. The square footage of the accessory residential use within the detached structure, may not exceed 500 square feet of livable space.

“Affordable housing/workforce housing” means housing for which the occupant(s) is/are paying no more than 30 percent of their income for gross housing costs, including utilities. (U.S. Housing and Urban Development definition.)

“Bed and breakfast” means a limited commercial lodging activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms, on a residential scale for short-term guest rental. This definition will typically involve overnight accommodation, limited food services, parking facilities and open space in a natural setting.

“Caretaker” means an accessory residential use on a commercial or industrially zoned property where caretaker is permitted to reside therein 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. Caretaker units are not considered or allowed to be primary dwelling units and may not be vehicles, tents or other non-dwelling units.

“Condominium” means a building or complex in which units of property are owned by individuals and common parts of the property, such as the grounds and building structure, are owned fractionally and jointly by the unit owners. The units are three-dimensional legally described, titled, blocks of air space designated for a use such as an apartment, office or store inside of a structure (such as an apartment building).

“Day shelter” means a purpose-built, renovated or converted structure(s) with facilities that supplement homeless and low-income persons when the shelter they are staying in only offers shelter on an overnight basis. Case management, laundry facilities, shower facilities, meals and basic hygiene are often provided. An emergency or homeless shelter that allows clients to stay during the day is also classified under this category.

“Duplex” See definition of dwelling, two-family (duplex).

“Dwelling, apartment” means a residential dwelling unit that is owned by a landlord and rented to a tenant. Apartments may be in a single building or complex of several buildings.

“Dwelling, combined with a business” means a structure that contains both a dwelling (or dwellings) and a commercial use (or commercial uses). Sometimes referred to using the term “mixed-use”.

“Dwelling, container” See definition of a modular home.

“Multi-family dwelling” means all attached housing products and types, including condominiums, apartments, townhomes, and twinhomes (e.g., two-unit townhouse or “twin home” tri-plex apartment or three-unit townhouse, etc. etc.) with each unit therein having separate, complete housekeeping facilities (i.e., kitchen, bathroom(s), living area, bedroom(s), etc. and access). Multi-family dwellings may include dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and similar. Any multi-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a short-term rental (STR). The minimum connection “length” between units, to qualify for duplex status, shall be eight linear feet. The structural connection shall provide for a functional, usable and enclosed space.

“Dwelling, single-family (including group residence)” means a detached building designed or used exclusively to serve as living (i.e., cooking, sleeping, general living) quarters for the occupancy of one “family” (as defined herein) and having housekeeping facilities for that family. A single-family dwelling (i.e., a home or house) incorporates habitable rooms which

are occupied, or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating. Dwellings (dwelling units) shall not be deemed to include vehicles (e.g., camp trailers, cars, trucks, trailers, buses, RVs, towed pop tents, camper shells, and as elsewhere defined) nor other mobile and temporary shelters such as tents, boxes, etc., nor accessory buildings such as garages and storage sheds.

Furthermore, it also refers to any "group residence" dwelling unit in which eight or fewer unrelated physically and/or mentally handicapped or elderly persons legally reside as a single housekeeping unit who are supervised at the "group residence" in connection with their handicap or age-related infirmity. Resident staff, if employed, need not be related to each other or to any of the mentally and/or physically handicapped (including those suffering from a drug or alcohol addiction) or elderly persons suffering from (an) age-based infirmity(ies) residing in the group residence. No more than two staff shall reside in that dwelling/group residence at one time. Such facilities are also referred to/labeled as residential care facilities/homes by the International Building and Fire Codes. No conditional use permit, zoning variance, or other zoning clearance is, or shall be, required by this Code of a legal group residence, as heretofore defined, which is not also required of a single-family dwelling unit in the same zone wherein a group residence is located as long as the group residence is licensed as such with the Department of Health and Welfare. The city reserves the right to require or verify or administer licensing to assure resident eligibility under the above referenced fair housing protected classes (mentally or physically handicapped or elderly).

The limitations provided for in this definition do not apply to tenancy or planned tenancy in a "group residence" (hereinafter termed a "transition home"), as defined above, by persons who are under the supervision of the State Board of Corrections on probation or parole or who are required to register pursuant to Utah code or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. A separate set of land use categories are listed in this title for group residences of persons under the supervision of the State Board of Corrections (or other appropriate licensed agency) who are required to register as sexual offenders.

As a limit to "group residences," persons convicted of manufacturing or distributing a controlled substance, juvenile offenders, and registered sex offenders are not construed to be handicapped by the City and, therefore, in accordance with Utah code may not reside together in residential dwelling units or residences in groups larger than two offenders.

"Dwelling, tiny house" means a residential structure that is 400 square feet or less in floor area excluding lofts with specific building code requirements. Tiny houses shall be constructed on site or placed on site as a modular structure and be placed on a permanent foundation no axle or frame with axle foundations are permitted. Tiny house construction shall meet the City's adopted building codes for tiny houses and require necessary permits.

"Group home" means a residential facility established as a single housekeeping unit and shared by no more than eight unrelated persons, exclusive of staff, who require assistance and

supervision. A group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. See Chapter 17.75 EMMC for regulations concerning group homes.

"Dwelling, site built" means a building constructed at the location where it is to be used. Not intended or designed to be moved.

"Dwelling, townhouse/townhome" means a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides where units are separated by property lines and with open space on at least two sides of each dwelling unit. A townhouse is not a duplex.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwellings units shall not be deemed to include vehicles (e.g., camp trailers, cars, trucks, trailers, buses, RVs, towed pop tents, camper shells, and as elsewhere defined) nor other mobile and temporary shelters such as tents, boxes, etc., nor accessory buildings such as garages and storage sheds.

"Halfway house" means a purpose-built, renovated, or converted dwelling unit(s) intended to help transition individuals and families from shelters, homelessness, rehabilitation facilities, and/or correctional facilities, to permanent housing.

"Assisted living or rest convalescent care home for the aged" means a home operated similarly to a boarding house but not restricted to any number of guests or guestrooms, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons. In such homes no persons are kept who are suffering from an acute mental illness, or from a contagious or communicable disease, and no surgery is performed or other primary treatments such as are customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital.

"Home, retirement" means a place of residence for several families or individuals in apartment like quarters, rented, cooperative or condominium, which may feature services to retired persons such as limited nursing facilities, minimum maintenance living accommodations, and recreation programs and facilities.

"Homeless shelter" means a purpose-built, renovated, or converted building or space that provides shelter for homeless and low-income persons. Meals and other supportive services are often offered.

"Homeless shelter, emergency" means a purpose-built, renovated, or converted building or space that provides short-term sheltering for homeless and low-income persons. Meals and other supportive services are often offered.

"Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one or more sections.

"Mobile home" means a factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

"Mobile home park" means any privately-owned place where two or more mobile homes used for human occupancy are parked within 500 feet of each other on a lot, tract or parcel of land under the same ownership.

"Mobile home space" means a plot of land within a mobile home park designated for the accommodation of a mobile home.

"Model home office" means a structure built as a house that will, at some point, be used as a single-family dwelling residence, but is temporarily being used as a sales office for homes and/or properties. The model home office shall be converted to a residence with appropriate garage facilities prior to all homes in the subdivision receiving certificate of occupancy or expiration of a temporary use permit (whichever is sooner).

"Modular building" means any building or building component other than a manufactured home or mobile home that is of closed construction and either entirely or substantially prefabricated or assembled at a place other than the building site (Idaho Code section 39-4301).

"Patio home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. Patio homes may also be attached to one or more other patio homes, each with a small private patio or yard area. A patio home development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as cluster homes.

"Planned Unit Development" (PUD) means a development or portion thereof containing non-standard building arrangements and which may contain a mixture of land uses. PUD areas often have special approval processes, approval/design criteria and code exemptions or special requirements that facilitate their non "cookie-cutter", that is, organic design(s).

"Prefabricated home" means either a mobile, modular, or manufactured home whose components are largely constructed off site and then assembled on a property.

"Recreational vehicle park" means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. This term shall not include or denote areas set aside as RV storage yards in subdivision and/or PUD

developments wherein RVs may be kept/stored as a benefit (whether paid for on a rental basis by property owners in that subdivision or not) to property owners living or having property located in and a part of that particular subdivision and/or a PUD.

"Recreational (hobby) vehicle/trailer" means a vehicular unit primarily designated as temporary living quarters or used for recreational purposes including general recreation, fishing, camping, or travel which either has its own power or is mounted on or drawn by another vehicle. Examples of such vehicles include, but are not limited to, the following: travel trailers, camping trailers, truck campers, motor homes, fifth wheels, RVs, etc. Other recreational vehicle types for purposes of this definition shall include, but not be limited to: boats and boat trailers, transport trailers (e.g., used to haul motorcycles, jet skis, snowmobiles, four-wheelers), and other vehicles including, but not limited to: sandrails, mudder trucks, race cars, etc. Recreational vehicles are not allowed to be [considered as] dwelling units by this title (see "unauthorized dwelling units").

"Rooming house or boarding house" means a building in which renters occupy single rooms and share kitchens, bathrooms, and common areas for long term stay (greater than six months). The location may be a converted single-family home under the dwelling unit, congregate (congregate residence) definition.

"Short term rental" (STR) means use of a dwelling for temporary sojourn or transient visit or stay for a period of less than 30 consecutive days by a renter.

"Temporary residence" means an approved mobile, modular or manufactured home but not any form of unauthorized dwelling unit as defined in this section.

"Transition home" means any group residence wherein two or more persons currently under the supervision of the State Board of Corrections or other agency or who are required to register pursuant to Utah code or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. Also often colloquially termed as a "halfway house."

...

"Reside" means to dwell permanently or continuously; to occupy a place as one's legal domicile; this means that a resident shall, on a regular basis, eat, sleep, and otherwise live on a property (in an approved dwelling unit type). Evidence of residency for the purposes of this Code include, but are not limited to: voter registration, receiving mail, application for homeowner's exemption, Polk Directory listings, utility bills and vehicle registrations with the address of the domicile.

"Unauthorized dwelling units" means:

1. Vehicles including (but not limited to): camp trailers, cars, pickups, office, horse and utility trailers, buses, RVs, towed pop tents, camper shells, fifth wheels, boats, converted vans, box trucks, containers, dumpsters); and,

2. Other portable and temporary shelters including (but not limited to): tents (including yurts), lean-tos, and boxes; and,

3. Accessory structures including (but not limited to): carports, garages and storage sheds but excluding guesthouses and lawful caretaker units approved by the city.

17.25.030 Land use table.

This land use table contains the various land uses that are permitted, conditional, special, and prohibited uses in the residential 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)

C = Conditional (Due to their unique characteristics or negative effects that may not be compatible without conditions to mitigate or eliminate the detrimental impacts. Must comply with Chapter 17.95 EMMC)

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

Blank = Prohibited

~~Land Use Table~~
~~Residential Land Uses~~

[illegible]

Land Use Table
Residential Land Uses-

Land Use	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Detached Accessory Dwelling Unit in Compliance with Ch. 17.70-EMMC	P	P	P	P	P	P	P	P ≥ 8,000 sq-ft lot	P ≥ 8,000 sq-ft lot	-	-
Accessory Dwelling Unit within the Primary Residence in Compliance with Ch. 17.70-EMMC	P	P	P	P	P	P	P	P	P	-	-
Residential Facility for Persons with a Disability (Up to 4 Unrelated Adults) in Compliance with Ch. 17.75-EMMC	S	S	S	S	S	S	S	S	S	S	S
Plant and Tree Nursery/Garden Center	S	S	S	-	-	-	-	-	-	-	-
Chickens	P	P	P	P	P	P	P	P	-	-	-
Livestock/Farm Animals (See EMMC 6.10.080)	P	P	P	P	-	-	-	-	-	-	-
Riding Arena (Commercial)	C	C	-	-	-	-	-	-	-	-	-
Stables (Commercial)	C	C	-	-	-	-	-	-	-	-	-
Equestrian Center	C	C	-	-	-	-	-	-	-	-	-
Animal Care Service	S	S	S	-	-	-	-	-	-	-	-
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P
Model Home Sales Office	P	P	P	P	P	P	P	P	P	P	P

[Ord. ~~O-04-2023~~ § 2 (Exh. A); Ord. ~~O-41-2021~~ § 1 (Exh. A); Ord. ~~O-15-2021~~ § 2 (Exh. A); Ord. ~~O-24-2019~~ § 2 (Exh. A)].

Land Use Table

Residential and Related Land Uses

<u>Land Use</u>	<u>RA1</u>	<u>RA2</u>	<u>RD1</u>	<u>RD2</u>	<u>FR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>RC</u>	<u>MF1</u>	<u>MF2</u>
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Accessory Uses:

[illegible]

Living Space Type Uses:

[illegible]

Land Use Table

Residential and Related Land Uses

[illegible]

Non-Living Space Type Uses:

[illegible]

Land Use Table
Residential and Related Land Uses

<u>Land Use</u>	<u>RA1</u>	<u>RA2</u>	<u>RD1</u>	<u>RD2</u>	<u>FR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>RC</u>	<u>MF1</u>	<u>MF2</u>
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Animal Uses/Facilities:

<u>Animal Care Service</u>	<u>S</u>	<u>S</u>	<u>S</u>								
<u>Chickens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
<u>Equestrian Center</u>	<u>C</u>	<u>C</u>									
<u>Livestock (See EMMC 6.10.080)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Riding Arena (Commercial)</u>	<u>C</u>	<u>C</u>									
<u>Stables (Commercial)</u>	<u>C</u>	<u>C</u>									

[Ord. O-41-2021 § 1 (Exh. A); Ord. O-15-2021 § 2 (Exh. A); Ord. O-24-2019 § 2 (Exh. A)].

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.

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground or on a movable support system like skids. Typically, structures are buildings. Not included are residential fences less than six feet in width, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

17.25.040 Residential development standards.

This development standards table contains required standards for each residential zone in the city. More details and clarification are included as footnotes and as generally applicable provisions later in this chapter.

Residential Development Standards

[illegible]

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
Zone Designation	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Minimum Setbacks for Accessory Structures											
Front	Same as principal structure										
Rear	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Street Side	Same as principal structure										
<u>Distance from a Residential Dwelling</u>	<u>Structures housing livestock: 50' from neighboring residences; 6' from all other structures</u>					<u>Structures housing livestock: 6' from neighboring residences; and all other structures</u>					
Site Plan Approval Required (See Chapter <u>17.100</u> EMMC)										Yes	Yes

¹ Height is measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures. Where permitted by EMMC 17.25.030, the maximum height of accessory dwelling units (ADUs) located above a detached garage is 35 feet.

² Lot frontage is measured at the street property line. Lot frontage shall vary by at least five feet every three or four lots in the R3 and RC zones.

³ Excepting for "structures housing livestock", setbacks ~~Setbacks~~ shall only be required to be applied apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Guidance regarding allowed projections into setbacks is outlined in EMMC 17.25.060.

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, as measured from the bottom of the lowest course or footing, 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, exclusive of posts, 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. Property owners shall carry sufficient insurance coverage in the case of the structure falling over due to, but not limited to, vandalism, act of nature, or deterioration. Proof of insurance shall be submitted at the time of building permit application.

~~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)].

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.