EAGLE MOUNTAIN
CITY COUNCIL MEETING

June 02, 2020, 4:00 PM
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

Proposed interim adjustments to procedures relating to Council Work Sessions and Policy Meetings

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

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

Lifesize electronic meeting through Granicus at https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs. Copy and paste the link to your web browser to view the live stream and meeting documents.

1. CITY ADMINISTRATOR INFORMATION ITEMS

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

1.A. DISCUSSION - Eagle Mountain Municipal Code Amendments
1. Chapter 17.37 Business Park Zones
2. Chapter 17.55 Warehouse Farming Overlay Zone

Ch 17-37 Business Park Zones
Warehouse Farming Overlay Zone

1.B. DISCUSSION - Pole Canyon Extraction Permit

2. AGENDA REVIEW

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.

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

3. ADJOURN TO A CLOSED EXECUTIVE SESSION
The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

7:00 P.M. POLICY SESSION – ELECTRONIC MEETING VIA LIFESIZE

4. CALL TO ORDER

5. PLEDGE OF ALLEGIANCE

6. INFORMATION ITEMS/UPCOMING EVENTS

7. PUBLIC COMMENTS

8. CITY COUNCIL/MAYOR'S ITEMS
Time has been set aside for the City Council and Mayor to make comments.

CONSENT AGENDA

9. BID AWARDS

9.A. Construction Management for the Facebook West Access Road and Waterline Project - Project Engineering Consultants

9.B. Facebook West Access Road and Waterline Project - Skip Dunn and Sons Excavating

9.C. Wastewater Treatment Plant Expansion - FX Construction

10. CHANGE ORDERS

10.A. SilverLake Woodhaven Park Design Change Order #1 - Environmental Planning Group
EPG Contract Modifications

11. MINUTES

11.A. May 19, 2020 - Regular City Council Meeting
05.19.2020 City Council Minutes - DRAFT

SCHEDULED ITEMS

12. ARRIVAL

12.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Plan.

BACKGROUND (Presented by Community Development Director Steve Mumford): The proposed ordinance amends the Arrival Master Development Plan, shifting lot lines and roads to provide each lot with suitable soils for septic drain fields based on geotechnical explorations in the area. This is an applicant proposed amendment.
Arrival MDP - Proposed
ARRIVAL MDP - Existing
Arrival MDA 2nd Amendment
ORD--Arrival Master Development Plan
05.12.2020 PC Minutes - Arrival

12.B. MOTION - Arrival Phase B Preliminary Plat Amendment
Arrival Phase B Preliminary Amended
Arrival MDP & Ph B Prelim (2019)

13. ORDINANCES

13.A. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones.

BACKGROUND: (Presented by Planning Staff) The proposed ordinance amends Chapter 17.35 Commercial Zones, creating the Commercial Regional Zone.
ORD--EMMC Chapter 17.35 Commercial Zones
Exhibit A - Chapter 17.35 Commercial Zones

13.B. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

BACKGROUND: (Presented by Planning Staff) The proposed ordinance amends Chapter 17.80 to clarify standards for "official" signs owned and operated by Eagle Mountain City.
ORD--EMMC Chapter 17.80 Sign Regulations and Sign Permits
Exhibit A - Chapter 17.80 Sign Regulations and Sign Permits

13.C. ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Repealing the regulations in Chapter 17.45 Airpark Zone of the Eagle Mountain Municipal Code.

BACKGROUND: (Presented by Planning Staff) The proposed ordinance repealing the regulations in Chapter 17.45 Airpark Zone of the Eagle Mountain Municipal Code is at the request of the Eagle Mountain Planning Commission.
ORD--EMMC Chapter 17.45 Airpark Zone

Exhibit A - Chapter 17.45 Airpark Zone

13.D. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

BACKGROUND: (Presented by City Staff) The Parks and Recreation Impact Fee Enactment adopts the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) and implements the impact fees recommended through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented and tabled at the May 5, 2020 City Council.

ORD--2020 Parks and Recreation Impact Fee Enactment 00487637xB00C1 (1)

Eagle Mountain Parks IFA (FINAL)

Parks and Recreation Impact Fee Facilities Plan 2020 5-28-20

14. <u>CITY COUNCIL/MAYOR'S BUSINESS</u>

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

15. <u>CITY COUNCIL BOARD LIAISON REPORTS</u>

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

16. <u>COMMUNICATION ITEMS</u>

16.A. Upcoming Agenda Items

CI--Upcoming Agenda Items

17. <u>ADJOURNMENT</u>

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this **29th day of May, 2020,** on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website http://www.utah.gov/pmn/index.html, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder

	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020		
TITLE:	DISCUSSION - Eagle Mountain Municipal Code Amendments		
ITEM TYPE:	Discussion		
FISCAL IMPACT:			
APPLICANT:	City Staff & Planning Commission		
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
No

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

PLANNING COMMISSION ACTION / RECOMMENDATION
The Planning Commission was heavily involved in the creation of the Business Park Zones. On May 12th the Planning Commission held a public hearing (no public comments were made) and after making a few changes, voted (5-0) to recommend approval to the City Council of the proposed amendments to Chapter 17.37. Also, on November 12, 2019, the Planning Commission recommended approval of a Warehouse Farming Overlay Zone. This item has been on hold awaiting feedback from the State. After finally receiving feedback we feel it is now ready to be presented for a discussion.

PREPARED BY:
Steve Mumford, Planning

RECOMMENDATION:

BACKGROUND:
The Business Park Zone Chapter is being amended to include three different zones:
(1) Light Manufacturing / Distribution Zone
(2) Medical / Educational Campus Zone
(3) Office Professional Zone

The format for this chapter is very similar to the recent changes to the Commercial Zones chapter, including a land use table, development standards, and generally applicable provisions.

Chapter 4-41a-406 of the Utah Code Annotated states that "if a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use." The same applies to at least one agricultural zone.

The proposed overlay zone accomplishes the requirements of the State Code as long as it is approved for specific property within the city. An alternative option would be to include it as a permitted use (or a special use) in an industrial zone and an agricultural zone; however, that could leave it open to be placed in an agriculture zone close to residences.

This proposal has been on hold since November awaiting feedback from the State Department of Agriculture and Food. The manager of the Industrial Hemp & Medical Cannabis Program was too busy to review our draft code and too busy to have a discussion. The new manager, Cody James, recently responded quickly to my request and provided feedback. His suggestions have been incorporated into the proposal, and are shown in underline or strikethrough. He also stated that the proposal does not conflict with current Utah Code for Medical Cannabis Production Establishments, which can be found here: https://le.utah.gov/xcode/Title4/Chapter41A/4-41a.html.

State Code contains caps on the number of certain medical cannabis establishments. Cultivators are capped at 8 by statute and pharmacies are capped at 14. The other two types of establishments, processors and labs, do not have a maximum number allowed. Currently all 8 cultivator licensees are up and running and there are approximately 11 processors that are licensed. Three of the 14 pharmacies are open.

Attachments:
Ch 17-37 Business Park Zones
Warehouse Farming Overlay Zone

Chapter 17.37

BUSINESS PARK ZONES

Sections:

17.37.010 What this Chapter Does.

In order to further the purposes of LUDMA (Utah's Municipal Land Use, Development, and Management Act) and the City's General Plan, the city is divided into various zones, including a number of business park zones. This chapter establishes the land use regulations for these zones in Eagle Mountain City, including allowed uses, minimum land use standards, and other development provisions.

17.37.20 siness Park Zones.

A. Zone: **Light Manufacturing / Distribution Zone (LMD).** The purpose of the LMD zone is for limited retail, research, office, light manufacturing, and warehouse uses. This zone would allow medium distribution centers, light manufacturing, research labs not producing hazardous waste, warehouses with small office areas in the front of the building and outside machinery and product storage attached to a business. These buildings will be required to have professional looking exteriors with landscaping, parking out front with docks and screened storage yards in the back. These types of businesses will be located near major collectors, arterial roads and highways. This zone is generally most appropriate in areas designated as Business Park / Light Industry on the City's Future Land Use Map, but it may also be considered for approval in other areas, depending on the surrounding land uses and other circumstances.

B. Zone: **Medical / Educational Campus Zone (MEC).** The purpose of the MEC Zone is to provide a planned location for campus and business park type developments for Hospitals, Medical and Healthcare schools, Universities, Colleges, trade schools and healthcare facilities including rehabilitation, transitional care, geriatric care, urgent care, and primary care facilities. These will be close to major roadways and transit corridors. This zone will also allow for student dormitories to be built in conjunction with educational facilities. This zone is generally most appropriate in areas designated as Employment Center Campus on the City's Future Land Use Map, but it may also be considered for approval in other areas, depending on the surrounding land uses and other circumstances.

C. Zone: **Office Professional (OP).** This zone provides an aesthetically attractive environment for large and small business offices and office parks with limited commercial use. This zone is intended to ensure compatibility of new development with surrounding land uses through standards that provide attractive buildings, well planned grounds and other appropriate amenities supporting employee activity. Uses which produce noises, objectionable odors, storage of hazardous substances or the outside storage of inventory or equipment are not appropriate in this zone. This zone is generally most appropriate in areas designated as Regional Commercial or Employment Center Campus on the City's Future Land Use Map, but it may also be considered for approval in other areas, depending on the surrounding land uses and other circumstances.

17.37.030 Land Use Table.

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

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

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

BLANK = Prohibited

LAND USE	ZONING DISTRICT		
	Light Manufacturing / Distribution (LMD)	Medical / EducationalCampus (MEC)	Office Professional (OP)
EDUCATIONAL USES			
Public or Private Colleges/Universities		P	
Community Colleges		P	P
Professional and Occupational Licensing Schools		P	P
Vocational(Trade) Schools	P	P	
Technology, Art/Design, or Similar Schools		P	P
Student Dormitories		P	
HEALTHCARE / MEDICAL			
Rehabilitation and Transitional Care		P	
Assisted Living, Intermediate Care, Long Term Care, Memory Care		P	
Dialysis Center		P	
Hospitals		P	
Laboratories (Medical and Pharmaceutical)	P	P	

Medical Research Facilities (Medical and Pharmaceutical non medical waste storage)	**P**	**P**	
Physician Care		**P**	**P**
Plasma, Blood Collection		**P**	
Surgical Centers		**P**	
CIVIC			
Public / Civic buildings & facilities (City Owned)	**P**	**P**	**P**
Public parks, plazas, trails, and open space	**P**	**P**	**P**
Sports Facilities / Arenas / Fields		**P**	
Transit Stop (Bus, Light-Rail)	**P**	**P**	**P**
COMMUNICATION & UTILITIES			
Communication Facilities & Towers	**S**		
Electrical Substations & Power Transmission Lines	**S**		
Oil & Gas Transmission Lines	**S**		
Public and Private (with franchise agreement) Utility Underground Lines & Utility buildings and other Above Ground Structures	**S**		
Public and private utility equipment and inventory storage, fenced or enclosed	**S**		
COMMERCIAL / NON RESIDENTIAL USES			
Animal Care Service (overnight boarding)	**P**		
Athletic Instruction, including Dance, Gymnastics, Martial Arts, etc.	**P**		
Automobile gas/service stations	**~~P~~ S**	**~~P~~ S**	**~~P~~ S**
Automobile sales and/or minor service	**P**		
Automobile Service & Repair (including auto body)	**P**		
Banks & Credit Unions		**P**	**P**
Body Art Facility / Tattoo Parlor	**P**		
Brewery	**P**		
Car Wash	**P**		
Car Wash (Ancillary to a gas/service station)	**P**	**P**	**P**
Check Cashing and Deferred Deposit Lenders[3]	**S**		
Child Day Care Center or Preschool	**P**	**P**	**P**
Construction and Equipment Sales / Rental	**P**		
Convenience Store; Corner Market	**P**	**P**	**P**
Fitness Center	**P**	**P**	**P**
Flex Office / Retail / Warehouse	**P**		
Food Trucks	**P**	**P**	**P**
Grocery Store, Small/Neighborhood (generally < 30,000 sq ft)	**P**	**P**	**P**
Grocery Store, Medium/Community (generally 30,000 - 75,000 sq ft)	**P**		

Grocery Store, Large/Regional (generally > 75,000 sq ft)	**P**		
Hardware & Home Improvement Retail	**P**		
Laundry (No onsite Dry Cleaning)	**P**	**P**	
Mortuary	**P**		
Office, Medical and Health Care		**P**	**P**
Office, Professional (Architecture, Insurance, Real Estate, Law, CPA, Engineering, etc.)			**P**
Outdoor Sales and Display (including storage of materials, products, and equipment incidental to an allowed use)	**P**		
Parking Garage		**P**	**P**
Pawn Shop	**P**		
Pharmacy	**P**	**P**	**P**
Pharmacy (Medical Cannabis)	**P**		
Plant & Tree Nursery / Garden Center (with outside display)	**P**		
Portable Storage / Shipping Container	**S**		
Race Tracks for Go-Carts, ATVs, and other Motorized Sports Recreational Facilities	**P**		
Reception/Conference/Meeting Center	**P**	**P**	**P**
Recreation (indoor)	**P**	**P**	
Recreational Vehicle Sales/Rentals	**P**		
Research and Development Facilities, excluding medical (non hazardous material producing or obnoxious smells)	**P**		
Restaurant or Bakery	**P**	**P**	**P**
Retail Sales (Generally ancillary to warehouse and distribution center or medical/educational facility)[1]	**P**		
Salon (hair, nails, etc.)	**P**	**P**	**P**
Sexually Oriented Business	**S**		
State Liquor Store	**P**		
Temporary Sales (Christmas tree lots, farmers market or fruit/vegetable stands, fireworks, food trucks, snow cones, etc.)	**S**	**S**	**S**
Tobacco Specialty Business	**S**		
MANUFACTURING, PROCESSING AND DISTRIBUTION			
Agricultural Processing Facilities (non Cannabis)	**P**		
Building material manufacturing and other construction-related business	**P**		
Clean manufacturing businesses (no negative impacts on air quality)	**P**		
Electronic data management businesses	**P**		

Facilities for the development and production of movies, film, television, and similar visual media	**P**	**P**	
Food Processing, packaging, and manufacturing (not including on-site slaughter, killing, or harvesting of animals)	**P**		
Ice and Cold Storage	**P**		
Laboratory and testing services (the use of animal testing and experimentation is prohibited)	**P**		
Light Manufacturing and Assembly	**P**		
Tractor and Diesel repair shops	**P**		
Trade and craftsman industries, including furniture and carpentry, upholstery shops, monument works, metal works and welding shops	**P**		
Wholesale and Warehouse distribution (excluding hazardous material and materials that emit obnoxious or foul odor)	**P**		
Towing yards and Vehicle Storage	**S**		

[1] Includes construction supplies, gift shops, floral sales, copy center or postal center, ice cream or dessert shop, and uses deemed similar or appropriate by the City

[3] Check cashing and deferred deposit lenders include any business that must register in accordance with Utah Code Ann. § 7-23-101, *et seq*.

[4] Hotels offering extended stay must include a mix of extended stay and standard rooms (maximum 70% extended stay)

[5] These special uses are considered prohibited until special use standards specific to these uses are approved and included in Chapter 17.75 EMMC.

17.37.040 Business Park Development Standards

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

Business Park Development Standards

Zone Designation	**LMD** (Light Manufacturing / Distribution)	**MEC** (Medical / Educational Campus)	**OP** (Office Professional)
Maximum Height of Structures	50' [1]	50' [1]	50' [1]
Minimum Setback Requirements [2]			
Front & Side Corner	20' Min	10' Min	10' Min

Rear	20' (Equal to building height[3])	20' (Equal to building height[3])	20' (Equal to building height[3])
Side	None (Equal to building height[3])	None (Equal to building height[3])	None (Equal to building height[3])

[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.

[2] The approval authority may approve alternative height or setbacks if, in its judgment, it complies with one or more of the following:

1. Does not interfere with the use, enjoyment, and character of adjacent properties;
2. Adjacent residential-zoned property has a future land use designation that is not residential;
3. Height or setbacks are consistent with similar development within the zone or area;
4. Topography or natural features make it impossible or impracticable to place the building within the setback

[3] If adjacent to residential

17.37.050 Generally Applicable Provisions

All development projects within the business park zones in this chapter shall conform to the following general requirements:

A. Site Plan Approval. All permitted or special uses in the must comply with Chapter 17.100 EMMC, Site Plan Review, unless exempted in that chapter.

B. Architecture & Site Design. All permitted or special uses shall comply with Chapter 17.72 EMMC, Commercial and Multifamily Design Standards. Where more than one structure is built in a complex or project, structures shall have a similar style or theme, including colors, materials, and design elements. It is recognized that the function and use of buildings used for light manufacturing or unique uses may dictate the style and other appearance of the structure. In these cases strict adherence to the provisions of this chapter may not be advisable or possible, at the discretion of the approval authority.

C. Lighting. All exterior lighting, including parking lot lights, building lights, and other lighting must comply with the standards found in Chapter 17.56 EMMC, Outdoor Lighting Standards. Site lighting shall adequately light all parking areas, walkways, and common areas. Streetlights are required to be paid for by developers and installed by the City’s contractor along all roads in and surrounding a project, in accordance with Section 15.10.390 EMMC.

D. Parking. Parking stalls, including ADA stalls, and parking lot improvements shall be provided in accordance with the standards in Chapter 17.55 EMMC, Off-Street Parking.

E. Landscaping. All landscaping shall comply with the standards in Chapter 17.60 EMMC, Landscaping, Buffering, Fencing and Transitioning. Landscaping in parking lots shall comply with Chapter 17.55 EMMC, Off-Street Parking. All landscaping shall be installed prior to the issuance of a certificate of occupancy for the building. The City Building Official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the City's parking and landscaping requirements.

F. Buffers and Transitions Between Developments and Uses. Non-residential uses require buffering or transitioning when built adjacent to residential uses. Buffering standards can be found in Chapter 17.60 EMMC, and include walls or fences, landscaping, and distance separations. Screening walls shall be built by the developer/builder of the Non-residential use, when adjacent to a residential use.

G. Hillside Development and Sensitive Lands. No construction, development, or earthwork may occur on land restricted by utility corridors, natural washes, storm drain retention/detention areas, geologically sensitive areas that require special engineering considerations for safe habitation, and steep slopes, unless in full compliance with Chapters 15.80, 17.62, other applicable City Codes, and approved by the approval authority for site plans. The approval authority may consider, at their discretion, approval of uses on land restricted by utility corridors, including parking lots, recreation (trails, plazas, open space), appropriate temporary uses, and transit stops. Development projects that include hillsides, ridgelines, or retaining walls must comply with the standards in Chapters15.80 and 17.62 EMMC. Development near natural washes must include significant setbacks from the edge of the wash to any structure, unless approved to pipe the wash. Utility corridors shall be preserved and deeded to the City whenever possible for trails and open space corridors.

H. Signs. Permanent monument signs for a project shall comply with the standards in Chapter 17.80, Sign Regulations and Sign Permits, and sign locations shall be reviewed along with the site plan review. All business signs require submittal and approval of a sign permit application, and signs may require a building permit.

I. Street Trees. Developers and/or builders shall plant appropriate trees in park strips along all public streets. Planting shall be done along with the project landscaping and in accordance with the standards found in EMMC 16.35.080. Street trees are required along all collector and arterial roads.

J. Uses within Buildings. All uses in the commercial zones shall be conducted entirely within a fully enclosed building except those uses deemed by the approval authority to be customarily and appropriately conducted outside (merchandise, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.). No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Trash enclosures, compactors, truck loading areas, and outdoor storage shall be oriented away from residential uses to the extent practical.

K. Bicycle Parking. Convenient bicycle parking shall be provided in locations that do not interfere with pedestrian circulation. Bicycle parking facilities shall be dispersed throughout larger sites and located in convenient and visible areas.

L. Drive-Through Lanes. Drive-through lanes shall be located away from adjoining residential developments. Speakers and menu boards shall be located so that noise is not directed toward residential uses and shall incorporate a screen wall and landscaping to mitigate noise. Where possible, public access doors shall not be located in an area that requires pedestrians/customers to cross drive-through lanes. Where unavoidable, improvements shall be provided to slow vehicles or improve visibility for pedestrians.

17.55 Warehouse Farming Overlay Zone

17.21.010. Purpose and Objective

The purpose and objective of this chapter is to allow for large scale farming/cultivation operations within enclosed structures with reasonable separation from residential and other incompatible land uses. This overlay creates standards for warehouse farming operations, ensuring compatibility with surrounding land uses. This overlay may only be applied to Industrial and Agriculture Zones. The standards and processes of the base or underlying zone(s) shall be applicable unless superseded by this zone's standards.

17.21.020. Definitions

"Cannabis production establishment" means a person and/or facility that grows or intends to grow cannabis and holds a valid cannabis cultivation facility license issued by the State of Utah in accordance with Title 4-41a of the Utah Code Annotated

"Warehouse Farm" means using indoor farming techniques and environmental control features, including but not limited to control of light, humidity, temperature, and fertigation to grow crops indoors. Also referred to as "vertical farming" and "Hydroponic Farming."

17.21.030. Allowed Uses

In addition to the allowed uses in the underlying zone the following uses shall be allowed within the Warehouse Faming Overlay Zone as permitted uses in accordance with standards provided in EMMC 17.21.060

A. Cannabis Production Establishment or Cannabis Cultivation Facility
B. Warehouse Farm

17.21.040. Setbacks

A. Warehouse Farms are required to comply with the setback provisions in the underlying zone, unless modified setbacks are approved by the City Council.
B. Cannabis Production Establishment: In addition to complying with underlying setback provisions shall also be set back a minimum of:

a. 1,000 feet from Schools (public or private)
b. 1,000 feet from religious buildings (including churches, synagogues, mosques, and/or any other place of worship)
c. 1,000 feet from daycares or preschools
d. 1,000 feet from any public or private park~~/improved open space~~
e. 600 feet from any property zoned predominantly for residential uses
f. 600 feet from the nearest dwelling unit (even if located within a zone not primarily for residential development)

Distances will be measured following the shortest route of ordinary pedestrian or vehicular travel.

17.21.050. Standards. The following standards are intended to provide detail regarding the façade appearance of structures located within the Warehouse Farming Overlay Zone

A. Architectural Standards:
  1. Buildings shall maintain a contemporary appearance. Architectural detailing shall feature clean lines and elements, vertical and horizontal articulation or modulation (stepping portions of the façade), and use of textures and materials to reduce the apparent scale of large building walls. Metal may be used along with other building materials.
  2. Warehouse farming shall take place inside permanent structures and shall not be allowed in shipping containers (stacked or unstacked), <u>unless located inside a larger permanent structure.</u>

B. Building Heights: Buildings shall be no taller than:
  1. Thirty-Five feet (35’) if within fifty feet (50’) of a Residential Zone
  2. Five Stories (5) if more than fifty feet (50’) from a Residential Zone

C. Cannabis Cultivation Standards. A Cannabis Production Establishment shall also comply with the following standards:
  1. Maintain full compliance with all state regulations;
  2. Provide a single, secure public entrance;
  3. Provide a security system with a backup power source that detects and records entry into the cannabis production establishment and provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed;
  4. A lock or equivalent restrictive security feature on any area where the cannabis production establishment stores cannabis or a cannabis product.
  5. Outdoor signs on the building may ~~are restricted to one sign on the building that does not exceed four feet by five feet in size and~~ include~~s~~ only the cannabis production establishment’s name and hours of operation and a green cross. Signs must also comply with all regulations in EMMC 17.80.

	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020		
TITLE:	Construction Management for the Facebook West Access Road and Waterline Project - Project Engineering Consultants		
ITEM TYPE:	Bid Award		
FISCAL IMPACT:	$33,750		
APPLICANT:	Eagle Mountain City		
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
No

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION / RECOMMENDATION

PREPARED BY:
Chris Trusty, Public Works

RECOMMENDATION:
Staff recommends that the City Council award a bid to Project Engineering Consultants, in the amount of $33,750.00, for construction management for the Facebook West Access Road and Waterline project and authorize the Mayor to sign the agreement.

BACKGROUND:
In conjunction with the bid award for the Facebook West Access Road and Waterline Project, the City also solicited bids for construction management. Two bids were received. PEC's bid was for $33,750 anticipating 375 hours of work, or roughly 15 hours a week for 25 weeks. Horrocks also submitted a bid, anticipating a total of 675 hours over the same course of time, totaling $70,060. The city is currently working with PEC on the trench repair project, and have a good working relationship with PEC. Because of that, and the lower per hour proposal, staff recommends awarding the bid to PEC.

Attachments:

EAGLE MOUNTAIN	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020		
TITLE:	Facebook West Access Road and Waterline Project - Skip Dunn and Sons Excavating		
ITEM TYPE:	Bid Award		
FISCAL IMPACT:	$2,252,235.37		
APPLICANT:			
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
No

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION / RECOMMENDATION

PREPARED BY:
Chris Trusty, Public Works

RECOMMENDATION:
Staff recommends that the City Council award a bid to Skip Dunn and Sons Excavating for the Facebook West Access Road and Waterline project in the amount of $2,252,235.37 and authorizes the Mayor to sign the agreement.

BACKGROUND:
The west access road and waterline is a project financed by Facebook to provide the site with a second access. The roadway goes from Tiffany Lane south to the Facebook site and is designed as a half width of a minor arterial with 38 feet of asphalt. Design of the roadway and waterline were provided to the City from Facebook. The results of the bid opening are shown below:

1. Skip Dunn and Sons- $2,252,235.37
2. M.C. Green and Sons- $2,635,352.70
3. B.D. Bush Excavation- $2,666,666,20
4. Silver Spur Construction- $2,692,447.73
5. Hadco Construction- $2,699,725.28
6. Kenny Seng Construction- $2,896,430.46
7. Condie Construction- $3,276,350.94
8. J Wright Company- $3,369,231.46
9. Landmark Excavation- $3,774,408.11

Attachments:

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **CITY COUNCIL MEETING** **JUNE 2, 2020**		
TITLE:	Wastewater Treatment Plant Expansion - FX Construction		
ITEM TYPE:	Bid Award		
FISCAL IMPACT:	$3,184,972.00		
APPLICANT:	Eagle Mountain City		
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
No

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION / RECOMMENDATION

PREPARED BY:
Chris Trusty, Public Works

RECOMMENDATION:
Staff recommends that the City Council awards a bid to FX Construction in the amount of $3,184,972.00 for the Wastewater Treatment Plant Expansion and authorizes the Mayor to sign the agreement.

BACKGROUND:
Eagle Mountain has solicited bids from qualified contractors to expand the existing 1.2 MGD plant to 2.4 MGD. Currently, the City is at about 50% capacity for the existing plant. This expansion will enable to City to accept an additional 500,000 gpd, which is expected to begin being received, from Tyson, in the fall of 2021. It is anticipated that the expansion will be completed by June 2021.

The City pre-qualified 6 general contractors prior to the submission of bids. Only three of the pre-qualified, six bidders actually submitted a bid. FX construction, the low bidder, has had two previous projects with the City, which were completed successfully. The bid results are as follows:
1. FX Construction- $3,184,972.00
2. Nelson Brothers- $3,215,700.00
3. Van Con- $4,947,202.00

Attachments:

	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** **JUNE 2, 2020**
TITLE:	SilverLake Woodhaven Park Design Change Order #1 - Environmental Planning Group
ITEM TYPE:	Change Order
FISCAL IMPACT:	$25,750.00
APPLICANT:	

GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION / RECOMMENDATION

PREPARED BY:
Brad Hickman, Parks and Recreation

RECOMMENDATION:

Staff recommends that the City Council approve a Change Order in the amount of $25,750.00 for Environmental Planning Group for design services for the the Silverlake Woodhaven Park.

BACKGROUND:

City staff submitted an RFP for design services for Silverlake Woodhaven Park. At that time, the park was allocated a budget of $500,000 to complete a first phase of the Community Park. During the design phase of the park, staff recommended that for the park to be sufficient it would require a total of $1,000,000 to complete the first phase. Because the first phase scope increased, it also increased the size of the construction documents necessary to solicit bids. This change order is for the increased services needed to complete the construction documents for the park.

Attachments:

EPG Contract Modifications

March 24, 2020

Brad Hickman
Parks and Recreation Director
Eagle Mountain Parks and Recreation Department
2565 North Pony Express Parkway
Eagle Mountain, UT 84005

Via email: Bhickman@Emcity.org

Subject: Contract modification for Eagle Mountain Woodhaven Silverlake Park

Dear Brad:

As requested, EPG is providing the attached contract modification for the Eagle Mountain Silverlake Park in Eagle Mountain Utah. Our original scope of work was based on a construction budget of five hundred thousand dollars and no cents ($500,000.00) based on the original RFP. The City has now approved a larger construction budget of one million dollars and no cents ($1 million). The change order represents the additional time and labor it will take to provide a more complex set of construction drawings. Additionally, we've included a new scope of work for site electrical services which was not included in the original contract.

Please review our proposed contract modification let us know if you have any questions or need any clarifications. You can contact me directly on my cell at 480-213-6534.

Sincerely,

Environmental Planning Group, LLC

David A. Harris, PLA, ASLA
Director Planning + Design
480-213-6534

Enclosure

Site Electrical Scope of Work:

DESCRIPTION OF ADDITIONAL SERVICES REQUESTED:

DRY UTILITY COORDINATION

A. Enhanced coordination with all dry utility companies including documentation of existing and proposed underground utilities
B. Plan submittals with involved utility companies
C. Coordination of power service with serving utility
D. Locations of serving utilities point of connection and underground conduit layout
E. Locations of utility transformers, vaults, pull-boxes and pedestals

ELECTRICAL SITE PLAN

A. Coordination of power service with serving utility
B. Locations of serving utilities points of connection and underground conduit layout and requirements
C. Site lighting layout, circuiting, and control wiring diagram for general lighting purposes
A. Point by Point of site lighting foot candle levels as necessary to comply with plan check requirements

ELECTRICAL POWER PLAN(S)

A. New service entrance and main meter sections design
B. Distribution and branch panel locations
C. Single line diagram
D. Load schedules
E. Panel schedules
F. Convenience receptacle layout and circuiting including controlled receptacles where required by local jurisdiction
G. Voltage drop calculations

PROPOSAL FORM FOR DESIGN & ENGINEERING SERVICES FOR SILVERLAKE PARK CONTRACT MODIFICATION

Name of Firm: Environmental Planning Group, LLC **FY19-20**

1. Detailed design:

The detailed design shall conform to the current requirements of the Planning, Zoning, and Engineering Departments of Eagle Mountain City and shall include the following:

(1)	Site plan	$ 6,800
(2)	Irrigation plan	$ 2,500
(3)	Landscaping plan	$ 1,500
(4)	SWPP plan	$ 0
(5)	Grading and Drainage plan	$ 2,350
(6)	Utility Plan	$ 0
(7)	Geotechnical report	$ -(3,300)
(8)	Site survey	$ 0
(9)	Additional construction detail plans	$ 2,500
(10)	Construction cost estimates	$ 1,400
(11)	Construction specifications	$ 850
(12)	Site Electrical	$ 6,900
(13)	The final plan set	$ 4,250

2. Public meetings:

(1)	Conduct two design input meetings with the Parks and Recreation Director or designee.	$ 0
(2)	Attend one City Council meeting to present the final Master Plan.	$ 0
(3)	Additional Planning Commission and/or City Council meetings if necessary.	$ 0

3. Provide several architectural renditions in plan view. $ 0

4. Deliverables shall consist of:

(1) AutoCAD File. $ included

(2) Three (3) City approved 24" x 36" plan sets and one (1) color rendition of the same size. An electronic PDF copy of the plan set, color rendition, specification book and cost estimates. An additional copy of the specification book and detailed cost estimates in MS Word shall be included. $ included

(3) An electronic copy as described in the Scope of Services. $ included

(4) One (1) 24"x36" color rendition of a Master Plan. $ included

Total for Construction Drawing Contract Modification **$ 25,750**
Based on a revised Construction Budget of one million dollars.

EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

May 19, 2020, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jeff Weber, Fleet and Facilities Operations Director; Jessa Porter, Planner; and Michele Graves, Library Director.

Mayor Westmoreland called the work session to order at 4:10 p.m.

City Recorder Fionnuala Kofoed explained the procedural adjustments due to the electronic meeting and the proposed interim adjustments to practices relating to Council Work Sessions and Policy Meetings.

Public meetings will be held electronically in accordance with Executive Order 2020-1 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Eagle Mountain Municipal Code Amendments

City Administrator Ifo Pili explained staff is transitioning to present upcoming agenda items during the work session prior to the item being presented in a future policy session. This will allow the City Council time to discuss issues or concerns before the item returns to a future meeting.

Community Development Director Steve Mumford presented future agenda items that have been presented to the Planning Commission in previous meetings:

Commercial Regional Zone
Mr. Mumford identified the locations designated for the Commercial Regional Zone within the General Plan Future Land Use Map, the definition of the zone as appropriate for highway-oriented retail and service uses and regional shopping centers that serve community-wide and regional shopping needs, reviewed the permitted uses within the zone, and explained the Commercial Development Standards for the zone.

The City Council discussed commercial zone concerns regarding:

- The prohibition of blood and plasma centers in the Commercial Neighborhood and Commercial Community zones.
- Verbiage stating, "when necessary and appropriate, the development must provide transitioning toward less intensive uses neighboring the district" and the suggestion for the inclusion of specific criteria as to when transitioning is required for the various commercial zones.
- The allowance of religious or cultural meeting halls in the Commercial Regional Zone.
- Allowing microbreweries as an ancillary use to a restaurant and prohibiting full-sized breweries in the Commercial Community and Commercial Regional.
- Walking distances to daycare facilities within the Commercial Neighborhood Zone.
- Resident communication regarding the allowance of automobile service/gas stations.
- Defining commercial size standard limitations within the Land Use Table.
- Lighting levels and Municipal Code compliance involving car dealerships.

Sign Regulations and Sign Permits

Mr. Mumford explained an amendment to Municipal Code providing a permit exemption for electronic reader-board signs owned by the City and used for informational and civic purposes. The Planning Commission recommended an amendment limiting illumination between the hours of 11:00 p.m. and 6:00 a.m., except in the case of emergency communications.

Discussion ensued regarding conditioning sign illumination limitations due to the potential for manual programming inconvenience. Mr. Mumford stated Yesco indicated the monument sign may be programmed to dim automatically. Councilmember Love suggested amending the verbiage for the zone regarding signage illumination.

Councilmember Curtis expressed concern in exempting the City from Municipal Code regulations. He suggested the City approve signs individually, prohibit video signs due to traffic safety concerns, and preclude paid or in-kind advertising on City electronic signs. Councilmember Love suggested allowing video on signs located near stop signs or stoplights. Discussion ensued regarding safety concerns with video signage.

Airpark Zone

Mr. Mumford stated the Planning Commission discussed concerns regarding the permitted and conditional uses within the Airpark Zone. The General Plan does not designate an area for an airpark within the City. An applicant withdrew an Airpark rezone request, and there are no other active applications for the Airpark Zone. The Planning Commission recommended repealing the zone. Mr. Mumford explained zoning can be developed should an applicant express interest in developing an airpark within the City.

Discussion ensued regarding options to repeal the Airpark Zone until requested by an applicant, include an airpark as a special use within another zone, or retain an airpark designation within the Code with indication the zone uses and specifications would be defined when required.

2. AGENDA REVIEW

11. CHANGE ORDERS

11.A. Facebook 3.5 MG Tank Change Order #1 – Probuild Construction

Councilmember Clark verified Facebook would reimburse the City for the expense of the change order.

11.B. Pony Express Parkway Widening Design Change Order #4 – Horrocks Engineers

Councilmember Curtis requested clarification on the change order and if the City had experienced other difficulties with the contractor.

City Engineer Chris Trusty explained the scope of the project changed including the need to relocate and redesign a waterline. He stated due to lack of communication to obtain approval for project modifications resulting in cost increases, he negotiated a lower reimbursement from the City. Mr. Trusty stated this was the first time the City encountered communications issues with the contractor, and the individual involved in the miscommunication is no longer with Horrocks Engineers.

Mr. Trusty explained part of the project had been funded through the Mountainland Association of Governments, and the City may be able to obtain additional funding reimbursement to assist with the change order.

Discussion ensued regarding the payment of the change order and potential reimbursement funding.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2020-2021 Budget.

Assistant City Administrator/Finance Director Paul Jerome presented updates to the General Fund, Enterprise Fund, and Capital Project Fund budgets that have been added since the budget was presented at the previous meeting, as more information has become available from the State.

Councilmember Clark requested additional information regarding the Lake Mountain Recreation Area - Utah Outdoor Recreation Grant. Mr. Mumford explained the grant will be used for pavement, fencing, and signage for the Hidden Valley trailhead.

Mr. Mumford verified the grant is available annually and will be applied to the Hidden Valley trailhead, as it was the grant-qualified project closest to installation. Mr. Mumford explained that Senior Management Analyst Evan Berrett had prepared and managed the grant proposal and the deadline had been delayed due to the pandemic.

Councilmember Clark requested that approved grant funding be included on the City Council as agenda items to discuss the allocation of the funds. Councilmember Curtis concurred.

Councilmember Love verified the funds were being used to complete a project the City Council had previously approved as part of the Hidden Hollow Phase B preliminary plat and site plan on March 17, 2020 with the direction to staff to pursue grant opportunities to assist with the project.

Councilmember Curtis requested to rename economic development areas to include the name of the project or locations. He expressed concerns regarding the miscellaneous budget and requested the budget items be as specific as possible.

14.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget.

This item was discussed after item 16.A.

Mr. Jerome presented the item. He stated amendments will be reviewed at the last meeting of the fiscal year on June 16, 2020 and explained most amendments are received at the end of the fiscal year.

15. RESOLUTION

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Mr. Mumford stated the item had been tabled at the previous meeting. He explained the updated verbiage to the agreement and verified the City would reimburse the installation of a road width above 65 feet, should the City desire a wider road.

Councilmember Curtis expressed concern regarding the land value reimbursement evaluation and stated his opinion that the agreement still needed work before it is approved.

Councilmember Love expressed concern with the storage units fronting Eagle Mountain Boulevard on one of the concept plan renderings and inquired if this concept plan met the terms of the agreement.

16. ORDINANCES/IMPACT FEES

16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Councilmember Burnham inquired if staff had resolved the concerns expressed by Deann Huish with the Utah Valley Home Builders Association regarding the Parks and Recreation Impact Fee.

Mayor Westmoreland explained staff requested to remove item 16.A. from the agenda to allow time to address concerns.

Councilmember Curtis expressed concern that builders were exercising undue influence on the City consultant to alter the impact fee calculation.

Mr. Pili explained staff recommended removing the Parks and Recreation Impact Fee from the agenda to verify that the fee calculations are accurate. Mayor Westmoreland explained the review of the impact fee is to exercise an overabundance of caution to ensure the values are calculated correctly.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

Mayor Westmoreland adjourned the meeting at 6:13 p.m.

7:00 P.M. POLICY SESSION – ELECTRONIC MEETING VIA LIFESIZE

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Fionnuala Kofoed, City Recorder; Jeremy Cook, City Attorney; Elizabeth Fewkes, Recording Secretary; Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Ross Fowlks, Fire Chief; Jeff Weber, Fleet and Facilities Operations Director; Jessa Porter, Planner; and Michele Graves, Library Director.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Seniors Meal Pick Up: Free meals for seniors are available for curbside pickup Monday through Thursday at the Senior Center. Visit the City website calendar at eaglemountaincity.com/calendar for details.

Pony Express Days – At Home Edition: With Pony Express Days events cancelled due to the COVID-19 pandemic, residents may still celebrate the community spirit of Pony Express Days with activities at home and share on the City website or via email for the opportunity to win prizes. Visit emcity.org/PED2020 for information on activities scheduled for May 22 to 30 and prize announcements.

Park Reservations: Pavilion reservations at City parks will be accepted starting May 26 at 8:00 a.m. Visit the City website, Parks Department page to access the link for online reservations, including a list of park amenities and fees.

Free Water Checks: Utah State University offers free irrigation system checks at residences in Eagle Mountain, which may help you save money on your water bill. Sign up at emcity.org/waterchecks.

COVID-19 Yellow Phase: For updates on City operations in the current yellow phase of response and recovery from COVID-19, please visit the City website at eaglemountaincity.com.

7. PUBLIC COMMENTS

Electronic public comments were received from Deann Huish and David Lewis IV regarding the Parks and Recreation Impact Fee.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham
Councilmember Burnham thanked Communications Director Linda Peterson and the Events Department staff for their efforts and creativity to adapt the Pony Express Days celebration.

Councilmember Clark
Councilmember Clark expressed appreciation for the residents participating in the meeting remotely. She thanked service men and women and their families for their service and sacrifice. The Eagle Mountain Ham Radio and the Emergency Communication Team will hold a parking lot licensure examination on Saturday, May 23, 2020 from 11:00 a.m. to 3:00 p.m. at Eagle Mountain City Hall. To register, email dbecar@charter.net.

Councilmember Curtis
None.

Councilmember Gray
Councilmember Gray said he is excited for the Pony Express Days at-home celebration and stated Pony Express Events has donated tickets prizes for future events yet be scheduled. The Memorial Day Cemetery program had been cancelled and information regarding an alternate observance is forth coming.

Councilmember Love
Councilmember Love said she was excited to see the installation of the City sign near the SilverLake Amphitheater and thanked Ms. Peterson and the communications staff for their efforts.

Mayor Westmoreland
Mayor Westmoreland explained the State of the City address had been postponed due to the COVID-19 pandemic. He expressed assurance in the fiscal stability of the City and stated appreciation for Council and staff efforts to prepare for and manage the crisis. He thanked the City and the residents for their efforts to assist one another and to care for their mental, emotional, and physical health. He expressed concern for the health of City residents while balancing economic needs and stated the City is doing well and expressed optimism regarding the future.

CONSENT AGENDA

9. BID AWARDS

9.A. Community Development Building Vehicle Wash Bay – Wasatch West Construction

9.B. Library Addition – Bailey Builders

9.C. Water Optimization Study – Barr Engineering

10. BOND RELEASES

10.A. Arrival Phase B, Plat 2 – Out of Warranty

10.B. Harmony Phase A, Plat 1 – Out of Warranty

11. CHANGE ORDERS

11.A. Facebook 3.5 MG Tank Change Order #1 – Probuild Construction

11.B. Pony Express Parkway Widening Design Change Order #4 – Horrocks Engineers

11.C. Wastewater Treatment Expansion Design Change Order #3 – Aqua Engineering

12. MINUTES

12.A. May 5, 2020 – Regular City Council Meeting

13. RESOLUTIONS

13.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Municipal Wastewater Planning Program, 2019 Annual Survey.

MOTION: ***Councilmember Gray moved to approve the consent agenda. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Fiscal Year 2020-2021 Budget.

Assistant City Administrator/Finance Director Paul Jerome reviewed the changes made to the tentative budget since the previous meeting. State statute requires that the City Council hold a public hearing on the tentative budget and that the budget be adopted by June 30. The tentative budget was accepted by the City Council on May 5, 2020. The final budget will be adopted on June 16, 2020 and will be the document that governs the expenditures for FY 2020-2021.

General Fund

- Reductions: Interest revenue by $175,000 due to market condition, Class B & C Road Funds, and allocations (gas tax),
- Increases: Sales tax by $200,000.
- Revenue Sources: $75,000 reduction.
- Expenditures: Reduction to paved road maintenance by $135,000, an increase in cost to account for salary and benefits for the addition of an employee to the Planning Department, a reduction to Public Safety due to changing a new-hire sergeant position to a victim advocate, special events requested $30,000 to be transferred from the FY 2019-2020 budget to the FY 2020-2021 budget to reschedule some of the cancelled Pony Express Events to the fall.

Enterprise Fund

- Expenditure Increase: Water line and road to be reimbursed by Facebook, and material services and supplies for the GIS fund.

Capital Projects:

- Expenditure Increase: $48,100 covered 50 percent by a grant from Utah Outdoor Recreation Division to improve the Hidden Valley trailhead.

Mayor Westmoreland opened the public hearing 7:28 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

14.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget.

Mr. Jerome presented the item and reviewed the proposed increases to the Fiscal Year 2019-2020 Budget. State statute requires the City to amend its budget to appropriate funds for increased expenses. The proposed ordinance is the fourth budget amendment for Fiscal Year 2019-2020 and includes increases in the General Government, Enterprise, Capital Projects, Impact Fee and Debt Service funds.

Councilmember Gray verified the $25,000 spent in response to the COVID-19 pandemic was reimbursable through Federal funding. Mr. Jerome explained Federal funding would not be received until the 2020-2021 fiscal year.

Councilmember Curtis inquired regarding the building permit plan review and inspection fast-track fees. Mr. Jerome explained the fees represent an increased expense through overtime payments to City inspectors. Councilmember Curtis suggested prohibiting fast-track inspections.

Mr. Mumford explained developers pay a fast-track fee for plan reviews and inspections. The practice began several years ago as a benefit to the developers to decrease review timelines and to enable the inspectors to earn additional income. He expressed a willingness to discuss the allowance of fast-track reviews with the inspectors to determine if the practice should be ended.

Councilmember Curtis expressed concern that other residents' applications would experience additional delays. Mr. Mumford stated the fast-track permit processing occurs outside of business hours, does not delay other applications, and reduces the queue for standard permit applications. Mr. Mumford said the City has not employed outside contractors to assist with fast-track permits and the State Code requires all permits be processed within 14 business days.

Councilmember Clark verified the developer fast-track fees reimburse the expense to the General Fund.

Mayor Westmoreland was excused at 7:45 p.m. due to technical difficulties.

Mayor Pro Tempore Burnham opened the public hearing 7:46 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Mayor Pro Tempore Burnham closed the hearing.

MOTION: ***Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah, approving the Fourth Amendment to the Fiscal Year 2019-2020 Budget. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

Mayor Pro Tempore Burnham recessed the meeting at 7:47 p.m.

Mayor Westmoreland opened the meeting at 7:55 p.m.

15. RESOLUTION

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Revised Sage Park Business Center Development Agreement.

Mr. Mumford reviewed the item. This applicant-proposed revision to the Sage Park Business Center Development Agreement addresses reimbursement of the collector road upsizing and access off Eagle Mountain Boulevard. The project is located on the north end of Sage Park, on the east side of Eagle Mountain Boulevard. This item was presented to the City Council on May 5, 2020 and was tabled to the May 19, 2020 meeting.

Mr. Mumford presented the two concept plan options provided and stated the applicant requested the property be valued as unimproved residential land instead of unimproved agricultural land, as the property has a preliminary plat approved. He explained the proposed changes to the agreement drafted by staff and the applicant:

> 3. Collector Road Dedication. The Property shall be developed in the general configuration as shown on the concept plan attached hereto and incorporated herein (the "Concept Plan"). In consideration for the City rezoning the Property, Developer shall construct and dedicate to the City up to a 94' wide Major Collector Road (which width shall be determined by the City) in accordance with the design standards in Eagle Mountain City Code Table 16.35.130(b) in the location shown on the Concept Plan (the "Collector Road"). Developer shall be reimbursed for upsizing cost for any portion of the Collector Road that is more than 65 feet wide, including the value of the land required to upsize the Collector Road to greater than 65 feet at unimproved agriculture land value. The 65-foot cross-section includes 40 feet of asphalt.
>
> 4. Commercial Storage Access Road. It is the understanding of the parties that the success of this project is somewhat dependent on having Developer may propose a right in / right out access into the Project to the North of the Collector Road, as shown on the attached concepts. The City agrees to allow an access in the general location shown on the concepts, shall considering the access in accordance with spacing standards in the then existing EMMC requirements.

Councilmember Gray asked if the City agreed to grant vested rights for a right-in, right-out access. Mr. Mumford explained the agreement allows for the right-in, right out access in accordance with the findings of a traffic study, spacing standards, and other Municipal Code requirements. Councilmember Gray stated a right-in, right-out access would require acceleration/deceleration lanes to address safety concerns.

City Engineer Chris Trusty stated the City would require acceleration/deceleration lanes should the access be granted, if merited.

Discussion ensued regarding if an acceleration/deceleration lane requirement should be included as a condition of approval.

Councilmember Love asked if Concept Plan One met the terms of the office space requirements in the agreement. Mr. Mumford stated the agreement included frontage limitations for the storage units along Eagle Mountain Boulevard.

Councilmember Burnham inquired if Concept Plan One was an option as her understanding was that Concept Plan Two had been approved as the preferred plan. Mr. Mumford stated the applicant requested to include both concept plans and Concept Plan Two had been designated the preferred plan due to previous Council feedback.

Councilmember Clark stated the approval had been based upon the Concept Plan Two design and the preferred plan should be the option moving forward.

City Attorney Jeremy Cook stated he had reviewed the developer's proposal and suggested verbiage to include in the agreement to require adherence to the desired design standards including acceleration/deceleration lanes. He suggested based upon the Council's comments, the addition of spacing and design standard guidelines for right-in, right-out accesses to Municipal Code.

Mr. Mumford clarified he had drafted the language in the agreement after discussions with the applicant.

Applicant Isaac Patterson with Patterson Construction stated he reviewed the footage from previous City Council meetings regarding this application. Wayne Patterson's statement during the November 11, 2019 City Council meeting had not intended to imply Patterson Construction would forgo the standard reimbursement for the road upsizing and recognized that some of the Councilmembers had construed the statement as an offer to fund the full installation. He said the traffic impact from the Sage Park Business Center Development alone would not merit a collector road width, and the specialists and industrial designers he consulted with recommended 40 feet of asphalt. Due to the misunderstanding, Patterson Construction agreed to fund the installation of 65 feet of asphalt.

Mr. Patterson stated Patterson Construction will adhere to Municipal Code specifications regarding the right-in, right-out access. He reiterated Patterson Construction's preference would be to withdraw the rezone application and construct only residential units.

Councilmembers Gray and Clark expressed concern vesting the right-in, right-out access without acceleration/deceleration lanes.

Councilmember Clark asked why Mr. Patterson returned to the Council with the application if his preference was to revert to residential zoning. Mr. Patterson stated he had agreed, at Councilmember Burnham's request, to work with staff towards a solution. Councilmember Clark requested the applicant clarify to the Council that he was choosing and not being forced to install commercial uses. Mr. Patterson responded she was asking a loaded question. Councilmember Clark expressed she felt the applicant was being unfair by threatening to revert to a residential use. Mr. Patterson stated he had adjusted the development to align with the City's updated General Plan that designates a collector road and commercial uses for the area. He did this in order to cooperate with the City, even though Patterson Construction's preference would be to develop residential uses.

Councilmember Burnham expressed appreciation to the applicant for his efforts to work with and cooperate with the City.

Councilmember Curtis stated he appreciated the applicant working with the City but felt the applicant should have agreed to pay for a 77-foot road width, as he had understood Wayne Patterson agreed to pay for the full installation during the November 11, 2019 meeting. Mr. Isaac Patterson stated in addition to the 65 feet of asphalt, Patterson Construction would also pay additional funds toward the road installation through impact fees.

Councilmember Gray stated he did not want to move forward with a motion unless the acceleration/declaration lanes were required. Mr. Trusty verified that Municipal Code requires acceleration/declaration lanes.

Discussion ensued regarding the conditions to include in the motion.

MOTION: ***Councilmember Love moved to approve a resolution of Eagle Mountain City, Utah, approving the revised Sage Park Business Center Development Agreement with the following conditions:***

1. ***Item three shall be changed from unimproved agriculture land value to unimproved residential land value;***
2. ***Item four shall be amended to include "as shown on the attached preferred concept plan" and "in accordance with spacing and design standards including acceleration/deceleration lanes in the existing EMMC."***

Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

Councilmember Clark asked Mr. Cook if landowners can opt to revert to a previous zoning designation after an approved rezone application re-designated the area as different zone.

Mr. Cook stated the agreements are contingent upon the applicant's signature as an indication of agreement with the contingencies the Council has imposed. He explained that in the case of the Sage Park Business Center Development Agreement, a refusal to sign the new agreement could potentially vacate the prior preliminary plat approval due to the applicant requesting the rezone application. Mr. Cook advised against implementing coding to invalidate the terms of all previous plat approvals after a rezone approval, as applicants may hesitate to agree to rezoning applications which would benefit the City due to concerns regarding the annulment of previous rights.

Discussion ensued regarding concerns with applicants attempting to revert to previous plat approvals after the approval of rezone applications by declining to sign agreements and the contingency of the rezone application upon the signing of development agreement.

16. ORDINANCES/IMPACT FEES

16.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

This item was removed from the agenda.

16.B. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Storm Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Fred Philpot, Lewis, Young, Robertson, and Burningham Vice President, presented the item. The Storm Water Impact Fee Enactment adopts the Impact Fee Facilities Plan and Impact Fee Analysis and implements the impact fees recommended through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting an Updated Impact Fee Enactment for a Storm Water Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

16.C. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Culinary Water Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Mr. Philpot presented the item and stated the only change was the verbiage from "CWP One-Time Development fee" to "CWP Infrastructure fee" to improve clarity. The Culinary Water Impact Fee Enactment adopts the IFA and implements the impact fees recommended through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

MOTION: ***Councilmember Love moved to approve an ordinance of Eagle Mountain City, Utah, adopting an updated Impact Fee Enactment for a Culinary Water***

Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

16.D. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Transportation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

Mr. Philpot presented the item and said the future facility component remained the same. He explained an adjustment had been made removing completed SID payments and reimbursement agreements resulting in a reduction to the impact fee. The Transportation Impact Fee Enactment adopts the IFA through ordinance. Once adopted, there is a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. This item was presented at the May 5, 2020 City Council meeting and the public hearing was held; the item was tabled to the May 19, 2020 meeting.

Councilmember Gray expressed concern regarding the lowered impact fee due to the need for road improvements within the City and traffic load increases caused by new development.

Mr. Philpot explained the impact fees are calculated by considering the funding source of system improvements and the delineation between system improvements and project improvements. He stated repair, replacement, and other maintenance are not impact fee eligible.

Councilmember Clark asked if the City funding traffic projects from the General Fund reduces impact fee calculations. Mr. Philpot explained the calculation is based upon future facilities projections for upcoming projects and the impact fee will increase as more projects are scheduled.

Discussion ensued regarding the impact fee calculation process, the buy-in component, and how the circumstances of individual cities merit fee calculation variance.

Mr. Pili explained finished projects have been removed from the fee schedule, because the City cannot charge for projects that have been completed, except through the existing facilities buy-in. He stated the IFFP will be amended to include additional future projects once the necessary research has been completed.

Discussion ensued regarding concerns that all eligible projects were included in the impact fee schedule calculation, impact fee eligibility timeframes, the frequency of the IFFP updates and recalculations as dictated in accordance with City growth, City payment of impact fee-eligible expenses from the General Fund, addressing developer communications, new construction being charged the appropriate fees in accordance to growth impact on City transportation infrastructure, the possibility of requesting staff recalculation and verification of the impact fee calculation, and potential future infrastructure expansion.

MOTION: ***Councilmember Burnham moved to table an ordinance of Eagle Mountain City, Utah, adopting an Updated Impact Fee Enactment for a Transportation Impact Fee; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

17. CITY COUNCIL/MAYOR'S BUSINESS

None.

18. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Love
Councilmember Love stated the Youth Council elections had been held electronically through Cedar Valley High School on Tuesday, May 12, 2020 and congratulated Youth Council Mayor Sydney Williams and Youth Council Councilmembers Ashton Bernabeu, Salem Shimakonis, Kayson Welch, and Logan Welch.

19. COMMUNICATION ITEMS

19.A. Financial Report

19.B. Upcoming Agenda Items

20. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn the meeting at 9:37 p.m. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Melissa Clark, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:37 p.m.

Approved by the City Council on June 2, 2020.

____

Fionnuala B. Kofoed, MMC
City Recorder

EAGLE MOUNTAIN

EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020			
TITLE:	ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Approving the Second Amendment to the Arrival Master Development Plan.		
ITEM TYPE:	Amended Master Development Plan		
FISCAL IMPACT:			
APPLICANT:	Scot Hazard		
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**
Agricultural / Rural Density Two	Residential (Base Density)		Arrival

PUBLIC HEARING:
Yes

REQUIRED FINDINGS:
The approval criteria for master development plans can be found in EMMC 16.10.070. The approved Arrival Master Development Agreement (2nd Amendment) should also be consulted and considered when reviewing this application.

PLANNING COMMISSION ACTION / RECOMMENDATION

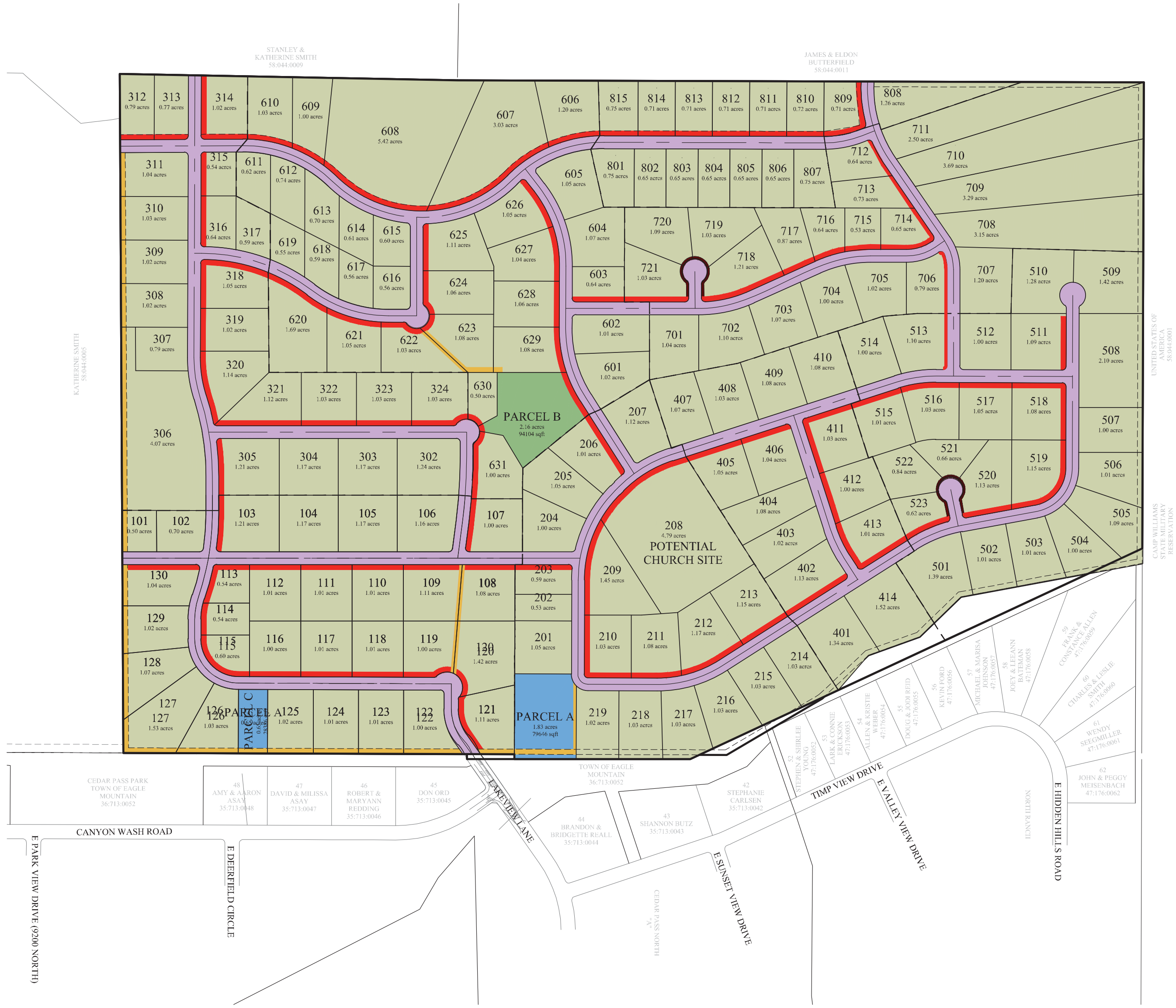
RECOMMENDATION:
This updated proposal (modified after the Planning Commission meeting) improves connectivity, reduces the total number of lots, and resolves engineering concerns to result in a development that provides estate lots in the city. However, the increase in lots under 1 acre is a bit concerning, since our current code prohibits septic systems on lots less than 1 acre except in existing subdivisions. This project, however, could be interpreted to be an existing subdivision, since the MDA allows septic systems on lots less than 1 acre and earlier phases of this project have been developed. The Council can choose to approve, approve with conditions, deny with findings of facts, or table this item with specific directions for changes.

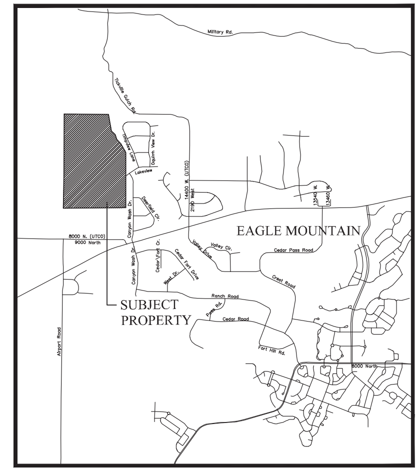
BACKGROUND:
The applicant has recently discovered shallow bedrock or other unacceptable soils in many of the remaining lots in the Arrival development. The purpose of this redesign is to provide each lot with suitable soils for septic drain fields based on geotechnical explorations in the area. The State now requires two (redundant) drain field locations on each lot, which was not the case when Arrival was originally entitled.

On May 12th the Planning Commission reviewed this proposal, prior to the latest modifications, and after a lengthy discussion and consideration of possible conditions of approval, they ultimately recommended denial to the City Council (3-2) due mainly to the reduced connectivity throughout the project. (For Denial: Commissioners Wright, Wood, and Wells; Against Denial: Commissioners Everett and Pengra). No public comments were made in the meeting. The Commission was unfortunately provided with a previous version of the master development plan, and so some of the concerns that were discussed during the meeting (the church site, another road connection) have already been resolved in the February 2019 update to the master development plan. Thus, the main concerns that should be considered include connectivity, lot size distribution, and septic systems in relation to lot size.

PREPARED BY:
Steve Mumford, Planning

Attachments:
Arrival MDP - Proposed
ARRIVAL MDP - Existing
Arrival MDA 2nd Amendment
ORD--Arrival Master Development Plan
05.12.2020 PC Minutes - Arrival





VICINITY MAP
N.T.S

LEGEND

- RESIDENTIAL LOT
- PEDESTRIAN/BIKE/EQUESTRIAN TRAIL (20' WIDE)
- RIGHT OF WAY
- DETENTION POND
- OPEN SPACE (PARK)
- WATER TANK SITE
- UTILITY ACCESS
- POTENTIAL CHURCH SITE
- ROADSIDE TRAIL (CROSS SECTION)
- ROADSIDE 5' TRAIL (CROSS SECTION)

TRAIL NOTES:
1. TRAIL ON SOUTH AND WEST SIDE OF PARCEL A WILL BE 10' FEET WIDE, AND ALL ON PARCEL A.
2. ROAD TRAIL FROM LOT 314 TO LOT 811 IS OPEN TO HORSES.
3. ROADSIDE TRAIL AROUND CUL-DE-SAC BULBS WILL BE 5' WIDE.

LAND USAGE

UNIT NAME	ACREAGE
TOTAL AREA	224.9
RESIDENTIAL LOTS (178 LOTS)	169.3
RIGHT OF WAY	24.6
IMPROVED OPEN SPACE	4.6
DETENTION POND	2.5
TRAIL EASEMENT	7

DENSITY
AREA = 224.9 ACRES
LOT = 178 UNITS
DENISITY = 0.79 UNITS/ACRE

GRAPHIC SCALE
(IN FEET)
1 inch = 200ft.

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LICENSED PROFESSIONAL ENGINEER
THOMAS M. ROMNEY
STATE OF UTAH

ARRIVAL SUBDIVISION
EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH
LAND USE TRAIL PLAN

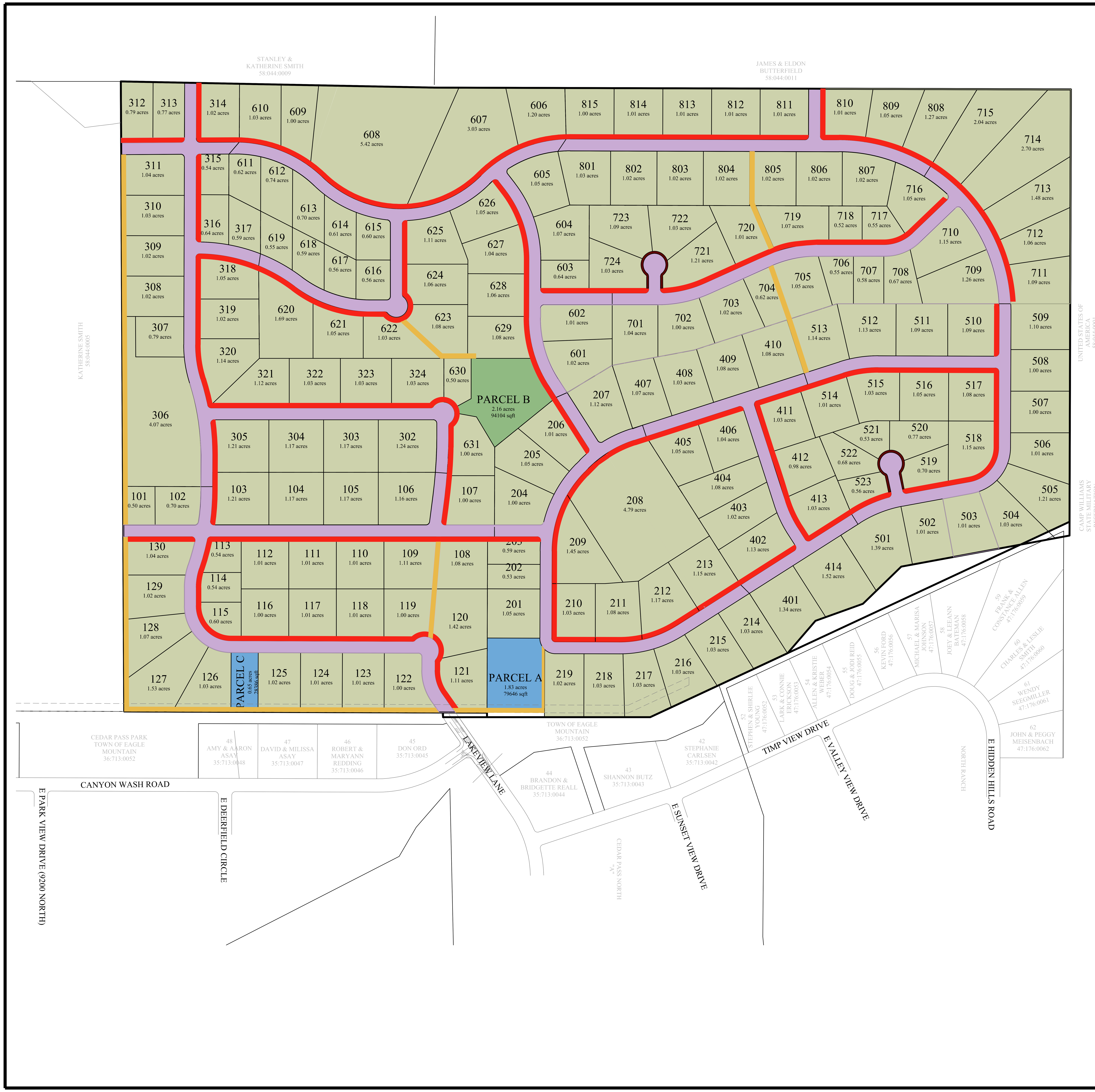
REVISION BLOCK

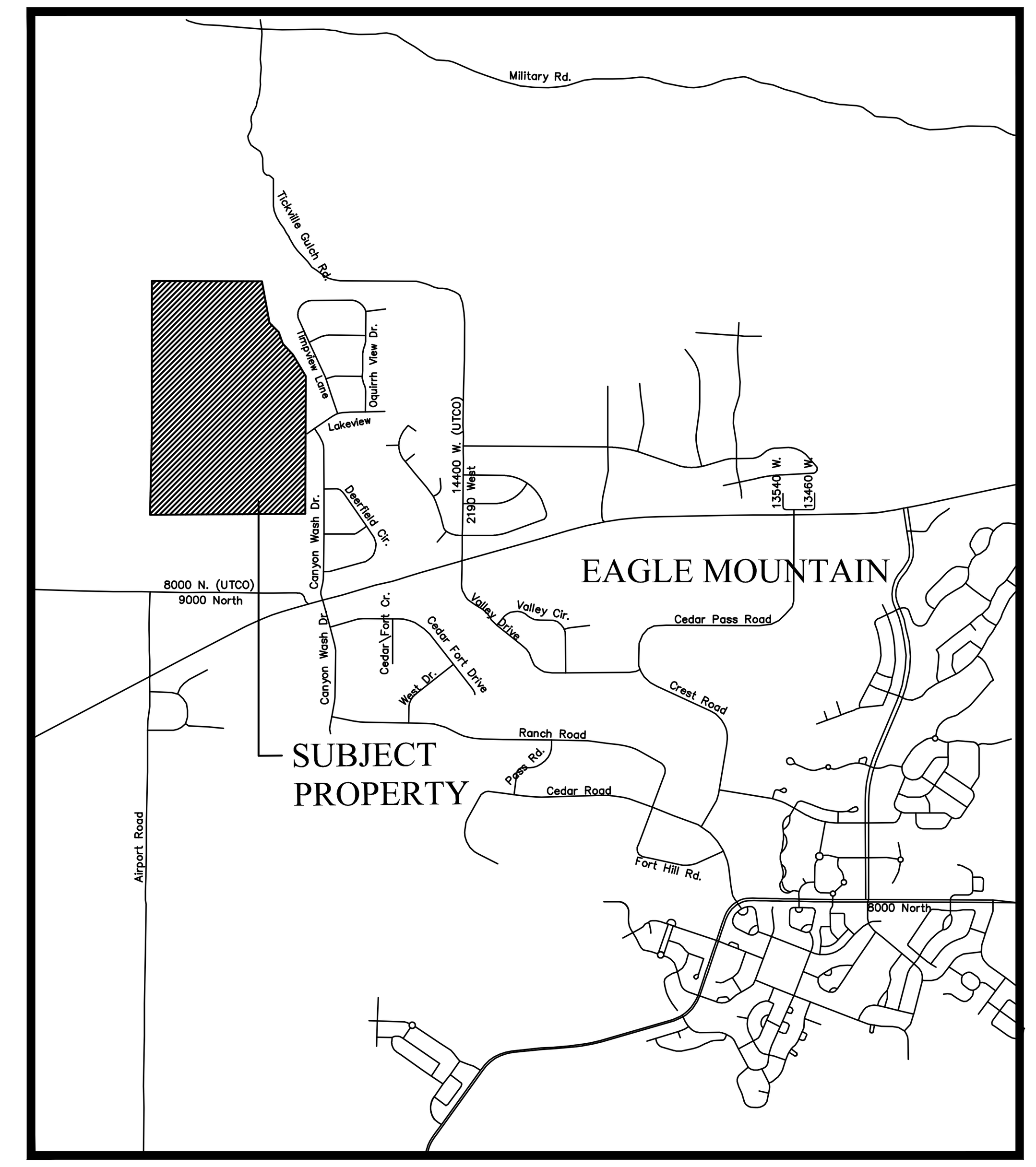
#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

LAND USE
TRAIL PLAN

Scale: 1"=200'	Drawn: MHW
Date: 05/22/20	Job #: 16-358
Sheet: C2.1	

Z:_2017\17-056 Arrival Phase C\design 17-056\dwg\exhibits\UPDATED LAND USE MAP TRAIL CHANGE.dwg





VICINITY MAP
N.T.S

LEGEND

- RESIDENTIAL LOT
- PEDESTRIAN/BIKE/EQUESTRIAN TRAIL (20' WIDE)
- RIGHT OF WAY
- DETENTION POND
- OPEN SPACE (PARK)
- WATER TANK SITE
- UTILITY ACCESS
- POTENTIAL CHURCH SITE
- ROADSIDE TRAIL (CROSS SECTION)
- ROADSIDE 5' TRAIL (CROSS SECTION)

TRAIL NOTES:

1. TRAIL ON NORTH SIDE OF PARCEL A WILL BE 10' FEET WIDE, AND ALL ON PARCEL A.
2. ROAD TRAIL FROM LOT 314 TO LOT 811 IS OPEN TO HORSES.
3. ROADSIDE TRAIL AROUND CUL-DE-SAC BULBS WILL BE 5' WIDE.

LAND USAGE

UNIT NAME	ACREAGE
TOTAL AREA	223
RESIDENTIAL LOTS (179 LOTS)	193
RIGHT OF WAY	25
IMPROVED OPEN SPACE	5
DETENTION POND/TANK SITE	5
TRAIL EASEMENT	7

DENSITY

AREA = 223.36 ACRES
LOT = 179 UNITS
DENISITY = 0.80 UNITS/ACRE

S N

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200ft.

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MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

Arrival
Eagle Mountain, Utah
LAND USE MAP

REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

LAND USE MAP

Scale: 1"=200' Drawn: MW
Date: 12/17/18 Job #: 16-358
Sheet: 1 OF 1

Z:_2016\16-358 Arrival Ph 3\design 16-358\dwg\sheets\UPDATED LAND USE MAP.dwg

EAGLE MOUNTAIN CITY

MASTER DEVELOPMENT AGREEMENT FOR THE ARRIVAL DEVELOPMENT SECOND AMENDMENT

This Master Development Agreement for the Arrival Development (this "**Agreement**") is entered into between Eagle Mountain City, a municipal corporation of the State of Utah (the "**City**") and Belle Street Partners, LLC and Belle Street Investments, LLC, (collectively "**Developer**").

This Agreement is made with reference to the following facts.

A. Developer has submitted to the City an application for a new development known as Arrival (the "**Project**").

B. The Project consists of approximately 223 acres of the land (the "**Property**") located North of SR73 and West of the existing North Ranch subdivision. A legal description of the Property is attached as Exhibit A.

C. The City has approved the Land Use Plan for the Project, which generally depicts the road layouts and lots for the Property. The approved Master Development Plan and Land Use Plan ("**Land Use Plan Map**") are attached as Exhibit B.

D. The Project will be zoned for single family residential development and improved in compliance with procedures and standards in the Development Code of the City (the "**Development Code**") and the terms of this Agreement.

E. The City and Developer wish to define the rights and responsibilities of the parties with respect to the development of the Property, vested rights, and funding of improvements on the Property, which is approved by the City in this Agreement.

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

1 Governing Standards. Unless otherwise specifically set forth herein, the Project shall be governed by the procedures, standards and requirements of the Development Code.

2. Zoning, Density and Land Use Standards. The Project will be zoned as residential in accordance with Chapter 17.25 of the Development Code. The residential zone must be a predominately residential use. The project is Base Density Residential with a minimum of 1/2 acre lot size. The project also includes the Equine Overlay Zone, which permits up to two horses on a minimum of ½ acre lot. The property is comprised of the following elements:

Total Acreage:	223.36 acres
Maximum Residential Lots:	178 lots
Density:	0.80 units/acre

3. Development Requirements. In accordance with Section 17.25.090 of the municipal code, the project is categorized as Base Density Residential. Developer is therefore not required to construct improved open space, community improvements, or entryways and monuments. Nevertheless, Developer has agreed to construct certain trail and park improvements as set forth herein.

4. Park and Trails Improvements.

A. Park Improvements. Developer shall construct an approximately 2.16 acre park (the "Park") in the approximate location shown on the Land Use Plan Map. The design of the Park shall be determined by the Developer, but it is expected that the Park will include play structures, grass areas, picnic tables and/or play fields. The Park shall be constructed prior to issuance of more than one hundred and twenty (120) building permits in the Project. The developer shall place funds in an escrow on a 150% pro rata basis, as detailed in 4.A.1 of this agreement. A detailed park plan showing the improvements and sprinkler system must be approved by the City for the subdivision containing the park. The Park shall be dedicated to the City with the plat which includes the Park, but not later than the platting of the 90th lot within the Project. The Park shall be maintained by the City.

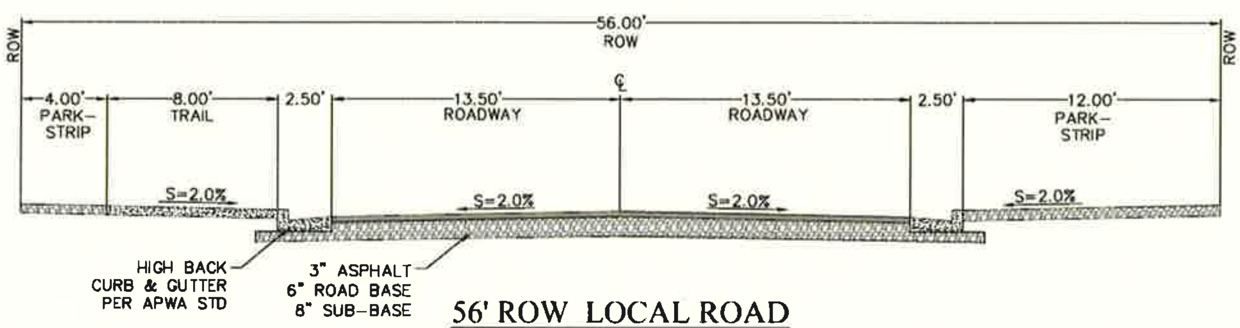
1. Park Escrow
    - The Developer shall escrow a total of $188,179.20 to cover the cost of improving the park with sprinkler system and sod.
    - As of January 23, 2019 a total of $152,448.58 has been escrowed by the Developer and is on deposit with the City.
    - Prior to recording the plat for Arrival Phase B Plat 3, Developer shall escrow an additional $35,730.62
    - The total funds being escrowed for the park shall be $218,247.72

B. Trails. Trails are planned throughout the Project in the location as shown on the Land Use Plan Map. Unless otherwise agreed to by the parties, all off-street trails shall be not less than six (6) foot wide asphalt trails. The asphalt portion of all trails shall be considered public infrastructure improvements and shall be subject to the City's security and warranty requirements. The trails and public trail easements shall be maintained by the HOA.

5. Roadway Improvements.

A. Second Access. A second, primary access to the Project must be constructed through the Clearview Estates Development prior to final subdivision plat approval of more than thirty (30) lots in the Project.

B. Roadways. The road in the southwest corner of the project shall be a 77-foot wide minor collector from the southern border of the project to the first intersection. Unless the City and developer agree to an alternative road cross-section in the future, all other roads in the Project shall be constructed according to the following 56-foot wide local road section:



56' ROW LOCAL ROAD
NTS

6. Transitioning and Setback Requirements. Developer agrees to comply with all transitioning requirements set forth in Title 17 of the Development Code. In addition, the eastern border of the project is adjacent to the existing North Ranch subdivision. In order to be compatible with the North Ranch subdivision, Developer agrees to plat a minimum of one row of lots not less than 1 acre in size adjacent to the North Ranch subdivision.

7. Utility Services and Infrastructure Improvements. The parties agree and acknowledge that the Developer will provide funds to construct all necessary on-site and off-site infrastructure improvements for the Project. All proposed improvements which are to be transferred to the City under the terms of this paragraph must be reviewed and approved by the City and shall be constructed in accordance with the review comments and concept approved by the City. No subdivision plat will be recorded until improvements required for that particular plat are constructed by Developer, or Developer has placed into escrow adequate funds to construct the Improvements, which the City determines, in the City's sole and absolute discretion, are necessary for the phase of the subdivision to be developed. In the event Developer constructs utilities or other infrastructure in excess of the capacity necessary to provide services to the Property, Developer may request that the City enter into a reimbursement agreement for cost of excess capacity. The City may revise and amend the Capital Facilities Plan and Impact Fee Ordinance and payment requirements to collect the amounts required to reimburse Developer for the cost of excess capacity. In addition, the following specific requirements shall apply:

A. Water Infrastructure and Capacity. Developer acknowledges that the City does not currently have capacity to provide water service to a majority of the Project and water system improvements may be necessary to provide appropriate capacity and water pressure to the Project. City and Developer anticipate that the upper pressure zone will require a new water tank and pump station to be constructed within the Project, which Developer will be required to construct prior to approval of any subdivision requiring a new tank and pump station to provide water capacity or water pressure. City shall approve the water tank design and sizing, and the water tank property and associated access and easements shall be deeded to the City free and clear of all encumbrances prior to construction of the water tank. Developer also agrees to prepare a water model for the entire Project, in a form acceptable to the City, to determine water capacity and required water infrastructure improvements to serve the Project prior to final plat approval for the second phase of the Project, and to update the water model for each phase of the Project as required by the City. Developer further agrees to fund an update to the portions of the City's Water Master Plan that impact the Project prior to final approval for the second phase of the Project. City shall not require Developer to "upsize" the water tank and water system improvements (i.e., to construct the improvements to a size larger than required to service the

Project) unless City enters into a reimbursement agreement with Developer to compensate Developer for the pro rata costs of such upsizing through the collection of impact fees or such other means acceptable to City and Developer.

B. Electric Infrastructure. Developer acknowledges that electrical capacity may be sufficient for only the first phase of the Project. Electric capacity must be evaluated for each phase of the Project and the City may withhold approval if sufficient capacity is not available.

8. Septic Tanks and Drainfields. The City acknowledges that Developer intends to utilize on-site private individual underground waste water disposal septic systems for all residential lots created on the Property. Developer shall be responsible to comply with all requirements of the City, Utah County Health Department and the State of Utah regarding the review and approve of said septic systems. Developer shall clearly indicate on all subdivision plats that lots will be serviced by septic systems, and that such systems are the sole and absolute responsibility of the property owner. County Health Department approval is required for the septic systems for each lot prior to preliminary plat approval, and is a submittal requirement of the preliminary plat application. The City does not guarantee the maximum densities if lots do not receive approval for septic systems.

9. Stormwater, Drainage and Erosion. Prior to Developer recording any final plats in the Project, the City Engineer must approve a drainage plan for the Project. Developer shall have an erosion study completed from a geotechnical engineer to determine erosion potential and any required erosion control improvements for the Tickville Gulch/Wash located along the eastern boundary of the northern half of the Project. The erosion study and recommended mitigation will be required prior to approval of any final subdivision plats that are located adjacent to the Tickville Wash. Developer shall improve all detention and retention areas with gravel mulch or some other form of low maintenance landscaping and materials acceptable to and approved by the City.

10. Dedication of Facilities. Except as provided in a reimbursement agreement which may be entered between the City and the Developer, the Developer agrees to dedicate and donate free and clear of all encumbrances to the City all required spaces for the location of City owned utilities, utility facilities and improvements for the construction and use of utilities, roads, and other public ways.

11. Water Rights. Developer shall comply with the City's Development Code, as amended, related to providing water or water rights to the City for the Project, including the park

area.

12. Term of Agreement. The term of this agreement shall commence upon execution of this Agreement and shall continue until the February 5th, 2029.

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

14. Reserved Powers. The parties agree that the City reserves certain legislative powers to amend its Development Code to apply standards for development and construction generally applicable throughout the City. It is the intent of the parties to vest the Developer with the specific land uses and development density defined specifically on the Land Use Map (Exhibit B) and to vest Developer with the Tier I requirements set forth in Paragraph 3 of this Agreement. Developer shall be required to comply with all other generally applicable standards, conditions and requirements enacted by the City to protect the safety, health and welfare of the current and future inhabitants of the City.

15. Impact Fees. Developer agrees to pay all impact fees when due as set forth more specifically in the City Impact Fee Ordinance as it may be amended from time to time.

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

17. Default Notice to Developer. Upon the occurrence of an event of default by Developer, the City shall provide not less than fifteen (15) days notice to the Developer of a meeting of the City Council where the Developer's default shall be heard and reviewed by the City Council. The Developer shall be entitled to attend the hearing and comment on the evidence presented concerning the default. Upon a finding by the City Council that the Developer is in default, the City Council may order that work in the Project be terminated until

the default is cured or may issue such further directions to City staff and to the Developer as deemed appropriate under the circumstances.

18. Default Notice to City. Upon the occurrence of any default by City, the Developer may request in a hearing before the City Council where the City's default shall be heard and reviewed by the City Council. City shall schedule such hearing within thirty (30) days of written request of Developer.

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

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

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

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

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

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

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

26. Agreement to Run With the Land. This Agreement shall be deemed to run with the land and shall be binding on Developer and all successors and assigns of any of the foregoing. Developer agrees to execute a Notice of this Agreement to be recorded against the Property in a form acceptable to the City.

Dated this 5 day of March, 2019.

DEVELOPER

Belle Street Investments, LLC

By: ______________________

Print Name: SCOT HAZARD

Title: Manager

DEVELOPER

Belle Street Partners, LLC

By: ______________________

Print Name: SCOT HAZARD

Title: Manager

Dated this 5 day of March, 2019.

ATTEST:

EAGLE MOUNTAIN CITY

Fionnuala B. Kofoed, City Recorder

Tom Westmoreland, Mayor

CORPORATE SEAL
EAGLE MOUNTAIN
EST. 1996
STATE OF UTAH

APPROVED AS TO FORM

BY: ______________________

CITY ATTORNEY

{00177477.DOC /}

Exhibit A

[Legal Description]

Parcel 1

Commencing at the Northwest Corner of Section 24, Township 5 South, Range 2 West, Salt Lake Base and Meridian; thence South 89°21'24" East 2671.33 feet; thence South 00°45'19" West 110.236 feet; thence South 74°43'48" West 150.442 feet; thence along the arc of a 5804.578 foot radius curve to the left 1225.839 feet (chord bears South 67°19'12" West 1223.562 feet); thence South 62°37'48" West 1595.654 feet; thence North 00°53'06" East 1385.37 feet to the point of beginning.

Parcel 2

The South half of the Southwest Quarter of Section 13, Township 5 South, Range 2 West of the Salt Lake Base and Meridian.

Parcel 3

The Southeast Quarter of Section 14, Township 5 South, Range 2 West of the Salt Lake Base and Meridian.

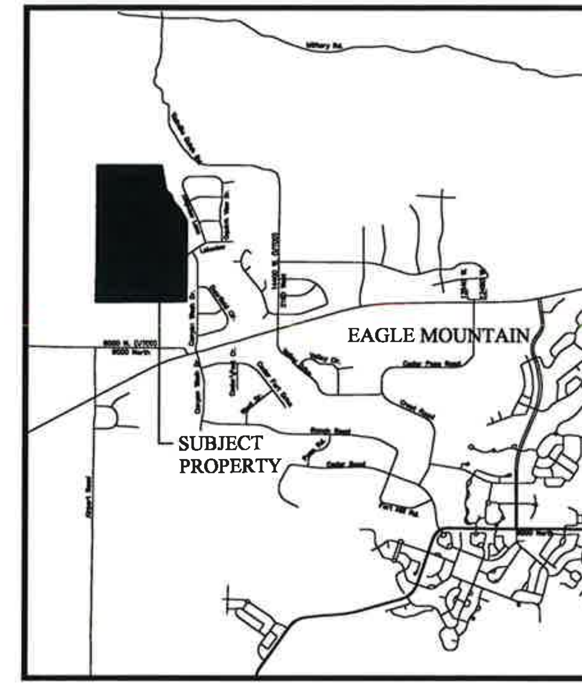
Combined Description

Beginning at the South Quarter Corner of Section 13, Township 5 South, Range 2 West, Salt Lake Base and Meridian; thence South 00°45'19" West along quarter section line 96.50 feet; thence along the northerly right-of-way line of State Road 73 the following three courses and distances: 1) South 74°43'49" West 43.09 feet, 2) along the arc of a 5097 foot radius curve to the left 1111.21 feet through a central angle of 12°29'28" (chord bears South 68°29'04" West a distance of 1109.01 feet), and 3) South 62°14'20" West 1828.47 feet; thence North 00°52'57" East along section line 1396.22 feet to the Southwest corner of Section 13; thence along the Southeast Quarter of Section 14, Township 5 South, Range 2 West, Salt Lake Base and Meridian the following four courses and distances: 1) North 89°12'30" West 2685.28 feet, 2) North 01°04'12" East 2643.25 feet, 3) South 89°02'22" East 2687.84 feet, and 4) South 01°07'35" West 1317.68 feet; thence along the South Half of the Southwest Quarter of Section 13 the following two courses and distances: 1) North 89°41'32" East 2649.79 feet, and 2) South 00°11'34" West 1361.47 feet to the point of beginning.

Basis of Bearing = North 00°11'34" East along Quarter Section line from the South Quarter Corner of Section 13, Township 5 South, Range 2 West, Salt Lake Base and Meridian to the North Quarter Corner of Section 13.

Exhibit B

[Land Use Plan Map]



VICINITY MAP
N.T.S

LEGEND

- RESIDENTIAL LOT
- PEDESTRIAN/BIKE/EQUESTRIAN TRAIL (20' WIDE)
- RIGHT OF WAY
- DETENTION POND
- OPEN SPACE (PARK)
- WATER TANK SITE
- UTILITY ACCESS
- POTENTIAL CHURCH SITE
- ROADSIDE TRAIL (CROSS SECTION)
- ROADSIDE 5' TRAIL (CROSS SECTION)

TRAIL NOTES:
1. TRAIL ON NORTH SIDE OF PARCEL A WILL BE 10' FEET WIDE, AND ALL ON PARCEL A.
2. ROAD TRAIL FROM LOT 314 TO LOT 811 IS OPEN TO HORSES.
3. ROADSIDE TRAIL AROUND CUL-DE-SAC BULBS WILL BE 5' WIDE.

LAND USAGE

UNIT NAME	ACREAGE
TOTAL AREA	223
RESIDENTIAL LOTS (178 LOTS)	186
RIGHT OF WAY	24
IMPROVED OPEN SPACE	3
DETENTION POND/TANK SITE	3
TRAIL EASEMENT	7

DENSITY

AREA = 223.36 ACRES
LOT = 178 UNITS
DENISITY = 0.80 UNITS/ACRE

GRAPHIC SCALE
(IN FEET)
1 inch = 200ft.

FOCUS ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

LICENSED PROFESSIONAL ENGINEER No. 8026950-2202 THOMAS M. ROMNEY STATE OF UTAH

Arrival
Eagle Mountain, Utah
LAND USE MAP

REVISION BLOCK

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

LAND USE MAP

Scale: 1"=200'	Drawn: MW
Date: 03/31/17	Job #: 16-358
Sheet: 1 OF 1	

ORDINANCE NO. O-   -2020

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH APPROVING THE SECOND AMENDMENT TO THE ARRIVAL MASTER DEVELOPMENT PLAN

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City, Utah, finds that it is in the public interest to approve the Second Amendment to the Arrival Master Development Plan, as set forth more specifically in Exhibit A;

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices and hearings have been completed as required by law to consider and approve the proposed Second Amendment to the Arrival Master Development Plan, as set forth in Exhibit A.

2. The Second Amendment to the Arrival Master Development Plan is hereby approved, as set forth more specifically in Exhibit A.

3. This Ordinance shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 2nd day of June, 2020.

EAGLE MOUNTAIN CITY, UTAH

____
Tom Westmoreland, Mayor

ATTEST:

____
Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 2nd day of June, 2020.

Those voting aye:	Those voting nay:	Those excused:
☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love

____
Fionnuala B. Kofoed, MMC
City Recorder

Posted to City Bulletin Boards on ___________ by _____________________.

Exhibit A

1. ***The applicant shall submit a lighting plan with the gas station canopy and light pole locations in compliance with Municipal Code requirements;***
2. ***The applicant shall work with the City Engineer to refine the transportation/egress plan to ensure safe fuel truck access through removal of the median or other amendments;***
3. ***Headlight screening shall be added along Pony Express Parkway;***
4. ***Signage shall be in compliance with Municipal Code; and***
5. ***The landscaping plan along Pony Express Parkway shall include plants in addition to rocks.***

Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.

MOTION: ***Commissioner Everett moved to table the Dollar Tree site plan until the applicant provides the following:***

1. ***Plans showing the building oriented to front to the east, and moved toward Pony Express Parkway to allow for a traffic lane easement;***
2. ***A lighting plan;***
3. ***A monument sign in compliance with Municipal Code; and***
4. ***Plans including architectural elements as outlined in Chapter 17.72.040 (b)(d)(e)(f).***

Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Erin Wells. Those voting nay: Christopher Pengra. The motion carried with a vote of 4:1.

6.D. Arrival Master Development Plan Amendment & Preliminary Plat Amendment – Public Hearing

Mr. Mumford explained that the applicant recently discovered shallow bedrock or other unacceptable soils in many of the remaining lots in the Arrival development. The purpose of the redesign is to provide each lot with suitable soils for septic drain fields based on geotechnical explorations in the area. The State now requires two redundant drain field locations on each lot, which was not the case when Arrival was originally approved.

The number of lots in the development has not increased; the lot area has been redistributed. No lot is smaller than half an acre; many one-acre lots have reduced sizes, but most half-acre lots have been slightly increased in size, ranging from 0.64 – 0.75 acres. He explained the lot distributions for the project in the existing plan and the proposed plan.

Existing Plan:

- 2+ acres: 2 lots
- 1-1.99 acres: 49 lots
- 0.5-0.99 acres: 11 lots (including 7 lots that are less than 0.64 acres in size)

Proposed Plan:

- 2+ acres: 2 lots
- 1-1.99 acres: 49 lots
- 0.5-0.99 acres: 11 lots (including 7 lots that are less than 0.64 acres in size)

Mr. Mumford said the City's connectivity standard allows a maximum block length of 1,200 feet. The applicant has included a midblock trail in place of a road access, and the roads have been reduced in length from the previous plan. While not required, the developer chose to provide a 2.16-acre park which would fulfill the 500 square feet per lot open space requirement. The updated plan still provides lots larger than one acre in size adjacent to Camp Williams, but staff recommends that the lot adjacent to North Ranch be increased to one acre.

Commissioner Wood expressed concern regarding the poor connectivity in the area impeding emergency service vehicles. Mr. Mumford stated connectivity issues could be addressed during the approval in consideration of current Municipal Code requirements.

Applicant Scot Hazard explained the geological testing results and drainage difficulties in the area due to the soil composition. He stated the road connection removal was due to soil conditions and block road lengths are shorter in the new proposal than in the approved plan. Due to the change in the State requirements, no pavement or outbuildings such as barns can be built over the redundant drain fields, which makes it difficult to attract buyers for the larger lots. He explained the density redistribution and drain field placement and stated potential buyers will receive the information regarding the soil composition studies and drain fields. He expressed willingness to adjust lot lines to address lot transitioning concerns.

Commissioner Wood expressed concern the sloped topography of lots 709 to 712 and lot 808 would have insufficient building envelopes to allow for a home and the drain field. Mr. Hazard stated the soil composition allowed for home construction and he did not foresee topography hindering buildable area for those lots.

Commissioner Wood inquired why the church site had been relocated to an area that impeded connectivity. Mr. Hazard stated the amended church site was at the request of the Church Jesus Christ of Latter-day Saints. He said the Church purchased the land indicated on the new site plan several years ago. Mr. Hazard explained the only lost connectivity was in the northeast corner of the project due to the removal of a section of road between areas designated as lots 707/708 and 508/511 on the amended plat and replaced with pedestrian access along lots 705/706 and 514/515. He said inserting another road to increase connectivity would shift other roads, reducing lot size and impeding fulfillment of the State drain field requirement.

Commissioner Wood opened the public hearing at 9:35 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the public hearing.

Commissioner Wells expressed concern that the amended preliminary plat does not comply with connectivity standards.

Mr. Hazard stated the Church of Jesus Christ of Latter-day Saints will most likely install a septic system and purchased a large enough lot to construct a building and provide the requisite drainage fields. Mr. Mumford verified the church site had been approved and recorded.

Commissioner Wright requested clarification regarding the lot resizing counts and calculations. Mr. Mumford explained that due to the rocky soil in the northwest corner of the projects, the lot sizes were increased from 1 to 1.5 acres to 3 or more acres in order to provide the requisite drainage fields; as a result, several 1-acre lots have been reduced in size 0.6 to 0.75 acres in order to maintain project density. He stated the traffic impact would remain the same and the road connectivity is staff's only concern.

Mr. Mumford verified that per State Code, septic systems may be installed on lots under one acre in size. He stated a Municipal Code amendment requires lots with septic systems to be over an acre in size and the original approval for this project predates the amendment.

Commissioner Pengra expressed concern with requiring Municipal Code compliance to the detriment of the viability of the project.

Commissioner Wood verified the smaller lots were approved to include animal rights with the equine overlay zone during the initial preliminary plat approval.

Commissioner Wright expressed his preference of the development of lots greater than one acre and verified that the density from the original church site was shifted to other areas in the development with the creation of a new church site. Mr. Hazard explained a developer is disincentivized to develop a church site due to the loss of density.

Mr. Mumford explained an master development agreements generally include a reduction in the overall density for lots lost for church or school sites; however, the Arrival Master Development Agreement does not include a density reduction requirement.

Discussion ensued regarding density transfer and lot size.

Mr. Hazard advocated for the City to consider altering the block length and other requirements for projects with larger lots due to the infrastructure installation costs that disincentivize developers from offering larger lots due to the resulting reduction in revenue.

MOTION: ***Commissioner Pengra moved to recommend approval of the Arrival Master Development Plan amendment and preliminary plat amendment to the City Council with the condition that the lot abutting North Ranch be increased to one acre to comply with buffering requirements. The motion failed due to lack of a second.***

Commissioner Everett expressed uncertainty regarding approval of the project.

Commissioner Pengra expressed concern that strict Code adherence which increases the applicant's burden in resolving engineering issues that have arisen will discourage the applicant and other developers from offering larger lots in the City. He stated the applicant is not able to adhere to the terms of the original application due to updated State requirements. Recommending denial without proposing a viable resolution to the Commission's concerns does not fulfill the roles and responsibilities of the Planning Commission.

MOTION: ***Commissioner Wells moved to recommend denial to the City Council of the Arrival Master Development Plan amendment and preliminary plat amendment due to the reduced connectivity throughout the project. Commissioner Wright seconded the motion. Those voting aye: Brett Wright, Rich Wood, and Erin Wells. Those voting nay: Matthew Everett and Christopher Pengra. The motion carried with a vote of 3:2.***

6.E. Development Code Amendment Business Park Zone (EMMC 17.37) – Public Hearing

Mr. Mumford presented the item and explained it divided the Business Park Zone into three zones and designated land uses within the zones.

Commissioner Wood opened the public hearing at 10:17 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the public hearing.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Chapter 17.37 Business Park Zone. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

7. Discussion Items

8. Next Scheduled Meeting

Commissioner Wood requested the following meeting include a discussion on the City's General Plan including traffic, the creation or prohibition of an Industrial Zone, and the overlay.

9. Adjournment

MOTION: ***Commissioner Wells moved to adjourn the meeting at 10:20 p.m. No vote was called.***

The meeting was adjourned at 10:20 p.m.

Approved by the Planning Commission on May 26, 2020.

Steve Mumford (May 27, 2020 11:28 MDT)

Steve Mumford, AICP
Community Development Director

EAGLE MOUNTAIN	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020		
TITLE:	MOTION - Arrival Phase B Preliminary Plat Amendment		
ITEM TYPE:	Motion		
FISCAL IMPACT:			
APPLICANT:	Scot Hazard		
GENERAL PLAN DESIGNATION Agricultural / Rural Density Two	**CURRENT ZONE** Residential (Base Density)	**ACREAGE**	**COMMUNITY** Arrival

PUBLIC HEARING:
No

REQUIRED FINDINGS:
Preliminary plat approvals are based upon compliance with the standards found in City Code. When considering an amendment to an existing plan that was approved under previous code standards, consideration should be taken as to whether the proposal complies more closely to the current code with the proposed changes. The approved Arrival Master Development Agreement (2nd Amendment) should also be consulted and considered when reviewing this application.

PLANNING COMMISSION ACTION / RECOMMENDATION

RECOMMENDATION:
This updated proposal (modified after the Planning Commission meeting) improves connectivity, reduces the total number of lots, and resolves engineering concerns to result in a development that provides estate lots in the city. However, the increase in lots under 1 acre is a bit concerning, since our current code prohibits septic systems on lots less than 1 acre except in existing subdivisions. This project, however, could be interpreted to be an existing subdivision, since the MDA allows septic systems on lots less than 1 acre and earlier phases of this project have been developed. The Council can choose to approve, approve with conditions, deny with findings of facts, or table this item with specific directions for changes.

BACKGROUND:
The applicant has recently discovered shallow bedrock or other unacceptable soils in many of the remaining lots in the Arrival development. The purpose of this redesign is to provide each lot with suitable soils for septic drain fields based on geotechnical explorations in the area. The State now requires two (redundant) drain field locations on each lot, which was not the case when the Phase B preliminary plat was originally entitled.

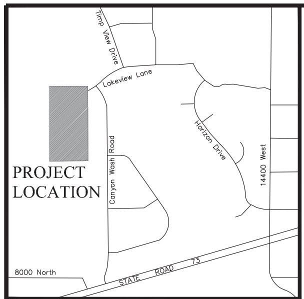
On May 12th the Planning Commission reviewed this proposal, prior to the latest modifications, and after a lengthy discussion and consideration of possible conditions of approval, they ultimately recommended denial to the City Council (3-2) due mainly to the reduced connectivity throughout the project. (For Denial: Commissioners Wright, Wood, and Wells; Against Denial: Commissioners Everett and Pengra). No public comments were made in the meeting. The Commission was unfortunately provided with a previous version of the preliminary plat, and so some of the concerns that were discussed during the meeting (the church site, another road connection) were already resolved in the February 2019 Phase B Preliminary Plat approval. Thus, the main concerns that should be considered include connectivity, lot size distribution, and septic systems in relation to lot size.

PREPARED BY:
Steve Mumford, Planning

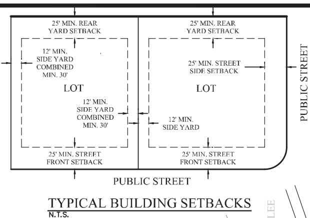
Attachments:

Arrival Phase B Preliminary Amended

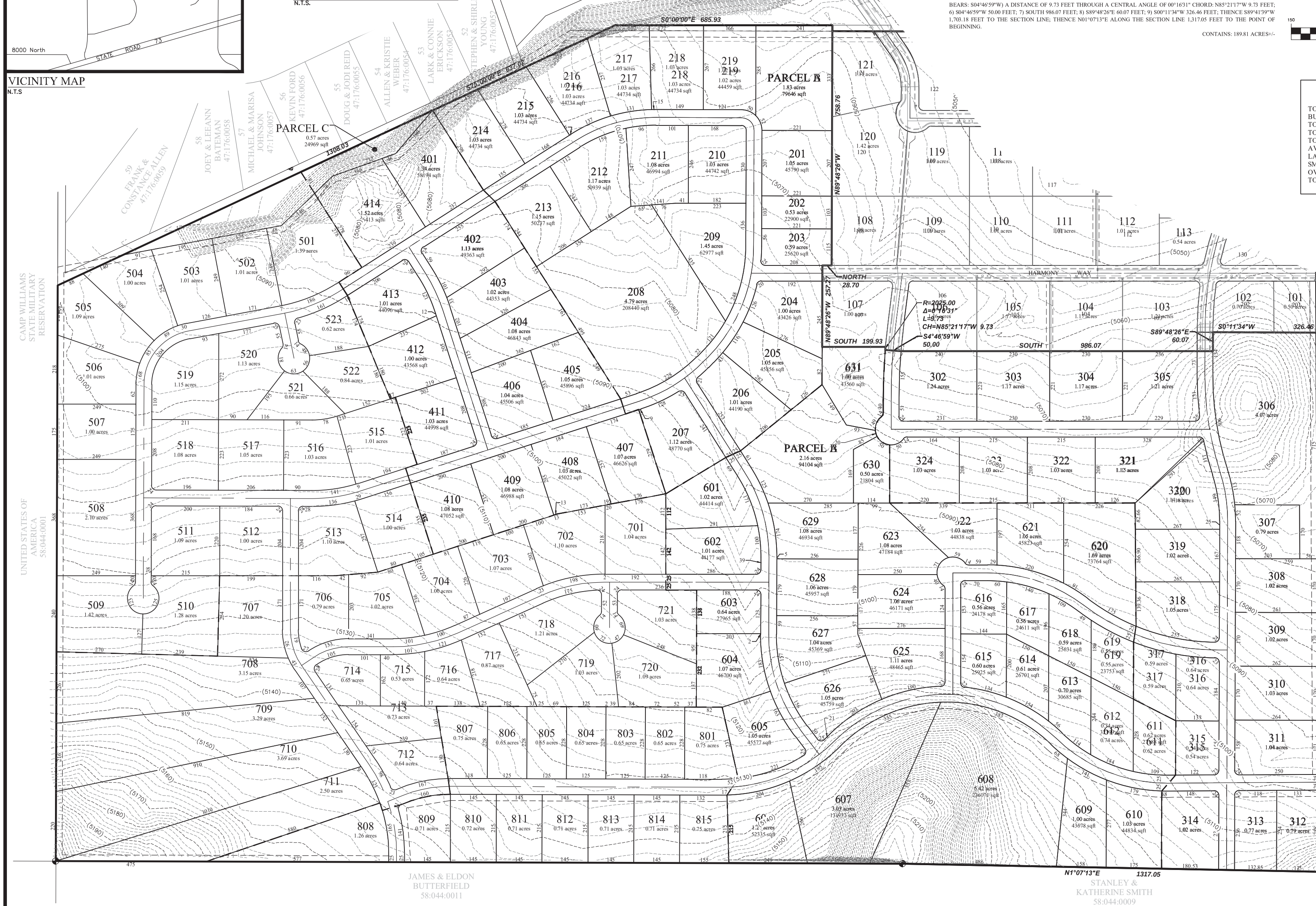
Arrival MDP & Ph B Prelim (2019)



VICINITY MAP
N.T.S



TYPICAL BUILDING SETBACKS
N.T.S.



NOTES

PARCEL B IS TO BE USED AS THE LOCATION FOR A DETENTION POND.
PARCEL A IS TO BE USED AS OPEN SPACE (PARK).
PARCEL C & D IS TO BE USED AS OPEN SPACE.

BOUNDARY DESCRIPTION

A PORTION OF THE SW1/4 & NW1/4 OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, EAGLE MOUNTAIN, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING: S89°19'12"E ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER TO THE SOUTH 1/4 CORNER OF SAID SECTION 13); THENCE N0°09'52"E ALONG THE SECTION LINE 2,676.14 TO THE NORTHWEST CORNER OF SAID SECTION; THENCE S89°49'35"E ALONG THE SECTION LINE 1,818.65 FEET TO THE NORTHWEST CORNER OF PLAT "B" NORTH RANCH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE S25°00'00"E ALONG SAID PLAT AND ALONG PLAT "A" CEDAR PASS NORTH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER 1,945.04 FEET; THENCE SOUTH ALONG SAID PLAT "A" CEDAR PASS NORTH SUBDIVISION 685.93 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF PLAT 1, ARRIVAL PHASE A, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE ALONG SAID PLAT THE FOLLOWING NINE (9) COURSES: 1) N89°48'26"W 758.76 FEET; 2) NORTH 28.70 FEET; 3) N89°48'26"W 257.27 FEET; 4) SOUTH 199.93 FEET; 5) WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,025.00 FEET (RADIUS BEARS: S04°46'59"W) A DISTANCE OF 9.73 FEET THROUGH A CENTRAL ANGLE OF 00°16'31" CHORD: N85°21'17"W 9.73 FEET; 6) S04°46'59"W 50.00 FEET; 7) SOUTH 986.07 FEET; 8) S89°48'26"E 60.07 FEET; 9) S00°11'34"W 326.46 FEET; THENCE S89°41'39"W 1,703.18 FEET TO THE SECTION LINE; THENCE N01°07'13"E ALONG THE SECTION LINE 1,317.05 FEET TO THE POINT OF BEGINNING.

CONTAINS: 189.81 ACRES+/-

GRAPHIC SCALE

150 0 75 150 300 600

(IN FEET)
1 inch = 150ft.

PLAT CALCULATIONS

TOTAL ACREAGE:	189.81± ACRES
BUILDABLE ACREAGE:	163.91± ACRES
TOTAL ACREAGE IN LOTS:	163.91± ACRES
TOTAL OPEN SPACE:	5.61± ACRES
TOTAL IMPROVED OPEN SPACE:	3.99± ACRES
AVERAGE LOT SIZE:	1.10± ACRES
LARGEST LOT SIZE:	5.42± ACRES
SMALLEST LOT SIZE:	0.50± ACRES
OVERALL DENSITY:	0.77 LOTS/ACRE
TOTAL # OF LOTS:	146 LOTS

BENCHMARK

SOUTH QUARTER CORNER OF SECTION 32,
TOWNSHIP 4 SOUTH, RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
N: 7344.136
E: 7341.933
ELEV: 4703.53

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LICENSED PROFESSIONAL ENGINEER THOMAS M. ROMNEY STATE OF UTAH 05/22/20

ARRIVAL SUBDIVISION

EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

Preliminary Plat

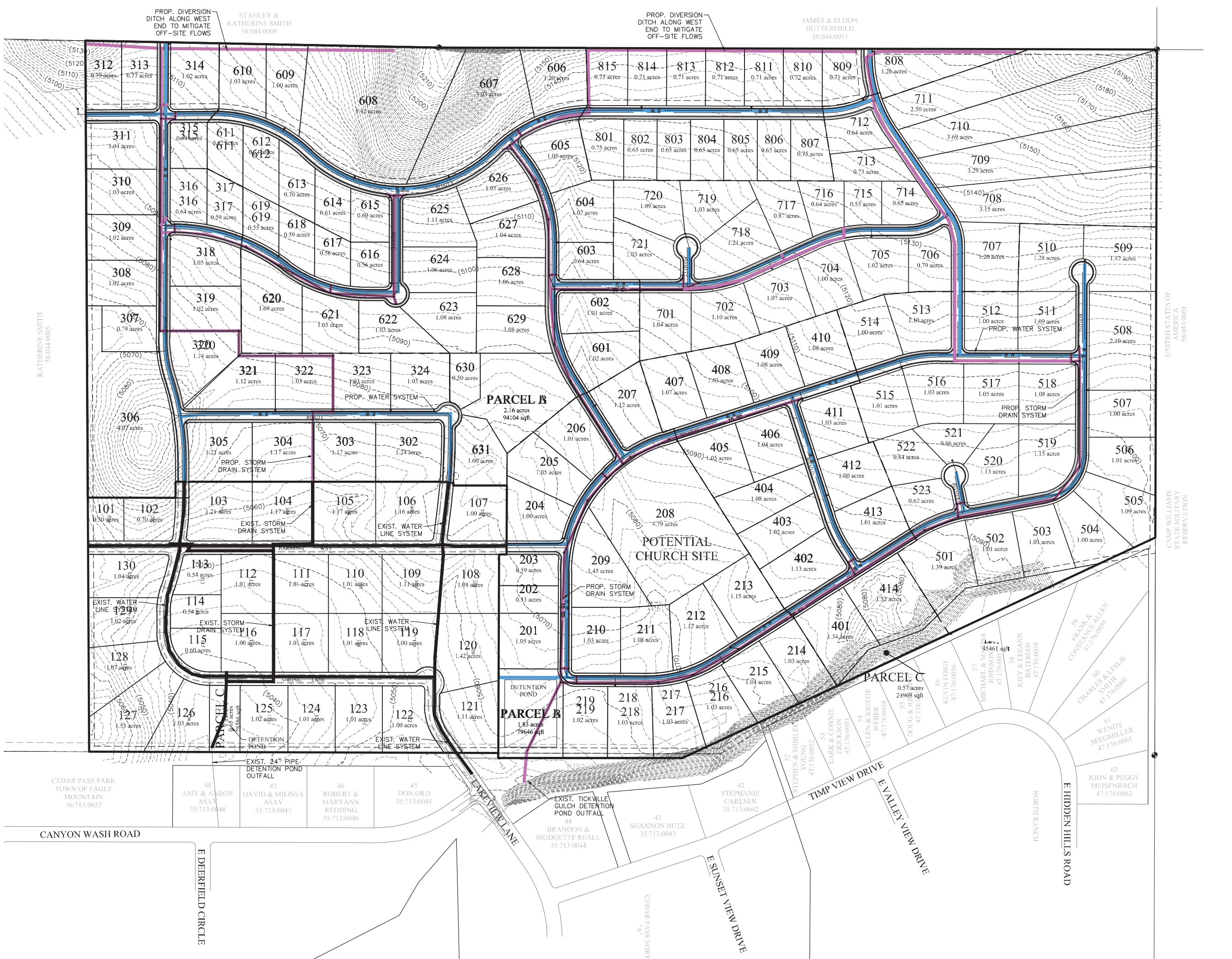
REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

PRELIMINARY PLAT

Scale:	1"=150'	Drawn:	MHW
Date:	05/22/20	Job #:	16-358
Sheet:	C1		

Z:_2016\16-358 Arrival Ph 3\design 16-358\dwg\sheets preliminary\Preliminary Plat.dwg



LEGEND

- BOUNDARY
- ROW
- CENTERLINE
- LOT LINE
- EASEMENT
- STORM DRAIN
- WATER
- EXIST. FENCE
- EXIST. CONTOUR MAJOR
- EXIST. CONTOUR MINOR

Detention Pond

Eagle Mountain 225 Acre
Eagle Mountain, Utah

Date: May 28, 2013

10 and 100 year Detention Requirement

Design Criteria

Intensity Table: NOAA
Return Period: 100 year
Allowable Discharge Rate: 0.27 cfs/acre (Predevelopment)

Infiltration Rates

Design Infiltration Rate: 0 ft/sec

Weighted "C" Value

Drainage Area	Surface Type	Area (sf)	"C" Value	C*A
Area 1	Parkstrip	222305	0.18	40015
	Roadway	911450	0.80	729160
	Subtotal	**1133755**	**0.68**	**769175**
Area 2	Open Space	472759	0.27	125385
	Subtotal	**472759**	**0.27**	**125385**
Area 3	Homes and Driveway (299 lots * 2000 sf)	598000	0.80	478400
	Yard	7525125	0.18	1354523
	Subtotal	**8123125**	**0.23**	**1832923**
Total		**9729639**	**0.28**	**2727483**

Allowable Discharge Rates

Allowable Discharge Rate: 0.27 cfs/acre (Predevelopment)
Area to Retain: 223.36 acres
Discharge per Standard: 60.31 cfs
Allowable Pond Discharge: 60.31 cfs

10 Year

Duration	Intensity	Runoff C	Area	Rainfall	Accumulated Flow	Allowable Discharge	Discharge	Required Storage
min	in/hr		Ac	cfs	cf	cfs	cf	cf
15.0	1.85	0.28	172.75	89.46	84,118	60.31	54,277	29,841
30.0	1.30	0.28	172.75	62.96	113,320	60.31	108,554	4,766
60.0	0.81	0.28	172.75	38.88	140,343	60.31	217,108	-76,765
120.0	0.45	0.28	172.75	21.89	157,602	60.31	434,215	-276,613

Maximum Storage Requirement: 29,841
Maximum Storage Requirement (ac-ft): 0.69

100 year

Duration	Intensity	Runoff C	Area	Rainfall	Accumulated Flow	Allowable Discharge	Discharge	Required Storage
min	in/hr		Ac	cfs	cf	cfs	cf	cf
15.0	3.77	0.28	172.75	182.37	164,314	60.31	54,277	110,037
30.0	2.54	0.28	172.75	123.01	221,410	60.31	108,554	112,856
60.0	1.57	0.28	172.75	76.03	273,712	60.31	217,108	56,604
120.0	0.84	0.28	172.75	40.87	294,284	60.31	434,215	-139,932

Maximum Storage Requirement: 112,856
Maximum Storage Requirement (ac-ft): 2.59

DRAINAGE NOTES:

1. SUBJECT PROPERTY IS LOCATED ON FEMA FLOOD MAP 4955170100A.
2. THE EXISTING SITE DRAINAGE CONSISTS OF OVERLAND FLOW FROM THE NORTHWEST TO THE SOUTHEAST DISCHARGING INTO THE EXISTING TICKVILLE GULCH OR THE EXISTING STORM DRAIN SYSTEM WITHIN THE SUBDIVISION LOCATED DOWNHILL FROM THE SUBJECTS PROPERTY.
3. WE ARE PROPOSING A DIVERSION DITCH ON THE UPHILL SIDE OF THE PROPOSED SUBDIVISION TO HELP MITIGATE UPSTREAM DISCHARGE AND EROSION ONTO THE PROPOSED SITE. THE PROPOSED SITE WILL BE DEVELOPED WITH ROADWAYS AND STORM DRAIN PIPING TO COLLECT STORM WATER AND DIRECT IT TO THE EXISTING TICKVILLE GULCH OR EXISTING STORM DRAIN SYSTEMS.
4. THE STORM DRAIN SYSTEM WILL USE THE DETENTION PONDS, SNOUTS OR METAL GRATES TO COLLECT STORM WATER DEBRIS AND ELIMINATE ANY SOLIDS FROM ENTERING THE EXISTING STORM DRAIN SYSTEMS DOWNSTREAM.

UTILITY NOTES:

1. FIRE HYDRANTS WILL BE PLACED EVERY 500' AND THE END OF ALL DEAD END STREETS.
2. SEWER WILL BE SERVICED WITH INDIVIDUAL SEPTIC TANKS ON EACH LOT.

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200ft.

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MIDVALE, UTAH 84047 PH: (801) 352-0075
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LICENSED PROFESSIONAL ENGINEER
THOMAS M. ROMNEY
STATE OF UTAH

ARRIVAL SUBDIVISION

EAGLE MOUNTAIN CITY, UTAH COUNTY, UTAH

Drainage and Utility Plan

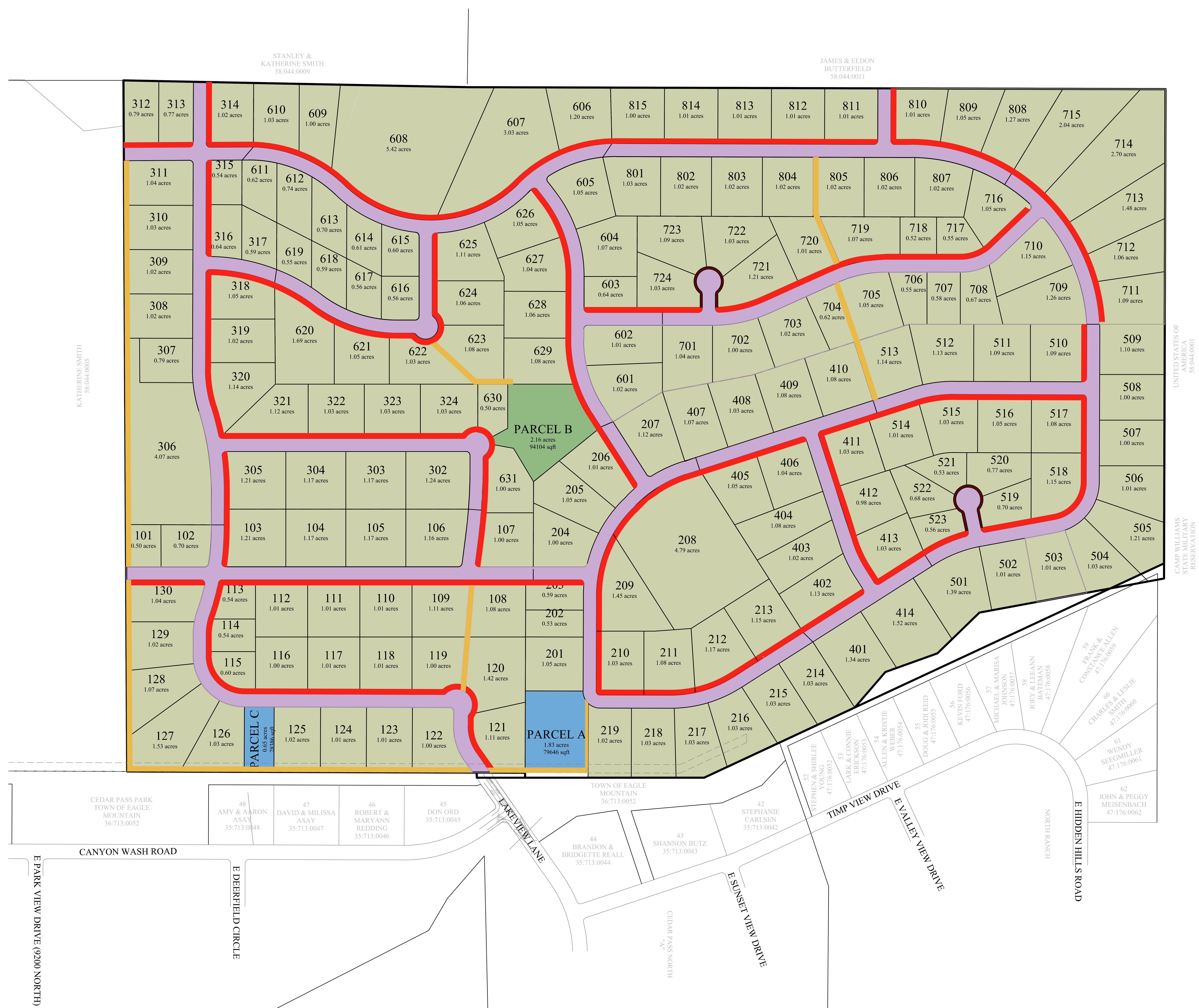
REVISION BLOCK

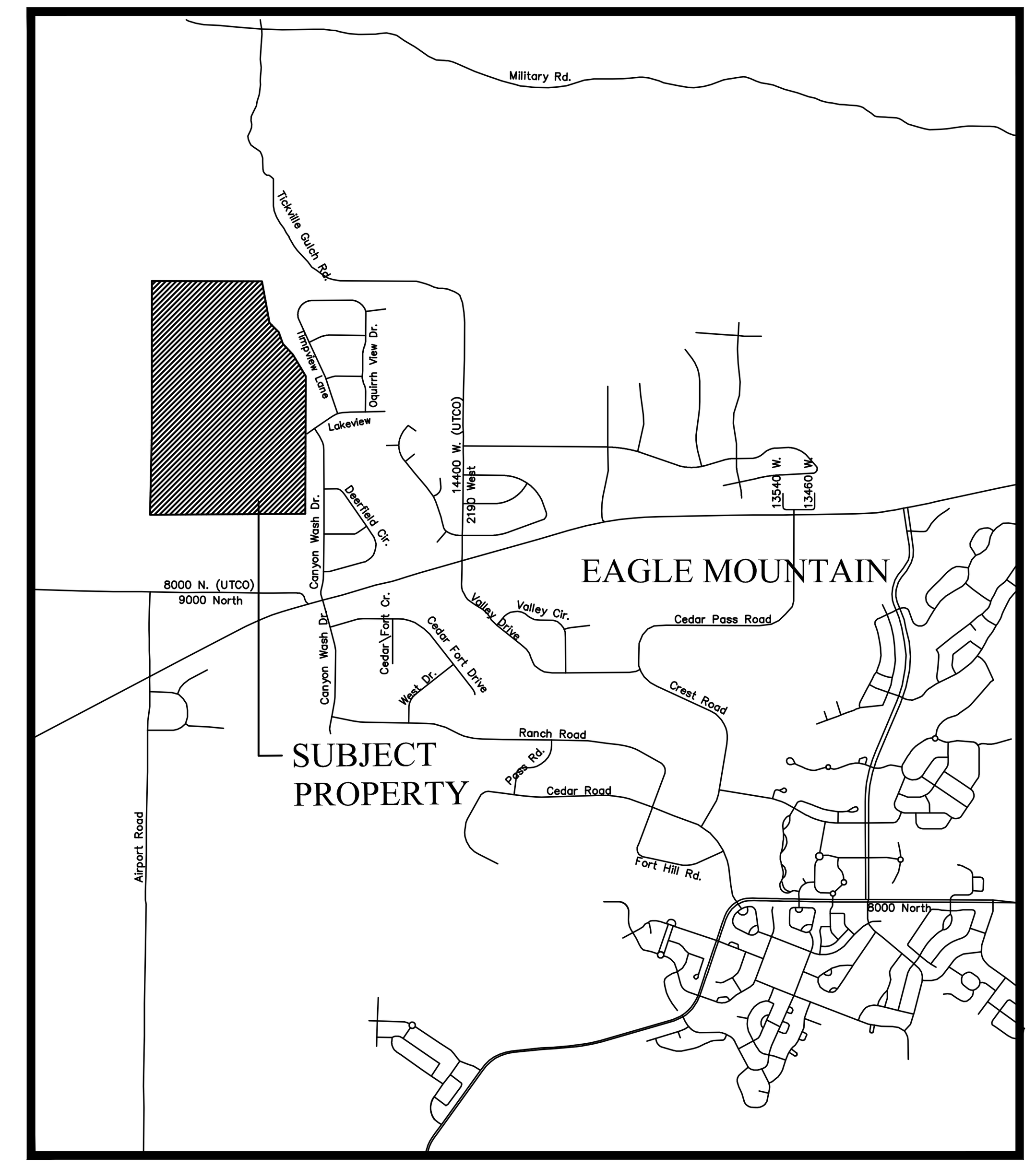
#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

DRAINAGE AND UTILITY PLAN

Scale:	1"=200'	Drawn:	MHW
Date:	05/22/20	Job #:	16-358
Sheet:	C3		

Z:_2016\16-358 Arrival Ph 3\design 16-358\dwg\sheets preliminary\Preliminary Utility Plan.dwg





VICINITY MAP
N.T.S

LEGEND

- RESIDENTIAL LOT
- PEDESTRIAN/BIKE/EQUESTRIAN TRAIL (20' WIDE)
- RIGHT OF WAY
- DETENTION POND
- OPEN SPACE (PARK)
- WATER TANK SITE
- UTILITY ACCESS
- POTENTIAL CHURCH SITE
- ROADSIDE TRAIL (CROSS SECTION)
- ROADSIDE 5' TRAIL (CROSS SECTION)

TRAIL NOTES:

1. TRAIL ON NORTH SIDE OF PARCEL A WILL BE 10' FEET WIDE, AND ALL ON PARCEL A.
2. ROAD TRAIL FROM LOT 314 TO LOT 811 IS OPEN TO HORSES.
3. ROADSIDE TRAIL AROUND CUL-DE-SAC BULBS WILL BE 5' WIDE.

LAND USAGE

UNIT NAME	ACREAGE
TOTAL AREA	223
RESIDENTIAL LOTS (179 LOTS)	193
RIGHT OF WAY	25
IMPROVED OPEN SPACE	5
DETENTION POND/TANK SITE	5
TRAIL EASEMENT	7

DENSITY

AREA = 223.36 ACRES
LOT = 179 UNITS
DENISITY = 0.80 UNITS/ACRE

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200ft.

FOCUS
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

Arrival
Eagle Mountain, Utah
LAND USE MAP

REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

LAND USE MAP

Scale:	1"=200'	Drawn:	MW
Date:	12/17/18	Job #:	16-358
Sheet:	1 OF 1		

Z:_2016\16-358 Arrival Ph 3\dwg\design 16-358\dwg\sheets\UPDATED LAND USE MAP.dwg

	EAGLE MOUNTAIN CITY **CITY COUNCIL MEETING** JUNE 2, 2020		
TITLE:	ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones.		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:			
APPLICANT:	City Staff & Planning Commission		
GENERAL PLAN DESIGNATION	**CURRENT ZONE**	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
Yes

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

PLANNING COMMISSION ACTION / RECOMMENDATION
The Planning Commission was heavily involved in the creation of this proposal, and discussed it in a couple of work sessions. On April 28th the Planning Commission held a public hearing (no public comments were made) and after making a few changes, voted (5-0) to recommend approval to the City Council of the proposed amendments to Chapter 17.35.

PREPARED BY:
Steve Mumford, Planning

RECOMMENDATION:

BACKGROUND:
Recently the Planning Commission and the City Council approved the creation of the Commercial Community and Commercial Neighborhood Zones, in place of the previous Commercial Zone. We are now proposing that Chapter 17.35 be amended (see attached) to create a Commercial Regional (CR) Zone. The proposed code includes permitted and special land uses and development standards.

Concerns that were discussed by the Council at the last meeting included Auto Sales, Child Day Care or Preschool, Brewery, Religious or Cultural Meeting Halls, criteria for approval of these zones in other future land use areas, and transitioning language.

The following changes were made:
- Automobile gas/service stations
  - Changed to a Special Use, since the code already contains special use standards for this use.
- Automobile Sales and/or Minor Service
  - Changed to a Special Use so that size, parking locations, and other concerns can be regulated.
- Brewery
  - Added "Ancillary to a restaurant).
- Child Daycare or Preschool
  - No changes were made, as this use is very similar to a school. Schools are Special Uses...so this use could be changed to a Special Use if specific regulations are necessary.
- Religious or Cultural Meeting Halls

- Included as a Permitted Use in Commercial Regional

- Transitioning & Criteria
    - Developments in the Commercial Regional zone "must" provide transitioning toward less intensive uses. Language was also changed in the zoning descriptions to give more direction for approval of these zones in other future land use areas.

Attachments:

ORD--EMMC Chapter 17.35 Commercial Zones

Exhibit A - Chapter 17.35 Commercial Zones

ORDINANCE NO. O-   -2020

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH, AMENDING THE EAGLE MOUNTAIN MUNICIPAL CODE, CHAPTER 17.35 COMMERCIAL ZONES

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City finds that it is in the public interest to amend the Eagle Mountain Municipal Code, Chapter 17.35 Commercial Zones as described in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Code Chapter 17.35 Commercial Zones.

2. The amendment described in Exhibit A is hereby approved.

3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City this 2nd day of June, 2020.

EAGLE MOUNTAIN CITY, UTAH

____

ATTEST: Tom Westmoreland, Mayor

____

Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 2nd day of June, 2020.

Those voting aye:	Those voting nay:	Those excused:
☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love

____
Fionnuala B. Kofoed, MMC
City Recorder

Posted to City Bulletin Boards on ________by__________________ .

Exhibit A

Chapter 17.35
COMMERCIAL ZONES

Sections:

17.35.010 What this chapter does.

In order to further the purposes of LUDMA (Utah's Municipal Land Use, Development, and Management Act) and the City's General Plan, the city is divided into various zones, including a number of commercial and office zones. This chapter establishes the land use regulations for these zones in Eagle Mountain City, including allowed uses, minimum land use standards, and other development provisions.

17.35.20 Commercial Zones.

A. Zone: **Commercial Neighborhood (CN)**. This zone provides small scale commercial retail, office, and services, located to accommodate the daily needs of local residents. Uses should be integrated with adjacent neighborhoods and impose minimal impacts resulting from traffic, lighting, noise, etc. This zone is generally appropriate within some areas designated as Community Commercial on the City's Future Land Use Map, but may also be considered for approval in other areas at the discretion of the approval authority, depending on the surrounding land uses, adjacency to residential units (within walking distance), and potential impacts to neighboring land uses. ~~other circumstances.~~

B. Zone: **Commercial Community (CC)**. This zone provides areas of commercial retail, office, and services, located near transportation hubs and major intersections and designed to buffer neighboring residential areas. Developments should incorporate coordinated circulation, architecture, and landscaping, and a balance of uses oriented to local residents and passing motorists. This zone is generally appropriate within some areas designated as Community Commercial on the City's Future Land Use Map, but may also be considered for approval in other areas at the discretion of the approval authority, depending on the surrounding land uses, adjacency to transportation hubs major intersections, and potential impacts to neighboring land uses. ~~and other circumstances.~~

C. Zone: **Commercial Regional (CR).** This zone provides areas appropriate for highway-oriented retail and service uses and regional shopping centers that serve community-wide and regional shopping needs. The CR zone should be located close to freeways and/or major arterials to provide convenient access for major traffic volumes without impacting residential areas. Developments should incorporate coordinated circulation, architecture, and landscaping, and contain a wide range of retail and service establishments within a unified shopping center complex. When supported by the General Plan, an appropriate mixture of uses, such as professional office, and institutional uses, as well as entertainment and recreational venues, is allowable. Where necessary and appropriate, the development must provide transitioning toward less intensive uses neighboring the district. This zone is generally appropriate within areas designated as Regional Commercial on the City's Future Land Use Map, but may also be considered for approval in other areas at the discretion of the approval authority, depending on the surrounding land uses, adjacency to major roadways, traffic volumes, and other circumstances.

17.35.030 Land Use Table.

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

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters)
S = Special (Special uses are permitted uses that must also comply with the standards listed in Chapter 17.75 EMMC that are specific to that type of use)
BLANK = Prohibited

Land Use Table

LAND USE	ZONING DISTRICT		
	Commercial Neighborhood (CN)	Commercial Community (CC)	Commercial Regional (CR)
RESIDENTIAL USES			
Assisted Living Facility (12+ residents)		S	
Assisted Living Facility (up to 12 residents)	P	P	
Bed and Breakfast	P	P	
Caretaker / security guard dwelling unit			
Residential Juvenile Group Home; Residential Facility for Persons with a Disability; Residential Rehabilitation and Treatment Facility		S	
Skilled Nursing Facility; Transitional Care Facility		P	
CIVIC / INSTITUTIONAL			
Cultural & Entertainment Uses (Theaters, Museums, Galleries, Libraries, Performing Arts Studios, Movies, etc.)		P	P
Schools (Public / Charter / Private)	S	S	

Public / Civic buildings & facilities (City Owned)	P	P	P
Public parks, plazas, trails, and open space	P	P	P
Religious or Cultural Meeting Halls	P	P	P
Sports Facilities / Arenas / Fields (Indoor)		P	P
Transit Stop (Bus, Light-Rail)	P	P	P
COMMUNICATION & UTILITIES			
Communication Facilities & Towers	S[5]	S[5]	S[5]
Electrical Substations & Power Transmission Lines		S[5]	S[5]
Public and Private (with franchise agreement) Utility Underground Lines, Utility Buildings, and other Above Ground Structures	S[5]	S[5]	S[5]
Public and private utility equipment and inventory storage, fenced or enclosed	S[5]	S[5]	S[5]
COMMERCIAL / NONRESIDENTIAL USES			
Adult Group Care Facility (Nonresidential)		P	
Animal Care Service		S[5]	S[5]
Athletic Instruction, including Dance, Gymnastics, Martial Arts, etc.	P	P	P
Automobile gas/service stations	~~P~~ S	~~P~~ S	~~P~~ S
Automobile sales and/or minor service		~~P~~ S	~~P~~ S
Automobile Service & Repair (minor)		P	P
Automobile Service & Repair (including auto body)		P	P
Banks & Credit Unions	P	P	P
Brewery (Ancillary to a restaurant)		P	P
Car Wash		P	P
Car Wash (Ancillary to a gas/service station)	S[5]	P	P
Check Cashing and Deferred Deposit Lenders[3]			S[5]
Child Day Care Center or Preschool	P	P	P
Construction and Equipment Sales / Rental			P
Convenience Store; Corner Market	P	P	P
Dialysis Center		P	P
Fitness Center	P	P	P
Flex Office / Retail / Warehouse			P
Grocery Store, small/Neighborhood (generally < 30,000 sq ft)	P	P	P
Grocery Store, Medium/Community (generally 30,000 - 75,000 sq ft)		P	P
Grocery Store, Large/Regional (generally > 75,000 sq ft)			P
Hospital			P
Hotel[4]		P	P
Laundry Services (No On-Site Dry Cleaning)	P	P	P
Mortuary		P	P
~~Moving and storage facilities and businesses~~			
Office (Medical, Health Care, Professional)	P	P	P
Outdoor Sales and Display (including storage of materials, products, and equipment incidental to an allowed use)	S[5]	S[5]	S[5]

~~Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles~~			
Parking Garage		S[5]	P
Pawn Shop			P[6]
Pharmacy (Retail)	P	P	P
Plant & Tree Nursery / Garden Center (with outside display; min. 1 acre lot)	S[5]	P	P
Plasma, Blood Collection			P
~~Portable Storage Container~~			
Race Tracks for Go-Carts, ATVs, and other Motorized Sports Recreational Facilities			S[5]
Reception/Conference/Meeting Center	S[5]	S[5]	S[5]
Recreation (Indoor)		P	P
Recreational Vehicle Sales/Rentals		P	P
~~Research and Development Facilities, including medical or electronic assembly and associated light manufacturing~~			
Restaurant or Bakery ~~(without drive-through services)~~	P	P	P
~~Restaurant (with drive-through services)~~	~~S[5]~~	~~P~~	
Retail Sales, General[1]		P	P
Retail Sales, Neighborhood (generally < 5,000 sq ft)[2]	P	P	P
Retail Sales, Regional (generally > 55,000 sq ft)			P
Salon (hair, nails, etc.)	P	P	P
~~Sexually Oriented Business~~			
State Liquor Store		P	P
~~Storage Units (indoor climate-controlled)~~			
Temporary Sales (Christmas tree lots, farmers market or fruit/vegetable stands, fireworks, food trucks, snow cones, etc.)	S[5]	S[5]	S[5]
Tobacco Specialty Business		S[5]	S[5]

[1] Includes arts & crafts sales, body art facility, electronic media rental & sales, hardware and home improvement, pet store, and uses deemed similar or appropriate by the City

[2] Includes bookstore, copy center or postal center, floral sales, ice cream or dessert shop, and uses deemed similar or appropriate by the City

[3] Check cashing and deferred deposit lenders include any business that must register in accordance with Utah Code Ann. § 7-23-101, *et seq*.

[4] Hotels offering extended stay must include a mix of extended stay and standard rooms (maximum 70% extended stay)

[5] These special uses are considered prohibited until special use standards specific to these uses are approved and included in Chapter 17.75 EMMC

17.35.040 Commercial Development Standards.

This Development Standards table contains required standards for each commercial zone in the city.

More details and clarification are included as footnotes and as generally applicable provisions later in this chapter.

Commercial Development Standards

Zone Designation	CN (Commercial Neighborhood)	CC (Commercial Community)	CR (Commercial Regional)
Maximum Height of Structures	35' [1]	50' [1]	50' [1]
Minimum Setback Requirements [2]			
Front	~~5'~~ 10' Min; ~~20'~~ 25' Max	~~5'~~ 10' Min; ~~20'~~ 25' Max	10' Min
Rear	20'	20' (35'[3])	20' (35'[3])
Side	None (20'[3])	None (Equal to building height[3])	None (Equal to building height[3])

[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.

[2] The approval authority may approve alternative setbacks if, in its judgment, the setbacks comply with the following:

1. Does not interfere with the use, enjoyment, and character of adjacent properties;
2. The success of the business necessitates the setbacks, proven by data or research;
3. The setbacks are not solely to provide space for parking between the building and the street;
4. Topography or natural features make it impossible or impracticable to place the building within the setback

*Maximum setback does not apply to anchor buildings if pad sites are provided which comply with this standard.

[3] If adjacent to residential

17.35.050 Generally applicable provisions.

All development projects within the commercial zones in this chapter shall conform to the following general requirements:

A. Site Plan Approval. All permitted or special uses in the commercial zones must comply with Chapter 17.100 EMMC, Site Plan Review, unless exempted in that chapter.

B. Architecture & Site Design. All permitted or special uses in the commercial zones shall comply with Chapter 17.72 EMMC, Commercial and Multifamily Design Standards. Exceptions include communication & utility structures, transit stops, temporary commercial uses, and similar uses.

C. Lighting. All exterior lighting, including parking lot lights, building lights, and other lighting must comply with the standards found in Chapter 17.56 EMMC, Outdoor Lighting Standards. Streetlights are required to be paid for by developers and installed by the City's contractor along all roads in and surrounding a project, in accordance with Section 15.10.390 EMMC.

D. Parking. Parking stalls, including ADA stalls, and parking lot improvements shall be provided in accordance with the standards in Chapter 17.55 EMMC, Off-Street Parking.

E. Landscaping. All landscaping shall comply with the standards in Chapter 17.60 EMMC, Landscaping, Buffering, Fencing and Transitioning. Landscaping in parking lots shall comply with Chapter 17.55 EMMC, Off-Street Parking. All landscaping shall be installed prior to the issuance of a certificate of occupancy for the building. The City Building Official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the City's parking and landscaping requirements.

F. Buffers and Transitions Between Developments and Uses. Commercial and other non-residential uses require buffering or transitioning when built adjacent to residential uses. Buffering standards can be found in Chapter 17.60 EMMC, and include walls or fences, landscaping, and distance separations. Screening walls shall be built by the developer/builder of the commercial or non-residential use, when adjacent to a residential use.

G. Hillside Development and Sensitive Lands. No construction, development, or earthwork may occur on land restricted by utility corridors, natural washes, storm drain retention/detention areas, geologically sensitive areas that require special engineering considerations for safe habitation, and steep slopes, unless in full compliance with Chapters 15.80, 17.62, other applicable City Codes, and approved by the approval authority for site plans. The approval authority may consider, at their discretion, approval of uses on land restricted by utility corridors, including parking lots, recreation (trails, plazas, open space), appropriate temporary uses, and transit stops. Development projects that include hillsides, ridgelines, or retaining walls must comply with the standards in Chapters15.80 and 17.62 EMMC. Development near natural washes must include significant setbacks from the edge of the wash to any structure, unless approved to pipe the wash. Utility corridors shall be preserved and deeded to the City whenever possible for trails and open space corridors.

H. Signs. Permanent monument signs for a project shall comply with the standards in Chapter 17.80, Sign Regulations and Sign Permits, and sign locations shall be reviewed along with the site plan review. All business signs require submittal and approval of a sign permit application, and signs may require a building permit.

I. Street Trees. Developers and/or builders shall plant appropriate trees in park strips along all public streets. Planting shall be done along with the project landscaping and in accordance with the standards found in EMMC 16.35.080. Street trees are required along all collector and arterial roads.

J. Uses within Buildings. All uses in the commercial zones shall be conducted entirely within a fully enclosed building except those uses deemed by the approval authority to be customarily and appropriately conducted outside (merchandise, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.). No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Trash enclosures, compactors, truck loading areas, and outdoor storage shall be oriented away from residential uses to the extent practical.

K. Bicycle Parking. Convenient bicycle parking shall be provided in locations that do not interfere with pedestrian circulation. Bicycle parking facilities shall be disbursed throughout larger sites and located in convenient and visible areas.

L. Drive-Through Lanes. Drive-through lanes shall be located away from adjoining residential developments. Speakers and menu boards shall be located so that noise is not directed toward residential uses and shall incorporate a screen wall and landscaping to mitigate noise. Where possible, public access doors shall not be located in an area that requires pedestrians/customers to cross drive-through lanes. Where unavoidable, improvements shall be provided to slow vehicles or improve visibility for pedestrians.

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **CITY COUNCIL MEETING** **JUNE 2, 2020**
TITLE:	ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.
ITEM TYPE:	Development Code Amendment
FISCAL IMPACT:	
APPLICANT:	City Staff

GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
Yes

REQUIRED FINDINGS:
Code amendments are legislative actions and decisions are valid if reasonably debatable and not illegal.

PLANNING COMMISSION ACTION / RECOMMENDATION
On April 28th the Planning Commission held a public hearing (no public comments were made) and after making some changes voted (5-0) to recommend approval to the City Council of the code amendment.

PREPARED BY:
Steve Mumford, Planning

RECOMMENDATION:
We recommend that the City Council adopt the proposed code amendment, removing the last sentence and replacing it with "Electronic signs shall comply with EMMC 17.80.070F5c in relation to maximum nighttime brightness and illumination."

BACKGROUND:
At the suggestion of the City Attorney, we are proposing to add a category for "official signs" in the Exempt Signs section of Chapter 17.80. The additional language clarifies that signs that are owned and operated by Eagle Mountain City and are used for informational or civic purposes, including advertising special events within the city, are exempt from the regulations in Chapter 17.80 and do not require a permit. Official signs may include electronic message centers, reader boards, or other replaceable copy signs. Any official sign that doesn't comply with the standards in Chapter 17.80 requires approval by the City Council.

Attachments:
ORD--EMMC Chapter 17.80 Sign Regulations and Sign Permits
Exhibit A - Chapter 17.80 Sign Regulations and Sign Permits

ORDINANCE NO. <u>O-   -2020</u>

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH, AMENDING THE EAGLE MOUNTAIN MUNICIPAL CODE, CHAPTER 17.80 SIGN REGULATIONS AND SIGN PERMITS

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City finds that it is in the public interest to amend the Eagle Mountain Municipal Code, Chapter 17.80 Sign Regulations and Sign Permits as described in <u>Exhibit A</u>.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Code Chapter 17.80 Sign Regulations and Sign Permits.

2. The amendment described in <u>Exhibit A</u> is hereby approved.

3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City this 2nd day of June, 2020.

EAGLE MOUNTAIN CITY, UTAH

____

ATTEST: Tom Westmoreland, Mayor

____

Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 2nd day of June, 2020.

Those voting aye:	Those voting nay:	Those excused:
☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love

____
Fionnuala B. Kofoed, MMC
City Recorder

Posted to City Bulletin Boards on ________by__________________ .

Exhibit A

Chapter 17.80
SIGN REGULATIONS AND SIGN PERMITS

17.80.120 Exempt signs.

All signs exempt from the permit process shall comply with the general provisions of this chapter except traffic signs approved by the city engineer. No sign permits shall be required for the following signs:

P. Official Signs. Signs that are owned and operated by Eagle Mountain City and are used for informational or civic purposes, including advertising special events within Eagle Mountain City. Official signs may include electronic message centers, reader boards, or other replaceable copy signs. Official signs that do not comply with the general provisions of this Chapter 17.80 must be approved by the City Council. Electronic signs should be turned off between the hours of 11:00 p.m. and 6:00 a.m., except in the case of emergency communications. (*Electronic signs shall comply with EMMC 17.80.070F5c in relation to maximum nighttime brightness and illumination* (*staff-recommended sentence in place of the previous sentence*)).

EAGLE MOUNTAIN CITY

CITY COUNCIL MEETING

JUNE 2, 2020

TITLE:	ORDINANCE/PUBLIC HEARING - An Ordinance of Eagle Mountain City, Utah, Repealing the regulations in Chapter 17.45 Airpark Zone of the Eagle Mountain Municipal Code.		
ITEM TYPE:	Development Code Amendment		
FISCAL IMPACT:			
APPLICANT:	Planning Commission		
GENERAL PLAN DESIGNATION	**CURRENT ZONE** Airpark Zone	**ACREAGE**	**COMMUNITY**

PUBLIC HEARING:
Yes

REQUIRED FINDINGS:
Code amendments are legislative actions and decisions are valid if reasonably debatable and not illegal.

PLANNING COMMISSION ACTION / RECOMMENDATION
On April 28th, 2020, the Planning Commission held a public hearing (no public comments were made) and recommended approval (5-0) to the City Council of the proposal to remove the Airpark Zone from the City Code.

PREPARED BY:
Steve Mumford, Planning

RECOMMENDATION:

BACKGROUND:
The Planning Commission requested that the Airpark Zone be placed on this agenda for consideration of removal from the City Code. Several months ago the Commission expressed concern about the zone, especially the permitted and conditional uses. The zone was created many years ago, and was intended for a much more robust airpark than has been recently considered by landowners/applicants. While the City has reviewed several proposals over the years for a residential airpark, the current zone allows for manufacturing, distribution, research and development, shopping centers, aircraft manufacturing, and much more. There are no active applications for the airpark zone.

The City Council discussed this item at the last meeting, and recommended that the title of the chapter remain so it is clear that the City is still open to the possibility of an airpark in the future. Text has been added that indicates that the chapter is reserved for future regulations for airparks/airports.

Attachments:
ORD--EMMC Chapter 17.45 Airpark Zone
Exhibit A - Chapter 17.45 Airpark Zone

ORDINANCE NO. O-   -2020

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH, REPEALING EAGLE MOUNTAIN MUNICIPAL CODE CHAPTER 17.45 AIRPARK ZONE

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City finds that it is in the public interest to repeal Eagle Mountain Municipal Code Chapter 17.45 Airpark Zone, as described in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Code, repealing Chapter 17.45 Airpark Zone.

2. The amendment described in Exhibit A is hereby approved.

3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City this 2nd day of June, 2020.

EAGLE MOUNTAIN CITY, UTAH

____
Tom Westmoreland, Mayor

ATTEST:

____
Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 2nd day of June, 2020.

Those voting aye:	Those voting nay:	Those excused:
☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love

____
Fionnuala B. Kofoed, MMC
City Recorder

Posted to City Bulletin Boards on _________by__________________ .

Exhibit A

Chapter 17.45
AIRPARK ZONE

(This chapter is reserved for future regulations concerning airparks/airports)

~~Sections:~~

~~**17.45.010 What this chapter does.**~~

~~This chapter establishes the land use regulations for the airpark zoning district in Eagle Mountain City, including permitted and conditional uses, minimum land use standards, and open space provisions. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.1)].~~

~~**17.45.020 Purpose and objective.**~~

~~The purpose and objective of this chapter is to provide commercial and residential sites with access to hangars and taxiways suitable for business and general aviation aircraft. The airpark zone will encourage a variety of uses including business parks, light manufacturing, professional offices, restaurants, and lodging. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.2)].~~

~~**17.45.030 Permitted uses.**~~

~~The following land uses shall be permitted uses in the airpark zone. Any use not specifically permitted in this chapter is prohibited.~~

~~A. Aircraft sales, manufacturing, assembly and service operations or other aviation services carried out under contract with the city are permitted uses;~~

~~B. Single-family detached dwellings;~~

~~C. Research and development uses, including medical or electronic assembly and manufacturing;~~

~~D. Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;~~

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

~~F. Laundry and dry cleaning establishments;~~

~~G. Commercial recreation including golf courses;~~

~~H. Motels and hotels;~~

~~I. Office/business parks;~~

~~J. Shopping centers that include grocery stores, restaurants without drive-through windows, general retail services in multi-unit buildings;~~

~~K. Mixed uses of residential and commercial including small-scale retail, service commercial, or offices;~~

~~L. Public parks;~~

~~M. Public and private utility structures or facilities;~~

~~N. Residential facilities for the elderly;~~

~~O. Manufacturing. [Ord. O-11-2017 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(1) § 9.3)].~~

~~17.45.040 Conditional uses.~~

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

~~A. Retail establishments such as restaurants, department stores, furniture outlets, warehouse stores, hardware and building supply stores, auto parts and gasoline service stations and auto sales facilities;~~

~~B. Printing, lithography and publishing establishments;~~

~~C. Convenience stores;~~

~~D. Restaurants with drive-through windows;~~

~~E. Banks and banks with drive-through windows;~~

~~F. Religious or cultural meeting halls;~~

~~G. Public or private schools;~~

~~H. Home businesses (as allowed by Chapter 17.65 EMMC);~~

~~I. Pet stores. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.4)].~~

~~17.45.050 Prohibited uses.~~

~~The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:~~

~~A. Sexually oriented businesses;~~

~~B. Multifamily dwellings and twinhomes. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.5)].~~

~~17.45.060 Area and density requirements.~~

~~The following area and density requirements shall apply to this district:~~

~~A. The minimum lot size for single-family detached dwellings in this zone is one-half acre. Other uses may require a minimum size greater than one-half acre and will be evaluated by the city council, after review and recommendation by the planning commission, on an individual basis to determine if more property is required to reasonably accommodate the proposed use.~~

~~B. Subdivisions in this zone shall not exceed 1.6 dwelling units per acre. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.6)].~~

~~17.45.070 Land use standards.~~

~~The diverse types of land uses including aviation, residential, retail, warehouses, light industrial and manufacturing require all projects in this zone to be subject to a site plan review and approval. The planning commission shall approve all building setbacks and heights in compliance with the Federal Aviation Administration (FAA). The planning commission shall also approve the setbacks of accessory structures, lot widths, and dwelling sizes. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.7)].~~

~~17.45.080 Driveways.~~

~~Residential driveways shall comply with the following standards:~~

~~A. Slopes. Driveways shall not exceed grades of 12 percent. The building official may approve driveway slopes that exceed 12 percent in circumstances that are deemed necessary because of the topographical conditions.~~

~~B. Clear Vision Triangle. Residential driveways when feasible shall not be permitted in the clear vision triangle at local streets as described in this title.~~

~~C. Driveway Length. Residential driveways shall be a minimum of 24 feet, measured from the property line. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.8)].~~

~~17.45.090 Protection of airspace.~~

~~The following standards will encourage aviation while at the same time provide for safety of residential and commercial development.~~

~~A. Development under Landing and Approach Patterns. All property within one-half mile of the end of an active runway and located under the noninterference cone trapezoids established by the Federal Aviation Administration (FAA) will be limited to agricultural or open space uses. Lands from one-half to one mile from the end of an active runway and located under the FAA cone trapezoid will generally be limited to agriculture, open space, low density commercial development or airpark uses.~~

~~B. Radio Communication. All aircraft in Eagle Mountain airspace and below 6,500 feet mean sea level (msl) must use radio communication in accordance with and as published in the Federal Aviation Administration's guidelines.~~

~~C. Minimum Altitude. All aircraft transiting Eagle Mountain airspace are requested to maintain an altitude in accordance with and as published in the Federal Aviation Administration's guidelines.~~

~~D. Approaches. Traffic patterns for landing at airports in Eagle Mountain will be from the west. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.9)].~~

~~17.45.100 Open space requirements.~~

~~Projects within this zone are required to provide at least 10 percent of the project areas as improved open space. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.10)].~~

~~17.45.110 Supplementary regulations.~~

~~All properties in Eagle Mountain City are also subject to the supplementary land use provisions of this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.11)].~~

~~17.45.120 Previous zoning district equivalents.~~

~~The equivalent zoning district contained in previous development codes includes the airpark zone. Properties zoned prior to the adoption of the ordinance codified in this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as it does not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of Eagle Mountain City adopted on September 28, 1999, is entitled to the following land uses:~~

~~A. Airpark Zone. Aircraft sales, manufacturing, assembly and service operations or other aviation services carried out under contract with the city are permitted uses. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered: office use, restaurants, hotels, motels, bed and breakfast facilities, light manufacturing, warehousing, dwellings, group homes, places of worship, schools (public and private), banks and retail goods establishments. All other uses are expressly prohibited. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.12)].~~

<table>
<tr><td colspan="2"></td><td colspan="3">EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
JUNE 2, 2020</td></tr>
<tr><td colspan="2">TITLE:</td><td colspan="3">ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Adopting an Updated Impact Fee Enactment for a Parks and Recreation Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.</td></tr>
<tr><td colspan="2">ITEM TYPE:</td><td colspan="3">Ordinance</td></tr>
<tr><td colspan="2">FISCAL IMPACT:</td><td colspan="3"></td></tr>
<tr><td colspan="2">APPLICANT:</td><td colspan="3">Eagle Mountain City</td></tr>
<tr><td colspan="2">GENERAL PLAN DESIGNATION
NA</td><td>CURRENT ZONE
NA</td><td>ACREAGE
NA</td><td>COMMUNITY
City Wide</td></tr>
</table>

PUBLIC HEARING:
Yes

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION / RECOMMENDATION
NA

PREPARED BY:
Fionnuala Kofoed, Public Works

RECOMMENDATION:
Staff recommends that the City Council consider the options for revised Parks and Recreation Impact Fees and adopts a new fee.

BACKGROUND:
State law requires that impact fee are only assessed for projects intended to be built within 6 years. Because of that and the high growth rate of the City, Impact Fee Facilities Plans are updated every 2-3 years to try to stay ahead of growth. When updating the IFFP, the city considers the existing level of service for that particular type of facility. It is important with impact fee laws that the City does not charge new development disproportionately to existing residents.

Attachments:
ORD--2020 Parks and Recreation Impact Fee Enactment 00487637xB00C1 (1)
Eagle Mountain Parks IFA (FINAL)
Parks and Recreation Impact Fee Facilities Plan 2020 5-28-20

ORDINANCE NO. O___-2020

ORDINANCE ADOPTING AN UPDATED IMPACT FEE ENACTMENT FOR A PARKS AND RECREATION IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME AND OTHER RELATED MATTERS

The City Council ("Council") of Eagle Mountain City, Utah (the "City"), finds that it is in the public interest to adopt this updated Impact Fee Enactment to address impacts of development upon the City; impose parks and recreation impact fees; provide for the calculation and collection of such fees; provide for appeal, accounting, and severability of the same and other related matters.

WHEREAS, the City is a local political subdivision of the State of Utah and has authority pursuant to Utah Code Ann. § 11-36a-101, *et seq*. (the "Impact Fee Act") to mitigate the impact of new development on public facilities by enacting an impact fee; and

WHEREAS, the City has caused to be prepared an Impact Fee Facility Plan, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Council finds that the Impact Fee Facility Plan identifies demands placed upon existing public facilities by new development activity and proposes means by which the City will meet those demands and has generally considered all revenue sources, including impact fees, and anticipated dedication of in-system improvements to finance the impacts on system improvements; and

WHEREAS, in order to reflect the actual costs of projects that have been constructed by the City, the City has caused to be prepared a *Parks and Recreation Impact Fee Analysis* (the "Impact Fee Analysis"), a copy of which is attached hereto as Exhibit B, which identifies the anticipated impacts on or consumption of existing capacity of public facilities by anticipated development activities, identifies impact on system improvements required by anticipated development activities to maintain the established level of service for each public facility, demonstrates how those anticipated impacts are reasonably related to the anticipated development activities and estimates the proportionate share of the cost for existing capacity that will be recouped and the cost of impacts on system improvements that are reasonably related to the new development activity; and

WHEREAS, the Council finds that the impact fees which are enacted pursuant to this Ordinance ("Impact Fee Enactment") are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504, the City has complied with the notice requirements to adopt this Impact Fee Enactment; and

WHEREAS, after careful consideration and review of the comments at the public hearings, the council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the City to adopt this Impact Fee Enactment.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

Section 1. Findings; Authority; Purpose.

The Council finds and determines that growth and development activities in the City will create additional demand and need for parks and recreation facilities, and the Council finds that persons responsible for growth and development activities should pay a proportionate share of the costs of such planned facilities needed to serve the growth and development activity. The Council further finds that based on the Impact Fee Facility Plan and Impact Fee Analysis that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received. The provisions of this Impact Fee Enactment shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

Except as provided below, words and phrases that are defined in the Impact Fee Act shall have the same meaning in this Impact Fee Enactment.

2.1 Allowable Credits. A developer may be allowed an offset or a credit against an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement above and beyond the normal required improvements to offset the reasonable impacts of the development. A credit against an impact fee shall be granted for any dedication of real property for, improvements to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the Public and offset the need for identified system improvements.

2.2 Applicant. A person or entity required to pay an impact fee under this Impact Fee Enactment.

2.3 Gross Impact Fee. The stated impact fee assessed (prior to the computation of allowable credits, exemptions, or adjustments) for system improvements based on the requirements of this Impact Fee Enactment.

2.4 Impact Fee Agent. The person or persons designated by the City Council to evaluate impact fee applications and calculate gross impact fees, allowable credits, exemptions, adjustments, and net impact fees.

2.5 Impact Fee Applicant or Impact Fee Applications. An application submitted by an applicant for development approval that is required to pay an impact fee prior to obtaining subdivision approval or other development approval from the City Council or the building official of the City prior to issuance of a building permit.

2.6 Net Impact Fee. The gross impact fee less all allowable credits, exemptions, adjustments, and credit adjustments required by this Impact Fee Enactment.

2.7 Single Family Residential Unit or Equivalent Residential Unit or ERUs. The system improvement capacity required for a dwelling unit intended for the use and occupancy of a single family with no restriction on time of use.

Section 3. Impact Fees Imposed.

3.1 Impact Fees. Based on the Council approval and adoption of the Impact Fee Facility Plan and Impact Fee Analysis, the City Council hereby adopts the Parks and Recreation Impact Fee in the maximum amounts set forth in Table 7.3, Scenario 1 of the Impact Fee Analysis.

3.2 Impact Fees Accounting. The City will establish a separate interest-bearing ledger account for each type of public facility for which impact fees are collected. Interest earned on such account shall be allocated to that account.

(a) *Reporting*. At the end of each fiscal year, the City shall prepare a report on each fund or account showing the source and amount of all monies collected, earned, and received by the fund or account and each expenditure from the fund or account. The report shall identify impact fees by the year in which they were received, the project from which the funds were collected, the system improvements for which the funds were budgeted, and the projected schedule for expenditures. The report shall be in a format developed by the State Auditor that is certified by the City's Chief Financial Officer and shall be transmitted annually to the State Auditor.

(b) *Impact Fee Expenditures*. The City may expend impact fees collected pursuant to this Impact Fee Enactment only for systems improvements that are public facilities identified in the Impact Fee Facility Plan.

(c) *Time of Expenditure*. Impact fees collected pursuant to this Impact Fee Enactment are to be expended or encumbered for a permissible use within six (6) years of the receipt of those funds by the City. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

(d) *Extension of Time*. The City may hold unencumbered fees for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

3.3 Additional Fees and Costs. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that may not be included as itemized component parts of the impact fee.

3.4 Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the impact fee shall be determined in accordance with the provisions of Section 5 below.

Section 4. Impact Fee Amount and Procedure.

4.1 Impact Fee Imposed. Impact fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid either as a condition of plat approval, as a condition of the issuance of a building permit, or as a condition to connecting to any current or future system improvements if a plat or building permit is not required in an amount set forth in the Impact Fee Analysis.

4.2 Application Procedure. Each Applicant for development approval shall make application in writing to the City on forms provided for the City for determination of the amount of the required impact fees payable by the Applicant. Each Applicant shall provide all information requested by the City to allow the City to verify the accuracy of the information presented by the Applicant. The Impact Fee Agent shall consider the information presented by the Applicant and determine the gross impact fee, allowable credit, exemptions, adjustments, and net impact fee.

4.3 Impact Fee Amount. The amount of the impact fees imposed hereby shall be the gross amount as set forth in the Impact Fee Analysis.

Section 5. Exemptions, Adjustments, and Credits.

5.1 Exemption. The Council may, on a project-by-project basis, authorize exemptions to the impact fee imposed for development activity that the Council determines to be of broad public purpose to justify the exception, development activities attributable to low-income housing, the state, a school district, or a charter school (the school district and charter school on the same basis).

5.2 Adjustments. The Council shall ensure that the impact fees are imposed fairly and may adjust impact fees at the time the fee is charged to (i) respond to unusual circumstances in specific cases, (ii) respond to a request for a prompt and individualized impact review for the development activities of the state or a school district or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected, and (iii) permits adjustments of the amount of the impact fee to be imposed on a particular development based upon studies and data submitted by the developer.

5.3 Credits. A developer, including a school district or charter school, shall receive a credit against or proportionate reimbursement of an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the Developer agree will reduce the need for a system improvement. A credit against the impact fee shall also be given for any dedication of land for, improvements to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the public and offset the need for identified system improvements.

Section 6. Service Area.

Service areas are hereby established as set forth on the Impact Fee Facility Plan and Impact Fee Analysis.

Section 7. Appeal Procedures.

7.1 Application. The appeal procedure applies to challenges to the legality of impact fees, the interpretation and/or application of those fees.

7.2 Request for Information Concerning the Fee. Any person or entity required to pay an impact fee pursuant to this Impact Fee Enactment may file a written request for information concerning the fee with the City. The City will provide the person or entity with the Impact Fee Analysis, Impact Fee Facility Plan, and other relevant information relating to the impact fee within two weeks after receipt of the request for information.

7.3 Appeals to City Before Payment of Impact Fees. Any affected or potentially affected person or entity who wishes to challenge an impact fee imposed pursuant to this Impact Fee Enactment prior to payment thereof may file a written request for information concerning their fee and the process under the City's appeal procedure.

7.4 Appeal to City After Payment of Impact Fees; Statute of Limitations for Failure to File. Any person or entity that has paid an impact fee pursuant to this Impact Fee Enactment and wishes to challenge the fee shall file a written request for information concerning the fee after having paid the fee and proceed under the City's appeal process. The deadline for filing an appeal shall be as follows:

(a) Within 30 days after the person making the appeal pays the impact fee, they may challenge whether the City complied with the notice requirements of the impact fee with respect to imposition of the impact and the procedure.

(b) Within 180 days after the person making the appeal pays the impact fee, they may challenge whether the city complied with other procedural requirements of the impact fee.

(c) Within one (1) year after the person making the appeal pays the impact fee, they may challenge the impact fee.

7.5 Appeal to City. Any developer, landowner, or affected party desiring to challenge the legality of any impact fee, or related fees or exaction under this Impact Fee Enactment, may appeal directly to the City by filing a written challenge with the City before the deadlines provided above.

(a) *Hearing*. An informal hearing will be held not sooner than five (5) days nor more than 25 days after the written appeal to the City is filed.

(b) *Decision*. After the conclusion of the informal hearing, the City shall affirm, reverse, or take action with respect to the challenge or appeal as the City deems appropriate. The decision of the City will be issued within 30 days after the date the written challenge was filed. In light of the statutorily mandated time restrictions, the City shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing, and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of any final determination.

7.6 Denial of Due Process. If the City for any reason fails to issue a final decision on a written challenge to an impact fee, its calculation or application, within 30 days after the filing of the challenge with the City, the challenge shall be deemed to have been denied.

7.7 Judicial Review. Nothing in this Impact Fee Enactment shall be interpreted to alter the statutory deadlines before which an action to challenge an impact fee must be initiated in the district court. After having been served with a copy of the pleadings initiating a court review, the City shall submit to the court the records of the proceedings before the City, including minutes, and if available, a true and correct transcript of any proceedings.

Section 8. Severability. If any section, subsection, paragraph, clause, or phrase of this Impact Fee Enactment shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Impact Fee Enactment, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Enactment are declared to be severable.

Section 9. Effective Date. The Impact Fee Enactment pursuant to this Impact Fee Ordinance shall take effect 90 days after its enactment.

ADOPTED by the City Council of Eagle Mountain City, Utah, this ________ day of ___________________________, 2020.

EAGLE MOUNTAIN CITY, UTAH

____
Tom Westmoreland, Mayor

ATTEST:

____
Fionnuala B. Kofoed, City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on this 2nd day of June, 2020.

Those voting aye:	Those voting nay:	Those excused:
☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love

____
Fionnuala B. Kofoed, MMC
City Recorder

Posted to City bulletin boards on _____________by________________ .

EagleMountain UTAH

PARKS AND RECREATION IMPACT FEE ANALYSIS

EAGLE MOUNTAIN, UTAH

PURSUANT TO UTAH CODE 11-36A

MAY 2020

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

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IMPACT FEE CERTIFICATION

IMPACT FEE ANALYSIS (IFA) CERTIFICATION

LYRB certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
    a. allowed under the Impact Fees Act; and
    b. actually incurred; or
    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
    a. costs of operation and maintenance of public facilities;
    b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
    d. offsets costs with grants or other alternate sources of payment; and,
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City staff and elected officials.
2. If all or a substantial portion of the IFFP or IFA are modified or amended by the City, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

The purpose of the Parks and Recreation Impact Fee Analysis ("IFA"), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act", and assist Eagle Mountain City (the "City") in financing and constructing necessary capital improvements for future development and growth. The 2020 Impact Fee Facilities Plan ("IFFP") was completed by Horrocks Engineers. The following summarizes the inputs utilized in this analysis.

- **Service Area:** The Service Area for purposes of the City's parks and recreation impact fees includes all areas within the City.
- **Demand Analysis:** The demand unit used in this analysis is **population**. The City's current population is approximately **39,127** (2019 estimated population). The IFFP shows population reaching approximately 71,000 persons by 2025, an average annual growth rate of 10.5 percent. Changes in the economy or building trends may result in higher or lower growth than anticipated. For the purposes of this analysis, the IFFP estimates are used, resulting in an additional 32,036 new residents within the service area through 2025.
- **Level of Service:** The LOS for this analysis is based on maintaining the existing level of investment in current parks and recreation facilities. The LOS consists of two components – the **land value per capita** and the **improvement value per capita** (or the cost to purchase land and make improvements in today's dollars). The LOS is shown in more detail in **SECTIONS 5**.
- **Excess Capacity:** A buy-in component for outstanding reimbursement agreements was considered in this analysis. The buy-in value has been removed from the existing facilities inventory when determining future level of investment.
- **Capital Facilities Analysis:** Based on the expected changes in population over the planning horizon, the City will need to invest in additional facilities related to parks and recreation in order to maintain the existing LOS. The investment toward future facilities can be used for land acquisition or to provide for new improvements on existing and proposed facilities/land. This ensures that the LOS is perpetuated into the future.
- **Funding of Future Facilities:** Impact fees will continue to be a significant source of funding for parks and recreation infrastructure as they are an appropriate and fair mechanism for funding growth-related infrastructure.

PROPOSED PARKS AND RECREATION IMPACT FEE

The proposed impact fee for parks and recreation can be found in **TABLE 1.1**. The City's parks classification system includes neighborhood, community, and regional parks, as well as trail ways. Only system improvements are included in the impact fee analysis. System improvements include park facilities classified as community and regional parks. Pocket parks and neighborhood parks are excluded from this analysis since these are funded by developers or generally through grants. Based on the per capita fee, the level of investment per household is summarized in **TABLE 1.2.** The buy-in component is added to this value to produce a total fee per household, as shown in **TABLE 1.3**.

TABLE 1.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PARK ACRES PER 1,000 POPULATION	LAND COST PER ACRE/MILE	IMP. VALUE PER ACRE	TOTAL COST PER ACRE	PER 1,000 POPULATION	PER CAPITA
Regional and Community Parks	7.32	$50,000	$60,873	$110,873	$811,601	$812

TABLE 1.2: PARK IMPACT FEE LOS BY UNIT TYPE

IMPACT FEE PER HH	PERSONS PER HH	FEE PER HH	CURRENT FEE	% CHANGE
Single Family	4.41	**$3,580**	$1,158	209%
Multi Family	3.09	**$2,511**	$827	204%

TABLE 1.3: IMPACT FEE WITH APPLICABLE BUY-IN COMPONENT

IMPACT FEE PER HH	MID-VALLEY REGIONAL BUY-IN	FEE PER HH	TOTAL
Single Family	$110	$3,580	**$3,690**
Multi Family	$77	$2,511	**$2,588**

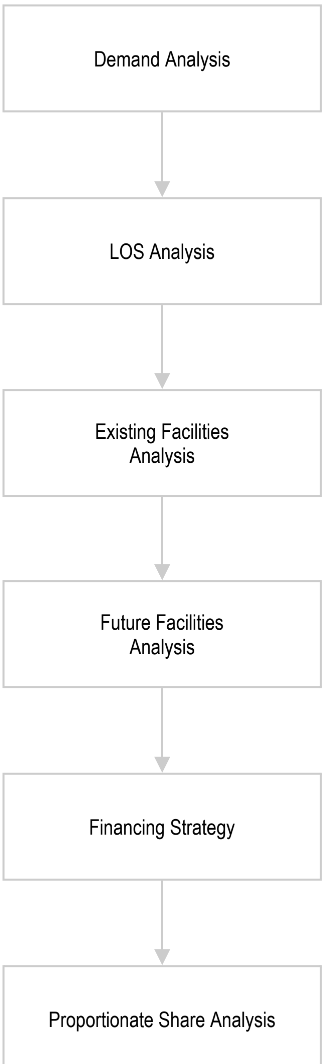
NON-STANDARD PARK IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.[1] This adjustment could result in a lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

[1] 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA[2]. The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service ("LOS") provided to existing development and ensure that impact fees are not used to raise that LOS. The following elements are important considerations when completing an IFFP and IFA:

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing LOS. Through the inventory of existing facilities, combined with population growth assumptions, this analysis identifies the LOS which is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing system improvements. The inventory does not include project improvements. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development. Any excess capacity identified within existing facilities can be apportioned to future new development.

FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY – CONSIDERATION OF ALL REVENUE SOURCES

This analysis must also include a consideration of all revenue sources, including impact fees, debt issuance, alternative funding sources, and the dedication (aka donations) of system improvements, which may be used to finance system improvements.[3] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[4]

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the

[2] UC 11-36a-301,302,303,304
[3] 11-36a-302(2)
[4] 11-36a-302(3)

methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

System vs. Project Improvements

System improvements are defined as existing and future public facilities designed and intended to provide services to service areas within the community at large.[5] Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.[6] References to facilities, amenities, projects, etc. within this analysis are referring to System Improvements unless otherwise stated.

[5] 11-36a-102(20)
[6] 11-36a102(13)

SECTION 3: SERVICE AREA AND DEMAND ANALYSIS

The purpose of this document is to establish a LOS based on the facilities and amenities funded by the City within the Service Area. The current LOS for parks and Recreation is based on the City's residential population. The LOS consists of two components – the **land value per capita** and the **improvement value per capita** (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation.

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas ("Service Area") within which impact fees will be imposed.[7] This Service Area includes all areas within the City's municipal boundaries.

DEMAND UNITS

The demand unit used in this analysis is **population**. The City's 2019 population is estimated at 39,127. Determining growth within a community can be challenging. The IFFP shows population reaching approximately 71,000 persons by 2025, an average annual growth rate of 10.5 percent. Changes in the economy or building trends may result in higher or lower growth than anticipated. For the purposes of this analysis, an additional 32,036 new residents are projected within the service area from 2019 through 2025.

TABLE 3.1: POPULATION PROJECTIONS

YEAR	CITY PROJECTIONS BASED ON 10.5% GROWTH (AS SHOWN IN IFFP)
2019	**39,127**
2020	43,196
2021	47,732
2022	52,744
2023	58,282
2024	64,401
2025	**71,163**
IFFP Demand	**32,036**

The future population in the City is used to determine the additional parks and recreation needs. The LOS standards for each of these types of improvements has been calculated, and a blended LOS determined for the future population, giving the City flexibility to provide future residents the types of improvements that are desired. If growth projections and land use planning changes significantly in the future, the City will need to update the parks and recreation projections, the IFFP, and the impact fees.

Based on 2018 American Community Survey (ACS) Five-Year Estimates, the average persons per household can be found in **TABLE 3.2**.

TABLE 3.2: RESIDENTS PER HOUSEHOLD

	PERSONS PER HOUSEHOLD
Single-Family	4.41
Multi-Family	3.09

[7] 11-36a-402(a)

SECTION 4: EXISTING FACILITIES INVENTORY

The City's parks classification system includes pocket, neighborhood, community, and regional parks, as well as trail ways. The City's existing parks are shown in **Appendix A**. The Impact Fee Act allows for the inclusion of system improvements when determining the proportionate impact fee applicable to new development. The City has defined system improvements as facilities classified as community and regional parks. Pocket parks and neighborhood parks are excluded from this analysis since these are funded by developers or generally through grants.

The tables below illustrate the existing acreage and amenities for the parks and recreation system. The improvement value for parks is based on the existing improvements to each type of facility and are calculated on a per acre basis. The City-owned acreage and estimated improvement value illustrated below will be the basis for the LOS analysis discussed in **SECTION 5.** The valuation estimates for the existing system exclude the reimbursement original costs. Existing parks include a variety of services including basketball courts, playgrounds, restrooms and other amenities, as shown in **Appendix A**.

TABLE 4.1: ACREAGE OF EXISTING PARKS AND RECREATION FACILITIES

Area	Total Acres	Less Detention	Less Gifted	Final Acres	Impact Fee Eligible	Land Value	Improvement Value
Regional and Community	**291.63**	**5.22**	**0.00**	**286.41**	**286.41**	**$14,320,650**	**$18,534,870**
Less Buy-In Value						**$14,320,650**	**$17,434,870**

BUY-IN COMPONENT

Many of the existing parks and recreation areas were constructed by developers and by using SID Bonds and/or reimbursement agreements. However, there are currently no outstanding SID Bonds. The table below illustrates the applicable buy-in costs from existing reimbursement agreements.

TABLE 4.2: OUTSTANDING SID AND REIMBURSEMENTS

CONSTRUCTION YEAR	PROJECT	ORIGINAL COST	ORIGINAL CAPACITY	USED CAPACITY	REMAINING CAPACITY	COST PER ERU
2002	**Midvalley Regional Park (Cory Wride)**	**$1,100,000**	**10,000**	**8,616**	**1,384**	**$110**

LAND VALUE

It is noted that current costs are used strictly to determine the actual cost, in today's dollars, of duplicating the current LOS for future development in the City and does not reflect the value of the existing improvements within the City. The City estimates that the value for residential land is approximately $50,000 per acre. This is based on market prices for undeveloped land within the City.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing parks and Recreation infrastructure has been funded through a combination of general fund revenues, donations, and impact fees. Most of the City's parks have been donated by developers. However, since the developers have received density credits in return for their donation, these parks have been included in the LOS calculation. All other park land and improvements funded through donations have been excluded in the impact fee calculations.

SECTION 5: LEVEL OF SERVICE ANALYSIS

LEVEL OF SERVICE STANDARDS

The level of service (LOS) for this analysis is based on maintaining the existing level of investment in current parks and recreation facilities. The LOS consists of two components – the land value per capita and the improvement value per capita funded by the City (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation.

Using the estimated land values and improvement values per type of park shown in **Table 5.1** and the existing population for 2019, the value per capita (or LOS) is calculated. This approach uses current construction costs to determine the current value. It is assumed that the City will maintain, at a minimum, the current set LOS standard.

TABLE 5.1: EXISTING LOS PER CAPITA

LOS PER CAPITA	IMPACT FEE ELIGIBLE ACREAGE	PER 1,000 CAPITA	EST. LAND VALUE	PER CAPITA	EST. IMPROV. VALUE	PER CAPITA	TOTAL VALUE PER CAPITA
Regional and Community Parks	286.41	7.32	$14,320,650	$366	$17,434,870	$446	$812

TABLE 5.2: EXISTING LOS PER ACRE

LOS PER ACRE	IMPACT FEE ELIGIBLE ACREAGE	EST. LAND VALUE	LAND VALUE PER ACRE	EST. IMPROV. VALUE	IMP. VALUE PER ACRE	TOTAL VALUE PER ACRE
Regional and Community Parks	286.41	$14,320,650	$50,000	$17,434,870	$60,873	$110,873

The calculation of impact fees relies upon the information contained in this analysis. The timing of construction for development-related park facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required. The construction of park facilities can lag development without impeding continued development activity. This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements.

SECTION 6: CAPITAL FACILITY ANALYSIS

Future planning for park land is an ongoing process based on the changes in population and community preference. The City will purchase and improve parks and recreation facilities to maintain the LOS defined in this document. A summary of the City's desired improvements is found in the 2020 IFFP in Table 5-1. Impact fees will only be assessed the proportionate fee to maintain the existing LOS.

Based on the expected changes in population over the planning horizon, the City should invest approximately $26 million in parks and recreation facilities from impact fees to maintain the existing level of investment. This assumes the City will grow by nearly 32,000 persons through 2025.

TABLE 6.1: ILLUSTRATION OF PARKS AND RECREATION INVESTMENT BY SCENARIO

Type of Improvement	Population Increase IFFP Horizon	Level of Investment	Estimated Future Investment
Regional and Community	32,036	$812	$26,000,456

Table 6.1 illustrates the estimated population growth in the Service Area and the estimated future investment, excluding buy-in to existing facilities. Future investment will be used to acquire additional parks and recreation land and fund new park improvements and amenities or make improvements to existing park facilities to add capacity to the system. The following types of improvements may be considered:

- Land Acquisition
- Sod and Irrigation Improvements
- Pavilions
- Restrooms and other Parks and Recreation Buildings
- Picnic Tables
- Playgrounds
- Trailways/Walkways
- Volleyball Courts
- Tennis Courts
- Basketball Courts
- Other Recreational Courts and Facilities
- Baseball/Softball Field Facilities
- Multi-Purpose Fields
- Field Lighting
- Concession/ Buildings
- Parking
- Skate Parks
- Other Park and Recreation Amenities

Additionally, the City has identified the following improvements as potential impact fee eligible projects:

TABLE 6.2: POTENTIAL IMPACT FEE ELIGIBLE IMPROVEMENTS

FUTURE FACILITY	2020 ESTIMATE (MILLIONS)	CONSTRUCTION YEAR	CONSTRUCTION YEAR COSTS	FUNDING SOURCE
Silverlake Community Park Phase 1	$ 1,000,000	2020	$1,030,000	Impact Fees
Cory Wride Memorial Park Phase 2	$ 4,376,345	2021	$4,642,864	Impact Fees
Smith Ranch Regional Park Phase 2	$ 3,000,000	2021	$3,182,700	Impact Fees
Pony Express Regional Park phase 1	$ 2,400,000	2022	$2,622,545	Impact Fees
Recreational Trail	$1,340,807	2022	$1,465,136	Impact Fees
Cory Wride Memorial Park Phase 3	$3,500,000	2023	$3,939,281	Impact Fees
Smith Ranch Regional Park Phase 3	$3,000,000	2024	$3,477,822	Impact Fees
Silverlake Community Park Phase 2	$1,000,000	2025	$1,194,052	Impact Fees
Recreational Trail	$1,340,807	2025	$1,600,994	Impact Fees
Property Acquisition	$3,000,000	2025	$3,582,157	Impact Fees
Total	**$23,957,959**		**$26,737,551**	
Construction Cost assumes an inflation rate of 3.34 percent.				

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed and intended to provide services to service areas within the community at large.[8] Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and

[8] 11-36a-102(20)

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convenience of the occupants or users of that development.[9] The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis.

Only park facilities that serve the entire community are included in the LOS. Only community and regional parks are considered system improvements in Eagle Mountain City.

Funding of Future Facilities

The IFFP must also include a consideration of all revenue sources, including impact fees and developer dedications of system improvements, which may be used to finance system improvements.[10] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[11]

Property Tax Revenues

Property tax revenues are not specifically identified in this analysis as a funding source for capital projects, but inter-fund loans can be made from the general fund which will ultimately include some property tax revenues. Inter-fund loans may be repaid once sufficient impact fee revenues have been collected.

Grants and Donations

The City does not anticipate any donations from new development for future system-wide capital improvements related to park facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development.

The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

Impact Fee Revenues

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees are currently charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. Analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

Debt Financing

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e. interest costs). Debt financing has not been considered in the calculation of the parks and recreation impact fee.

Equity of Impact Fees

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100% of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as general fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

[9] 11-36a102(13)
[10] 11-36a-302(2)
[11] 11-36a-302(3)

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

SECTION 7: PARKS & RECREATION IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and LOS. The following paragraphs briefly discuss the methodology for calculating impact fees.

PARKS AND RECREATION IMPACT FEE SCENARIO ANALYSIS

GROWTH-DRIVEN (PERPETUATION OF EXISTING LOS)

The methodology utilized in this analysis is based on the increase, or **growth**, in residential demand. The growth-driven method utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. park facilities).

PARKS AND RECREATION IMPACT FEE CALCULATION

The proposed impact fee for parks and recreation can be found in **TABLE 7.1**. The City's parks classification system includes neighborhood, community, and regional parks, as well as trail ways. Only system improvements are included in the impact fee analysis. System improvements include park facilities classified as community and regional parks. Pocket parks and neighborhood parks are excluded from this analysis since these are funded by developers or generally through grants. Based on the per capita fee, the level of investment per household is summarized in **TABLE 7.2.** The buy-in component is added to this value to produce a total fee per household, as shown in **TABLE 7.3**.

TABLE 7.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PARK ACRES PER 1,000 POPULATION	LAND COST PER ACRE/MILE	IMP. VALUE PER ACRE	TOTAL COST PER ACRE	PER 1,000 POPULATION	PER CAPITA
Regional and Community Parks	7.32	$50,000	$60,873	$110,873	$811,601	$812

TABLE 7.2: PARK IMPACT FEE SCHEDULE BY SCENARIO

IMPACT FEE PER HH	PERSONS PER HH	FEE PER HH	2016 CALCULATED FEE	% CHANGE
Single Family	4.41	**$3,580**	$1,158	209%
Multi Family	3.09	**$2,511**	$827	204%

TABLE 7.3: IMPACT FEE WITH APPLICABLE BUY-IN COMPONENT

IMPACT FEE PER HH	MID-VALLEY REGIONAL BUY-IN	FEE PER HH	TOTAL
Single Family	$110	$3,580	**$3,690**
Multi Family	$77	$2,511	**$2,588**

NON-STANDARD PARK IMPACT FEES

The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.[12] This adjustment could result in a lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See **SECTION 6** for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered with six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent only on impact fee eligible projects to maintain the LOS.

[12] 11-36a-402(1)(c)

Proposed Credits Owed to Development

The Impact Fees Act requires that credits be paid back to development for future fees that will pay for growth-driven projects included in the Impact Fee Facilities Plan that would otherwise be paid for through user fees. Credits may also be paid to developers who have constructed and donated facilities to that City that are included in the IFFP in-lieu of impact fees. This situation does not apply to developer exactions or improvements required to offset density or as a condition of development. Any project that a developer funds must be included in the IFFP if a credit is to be issued.

In the situation that a developer chooses to construct facilities found in the IFFP in-lieu of impact fees, the decision must be made through negotiation with the developer and the City on a case-by-case basis.

Growth-Driven Extraordinary Costs

The City does not anticipate any extraordinary costs necessary to provide services to future development.

Summary of Time Price Differential

Although the Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation, an inflation component was not considered in the cost estimates in this study. All costs are represented in today's dollars.

APPENDIX A: EXISTING FACILITIES INVENTORY

TABLE A.1: EXISTING REGIONAL AND COMMUNITY PARK INVENTORY

AREA	TYPE	TOTAL ACRES	LESS DETENTION	LESS GIFTED	FINAL ACRES	% CITY OWNED	% CITY FUNDED	IMPACT FEE ELIGIBLE	LAND VALUE	LARGE PAVILION	MEDIUM PAVILION	SMALL PAVILION	RESTROOMS (PERM.)	CONCESSION	SKATEPARK	SPLASH PAD	PLAYGROUND	TOT LOTS/PLAYGROUNDS	DRINKING FOUNTAINS
Unit Values										**$258,750**	**$86,250**	**$34,500**	**$207,000**	**$287,500**	**$529,000**	**$1,150,000**	**$575,000**	**$46,000**	**$2,300**
Walden Park	Developed	7.24	0.68	0.00	6.56	100.00%	100.00%	**6.56**	**$328,000**	1.00	-	-	-	-	-	-	-	1.00	-
Smith Ranch Regional Park	Developed	15.77	0.00	0.00	15.77	100.00%	100.00%	**15.77**	**$788,500**	-	-	-	-	-	-	-	-	1.00	-
Bike park	Developed	76.68	0.00	0.00	76.68	100.00%	100.00%	**76.68**	**$3,833,900**	-	-	-	-	-	-	-	-	-	-
Nolan Park	Developed	11.19	0.00	0.00	11.19	100.00%	100.00%	**11.19**	**$559,350**	-	-	-	1.00	-	-	1.00	-	1.00	1.00
Nolan Park East	Developed	4.20	0.00	0.00	4.20	100.00%	100.00%	**4.20**	**$209,750**	1.00	-	-	-	-	-	-	-	-	-
Pioneer Park	Developed	7.74	0.00	0.00	7.74	100.00%	100.00%	**7.74**	**$387,150**	-	-	1.00	-	-	-	-	-	2.00	1.00
North Ranch	Developed	7.68	0.00	0.00	7.68	100.00%	100.00%	**7.68**	**$384,000**	-	1.00	-	-	-	-	-	-	1.00	-
Cory Wride Memorial Park	Developed	82.85	1.02	0.00	81.83	100.00%	100.00%	**81.83**	**$4,091,350**	1.00	1.00	-	2.00	1.00	-	1.00	1.00	-	1.00
Pony Express Regional Park	Developed	53.11	0.00	0.00	53.11	100.00%	100.00%	**53.11**	**$2,655,400**			1.00		-	1.00	-	-	-	1.00
Silverlake Amphitheater	Developed	13.63	0.00	0.00	13.63	100.00%	100.00%	**13.63**	**$681,250**	-	-	1.00	1.00	-		-	-	1.00	2.00
Silverlake Woodhaven Park	Developed	11.56	3.52	0.00	8.04	100.00%	100.00%	**8.04**	**$402,000**	-	-	-	-	-	-	-	-	-	-
Totals		**291.63**	**5.22**	**0.00**	**286.41**			**286.41**		**3.00**	**2.00**	**3.00**	**4.00**	**1.00**	**1.00**	**2.00**	**1.00**	**7.00**	**6.00**
Estimated Value									**$14,320,650**	**$776,250**	**$172,500**	**$103,500**	**$828,000**	**$287,500**	**$529,000**	**$2,300,000**	**$575,000**	**$322,000**	**$13,800**

TABLE A.1: EXISTING REGIONAL AND COMMUNITY PARK INVENTORY (CONT.)

AREA	BIKE RACKS	PICNIC TABLES	GARBAGE CANS	BENCHES	PICKLEBALL	1/2 COURT BASKETBALL	FULL COURT BASKETBALL	SOCCER FIELDS	BASEBALL DIAMONDS	BLEACHERS	SWING SET	PARKING LOT	BARBECUES	TENNIS COURT	RODEO GROUNDS	IRRIGATED OPEN SPACE	IMPROVEMENT VALUE
Unit Values	**$1,150**	**$2,300**	**$2,300**	**$2,300**	**$138,000**	**$34,500**	**$92,000**	**$23,000**	**$207,000**	**$2,300**	**$1,150**	**$6,900**	**$1,150**	**$34,500**	**$667,000**	**$3.00**	
Walden Park	-	5.00	3.00	4.00	-	1.00	-	1.00	-	-		1.00	-	-	-	243,065	$1,125,944
Smith Ranch Regional Park	-	-	1.00	1.00	-	-	-	-	-	-	1.00	1.00	-	-	-	135,907	$466,372
Bike park	-	1.00	2.00	-	-	-	-	-	-	-	-	-	-	-	-	-	$6,900
Nolan Park	-	3.00	9.00	4.00	-	-	-	1.00	2.00	4.00	-	-	-	-	-	432,986	$3,187,259
Nolan Park East	1.00	18.00	3.00	-	-	-	-	-	-	-	-	-	2.00	-	-	121,097	$673,790
Pioneer Park	1.00	2.00	3.00	3.00	-	-	1.00	1.00	-	-	1.00	-	-	-	-	269,201	$1,072,102
North Ranch	1.00	5.00	3.00	2.00	-	-	-	-	-	-	-	1.00	-	-	-	36,590	$273,071
Cory Wride Memorial Park	1.00	15.00	4.00	4.00	4.00	-	1.00	2.00	4.00	8.00	-	1.00	-	2.00	-	905,612	$7,156,987
Pony Express Regional Park	-	4.00	6.00	-	-	-	-	-	1.00	4.00	-	1.00	2.00	-	1.00	206,910	$2,101,930
Silverlake Amphitheater	-	3.00	3.00	-	-	-	-	-	-	-	-	-	3.00	-	-	216,929	$960,136
Silverlake Woodhaven Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	$0
Existing Impact Fee Fund Balance (2019) & Professional Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	$1,510,377
Totals	**4.00**	**56.00**	**37.00**	**18.00**	**4.00**	**1.00**	**2.00**	**5.00**	**7.00**	**16.00**	**2.00**	**5.00**	**7.00**	**2.00**	**1.00**	**2,568,298**	
Estimated Value	**$4,600**	**$128,800**	**$85,100**	**$41,400**	**$552,000**	**$34,500**	**$184,000**	**$115,000**	**$1,449,000**	**$36,800**	**$2,300**	**$34,500**	**$8,050**	**$69,000**	**$667,000**	**$7,704,893**	**$18,534,870**

PARKS and RECREATION

Impact Fee Facilities Plan

May 2020

Impact Fee Facilities Plan Certification Page

I certify that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:

    a. allowed under the Impact Fees Act; and

    b. actually incurred; or

    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

    d. existing deficiencies documented as such and not meant for inclusion in impact analysis.

2. Does not include:

    a. costs of operation and maintenance of public facilities;

    b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;

    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

3. Complies in each and every relevant respect with the Impact Fees Act

Drew W. Geiger, P.E.

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Introduction
Eagle Mountain City is a growing city. As a result, it will need to construct more recreational facilities to accommodate future growth. This plan will outline the City's recreation infrastructure needs to accommodate future growth and prepare an Impact Fee Facilities Plan in accordance with Title 11, Chapter 36a of the Utah Code. It should be updated regularly

Demographics
Demographics form the basis of the projections in this study. Demographic data and projections were obtained from the City. Eagle Mountain City is a city of approximately 39,127 residents. It is expected to grow to approximately 193,143 in the future.

Existing Facilities
Current population estimates were used to determine the regional Level of Service (LOS). The City documents 52 facilities that it currently owns, valued at $48,391,028.

Neighborhood Facilities
Eagle Mountain City currently provides $425,166 of neighborhood recreational facilities per 1,000 residents. These neighborhood facilities cover 182.32 acres

Regional Facilities
Eagle Mountain City currently provides $811,601 of regional recreational facilities per 1,000 residents. These regional facilities cover 286.41 acres.

Future Facilities
As Eagle Mountain approaches build-out, it will need to have constructed a total of $156,755,052 in recreational facilities to maintain its current level of service. The City has already master planned some of those facilities in the Wride Memorial Park Master Plan. It has begun construction on another named Wren's Roost Park. Other trails and parks have been included conceptually in the Capital Facilities Plan.

Impact Fee Facilities Plan
The City has identified four parks that will need to be constructed in the next six years to maintain the current level of service for new development. The projects total approximately $23,957,959.

Eagle Mountain City is a growing community located on the west side of Utah County and lying between the Oquirrh and Lake Mountains. The nearest communities to the west are Cedar Fort and Fairfield. To the east lies Saratoga Springs. Currently, Eagle Mountain has approximately 39,127 residents. As growth continues in the region, Eagle Mountain is projected to grow to as many as 193,143 residents. However, future population growth will depend largely upon densities of new developments that are approved by the City.

In an effort to properly plan and prepare for increased growth, Eagle Mountain officials are seeking to update their Parks and Recreation impact fees so that they can provide the needed infrastructure improvements to accommodate new development. This plan analyzes the City's future growth patterns and its projected Parks and Recreation infrastructure needs. The existing master plan will be used to create an Impact Fee Facilities Plan (IFFP) based upon development driven infrastructure projects anticipated in the next six years, including a prioritized schedule for construction and cost estimates in planning-year dollars required for future projects.

Since the basis for this plan is demographic projections, it is recommended that it be updated every three to five years. Zoning maps should be updated, along with population projections and land use plans. Facilities plans should be updated to delete projects that have been completed or re-prioritized, add new projects that were not previously identified, and adjust the costs of any projects that may have changed in scope or nature.

Proportionate Share

This document attempts to assign only a proportionate share of costs for future improvements due to anticipated future development. In accordance with the Utah Impact Fees Act, Title 11, Chapter 36a, every effort has been made to include accurate values of parks and recreation infrastructure installed in the past. Likewise, the IFFP only includes projects that are attributable to future growth within the next six years. As such, a current Level of Service (LOS) has been defined for maintaining the existing standards.

The first step in updating an Impact Fee Facilities Plan (IFFP) is to identify and verify the City's current demographics and future population projections. Demographics for this IFFP were calculated using data taken from the 2014 Impact Fees Facilities Plan and the City building permits from 2014 to current. They have been approved for use in this update. Therefore, this section will outline and reference population estimates, growth trends, and projected population at key milestones from the City's approved demographic data.

2.1 Existing Conditions

Current Population

In the approved demographics, Eagle Mountain's 2019 population was projected to be 39,127. Upon review this number appears to be relatively close to the actual population and does not warrant a lengthy demographic study and update using census data and building permits. Therefore, for purposed of this study, 39,127 will be used as the current population of Eagle Mountain.

Average Residents per Household

Based on 2018 American Community Survey (ACS) Five-Year Estimates, the average persons per household was estimated to be 4.41 for single family units and 3.09 for multi-family.

2.2 Build-out Population

Total build-out for a city is reached when all vacant land within city boundaries has been developed to the current zoning and land use plans. Build-out population has been estimated at approximately 193,143 for Eagle Mountain City as illustrated below in Table 2-1.

Table 2-1: Eagle Mountain Build-out Projection

Land Use Classification	Area (acre)	Total Units	Residents per Unit*	Residents
Civic Institutional	94	0	0.00	0
Commercial/Residential	1,530	4,465	4.06	18,127
Mixed Use Residential	16,000	39,500	3.48	137,460
Mixed Use Commercial	2,375	1050	3.48	3,654
Rural Residential	5,826	8350	4.06	33,901
Airport	1,890	0	0.00	0
Agricultural	2,475	0	0.00	0
Industrial	649	0	0.00	0
			Projected Build-Out Population	**193,148**

*Varying densities used are based on dwelling unit types, as discussed in Section 2.3

2.3 Current & Future Growth

Current Growth Trends

The City's future needs were recently forecasted using multiple sources including:

- Building Permits Issued
- 2010 Census Information
- Governor's Office Projections
- Regional Population Patterns
- Forecasted Build-out Population
- Current Developments Seeking Approval

This report uses the accepted densities previously assigned by City staff to evaluate future infrastructure needs. The number of residents per single family dwelling has been calculated to be 4.41 by Eagle Mountain City staff, while mixed use zones are considered as half single family dwellings and half multifamily dwellings. Thus, the mixed use zones have been considered as 3.75 residents per unit (average of 4.41/single family and 3.09/multifamily).

Future Growth Trends

The approved demographics projects build-out to be realized by approximately 2060. Table 2-1 shows total growth over that time period. It provides both Eagle Mountain demographics and Governor's Office projections for comparison purposes. It also illustrates the number of single residential units represented by the population and number of new units generated by projected growth.

Table 2-2: Eagle Mountain Growth Projections

Year	GOPB Population Projections	Eagle Mountain Building Permits	Population Projections based on building permits	Eagle Mountain Population Projections	Total Park ERU's	New Park ERU's
2015		490	26,186			
2016		673	28,918			
2017		920	32,653			
2018		671	35,377	35,377	8,713	
2019				39,092	9,628	915
2020	34,152			43,196	10,639	1,011
2021				47,732	11,757	1,117
2022				52,744	12,991	1,234
2023				58,282	14,355	1,364
2024				64,401	15,862	1,507
2025				71,163	17,528	1,666
2026				78,636	19,368	1,840
2027				86,892	21,402	2,034
2028				96,016	23,649	2,247
2030	54,095			106,098	26,132	

2035				117,238	28,876	
2040	76,469			129,548	31,908	
2045				143,151	35,259	
2050	114,400			158,181	38,961	
2055				174,790	43,052	
2060	152,500			193,148	47,572	

*** Assuming all ERU's are single family homes**

Eagle Mountain City provides high quality of life and health to the community through its parks and recreation facilities. This chapter outlines the level of service currently provided by the City.

3.1 Level of Service (LOS)

As Eagle Mountain City has grown, it has become apparent that the City will need to provide its citizens with recreation facilities that are not all measurable by acreage. Therefore, Eagle Mountain will define its level of service in terms of value of regional park recreational facilities per 1,000 residents.

Neighborhood Level of Service
Eagle Mountain's current neighborhood LOS is based on its historic expenditures on neighborhood recreation facilities. As defined in Table 3-1, Existing Neighborhood Parks Inventory, the value of the existing parks and recreation facilities, is documented as $425,166. Since the current population is estimated at 39,127 residents, the LOS is calculated to be:

$16,635,508 / 39,127 residents = ***$425,166 /1,000 residents***

Regional Level of Service
Eagle Mountain's current regional LOS is based on its historic expenditures on regional recreation facilities. As defined in Table 3-2, Existing Regional Parks Inventory, the value of the existing parks and recreation facilities, is documented as $811,601. Since the current population is estimated at 39,127 residents, the LOS is calculated to be:

$31,755,520 / 39,127 residents = ***$811,601 /1,000 residents***

3.2 Existing Facilities

Currently, the City provides approximately 468.73 acres of open space throughout the city. Of that acreage, the City has developed 155 acres of active recreational space including 41 city parks, 11 regional parks, a rodeo facility, a baseball complex and 2 splash pads. Therefore, Eagle Mountain provides a total of:

$^{182.32 \text{ acres}}/_{39{,}127 \text{ residents}}$ = *4.65 acres of neighborhood facilities of per 1,000 residents*

$^{286.41 \text{ acres}}/_{39{,}127 \text{ residents}}$ = *7.32 acres of regional facilities of per 1,000 residents*

Active open space is provided at a rate of:

$^{155.39}/_{39{,}127 \text{ residents}}$ = *3.97 acres of per 1,000 residents*

At each update of this document, the acreage per 1,000 residents that is currently available will depend on how recently a park was constructed, at times calculating to greater than or less than the current amount of acreage provided per resident.

Table 3-1 and 3-2 summarizes the current inventory of neighborhood and regional parks within the city as illustrated in Figures 3-1 and 3-2. Cost estimates include land, infrastructure and amenities, but no operation, personnel or maintenance costs. More detailed estimates on infrastructure are provided in the Appendix in Figure B.1.

Table 3-1: Existing Neighborhood Parks Inventory

Recreation Facility	Size (acres)	Estimated Value (2019)
Autumn Ridge	2.03	$544,914
Eagle Park	26.78	$1,634,004
Eagle Point Park A (Entrance)	28.56	$1,514,887
Eagle Point Park B	5.09	$689,767
Eagle Point Park C	5.02	$635,404
Meadow Ranch Autumn	13.24	$793,323
Meadow Ranch Hidden	15.68	$1,205,404
Overland Park	5.54	$661,272
Sage Valley Park	12.26	$1,301,021
Westview Heights Park	4.62	$458,584
White Hills Park	2.22	$274,417
Pioneer Addition 5 pocket park	1.43	$167,937
Pioneer Addition 6 pocket park	1.34	$158,552
Pioneer Addition 7 pocket park	1.27	$150,402
Lone Tree park	3.35	$299,884
Ruby Valley park	2.16	$253,647
Liberty Farms park	3.03	$374,358
Saddle Back park	3.01	$351,887
Porters Crossing park	5.63	$668,621
Rush Valley park	2.50	$291,791
Kiowa (Ute Dr) park	1.84	$219,295
Silverlake PUE park	2.07	$255,524
Silverlake 8 park	0.69	$80,435
Southmoor park	2.54	$200,418

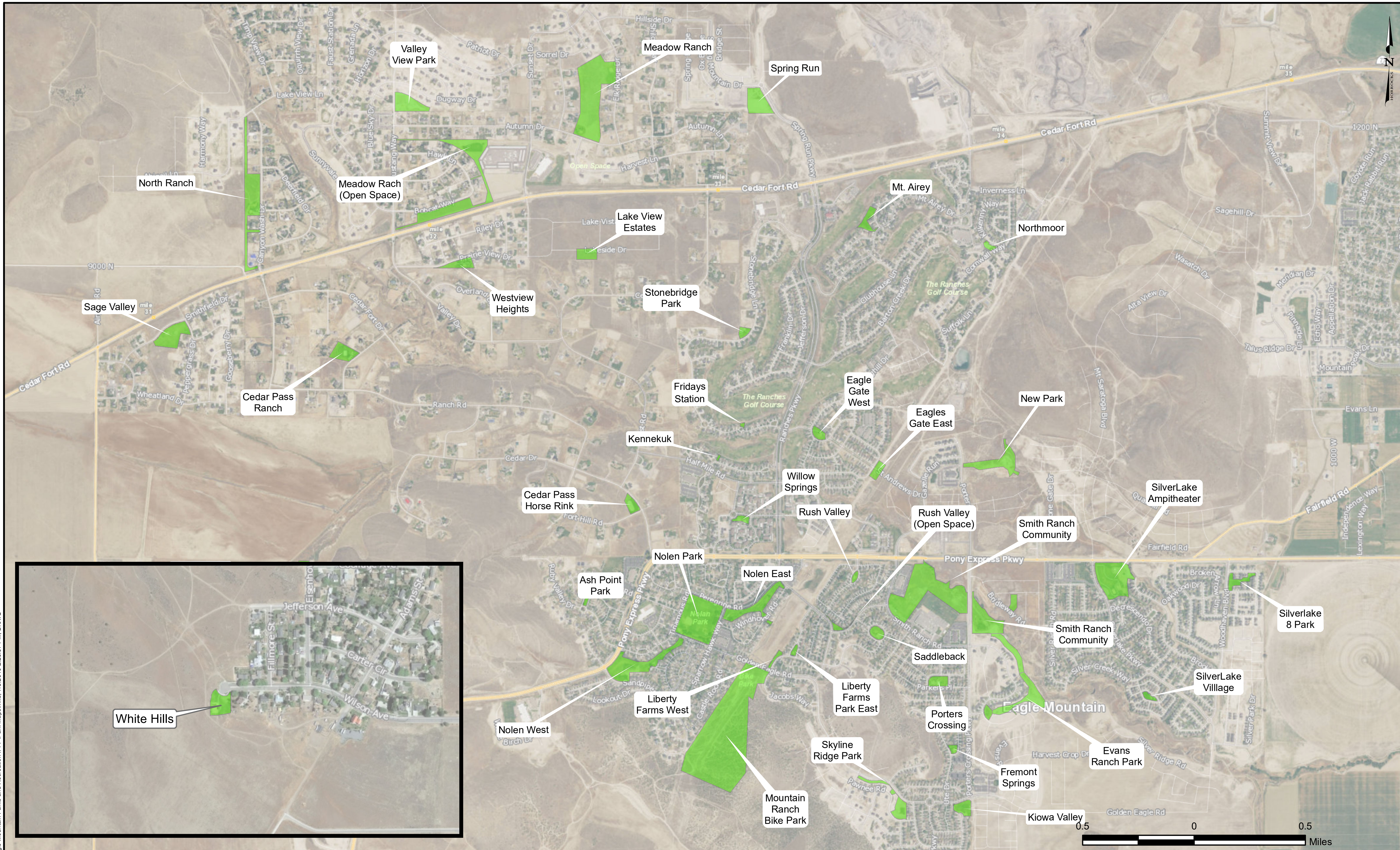
Northmoor park	1.04	$119,937
Mt. Airey Village park	0.80	$93,074
Meadow Ranch 5 Park	0.86	$101,694
Stonebridge park	3.41	$393,966
Chimney Rock park	0.30	$35,704
Kiowa Valley pond park	3.21	$437,637
Evans Ranch Park	0.34	$56,318
Kennekuk park	0.11	$14,652
Eagles Gate entrance park	3.29	$403,211
Eagles Gate east park	3.39	$396,246
Heatherwood park	0.41	$50,718
Sunset Ridge	1.17	$264,350
Cedar Corners	2.18	$238,950
Skyline Ridge	2.18	$305,650
Lake View Estates	1.74	$237,650
Sweetwater Park	3.76	$188,000
Spring Run	2.24	$112,000
Total	**182.32**	**$16,635,508**

Table 3-2: Existing Regional Parks Inventory

Recreation Facility	Size (acres)	Estimated Value (2019)
Walden Park	6.56	$1,453,944
Smith Ranch Regional Park	15.77	$1,254,872
Bike park	76.68	$3,840,800
Nolan Park	11.19	$3,746,609
Nolan Park Pavilion	4.20	$883,540
Pioneer Park	7.74	$1,459,252
North Ranch	7.68	$657,071
Cory Wride Memorial Park	81.83	$11,248,337
Pony Express Regional Park	53.11	$4,757,330
Silverlake Amphitheater	13.63	$1,641,386
Silverlake Woodhaven Park	8.04	$402,000
Impact Fee Fund Balance	-	$1,510,377
Buy In Value	-	($1,100,000)
Total	**286.41**	**$31,755,520**

Table 3-3: Recreation Reimbursement Agreements

Construction Year	*Project Name*	*Cost (Construction Year)*	*Original Estimated Capacity*	*Existing Used Capacity*	*Current Remaining Capacity*
2002	Mid-valley regional park	$1,100,000	10,000	8,616	1,384



HORROCKS 50 ANNIVERSARY 1968-2018

2162 West Grove Parkway
Suite 400
Pleasant Grove, UT 84062
(801) 763-5100

EAGLE MOUNTAIN PARKS AND RECREATION IMPACT FEE

NORTH EAGLE MOUNTAIN

DATE 7/8/2019

DRAWN

Figure 3.1

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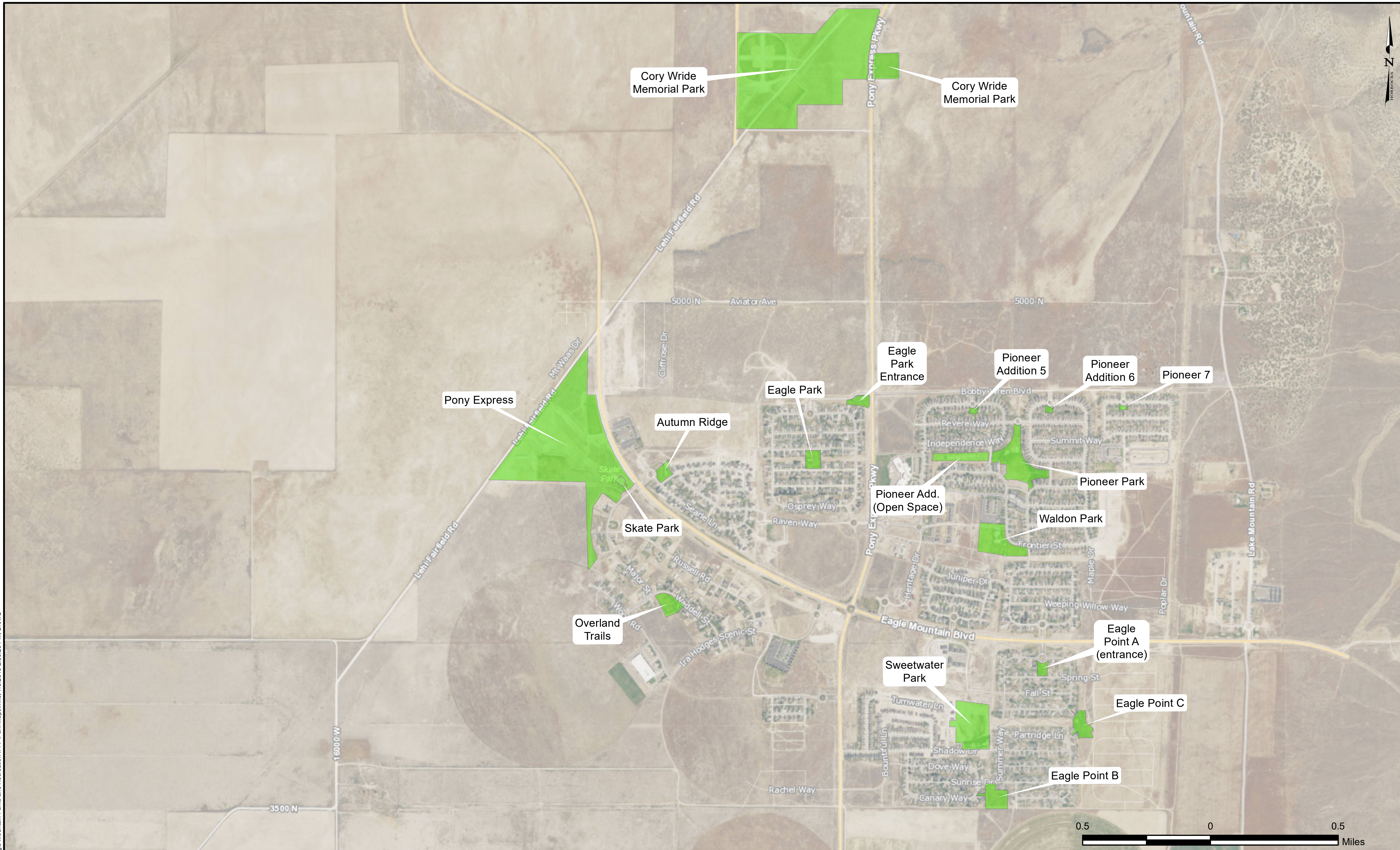

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HORROCKS 50 ANNIVERSARY 1968-2018

2162 West Grove Parkway
Suite 400
Pleasant Grove, UT 84062
(801) 763-5100

EAGLE MOUNTAIN PARKS AND RECREATION IMPACT FEE

SOUTH EAGLE MOUNTAIN

DATE 7/8/2019

DRAWN

Figure 3.2

In order to maintain its current quality of life, Eagle Mountain City must continue to provide new parks and recreation facilities as the population grows.

4.1 Future Facilities

This chapter analyzes the growth period of 2019 to 2060 (Build-out) when the projected population will be approximately 193,143. In order to maintain the existing regional LOS, Eagle Mountain will need to continue to provide regional recreational facilities valuing approximately $811,601 per 1,000 residents. In other words, to provide the necessary facilities, Eagle Mountain will need to construct facilities valuing approximately $156,755,052 (i.e.193,143 x $811,601/1,000) to provide for the future population.

4.2 Capital Facilities Plan

The city already has plans to develop additional parks and trails to help maintain its unique position as a leader in recreational properties and activities. As Eagle Mountain grows, it will need additional facilities like these to help meet the needs of a growing population. Table 4-1 outlines a conceptual plan for developing the required future parks to maintain its current LOS.

The Wride Memorial Park Master Plan that includes a 60 acre plot of land that has been set aside for the development of a regional park. The maps for the Wride Memorial park phases can be found in Appendix B, Figure B.3. The recreational trails are conceptual and no land has been set aside at this time for their planning or construction.

Table 4-1: Conceptual Regional Parks and Recreation Capital Facilities Plan

Project	Construction Year	Estimated Cost (2019)
Silverlake Community Park Phase 1	2020	$ 1,000,000
Cory Wride Memorial Park Phase 2	2021	$ 4,376,345
Smith Ranch Regional Park Phase 2	2021	$ 3,000,000
Recreational Trail	2022	$ 1,340,807
Pony Express Regional Park Phase 1	2022	$ 2,400,000
Cory Wride Memorial Park Phase 3	2023	$ 3,500,000
Smith Ranch Regional Park Phase 3	2024	$ 3,000,000
Silverlake Community Park Phase 2	2025	$ 1,000,000
Recreational Trail	2025	$ 1,340,807
Pony Express Regional Park Phase 2	2026	$ 2,400,000
Recreational Trail	2027	$ 1,340,807
Cory Wride Memorial Park Phase 4	2028	$ 2,189,420
Cory Wride Memorial Park Phase 5	2029	$ 3,304,296
Recreational Trail	2030	$ 1,340,807
Cory Wride Memorial Park Phase 6	2032	$ 3,040,838
Smith Ranch Regional Park Phase 4	2033	$ 2,500,000
Cory Wride Memorial Park Phase 7	2034	$ 2,827,987
Various Future Facilities	2035+	$ 116,852,938
Total		**$ 156,755,052**

Impact fees provide communities with a legal means to obtain funds from new developments to finance the construction of infrastructure improvements that are needed to serve new growth. State law requires that impact fees be used only for projects made necessary by new growth and not for existing deficiencies. Throughout this study, existing conditions have been analyzed as well as future needs due to development and growth. This section defines the financial impact that new development will have on Eagle Mountin City in the next six years and recommends impact fees for park and recreation element analyzed in this study. These fees will be needed to maintain the existing level of service throughout the City. It does not include existing deficiencies.

5.1 Parks and Recreation IFFP

The Parks and Recreation Capital Facilities Plan illustrates proposed improvements that future development will require. Table 4-1 outlines the proposed projects and their costs in 2019 dollars. Projects that are projected to be constructed within the next six years and are eligible to be funded by impact fees total $23,957,959 are detailed below and summarized in Table 5-1. These projects and costs were taken from the Eagle Mountain City Wride Memorial Park Master Plan prepared by MGB+A from May 2015 and the Eagle Mountain City master plan 2009

Eligible Projects

Silverlake Community Park Phase1 – The first phase of the Silverlake Community Park will include Amenity area including play area, pavilion, parking, field space and other aesthetics.

Cory Wride Memorial Park Phase 2 –This is the second phase of the master plan for Wride Memorial Park. It provides pedestrian amenities, parking elements, as well as revitalization of the existing fields. This will be a development driven park. Since it is a regional park it can service any new development in Eagle Mountain.

Smith Ranch Regional Park Phase 2 – This is the second phase of Smith Ranch Regional Park. It will include new sports fields, asphalt trails,rain gardens as well as parking elements. This park would also include another large amenity in regards to play equipment. This would also include an area secured along the tickville wash as a trail network. The need of this park is driven by the development of housing around the Wren's Roost area.

Pony Express Regional Park Phase 1 – This is the first phase for Pony Express Regional Park. It provides pedestrian amenities, parking elements, as well as revitalization of the existing fields and additional recreational field space. This will be a development driven park. Since it is a regional park it can service any new development in Eagle Mountain.

Recreational Trail – The new recreational trail will include buying and devolping new property. It will include benchs and a paved path along with landscaping. Since this trail is conceptual it will be development driven and could be placed anywhere in the city as needed. The trail is needed to help Eagle Mountain City maintain its current LOS

Cory Wride Memorial Park Phase 3 – This is the third phase of the master plan for Cory Wride Memorial Park. It provides an irrigation pond that would be used as a swimming pond with several amenities around the pond including, pavilions, restrooms, beaches, playgrounds and volleyball courts.This will be a development driven park. Since it's a regional park it can service any new development in Eagle Mountain.

Smith Ranch Regional Park Phase 3 – This is the third phase of Smith Ranch Regional Park. It will include improvement to playground amenities and walking trails. This phase will also tieing the Tickville wash into the design of the park so it can be more cohesive. The need for this park is driven by development.

Silverlake Community Park Phase 2 – This is the second phase of the Silverlake Community Park and it will include new restrooms, a parking lot, sport courts and a trailhead to serve as a regional trail along the tickville wash. The need for this park is driven by development.

Recreational Trail – The new recreational trail will include buying and devolping new property. It will include benchs and a paved path along with landscaping. Since this trail is conceptual it will be development driven and could be placed anywhere in the city as needed. The trail is needed to help Eagle Mountain City maintain its current LOS

Table 5-1: Parks and Recreation Impact Fee Facilities Estimates

Future Facility	**2019 Estimate (Millions)**	**Construction Year**	**Funding Source**
Silverlake Community Park Phase 1	$ 1,000,000	2020	Impact Fees
Cory Wride Memorial Park Phase 2	$ 4,376,345	2021	Impact Fees
Smith Ranch Regional Park Phase 2	$ 3,000,000	2021	Impact Fees
Pony Express Regional Park phase 1	$ 2,400,000	2022	Impact Fees
Recreational Trail	$1,340,807	2022	Impact Fees
Cory Wride Memorial Park Phase 3	$3,500,000	2023	Impact Fees
Smith Ranch Regional Park Phase 3	$3,000,000	2024	Impact Fees
Silverlake Community Park Phase 2	$1,000,000	2025	Impact Fees
Recreational Trail	$1,340,807	2025	Impact Fees
Property Acquistion	$3,000,000	2025	Impact Fees
Total	**$ 23,957,959**		

Appendix “A”

Demographics

Municipal Population Projections
2010-2060
2012 Baseline Projections-Utah Governors Office of Management and Budget

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
State of Utah	**2,774,283**	**3,309,234**	**3,914,984**	**4,570,433**	**5,257,239**	**5,965,658**
Beaver County	**6,629**	**7,766**	**9,225**	**10,522**	**11,837**	**13,502**
Beaver city	3,112	3,646	4,331	4,940	5,557	6,339
Milford city	1,409	1,651	1,961	2,236	2,516	2,870
Minersville town	907	1,063	1,262	1,440	1,620	1,847
Balance of Beaver County	1,201	1,407	1,671	1,906	2,145	2,446
Box Elder County	**49,975**	**54,571**	**59,437**	**64,704**	**70,501**	**77,030**
Bear River City city	853	871	951	971	1,058	1,155
Brigham City city	17,899	19,100	21,397	22,970	25,028	27,346
Corinne city	685	764	892	1,035	1,058	1,232
Deweyville town	332	355	398	434	494	578
Elwood town	1,034	1,252	1,486	1,682	1,974	2,157
Fielding town	455	491	505	582	635	770
Garland city	2,400	2,783	3,066	3,452	3,525	3,852
Honeyville city	1,441	1,419	1,647	1,754	2,039	2,278
Howell town	245	273	297	324	353	385
Mantua town	687	709	773	841	987	1,001
Perry city	4,512	5,566	6,538	7,764	8,531	10,168
Plymouth town	414	478	553	635	561	557
Portage town	245	218	238	259	282	308
Snowville town	167	164	178	162	141	154
Tremonton city	7,647	8,731	9,510	10,353	11,985	13,480
Willard city	1,772	1,945	2,036	2,182	2,545	2,773
Balance of Box Elder County	9,187	9,452	8,971	9,305	9,308	8,835
Cache County	**112,656**	**139,228**	**168,136**	**196,559**	**232,468**	**273,817**
Amalga town	488	540	587	603	930	1,095
Clarkston town	666	696	841	983	1,162	1,369
Cornish town	288	332	362	384	465	548
Hyde Park city	3,833	4,930	6,214	7,552	7,673	8,454
Hyrum city	7,609	9,328	11,079	12,794	15,851	19,012
Lewiston city	1,766	1,777	2,186	2,555	3,487	3,833
Logan city	48,174	57,057	63,943	76,658	92,987	111,717
Mendon city	1,282	1,689	2,239	2,555	2,790	3,286
Millville city	1,829	2,196	2,593	2,951	3,834	4,673
Newton town	789	835	841	983	1,162	1,369
Nibley city	5,438	8,796	14,136	15,725	18,597	21,905
North Logan city	8,269	11,641	14,964	16,708	18,597	21,905
Paradise town	904	1,123	1,334	1,552	1,879	2,236
Providence city	7,075	9,050	11,770	13,759	16,273	19,167
Richmond city	2,470	2,785	3,026	3,342	4,184	5,203
River Heights city	1,734	2,088	2,152	2,258	2,557	3,012
Smithfield city	9,495	12,051	15,171	18,307	19,069	21,245
Trenton town	464	557	673	786	930	1,095
Wellsville city	3,432	4,160	5,036	5,831	7,098	8,444
Balance of Cache County	6,651	7,597	8,991	10,274	12,941	14,247
Carbon County	**21,403**	**21,602**	**22,092**	**22,860**	**23,582**	**24,384**
East Carbon city	1,301	1,313	1,343	1,390	1,433	1,482
Helper city	2,201	2,221	2,272	2,351	2,425	2,508
Price city	8,715	8,796	8,996	9,308	9,602	9,929
Scofield town	24	24	25	26	26	27
Sunnyside city	377	381	389	403	415	430
Wellington city	1,676	1,692	1,730	1,790	1,847	1,909
Balance of Carbon County	7,109	7,175	7,338	7,593	7,833	8,099

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
Daggett County	**1,059**	**1,444**	**1,377**	**1,407**	**1,519**	**1,678**
Manila town	310	423	403	412	445	491
Balance of Daggett County	749	1,021	974	995	1,074	1,187
Davis County	**306,479**	**356,968**	**391,933**	**426,392**	**465,664**	**503,985**
Bountiful city	42,552	45,993	47,737	48,323	48,993	49,808
Centerville city	15,335	18,484	21,000	25,323	26,496	27,395
Clearfield city	30,112	31,684	32,502	33,056	33,995	34,866
Clinton city	20,426	24,205	26,008	27,126	29,100	30,871
Farmington city	18,275	22,292	26,277	31,893	37,052	42,417
Fruit Heights city	4,987	5,816	5,907	6,663	6,750	6,725
Kaysville city	27,300	32,500	35,465	37,261	40,623	43,809
Layton city	67,311	79,594	84,894	84,953	90,327	94,942
North Salt Lake city	16,322	19,313	20,646	21,373	22,799	24,047
South Weber city	6,051	7,656	10,001	14,578	17,819	21,292
Sunset city	5,122	5,417	5,485	5,509	5,599	5,678
Syracuse city	24,331	29,678	34,975	39,855	46,479	53,389
West Bountiful city	5,265	6,395	7,443	9,200	10,573	11,987
West Point city	9,511	12,162	16,326	24,541	30,326	36,554
Woods Cross city	9,761	11,689	13,003	12,331	13,734	15,125
Balance of Davis County	3,818	4,088	4,266	4,407	4,999	5,080
Duchesne County	**18,607**	**22,797**	**24,836**	**25,721**	**27,123**	**29,275**
Altamont town	225	276	300	311	328	354
Duchesne city	1,690	2,071	2,256	2,336	2,463	2,659
Myton city	569	697	759	787	829	895
Roosevelt city	6,046	7,407	8,070	8,358	8,813	9,512
Tabiona town	171	210	228	236	249	269
Balance of Duchesne County	9,906	12,137	13,222	13,693	14,440	15,585
Emery County	**10,976**	**11,230**	**11,930**	**12,207**	**12,016**	**12,141**
Castle Dale city	1,630	1,668	1,772	1,813	1,784	1,803
Clawson town	163	167	177	181	178	180
Cleveland town	464	475	504	516	508	513
Elmo town	418	428	454	465	458	462
Emery town	288	295	313	320	315	319
Ferron city	1,626	1,664	1,767	1,808	1,780	1,799
Green River city	952	974	1,035	1,059	1,042	1,053
Huntington city	2,129	2,178	2,314	2,368	2,331	2,355
Orangeville city	1,470	1,504	1,598	1,635	1,609	1,626
Balance of Emery County	1,836	1,878	1,996	2,042	2,010	2,031
Garfield County	**5,172**	**6,063**	**6,821**	**7,357**	**7,902**	**8,963**
Antimony town	122	143	161	174	186	211
Boulder town	226	265	298	321	345	392
Bryce Canyon City	198	232	261	282	303	343
Cannonville town	167	196	220	238	255	289
Escalante city	797	934	1,051	1,134	1,218	1,381
Hatch town	133	156	175	189	203	230
Henrieville town	230	270	303	327	351	399
Panguitch city	1,520	1,782	2,005	2,162	2,322	2,634
Tropic town	530	621	699	754	810	918
Balance of Garfield County	1,249	1,464	1,647	1,777	1,908	2,164
Grand County	**9,225**	**10,300**	**11,300**	**12,147**	**13,098**	**14,301**
Castle Valley town	319	356	391	420	453	495
Moab city	5,046	5,634	6,181	6,644	7,164	7,823
Balance of Grand County	3,860	4,310	4,728	5,083	5,481	5,984

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
Iron County	**46,163**	**57,055**	**71,687**	**87,102**	**105,797**	**127,795**
Brian Head town	83	103	129	157	190	230
Cedar City city	28,857	35,666	44,812	54,448	66,135	79,886
Enoch city	5,803	7,172	9,012	10,949	13,299	16,065
Kanarraville town	355	439	551	670	814	983
Paragonah town	488	603	758	921	1,118	1,351
Parowan city	2,790	3,448	4,333	5,264	6,394	7,724
Balance of Iron County	7,787	9,624	12,093	14,693	17,846	21,557
Juab County	**10,246**	**13,750**	**17,203**	**20,049**	**23,382**	**27,502**
Eureka city	669	898	1,123	1,309	1,527	1,796
Levan town	841	1,129	1,412	1,646	1,919	2,257
Mona city	1,547	2,076	2,597	3,027	3,530	4,152
Nephi city	5,389	7,232	9,048	10,545	12,298	14,465
Rocky Ridge town	733	984	1,231	1,434	1,673	1,967
Santaquin city (pt.)	0	0	0	0	0	0
Balance of Juab County	1,067	1,432	1,791	2,088	2,435	2,864
Kane County	**7,125**	**8,357**	**10,259**	**12,601**	**15,314**	**18,583**
Alton town	119	140	171	210	256	310
Big Water town	475	557	684	840	1,021	1,239
Glendale town	381	447	549	674	819	994
Kanab city	4,312	5,058	6,209	7,626	9,268	11,246
Orderville town	577	677	831	1,020	1,240	1,505
Balance of Kane County	1,261	1,479	1,816	2,230	2,710	3,289
Millard County	**12,503**	**12,787**	**13,384**	**13,804**	**14,422**	**16,311**
Delta city	3,436	3,514	3,678	3,794	3,963	4,482
Fillmore city	2,435	2,490	2,607	2,688	2,809	3,177
Hinckley town	696	712	745	768	803	908
Holden town	378	387	405	417	436	493
Kanosh town	474	485	507	523	547	618
Leamington town	226	231	242	250	261	295
Lynndyl town	106	108	113	117	122	138
Meadow town	310	317	332	342	358	404
Oak City town	578	591	619	638	667	754
Scipio town	327	334	350	361	377	427
Balance of Millard County	3,537	3,617	3,786	3,905	4,080	4,614
Morgan County	**9,469**	**11,945**	**15,013**	**17,926**	**20,654**	**24,234**
Morgan city	3,687	4,887	6,439	8,043	9,675	11,830
Balance of Morgan County	5,782	7,058	8,574	9,883	10,979	12,404
Piute County	**1,556**	**1,635**	**1,902**	**2,091**	**2,207**	**2,436**
Circleville town	547	575	669	735	776	856
Junction town	191	201	233	257	271	299
Kingston town	173	182	211	232	245	271
Marysvale town	408	429	499	548	579	639
Balance of Piute County	237	249	290	318	336	371
Rich County	**2,264**	**2,532**	**2,843**	**3,153**	**3,495**	**3,908**
Garden City town	562	630	796	883	979	1,094
Laketown town	248	266	313	347	419	508
Randolph city	464	519	512	568	629	703
Woodruff town	180	215	227	252	280	313
Balance of Rich County	810	901	995	1,104	1,188	1,290

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
Salt Lake County	**1,029,655**	**1,180,859**	**1,340,665**	**1,507,997**	**1,659,566**	**1,812,891**
Alta town	383	400	441	480	502	523
Bluffdale city	7,598	10,099	16,777	19,499	22,098	25,125
Cottonwood Heights city	33,433	37,336	38,738	39,321	38,726	37,144
Draper city (pt.)	40,532	46,420	52,680	56,742	62,421	67,893
Herriman city	21,785	27,003	38,458	50,114	64,896	81,310
Holladay city	26,472	29,641	31,062	31,998	33,147	34,170
Midvale city	27,964	33,010	41,207	50,464	60,206	70,635
Murray city	46,746	53,748	61,798	67,668	75,445	83,161
Riverton city	38,753	44,339	50,150	56,512	61,974	67,192
Salt Lake City city	186,440	210,592	227,824	229,985	233,031	234,704
Sandy city	87,461	97,826	102,107	104,993	106,471	105,929
South Jordan city	50,418	59,509	74,258	92,403	110,083	128,992
South Salt Lake city	23,617	26,845	29,693	31,287	33,454	35,327
Taylorsville city	58,652	65,637	66,282	66,546	66,795	66,330
West Jordan city	103,712	118,872	135,254	149,637	165,075	180,050
West Valley City city	129,480	145,400	150,641	150,990	152,675	153,765
Balance of Salt Lake County	146,209	174,183	223,295	309,359	372,568	440,640
San Juan County	**14,746**	**15,644**	**15,486**	**15,191**	**15,640**	**17,100**
Blanding city	3,375	3,581	3,544	3,477	3,580	3,914
Monticello city	1,972	2,092	2,071	2,032	2,092	2,287
Balance of San Juan County	9,399	9,971	9,871	9,683	9,969	10,899
Sanpete County	**27,822**	**31,637**	**35,279**	**37,879**	**40,689**	**45,494**
Centerfield town	1,367	1,554	1,733	1,861	1,999	2,235
Ephraim city	6,135	6,976	7,779	8,353	8,972	10,032
Fairview city	1,247	1,418	1,581	1,698	1,824	2,039
Fayette town	242	275	307	329	354	396
Fountain Green city	1,071	1,218	1,358	1,458	1,566	1,751
Gunnison city	3,285	3,735	4,165	4,472	4,804	5,372
Manti city	3,276	3,725	4,154	4,460	4,791	5,357
Mayfield town	496	564	629	675	725	811
Moroni city	1,423	1,618	1,804	1,937	2,081	2,327
Mount Pleasant city	3,260	3,707	4,134	4,438	4,768	5,331
Spring City city	988	1,123	1,253	1,345	1,445	1,616
Sterling town	262	298	332	357	383	428
Wales town	302	343	383	411	442	494
Balance of Sanpete County	4,468	5,081	5,666	6,083	6,534	7,306
Sevier County	**20,802**	**22,380**	**24,329**	**26,142**	**28,241**	**31,349**
Annabella town	795	855	930	999	1,079	1,198
Aurora city	1,016	1,093	1,188	1,277	1,379	1,531
Central Valley town	528	568	618	664	717	796
Elsinore town	847	911	991	1,064	1,150	1,276
Glenwood town	464	499	543	583	630	699
Joseph town	344	370	402	432	467	518
Koosharem town	327	352	382	411	444	493
Monroe city	2,256	2,427	2,639	2,835	3,063	3,400
Redmond town	730	785	854	917	991	1,100
Richfield city	7,551	8,124	8,831	9,489	10,251	11,379
Salina city	2,489	2,678	2,911	3,128	3,379	3,751
Sigurd town	429	462	502	539	582	647
Balance of Sevier County	3,026	3,256	3,539	3,803	4,108	4,560
Summit County	**36,324**	**45,491**	**56,890**	**71,433**	**88,334**	**107,671**
Coalville city	1,363	1,457	1,859	2,729	3,931	5,481
Francis town	1,077	1,624	2,415	3,546	5,925	8,260
Henefer town	766	950	1,212	1,779	2,972	4,144
Kamas city	1,811	2,246	2,864	4,205	6,058	8,447
Oakley city	1,470	2,217	3,297	4,840	8,087	11,276
Park City city (pt.)	7,547	9,358	11,444	13,744	15,521	17,722
Balance of Summit County	22,290	27,639	33,799	40,591	45,839	52,340

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
Tooele County	**58,218**	**74,877**	**99,664**	**128,348**	**157,821**	**189,156**
Grantsville city	8,893	11,789	15,940	20,806	25,910	31,421
Ophir town	38	41	45	51	56	61
Rush Valley town	447	458	480	506	517	559
Stockton town	616	768	978	1,201	1,407	1,606
Tooele city	31,605	39,833	51,246	63,683	75,545	87,316
Vernon town	243	255	254	322	389	458
Wendover city	1,400	774	978	1,238	1,497	1,763
Balance of Tooele County	14,976	20,959	29,742	40,541	52,500	65,971
Uintah County	**32,588**	**38,982**	**41,099**	**42,690**	**46,291**	**50,174**
Ballard town	801	958	1,010	1,049	1,138	1,233
Naples city	1,755	2,099	2,213	2,299	2,493	2,702
Vernal city	9,089	10,872	11,463	11,907	12,911	13,994
Balance of Uintah County	20,943	25,052	26,413	27,435	29,749	32,245
Utah County	**516,564**	**668,564**	**833,101**	**1,019,828**	**1,216,695**	**1,398,074**
Alpine city	9,555	10,670	11,667	12,851	13,400	13,700
American Fork city	26,263	32,566	39,635	47,678	54,000	58,900
Cedar Fort town	368	961	2,757	4,503	6,900	9,000
Cedar Hills city	9,796	10,733	10,884	11,689	11,800	11,900
Draper city (pt.)	1,742	2,520	3,303	3,977	5,100	6,200
Eagle Mountain city	21,415	34,152	54,095	76,469	114,400	152,500
Elk Ridge city	2,436	3,898	4,696	5,888	7,100	8,500
Fairfield town	119	599	955	2,148	3,900	5,300
Genola town	1,370	3,789	4,370	6,499	8,600	10,800
Goshen town	921	1,146	1,220	1,419	1,700	1,800
Highland city	15,523	17,792	20,712	24,073	27,100	29,500
Lehi city	47,407	62,154	82,589	103,610	120,000	133,800
Lindon city	10,070	11,753	12,459	13,721	14,600	15,900
Mapleton city	7,979	10,762	13,752	16,901	19,500	21,300
Orem city	88,328	99,227	103,321	112,288	118,900	123,600
Payson city	18,294	22,832	41,144	49,496	58,500	67,200
Pleasant Grove city	33,509	40,034	42,062	47,053	51,200	54,500
Provo city	112,488	126,377	131,068	151,877	170,600	189,400
Salem city	6,423	11,363	27,102	33,649	40,100	45,200
Santaquin city (pt.)	9,128	17,594	32,075	39,774	46,700	52,900
Saratoga Springs city	17,781	33,514	58,496	78,987	107,900	134,000
Spanish Fork city	34,691	44,623	54,143	64,607	72,300	78,300
Springville city	29,466	37,094	45,078	51,971	57,500	61,600
Vineyard town	139	2,065	8,415	15,938	20,000	20,900
Woodland Hills city	1,344	1,943	3,001	3,764	4,700	5,300
Balance of Utah County	10,009	28,404	24,101	38,998	60,195	86,074
Wasatch County	**23,530**	**32,741**	**44,549**	**59,159**	**76,389**	**96,696**
Charleston town	415	533	941	1,611	2,953	5,592
Daniel town	938	1,058	1,600	2,626	4,152	6,430
Heber city	11,362	15,387	19,243	22,683	23,747	25,675
Hideout town	656	1,253	1,818	2,983	4,474	6,083
Independence town	164	174	306	611	1,168	2,307
Midway city	3,845	6,039	8,759	11,759	14,571	18,481
Park City city (pt.)	11	15	18	20	20	20
Wallsburg town	250	321	315	517	775	992
Balance of Wasatch County	5,889	7,960	11,549	16,349	24,528	31,116

Geography	Census 2010	Projections 2020	2030	2040	2050	2060
Washington County	**138,115**	**196,762**	**280,558**	**371,743**	**472,567**	**581,731**
Apple Valley town	701	999	1,424	1,887	2,399	2,953
Enterprise city	1,711	2,438	3,476	4,605	5,854	7,207
Hildale city	2,726	3,884	5,537	7,337	9,327	11,482
Hurricane city	13,748	19,586	27,927	37,003	47,039	57,906
Ivins city	6,753	9,620	13,718	18,176	23,106	28,443
La Verkin city	4,060	5,784	8,247	10,928	13,891	17,100
Leeds town	820	1,168	1,666	2,207	2,806	3,454
New Harmony town	207	295	420	557	708	872
Rockville town	245	349	498	659	838	1,032
St. George city	72,897	103,851	148,078	196,206	249,421	307,037
Santa Clara city	6,003	8,552	12,194	16,157	20,540	25,284
Springdale town	529	754	1,075	1,424	1,810	2,228
Toquerville town	1,370	1,952	2,783	3,687	4,688	5,770
Virgin town	596	849	1,211	1,604	2,039	2,510
Washington city	18,761	26,727	38,110	50,496	64,192	79,020
Balance of Washington County	6,988	9,955	14,195	18,809	23,910	29,433
Wayne County	**2,778**	**2,845**	**3,508**	**4,412**	**5,326**	**6,424**
Bicknell town	327	335	413	519	627	756
Hanksville town	219	224	277	348	420	506
Loa town	572	586	722	908	1,097	1,323
Lyman town	258	264	326	410	495	597
Torrey town	182	186	230	289	349	421
Balance of Wayne County	1,220	1,249	1,541	1,938	2,339	2,821
Weber County	**231,236**	**258,423**	**300,477**	**349,009**	**398,699**	**449,053**
Farr West city	5,928	6,835	7,238	8,163	9,479	11,593
Harrisville city	5,567	6,314	7,741	7,146	8,428	9,782
Hooper city	7,218	8,967	13,989	21,640	28,691	36,586
Huntsville town	608	666	727	688	698	692
Marriott-Slaterville city	1,701	2,003	2,741	4,826	5,895	7,054
North Ogden city	17,357	19,927	25,351	36,923	43,802	51,103
Ogden city	82,825	90,971	100,123	102,059	105,457	106,934
Plain City city	5,476	6,431	8,727	10,694	13,492	16,572
Pleasant View city	7,979	9,204	11,876	15,626	18,860	22,337
Riverdale city	8,426	9,093	9,365	9,694	9,544	9,409
Roy city	36,884	39,979	41,890	43,876	44,739	44,618
South Ogden city	16,532	17,941	18,885	19,387	19,387	19,399
Uintah town	1,322	1,502	1,851	1,749	2,072	2,415
Washington Terrace city	9,067	9,857	10,446	13,456	13,567	13,358
West Haven city	10,272	13,121	21,731	32,674	44,760	58,405
Balance of Weber County	14,074	15,613	17,796	20,408	29,826	38,798

Notes:

1. All populations are date July 1, except for the April 1, 2010 figures produced by the U.S. Census Bureau.
2. Initial projections of subcounty populations maintained a constant share based on the distribution of the most recent Census Bureau estimates.
3. Projections are approved by the respective Associations of Government

EAGLE MOUNTAIN CITY PERMIT TOTALS

YEAR	RES/NEW	BSMT	OTHER	COMM	TOTAL	INSPEC
1998	309					
1999	311					
2000	618					
2001	430	1	4	5	440	
2002	419	37	22	4	482	
2003	388	31	36	1	456	
2004	432	33	25	6	496	
2005	659	46	22	4	731	
2006	904	103	43	5	1055	
2007	596	114	51	4	765	
2008	110	85	66	7	268	
2009	218	76	60	7	361	
2010	206	27	28	3	264	3050
2011	106	91	72	10	279	1659
2012	210	87	45	3	345	2345
2013	367	111	63	7	548	3680
2014	364	118	96	13	591	4262
2015	490	149	175	11	825	5533
2016	673	192	431	21	1317	7280
2017	920	220	386	10	1536	9294

Appendix “B”

Parks and Recreation

Assumptions	
Current Year	2019
Prior Year	2015
Inflation Rate	3.34%
2019 Population	39,127
Land Value	
Developed	$50,000
Undeveloped	$50,000

Amenity Valuation Assumptions																											
Revised	2019	$258,750	$86,250	$34,500	$207,000	$287,500	$529,000	$1,150,000	$575,000	$46,000	$2,300	$1,150	$2,300	$2,300	$2,300	$138,000	$34,500	$92,000	$23,000	$207,000	$2,300	$1,150	$6,900	$1,150	$34,500	$667,000	$3.00
Initial IFA	2019	$225,000	$75,000	$30,000	$180,000	$250,000	$460,000	$1,000,000	$500,000	$40,000	$2,000	$1,000	$2,000	$2,000	$2,000	$120,000	$30,000	$80,000	$20,000	$180,000	$2,000	$1,000	$6,000	$1,000	$30,000	$580,000	$3.00
IFFP	2019	$62,717	$31,928	$14,824	$171,045		$456,121	$228,060		$34,209	$1,140	$342	$1,408	$1,192	$1,140		$28,508	$74,120	$17,105	$171,045	$1,140	$570	$5,702	$342	$28,508	$570,151	$2.28
	2015	$55,000	$28,000	$13,000	$150,000		$400,000	$200,000		$30,000	$1,000	$300	$1,235	$1,045	$1,000		$25,000	$65,000	$15,000	$150,000	$1,000	$500	$5,000	$300	$25,000	$500,000	$2.00
Design, Enginee	15%																										

Area	Type	Total Acres	Less Detention	Less Gifted	Final Acres	% City Owned	% City Funded	Impact Fee Eligible	Land Value	Large Pavilion	Medium Pavilion	Small Pavilion	Restrooms (Perm.)	Concession	Skatepark	Splash Pad	Playground	Tot Lots/Playgrounds	Drinking Fountains	Bike Racks	Picnic Tables	Garbage Cans	Benches	Pickleball	1/2 Court Basketball	Full Court Basketball	Soccer Fields	Baseball Diamonds	Bleachers	Swing Set	Parking Lot	Barbeque's	Tennis Court	Rodeo Grounds	Irrigated Open Space	Improvement Value
Unit Values										$258,750	$86,250	$34,500	$207,000	$287,500	$529,000	$1,150,000	$575,000	$46,000	$2,300	$1,150	$2,300	$2,300	$2,300	$138,000	$34,500	$92,000	$23,000	$207,000	$2,300	$1,150	$6,900	$1,150	$34,500	$667,000	$3	
Autumn Ridge	Developed	9.26	0.00	7.23	2.03	100.00%	100.00%	2.03	$101,579.37			1.00						1.00			2.00	2.00	2.00		1.00										104,845	$443,335
Eagle Park Commons	Developed	26.78	0.00	0.00	26.78	100.00%	100.00%	26.78	$1,338,881.43			1.00						1.00			1.00	1.00	1.00							1.00		1.00			68,091	$295,123
Eagle Point Park A	Developed	28.56	0.00	0.00	28.56	100.00%	100.00%	28.56	$1,427,778.87																										29,036	$87,108
Eagle Point Park B	Developed	6.56	1.47	0.00	5.09	100.00%	100.00%	5.09	$254,545.22									1.00				1.00	6.00												124,374	$435,222
Eagle Point Park C	Developed	5.02	0.00	0.00	5.02	100.00%	100.00%	5.02	$251,039.94		1.00							1.00			4.00	2.00	8.00									2.00			72,538	$384,364
Meadow Ranch Autumn	Developed	13.24	0.00	0.00	13.24	100.00%	100.00%	13.24	$661,862.95									1.00		1.00		1.00	1.00												26,570	$131,460
Meadow Ranch Hidden	Developed	15.68	0.00	0.00	15.68	100.00%	100.00%	15.68	$784,028.47	1.00										2.00	6.00	3.00									1.00				44,242	$421,376
Overland Park	Developed	5.54	0.00	0.00	5.54	100.00%	100.00%	5.54	$276,996.10			1.00						1.00			4.00	1.00	2.00									2.00			94,742	$384,276
Sage Valley Park	Developed	12.26	0.00	0.00	12.26	100.00%	100.00%	12.26	$613,090.28			1.00						1.00			4.00	1.00					1.00					1.00			182,927	$687,931
Westview Heights Park	Developed	4.62	0.00	0.00	4.62	100.00%	100.00%	4.62	$230,883.90									1.00		2.00	10.00		5.00												48,300	$227,700
White Hills Park	Developed	2.22	0.00	0.00	2.22	100.00%	100.00%	2.22	$110,810.38			1.00						1.00					3.00							1.00					25,019	$163,607
Pioneer Addition 5 pocket park	Developed	1.43	0.00	0.00	1.43	100.00%	100.00%	1.43	$71,673.55									1.00					2.00												15,221	$96,263
Pioneer Addition 6 pocket park	Developed	1.34	0.00	0.00	1.34	100.00%	100.00%	1.34	$66,941.00									1.00				1.00	3.00												12,137	$91,611
Pioneer Addition 7 pocket park	Developed	1.27	0.00	0.00	1.27	100.00%	100.00%	1.27	$63,407.94									1.00				1.00	3.00												10,598	$86,994
Lone Tree park	Developed	3.35	0.00	0.00	3.35	100.00%	100.00%	3.35	$167,329.55									1.00		1.00	3.00	2.00	2.00								1.00	1.00			20,418	$132,554
Ruby Valley park	Developed	2.16	0.00	0.00	2.16	100.00%	100.00%	2.16	$107,820.25									1.00		1.00	2.00	1.00	2.00												29,059	$145,827
Liberty Farms park	Developed	3.03	0.00	0.00	3.03	100.00%	100.00%	3.03	$151,345.27			1.00						1.00			5.00	3.00	6.00												36,771	$223,013
Saddle Back park	Developed	3.01	0.00	0.00	3.01	100.00%	100.00%	3.01	$150,366.16									1.00			4.00	1.00	1.00									1.00			46,857	$201,521
Porters Crossing park	Developed	5.63	0.00	0.00	5.63	100.00%	100.00%	5.63	$281,532.37			1.00						1.00		1.00	6.00	3.00	3.00			1.00						1.00			61,563	$387,089
Rush Valley park	Developed	2.50	0.00	0.00	2.50	100.00%	100.00%	2.50	$125,047.06									1.00				1.00	2.00												37,948	$166,744
Kiowa (Ute Dr) park	Developed	1.84	0.00	0.00	1.84	100.00%	100.00%	1.84	$92,234.85									1.00		1.00	2.00	1.00	4.00												21,270	$127,060
Silverlake PUE park	Developed	2.07	0.00	0.00	2.07	100.00%	100.00%	2.07	$103,293.16			1.00						1.00			1.00		1.00												22,377	$152,231
Silverlake 8 park	Developed	0.69	0.00	0.00	0.69	100.00%	100.00%	0.69	$34,435.26									1.00																		$46,000
Southmoor park	Developed	2.54	0.00	0.00	2.54	100.00%	100.00%	2.54	$126,780.13																										24,546	$73,638
Northmoor park	Developed	1.04	0.00	0.00	1.04	100.00%	100.00%	1.04	$51,992.65																										22,648	$67,944
Mt. Airey Village park	Developed	0.80	0.00	0.00	0.80	100.00%	100.00%	0.80	$40,174.47									1.00													1.00					$52,900
Meadow Ranch 5 park	Developed	0.86	0.00	0.00	0.86	100.00%	100.00%	0.86	$43,044.08									1.00					2.00							1.00	1.00					$58,650
Stonebridge park	Developed	3.41	0.00	0.00	3.41	100.00%	100.00%	3.41	$170,700.18											1.00	2.00		9.00		2.00					1.00			1.00		30,722	$223,266
Chimney Rock park	Developed	0.30	0.00	0.00	0.30	100.00%	100.00%	0.30	$15,130.85														1.00												6,091	$20,573
Kiowa Valley pond park	Developed	4.16	0.95	0.00	3.21	100.00%	100.00%	3.21	$160,433.88									1.00		1.00	3.00	1.00	2.00								1.00	1.00			69,401	$277,203
Evans Ranch park	Developed	0.34	0.00	0.00	0.34	100.00%	100.00%	0.34	$17,217.63			1.00											2.00													$39,100
Kennekuk park	Developed	0.11	0.00	0.00	0.11	100.00%	100.00%	0.11	$5,452.25												3.00	1.00														$9,200
Eagles Gate entrance park	Developed	3.29	0.00	0.00	3.29	100.00%	100.00%	3.29	$164,410.01			1.00						1.00		1.00	6.00	2.00	3.00									1.00			43,567	$238,801
Eagles Gate east park	Developed	3.39	0.00	0.00	3.39	100.00%	100.00%	3.39	$169,420.34									1.00		1.00	2.00	1.00	2.00												48,392	$226,826
Heatherwood park	Developed	0.41	0.00	0.00	0.41	100.00%	100.00%	0.41	$20,673.78											1.00	2.00	1.00										1.00			6,948	$30,044
Sunset Ridge	Developed	2.40	1.23	0.00	1.17	100.00%	100.00%	1.17	$58,500.00			2.00						1.00			4.00	2.00			2.00					1.00	1.00					$205,850
Cedar Corner's	Developed	2.93	0.75	0.00	2.18	100.00%	100.00%	2.18	$109,000.00			1.00						1.00		1.00	2.00	2.00	2.00		1.00											$129,950
Skyline Ridge	Developed	2.93	0.75	0.00	2.18	100.00%	100.00%	2.18	$109,000.00		1.00							1.00			6.00	2.00	2.00		1.00						1.00					$196,650
Lakeview Estates	Developed	1.91	0.17	0.00	1.74	100.00%	100.00%	1.74	$87,000.00		1.00							1.00			6.00	2.00														$150,650
Sweetwater Park	Developed	9.21	5.45	0.00	3.76	100.00%	100.00%	3.76	$188,000.00			1.00						1.00		1.00	4.00	2.00	2.00													
Spring Run Park	Developed	3.60	1.36	0.00	2.24	100.00%	100.00%	2.24	$112,000.00		1.00		1.00					1.00	1.00	1.00	6.00	4.00	2.00								1.00	1.00				
Totals		201.68	12.13	7.23	182.32			182.32		1.00	4.00	14.00	1.00	0.00	0.00	0.00	0.00	32.00	1.00	17.00	100.00	46.00	86.00	0.00	7.00	1.00	1.00	0.00	0.00	5.00	8.00	13.00	1.00	0.00	1,387,218	$7,519,654
Estimated Value									$9,115,854	$258,750	$345,000	$483,000	$207,000	$0	$0	$0	$0	$1,472,000	$2,300	$19,550	$230,000	$105,800	$197,800	$0	$241,500	$92,000	$23,000	$0	$0	$5,750	$55,200	$14,950	$34,500	$0	$4,161,654	$7,998,054
REGIONAL AND COMMUNITY PARKS																																				
Unit Values										$258,750	$86,250	$34,500	$207,000	$287,500	$529,000	$1,150,000	$575,000	$46,000	$2,300	$1,150	$2,300	$2,300	$2,300	$138,000	$34,500	$92,000	$23,000	$207,000	$2,300	$1,150	$6,900	$1,150	$34,500	$667,000	$3.00	
Walden Park	Developed	7.24	0.68	0.00	6.56	100.00%	100.00%	6.56	$328,000	1.00	-	-	-	-	-	-	-	1.00	-	-	5.00	3.00	4.00	-	1.00	-	1.00	-	-	-	1.00	-	-	-	243,064.80	$1,125,944
Smith Ranch Regional Park	Developed	15.77	0.00	0.00	15.77	100.00%	100.00%	15.77	$788,500	-	-	-	-	-	-	-	-	1.00	-	-	-	1.00	1.00	-	-	-	-	-	-	1.00	1.00	-	-	-	135,907.20	$466,372
Bike park	Developed	76.68	0.00	0.00	76.68	100.00%	100.00%	76.68	$3,833,900	-	-	-	-	-	-	-	-	-	-	-	1.00	2.00	-	-	-	-	-	-	-	-	-	-	-	-	-	$6,900
Nolan Park	Developed	11.19	0.00	0.00	11.19	100.00%	100.00%	11.19	$559,350	-	-	-	1.00	-	-	1.00	-	1.00	1.00	-	3.00	9.00	4.00	-	-	-	1.00	2.00	4.00	-	-	-	-	-	432,986.40	$3,187,259
Nolan Park East	Developed	4.20	0.00	0.00	4.20	100.00%	100.00%	4.20	$209,750	1.00	-	-	-	-	-	-	-	-	-	1.00	18.00	3.00	-	-	-	-	-	-	-	-	-	2.00	-	-	121,096.80	$673,790
Pioneer Park	Developed	7.74	0.00	0.00	7.74	100.00%	100.00%	7.74	$387,150	-	-	1.00	-	-	-	-	-	2.00	1.00	1.00	2.00	3.00	3.00	-	-	1.00	1.00	-	-	1.00	-	-	-	-	269,200.80	$1,072,102
North Ranch	Developed	7.68	0.00	0.00	7.68	100.00%	100.00%	7.68	$384,000	-	1.00	-	-	-	-	-	-	1.00	-	1.00	5.00	3.00	2.00	-	-	-	-	-	-	-	1.00	-	-	-	36,590.40	$273,071
Cory Wride Memorial Park	Developed	82.85	1.02	0.00	81.83	100.00%	100.00%	81.83	$4,091,350	1.00	1.00	-	2.00	1.00	-	1.00	1.00	-	1.00	1.00	15.00	4.00	4.00	4.00	-	1.00	2.00	4.00	8.00	-	1.00	-	2.00	-	905,612.40	$7,156,987
Pony Express Regional Park	Developed	53.11	0.00	0.00	53.11	100.00%	100.00%	53.11	$2,655,400			1.00		-	1.00	-	-	-	1.00	-	4.00	6.00	-	-	-	-	-	1.00	4.00	-	1.00	2.00	-	1.00	206,910.00	$2,101,930
Silverlake Amphitheater	Developed	13.63	0.00	0.00	13.63	100.00%	100.00%	13.63	$681,250	-	-	1.00	1.00	-	-	-	-	1.00	2.00	-	3.00	3.00	-	-	-	-	-	-	-	-	-	3.00	-	-	216,928.80	$960,136
Silverlake Woodhaven Park	Developed	11.56	3.52	0.00	8.04	100.00%	100.00%	8.04	$402,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	$0
Existing Impact Fee Fund Balance (2019) & Professional Expense										-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,510,377
Totals		291.63	5.22	0.00	286.41			286.41		3.00	2.00	3.00	4.00	1.00	1.00	2.00	1.00	7.00	6.00	4.00	56.00	37.00	18.00	4.00	1.00	2.00	5.00	7.00	16.00	2.00	5.00	7.00	2.00	1.00	2,568,298	$18,534,870

Appendix “C”

Applicable State Codes

Chapter 36a
Impact Fees Act

Part 1
General Provisions

11-36a-101 Title.

This chapter is known as the "Impact Fees Act."

Enacted by Chapter 47, 2011 General Session

11-36a-102 Definitions.

As used in this chapter:

(1)
(a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:
(i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
(ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.
(b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.
(2) "Charter school" includes:
(a) an operating charter school;
(b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
(c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
(3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
(4) "Development approval" means:
(a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
(b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
(c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
(i) to reserve or provide:
(A) a water right;
(B) a system capacity; or
(C) a distribution facility; or
(ii) to deliver for a development activity:
(A) culinary water; or

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(B) irrigation water; or
(d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
(i) to reserve or provide:
(A) sewer collection capacity; or
(B) treatment capacity; or
(ii) to provide sewer service for a development activity.
(5) "Enactment" means:
(a) a municipal ordinance, for a municipality;
(b) a county ordinance, for a county; and
(c) a governing board resolution, for a local district, special service district, or private entity.
(6) "Encumber" means:
(a) a pledge to retire a debt; or
(b) an allocation to a current purchase order or contract.
(7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
(8)
(a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
(b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
(9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
(10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
(11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
(12)
(a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
(b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
(13) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
(a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or
(b) functional condition of development approval because the private entity:
(i) has no reasonably equivalent competition in the immediate market; and
(ii) is the only realistic source of water for the applicant's development.
(14)
(a) "Project improvements" means site improvements and facilities that are:
(i) planned and designed to provide service for development resulting from a development activity;
(ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and 147

(iii) not identified or reimbursed as a system improvement.
(b) "Project improvements" does not mean system improvements.
(15) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
(16) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:
(a) water rights and water supply, treatment, storage, and distribution facilities;
(b) wastewater collection and treatment facilities;
(c) storm water, drainage, and flood control facilities;
(d) municipal power facilities;
(e) roadway facilities;
(f) parks, recreation facilities, open space, and trails;
(g) public safety facilities; or
(h) environmental mitigation as provided in Section 11-36a-205.
(17)
(a) "Public safety facility" means:
(i) a building constructed or leased to house police, fire, or other public safety entities; or
(ii) a fire suppression vehicle costing in excess of $500,000.
(b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.
(18)
(a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
(b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
(i) are necessitated by the new development; and
(ii) are not funded by the state or federal government.
(c) "Roadway facilities" does not mean federal or state roadways.
(19)
(a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.
(b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.
(20) "Specified public agency" means:
(a) the state;
(b) a school district; or
(c) a charter school.
(21)
(a) "System improvements" means:
(i) existing public facilities that are:
(A) identified in the impact fee analysis under Section 11-36a-304; and
(B) designed to provide services to service areas within the community at large; and
(ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
(b) "System improvements" does not mean project improvements.

Amended by Chapter 363, 2014 General Session

Part 2
Impact Fees

11-36a-201 Impact fees.

(1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
(2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
(3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

11-36a-202 Prohibitions on impact fees.

(1) A local political subdivision or private entity may not:
  (a) impose an impact fee to:
    (i) cure deficiencies in a public facility serving existing development;
    (ii) raise the established level of service of a public facility serving existing development;
    (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
    (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
      (A) generally accepted cost accounting practices; and
      (B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
  (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
  (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.

(2)
  (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
    (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
    (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
    (iii) on a school district or charter school unless:
      (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
      (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

(iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
(A) the Utah National Guard;
(B) the Utah Highway Patrol; or
(C) a state institution of higher education that has its own police force; or
(v) on development activity on the state fair park, as defined in Section 63H-6-102.
(b)
(i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
(A) the school is intended to replace another school, whether on the same or a different parcel;
(B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
(C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
(ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
(c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
(i) the state's development causes an impact on the road facility; and
(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
(3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

Amended by Chapter 2, 2016 Special Session 3

11-36a-203 Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.
(1) A private entity:
(a) shall comply with the requirements of this chapter before imposing an impact fee; and
(b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.
(2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.
(3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for local districts.
(4) A private entity that assesses an impact fee under this chapter is subject to the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 47, 2011 General Session

11-36a-204 Other names for impact fees.

(1) A fee that meets the definition of impact fee under Section 11-36a-102 is an impact fee subject to this chapter, regardless of what term the local political subdivision or private entity uses to refer to the fee.

(2) A local political subdivision or private entity may not avoid application of this chapter to a fee that meets the definition of an impact fee under Section 11-36a-102 by referring to the fee by another name.

Enacted by Chapter 47, 2011 General Session

11-36a-205 Environmental mitigation impact fees.

Notwithstanding the requirements and prohibitions of this chapter, a local political subdivision may impose and assess an impact fee for environmental mitigation when:

(1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;

(2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and

(3) the legislative body of the local political subdivision adopts an ordinance or resolution:

(a) declaring that an impact fee is required to finance the Habitat Conservation Plan;

(b) establishing periodic sunset dates for the impact fee; and

(c) requiring the legislative body to:

(i) review the impact fee on those sunset dates;

(ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and

(iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

11-36a-206 Prohibition of school impact fees.

(1) As used in this section, "school impact fee" means a charge on new development in order to generate revenue for funding or recouping the costs of capital improvements for schools or school facility expansions necessitated by and attributable to the new development.

(2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town, local school board, or any other political subdivision from imposing or collecting a school impact fee unless hereafter authorized by the Legislature by statute.

(3) Collection of any fees authorized before March 21, 1995, by any ordinance, resolution or rule of any county, city, town, local school board, or other political subdivision shall terminate on May 1, 1996, unless hereafter authorized by the Legislature by statute.

Part 3
Establishing an Impact Fee

11-36a-301 Impact fee facilities plan.

(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.
(2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
(3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than $250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
 (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and
 (b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

11-36a-302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.

(1)
 (a) An impact fee facilities plan shall:
  (i) identify the existing level of service;
  (ii) subject to Subsection (1)(c), establish a proposed level of service;
  (iii) identify any excess capacity to accommodate future growth at the proposed level of service;
  (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and
  (v) identify the means by which the political subdivision or private entity will meet those growth demands.
 (b) A proposed level of service may diminish or equal the existing level of service.
 (c) A proposed level of service may:
  (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
  (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.
(2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:
 (a) grants;
 (b) bonds;
 (c) interfund loans;
 (d) impact fees; and
 (e) anticipated or accepted dedications of system improvements.
(3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).

(4)
(a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
(i) through the planning process; or
(ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
(b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
(c)
(i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
(ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

11-36a-303 Impact fee analysis.
(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.
(2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011 General Session

11-36a-304 Impact fee analysis requirements.
(1) An impact fee analysis shall:
(a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
(b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
(c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
(d) estimate the proportionate share of:
(i) the costs for existing capacity that will be recouped; and
(ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
(e) based on the requirements of this chapter, identify how the impact fee was calculated.
(2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
(a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

(b) the cost of system improvements for each public facility;
(c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
(d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
(e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
(f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
(g) extraordinary costs, if any, in servicing the newly developed properties; and
(h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

11-36a-305 Calculating impact fees.
(1) In calculating an impact fee, a local political subdivision or private entity may include:
(a) the construction contract price;
(b) the cost of acquiring land, improvements, materials, and fixtures;
(c) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
(d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements.
(2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Enacted by Chapter 47, 2011 General Session

11-36a-306 Certification of impact fee analysis.
(1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following:"I certify that the attached impact fee facilities plan:
1. includes only the costs of public facilities that are:
a. allowed under the Impact Fees Act; and
b. actually incurred; or
c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
a. costs of operation and maintenance of public facilities;
b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

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3. complies in each and every relevant respect with the Impact Fees Act."

(2) An impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis which states as follows:"I certify that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
    a. allowed under the Impact Fees Act; and
    b. actually incurred; or
    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
    a. costs of operation and maintenance of public facilities;
    b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act."

Amended by Chapter 278, 2013 General Session

Part 4
Enactment of Impact Fees

11-36a-401 Impact fee enactment.

(1)
  (a) A local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402.
  (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.

(2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Enacted by Chapter 47, 2011 General Session

11-36a-402 Required provisions of impact fee enactment.

(1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment contains:
  (a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
  (b)
    (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or
    (ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;

(c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
(i) respond to:
(A) unusual circumstances in specific cases; or
(B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
(ii) ensure that the impact fees are imposed fairly; and
(d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
(2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
(a) dedicates land for a system improvement;
(b) builds and dedicates some or all of a system improvement; or
(c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
(3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
(a) are system improvements; or
(b)
(i) are dedicated to the public; and
(ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

11-36a-403 Other provisions of impact fee enactment.
(1) A local political subdivision or private entity may include a provision in an impact fee enactment that:
(a) provides an impact fee exemption for:
(i) development activity attributable to:
(A) low income housing;
(B) the state;
(C) subject to Subsection (2), a school district; or
(D) subject to Subsection (2), a charter school; or
(ii) other development activity with a broad public purpose; and
(b) except for an exemption under Subsection (1)(a)(i)(A), establishes one or more sources of funds other than impact fees to pay for that development activity.
(2) An impact fee enactment that provides an impact fee exemption for development activity attributable to a school district or charter school shall allow either a school district or a charter school to qualify for the exemption on the same basis.
(3) An impact fee enactment that repeals or suspends the collection of impact fees is exempt from the notice requirements of Section 11-36a-504.

Enacted by Chapter 47, 2011 General Session

Part 5
Notice

11-36a-501 Notice of intent to prepare an impact fee facilities plan.

(1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.

(2) A notice required under Subsection (1) shall:

(a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;

(b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and

(c) subject to Subsection (3), be posted on the Utah Public Notice Website created under Section 63F-1-701.

(3) For a private entity required to post notice on the Utah Public Notice Website under Subsection (2)(c):

(a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and

(b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

11-36a-502 Notice to adopt or amend an impact fee facilities plan.

(1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:

(a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;

(b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;

(c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and

(d) hold a public hearing to hear public comment on the plan or amendment.

(2) With respect to the public notice required under Subsection (1)(a):

(a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

(b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and

(c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

(3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

Enacted by Chapter 47, 2011 General Session

11-36a-503 Notice of preparation of an impact fee analysis.

(1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.

(2) For a private entity required to post notice on the Utah Public Notice Website under Subsection (1):

(a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and

(b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

11-36a-504 Notice of intent to adopt impact fee enactment -- Hearing -- Protections.

(1) Before adopting an impact fee enactment:

(a) a municipality legislative body shall:

(i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use regulation;

(ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use regulation; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use regulation;

(b) a county legislative body shall:

(i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use regulation;

(ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use regulation; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use regulation;

(c) a local district or special service district shall:

(i) comply with the notice and hearing requirements of Section 17B-1-111; and

(ii) receive the protections of Section 17B-1-111;

(d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:

(i) make a copy of the impact fee enactment available to the public; and

(ii) post notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice Website created under Section 63F-1-701; and

(e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.

(2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

Amended by Chapter 84, 2017 General Session

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Part 6
Impact Fee Proceeds

11-36a-601 Accounting of impact fees.

A local political subdivision that collects an impact fee shall:

(1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;

(2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);

(3) retain the interest earned on each fund or ledger account in the fund or ledger account;

(4) at the end of each fiscal year, prepare a report that:

(a) for each fund or ledger account, shows:

(i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and

(ii) each expenditure from the fund or ledger account;

(b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;

(c) identifies the impact fee funds described in Subsection (4)(b) by:

(i) the year in which the impact fee funds were received;

(ii) the project from which the impact fee funds were collected;

(iii) the project for which the impact fee funds are budgeted; and

(iv) the projected schedule for expenditure; and

(d) is:

(i) in a format developed by the state auditor;

(ii) certified by the local political subdivision's chief financial officer; and

(iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

Amended by Chapter 394, 2017 General Session

11-36a-602 Expenditure of impact fees.

(1) A local political subdivision may expend impact fees only for a system improvement:

(a) identified in the impact fee facilities plan; and

(b) for the specific public facility type for which the fee was collected.

(2)

(a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber an impact fee collected with respect to a lot:

(i) for a permissible use; and

(ii) within six years after the impact fee with respect to that lot is collected.

(b) A local political subdivision may hold the fees for longer than six years if it identifies, in writing:

(i) an extraordinary and compelling reason why the fees should be held longer than six years; and

(ii) an absolute date by which the fees will be expended.

Amended by Chapter 190, 2017 General Session

11-36a-603 Refunds.

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(1) A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:

(a) the developer does not proceed with the development activity and has filed a written request for a refund;

(b) the fee has not been spent or encumbered; and

(c) no impact has resulted.

(2)

(a) As used in this Subsection (2):

(i) "Affected lot" means the lot or parcel with respect to which a local political subdivision collected an impact fee that is subject to a refund under this Subsection (2).

(ii) "Claimant" means:

(A) the original owner; or

(B) another person who, under Subsection (2)(d), submits a timely notice of the person's valid legal claim to an impact fee refund.

(iii) "Original owner" means the record owner of an affected lot at the time the local political subdivision collected the impact fee.

(iv) "Unclaimed refund" means an impact fee that:

(A) is subject to refund under this Subsection (2); and

(B) the local political subdivision has not refunded after application of Subsections (2)(b) and (c).

(b) If an impact fee is not spent or encumbered within the time specified in Subsection 11-36a-602(2), the local political subdivision shall, subject to Subsection (2)(c):

(i) refund the impact fee to:

(A) the original owner, if the original owner is the sole claimant; or

(B) to the claimants, as the claimants agree, if there are multiple claimants; or

(ii) interplead the impact fee refund to a court of competent jurisdiction for a determination of the entitlement to the refund, if there are multiple claimants who fail to agree on how the refund should be paid to the claimants.

(c) If the original owner's last known address is no longer valid at the time a local political subdivision attempts under Subsection (2)(b) to refund an impact fee to the original owner, the local political subdivision shall:

(i) post a notice on the local political subdivision's website, stating the local political subdivision's intent to refund the impact fee and identifying the original owner;

(ii) maintain the notice on the website for a period of one year; and

(iii) disqualify the original owner as a claimant unless the original owner submits a written request for the refund within one year after the first posting of the notice under Subsection (2)(c)(i).

(d)

(i) In order to be considered as a claimant for an impact fee refund under this Subsection (2), a person, other than the original owner, shall submit a written notice of the person's valid legal claim to the impact fee refund.

(ii) A notice under Subsection (2)(d)(i) shall:

(A) explain the person's valid legal claim to the refund; and

(B) be submitted to the local political subdivision no later than 30 days after expiration of the time specified in Subsection 11-36a-602(2) for the impact fee that is the subject of the refund.

(e) A local political subdivision:

(i) may retain an unclaimed refund; and

(ii) shall expend any unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

Amended by Chapter 190, 2017 General Session

Part 7
Challenges

11-36a-701 Impact fee challenge.

(1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.

(2)

(a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.

(b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.

(3)

(a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:

(i) if the impact fee enactment was adopted on or after July 1, 2000:

(A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and

(B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and

(ii) except as limited by Subsection (3)(c), the impact fee.

(b)

(i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.

(ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).

(c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

(4)

(a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:

(i) the substantially prevailing party on that cause of action:

(A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and

(B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and

(ii) in accordance with Section 13-43-206, a government entity shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:

(A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and

(B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the government entity within 30 days after the day on which the court issued the final ruling on the impact fee.

(b) A government entity subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee.

(c) Subsection (4) may not be construed to create a new cause of action under land use law.

(d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

Enacted by Chapter 47, 2011 General Session

11-36a-702 Time limitations.

(1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:

(a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;

(b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or

(c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.

(2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Enacted by Chapter 47, 2011 General Session

11-36a-703 Procedures for challenging an impact fee.

(1)

(a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.

(b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.

(2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:

(a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
(b) a request for arbitration as provided in Section 11-36a-705; or
(c) an action in district court.
(3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
(4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
(5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
(6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

11-36a-704 Mediation.
(1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.
(2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.
(3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.
(4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:
(a) cooperate with the specified public agency to select a mediator; and
(b) participate in the mediation process.

Enacted by Chapter 47, 2011 General Session

11-36a-705 Arbitration.
(1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
(2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
(a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
(b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
(i) each party shall select an arbitrator within 20 days after the date the request is filed; and
(ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.

(3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:
(a) the single arbitrator is agreed on under Subsection (2)(a); or
(b) the two arbitrators are selected under Subsection (2)(b)(i).
(4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.
(5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
(6) The parties may agree to:
(a) binding arbitration;
(b) formal, nonbinding arbitration; or
(c) informal, nonbinding arbitration.
(7) If the parties agree in writing to binding arbitration:
(a) the arbitration shall be binding;
(b) the decision of the arbitration panel shall be final;
(c) neither party may appeal the decision of the arbitration panel; and
(d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
(8)
(a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
(b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.
(9)
(a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.
(b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).
(c) The district court shall consider de novo each appeal filed under this Subsection (9).
(d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
(10)
(a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
(b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.
(11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session

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UPCOMING AGENDA ITEMS

JUNE 16, 2020

- ORD – Final Budget Amendments
- ORD – 20-21 FY Budget Adoption
- ORD – RDA Final Budget Amendments
- ORD – RDA 20-21 FY Budget Adoption

JULY 7, 2020

JULY 21, 2020

AUGUST 4, 2020

AUGUST 18, 2020

OTHER PROJECTS

Site Plan – 7-Eleven
Site Plan – Dollar Tree
Site Plan – AutoZone
Master Site Plan and Rezone – Sweetwater Industrial Park
Rezone & Master Site Plan – Marketplace at Eagle Mountain Town Center
Development Code Amendment – Business Park Zones
Development Code Amendment – Warehouse Farming Overlay Zone