



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

January 24, 2023, 5:30 PM

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

1. Discussion Items

Review of Possible, Forthcoming Zoning Related Code Amendments (Title 17 etc.)

1.A [WORKSESSION ITEM -- DISCUSSION: FUTURE CODE AMENDMENTS](#)

Planning Commission Review of the List of Contemplated Code Amendments
[Prospective Code Amendments](#)

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

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A December 13, 2022 Planning Commission Minutes

[12.13.22 PC DRAFT Minutes](#)

4.B January 10, 2023 Planning Commission Minutes

[01.10.23 PC DRAFT Minutes](#)

5. Status Report

6. Action and Advisory Items

6.A [ACTION ITEM -- PUBLIC HEARING: FIREFLY MASTER DEVELOPMENT](#) (tabled from Jan. 10th)

Planning Commission review and recommendation regarding a proposed Master Development Plan Amendment (and an Amended and Re-stated Master Development Agreement -- the "ARMDA") pertaining to 2,567.86 acres of Property formerly approved for development as "Pole Canyon", now the "Firefly" Project. Application materials note the total acreage as being 2781.99.

[Firefly project vicinity map](#)

[Pole Canyon.Firefly.Development Agreement comparisons old vs. new](#)

Pole Canyon - Proposed Roadway Sizing
Firefly TIS Memo
Firefly Proposed City Processing Amendment

6.B **ACTION ITEM -- PUBLIC HEARING: VARIOUS CODE AMENDMENTS TO TITLE 17**

Planning Commission Review of Proposed Zoning Code Amendments (EMMC 15.70 regarding streetlights, EMMC 17.25 regarding accessory structures, and EMCC 17.25 and 17.72 regarding residential architectural standards)

[Street lights](#)

[Accessory structures](#)

[Architectural standards](#)

[Multifamily design standards](#)

7. **Discussion Items**

8. **Next scheduled meeting**

9. **Adjournment**

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

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



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JANUARY 24, 2023**

TITLE: WORKSESSION ITEM -- DISCUSSION: FUTURE CODE AMENDMENTS

ITEM TYPE: Discussion

APPLICANT: City of Eagle Mountain -- Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

The Planning Commission Chair has requested time to discuss with the Commission and Staff possible future Title 16 and/or 17 related code amendments. Staff has an ongoing list of amendments that are intended for future drafting or are currently being drafted. If you notice an item that is missing from this list that has been requested previously, please notify us. See attached table.

ITEMS FOR CONSIDERATION:

n/a

REQUIRED FINDINGS:

n/a

RECOMMENDATION:

n/a

ATTACHMENTS:

[Prospective Code Amendments](#)

Prospective Code Amendments

Code Amendment	Code Location	Description/Intent	Requested By
Wildlife Corridor Overlay Zone - Amendments	17.49 Wildlife Corridor Overlay Zone	Amend/update the overlay code based on our Wildlife Biologist's recommendations, etc.	Planning
Commercial and Multiple-Family Design Standards	17.72	Major updates to our standards; new photos/examples, etc.	Planning/Council
Public hearing table	Table 16.05.220(a) Public Notice	Modify PH table to move all PH to PC and to comply with state code of when a PH is required. Public hearing notifications.	Planning/Legal
Hillside Development	15.80.050 Retaining Walls	Adding standards for retaining wall heights, distance between walls, possible distances from property lines, etc.	Planning
Landscaping timing requirements	17.25.050	Modifying the timing for installation of front yard landscaping, and, considering size of lot, homeowner-built homes, market conditions, etc.	Planning
Expiration of Applications after Inactivity	On all application chapters	Adding an automatic expiration for applications that have been on hold for an amount of time of inactivity	Planning
Planned Community Zone, or similar	New Section	A zone that allows the City to approve MDPs and MDAs that contain exceptions to City Code (for creative projects, etc.)	Legal
MDAs	16.10.060 Review and approval process	Modify to comply with State code	Legal
Rezoning process	17.90 Rezoning of Property	Modify to fully comply with State code	Legal
Appeal Authority	17.05.180 Appeal authority	Changes to improve our appeal authority process, creating a hearing officer for employee appeals (rather than an employee appeal board); fines for not getting a building permit; late fees for all fines; changes to Appeal Authority table	Legal
Bar/GastroPub/Brewery	17.35.030 Land Use Table	Adding uses and defining them (Industrial/Commercial)	Planning
Drive-throughs	17.75.069 Restaurant with drive-through services	Modifying our code to increase stacking distance at drive-thrus and/or require "escape lanes"	Council/Planning
Electric Assisted Bicycle	7.05.030 Definitions	Adding to definitions, to be clear on the types of electric-assisted bicycles that can be ridden on trails	Legal
Wash Protection Overlay Zone (or similar)	17.49.030 Applicability	Adding an overlay zone to further protect natural washes, if necessary, or a different way to protect natural washes	Mayor/Council
Administrative Variance Requests	17.105 Variances	Creating an admin variance process that allow for minor variances that don't impact neighbors or have very minimal impacts	Planning
Caretaker Units in Commercial Storage and Industrial	17.38 Commercial Storage Zone and 17.40 Industrial Zone	Allow caretaker unit in those zones for certain types of uses (land use tables, special use standards)	Council
Plat Reviews & Site Plan Reviews	16.20.050 Approval Process & 17.100.080 Review and approval process	Modify approval authority to be consistent with State Code (keep an eye on upcoming legislation on this topic)	Legal/Planning
Property Use Rights	17.90 Rezoning of Property	Re-define how "grandfather rights" work in conjunction with new zoning district assignments (rezones)	Planning
Setback Footnote	17.25.040 Residential development standards	Add footnote "3" to "Minimum Setbacks for Accessory Structures"	Planning
MF Zones Height Standard	17.25.040 Residential development standards	Revise the 35' height limit of the MF2 Zone to allow for improved architecture	Planning
Definitions	17.10.030 Definitions	Add a definition for parcel, re-define lot and add a definition for "Property".	Planning
Park Escrow Release Language	16.35.105 Park and improved open space requirements; and 16.30.060 Guarantees	Comply with State code	Legal
"Vehicle Storage" definition	17.10.030 and 17.65.060.N.	Change the definition in 17.10.030 to address commercial vehicle storage.	Legal
Staff level site plan approval, minor	17.100.080 Review and approval process	Permit staff to approve minor site plan amendments such as 15% or less additional building square footage, parking, additional acreage, low impact uses.	Planning
Detached ADU Living Unit Definition	17.70.010 Definition	Need a definition of the term 'Living Unit' to restrict sizes of detached ADU and remove gray areas and loop holes for applicants to build an oversized detached ADU	Planning
Attached ADU maximum size	17.70.030.D.2. ADU - Attached	Max size not currently included (1 sq ft smaller than primary dwelling). Add max size by number or percentage of primary dwelling.	Planning

Definition of separate exterior entrance	17.70.010 Definition	All ADU tenants should have a separate entrance for privacy and security purposes. Not clearly defined.	Planning
Living on a trailer shall be prohibited	17.25.050 Generally applicable provisions or 17.70 Accessory Dwelling Units	Include restrictions or regulations for living in a trailer or RV on a residential property.	Planning
No accessory structure before primary structure	17.10.030 Definitions	Within our definition, it does not clearly state that accessory structures can only exist with the primary structure built out first. It makes it difficult for neighborhood improvement to prosecute such cases.	Planning
Temporary advertising sign types and regulations	17.80 Sign Regulations and Sign Permits	Missing sign types in the code, and temporary signs on private properties do not have regulation on sizes.	Planning
Kennels as conditional use in agriculture and industrial zones	6.05.270 and 17.20.050 and 17.40.040	Add kennels as a conditional use in agriculture and industrial zones as noted in 6.05.270	Planning
Inner connection within basement ADU and attached ADU	17.70.030.D.2. ADU -Basement / Attached	Add in a requirement in City code that all basement and attached ADU should have a inner connection access point. While at the same time have its own separate entry way.	Planning
Vacation, service drive, ADA, alley standards adjustments	16.56 and 17.10 and 17.25.020 and 17.55.040 and 17.55.070 and 17.72.030	Add definitions and adjust standards for ROW vacations, service drive & ADA	Planning
Community District Nodes Overlay	New Section	A concentration of activity/development that allows higher density residential and mixed-use development in appropriate areas	Council
Living on a trailer shall be prohibited	17.25.050 Generally applicable provisions or 17.70 Accessory Dwelling Units	No matter if it is the owner or not, living within in a trailer on any property should be prohibited and needs to be clearly identified in our code	Planning
No accessory structure before primary structure	17.10.030 Definitions	Within our definition, it does not clearly state that accessory structures can only exist with the primary structure built out first. It made it difficult for neighborhood improvement to prosecute such cases.	Planning
Temporary advertising sign types and regulations	17.80 Sign Regulations and Sign Permits	Missing sign types in the code, and temporary signs on private properties do not have regulation on sizes.	Planning
Kennels as conditional use in agriculture and industrial zones	6.05.270 and 17.20.050 and 17.40.040	Add kennels as a conditional use in agriculture and industrial zones as noted in 6.05.270	Planning
Inner Connection within basement ADU and Attached ADU	17.70.030.D.2 ADU - basement/attached	Facilitate better distinction of an ADU vs. a duplex	Planning
Houses on cul-de-sacs / dead-end	15.10.130	Remove or modify inconsistencies in code related to the # of units on a single access or cul-de-sac	Planning
Clear vision triangle (definitions)	15.10.160 and 17.60.180	Updating language and exhibits to provide better clarity	Planning/Council
Transfer of development rights (TDR)	New Section	Fulfilling a recently adopted moderate-income housing strategy task	Council
ADU code annual review	17.70	Fulfilling a recently adopted moderate-income housing strategy task	Council
Industrial Zone	17.40	Updating the Industrial Zone language	Council



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

December 13, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Alternate Commissioner Brent Strong.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Colby Curtis, Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; and David Stroud, Senior Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

1. Discussion Items

No work session was held.

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

Commissioner Everett called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. November 22, 2022 Planning Commission Minutes

Commissioner Bergener noted spelling errors and a date correction for the previous City Council meeting in the status report section of the minutes.

MOTION: *Commissioner Allen moved to approve the November 22, 2022 minutes as amended. Commissioner Pengra seconded the motion.*

Those Voting Yes

Those Voting No

Those Abstaining

Those Absent

☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☒ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☒ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra
☐ Erin Wells	☐ Erin Wells	☐ Erin Wells	☒ Erin Wells
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a unanimous vote.

As Commissioner Wells was absent, Alternate Commissioner Strong voted.

5. Status Report

Assistant City Administrator/Community Development Director Steve Mumford reviewed the items discussed and voted upon during the December 6, 2022 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM: PUBLIC HEARING – Preliminary Plat of Ranches Crossing Plat A

Senior Planner David Stroud presented the item. This request involves two lots of record to be combined into a single platted lot of 3.47 acres. The plat also contains the continuation and completion of North Clear Rock Road to Pony Express Parkway. An Applebee's restaurant site plan is currently under review on the proposed lot. Completion of Clear Rock Road also requires a wall to be installed on the east side of the right-of-way along The Cove at Rock Creek Plat 3. The project has been reviewed by the development review committee. The plat configuration has been found to be in conformance with platting and CC Zone standards. The Planning Commission shall make a determination of the interpretation of EMMC 17.100.050, Access onto a Public Street: Access onto public rights-of-way shall not be closer than 100 feet from an intersection. The access point from Clear Rock Road to the lot is approximately 90 feet from where the right-of-way curblineline of Clear Rock Road intersects with the curblineline of Pony Express Parkway. There will be a median in Clear Rock Road only allowing right-in and right-out traffic flow.

Applicant Brian Haskell explained that if the measurement were taken from the centerline, the distance between the intersections would exceed the required 100 feet. Mitigation measures have been added to limit the traffic and maintain the integrity and intent of the Clear Rock Road access point. He requested the assistance of staff and the Planning Commission to support their efforts to attract Applebee's to the location as the negotiations are not finalized.

Commissioner Everett opened the public hearing at 6:43 p.m. As there were no comments, he closed the hearing.

Commissioner Allen requested for staff to add clarification of the measurement location requirements in EMMC 17.100.050 to the list of future Municipal Code amendments.

Commissioner Everett stated that he hopes the access issues impacting the site can be resolved in order to allow Applebee's or another business to be feasible at the location.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Ranches Crossing Plat A with the condition that outstanding redlines shall be corrected prior to scheduling with the City Council. Commissioner Pengra seconded the motion.*

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

The motion passed with a unanimous vote.

As Commissioner Wells was absent, Alternate Commissioner Strong voted.

6.B. ACTION ITEM: PUBLIC HEARING – Harmony A-14 Site Plan

Commissioner Wells arrived at 6:45 p.m.

The item was removed from the agenda at the request of the applicant.

Commissioner Everett closed the public hearing at 6:47 p.m. that had been opened during the November 8, 2022 meeting and continued to this meeting.

MOTION: *Commissioner Everett moved to table the site plan for Harmony A-14 to a future meeting. Commissioner Allen seconded the motion.*

Mr. Stroud confirmed that the applicant was aware that they would be responsible for paying to notice the item again.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

6.C. ACTION ITEM / PUBLIC HEARING – Amendment to Chapter 9 (Moderate Income Housing) of the City's General Plan

Mr. Mumford presented the proposed amendments to Chapter 9 of the City's General Plan.

The following overall goal, objectives, and action strategies represent Eagle Mountain's planned approach for addressing the issues and opportunities related to the City's Moderate Income Housing needs.

Overall Moderate Income Housing Goal: Maintain and facilitate opportunities for reasonable affordability and diverse housing sizes and products throughout the city.

OBJECTIVE 1: Ensure affordable housing opportunities grows proportionally with normal housing development.

OBJECTIVE 2: Support affordable housing options that address the needs of low to moderate income households and individuals by encouraging the offering of a wide range of product sizes, types, and styles.

OBJECTIVE 3: Provide increased opportunities for affordable home ownership by offering programs, fee reductions, and facilitating a range of housing types for purchase.

OBJECTIVE 4: Provide allowance for desirable affordable housing options that integrate well into new or existing neighborhoods, such as internal and detached accessory dwelling units.

OBJECTIVE 5: Guide density and affordable housing to locations near services, major roadways, and institutional uses through the General Plan, district area plans, zoning, and density transfer options.

The following five (5) moderate income housing strategies are action items for achieving the overall goal and the objectives, and were chosen from the strategies identified in UCA§10-9a-403(2)(b)(iii). Many action strategies will work to achieve more than one specified objective.

STRATEGY 1: Create, or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

TIMELINE: The City currently allows for internal and detached accessory dwelling units throughout many residential zones in the city. City Code amendments were completed in 2021 to update the accessory dwelling unit chapter to fully comply with Utah Code and to reduce and further define regulations in relation to ADUs. Once per year, beginning in 2023, City staff will review the City's Accessory Dwelling Unit code (EMMC Chapter 17.70) and provide a report to the Planning Commission and City Council of its status and effectiveness, and propose amendments, as needed.

ACTIONS/MEASURES:

- Track the number of approved internal ADUs
- Track the number of approved detached ADUs
- Track the number of new homes that include completed ADUs with the initial home construction
- Track the distribution of ADUs throughout the city

STRATEGY 2: Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality.

TIMELINE: Public employees, including teachers, firefighters, police, city employees, and others often have a lower salary than many private sector employees and find it difficult to afford to live in the same city in which they work. Eagle Mountain desires to avoid that issue by helping these types of employees with a mortgage assistance program, and by July 1, 2024 will create this program.

ACTIONS/MEASURES:

- Create and approve a policy for a mortgage assistance program for public employees, outlining qualifications, requirements, and processes
- Contract with a partner, hire an employee, or designate an employee or department to oversee the program
- Track the number of people that receive a benefit from the program
- Track the number of employers or agencies with employees that benefit from the program

STRATEGY 3: Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.

IMPLEMENTATION TIMELINE: The City currently does not charge impact fees for accessory dwelling units. The City will continue to find ways to reduce impediments to accessory dwelling units, specifically keeping fees as minimal as possible. By July 1, 2023, the City Staff will provide a report to the City Council outlining all City-required fees charged for ADUs, and will recommend changes, if necessary, to reduce fees.

ACTIONS/MEASURES:

- Eliminate impact fees for detached ADUs
- Review the Consolidated Fee Schedule and amend to reduce fees for ADUs, if necessary

STRATEGY 4: Create a program to transfer development rights for moderate income housing.

IMPLEMENTATION TIMELINE: Creating a mechanism to transfer development rights (TDR) can be quite complicated and requires a good deal of research and consideration of the potential impacts, both positive and negative. A TDR code intends to provide additional tools for the City and for property owners to place density and moderate income housing in the locations that are best suited for those types of residential units. By January 1, 2026, the City Staff will propose a TDR code to the Planning Commission and City Council for their consideration.

ACTIONS/MEASURES:

- Prepare a draft TDR code
- Review a TDR code with the Planning Commission
- Review a TDR code with the City Council
- Adopt a TDR code
- Track the number of developments that utilize the TDR code

STRATEGY 5: Demonstrate implementation of any program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

IMPLEMENTATION TIMELINE: By December 31, 2024, the City will adopt a land use ordinance that requires 10% or more of new residential development in certain residential zones be dedicated to moderate income housing. By December 31, 2023, the City will also create a policy or approve a plan that identifies the planned uses for the RDA housing allocation funds that come from economic development projects, in compliance with UCA§17C-1-412.

ACTIONS/MEASURES:

- Work with consultants to draft an “Affordable Housing Plan”
- Adopt an “Affordable Housing Plan” that identifies the planned uses for RDA housing allocation funds
- Present a draft land use ordinance to the Planning Commission and City Council
- Adopt a land use ordinance that requires 10% or more of new residential development in certain residential zones be dedicated to moderate income housing
- Track the number of projects that provide moderate income housing as more than 10% of their project

Commissioner Pengra expressed concern with the high cost of a mortgage assistance program compared with the low impact of similar programs in other cities.

Mr. Mumford explained the State’s requirement for an employee to earn less than 80% of the area median income (AMI) to qualify for the mortgage assistance program. He stated that the funding amount and source have not yet been determined. The Affordable Housing Plan will focus on the allocation of tax increment financing funds from economic development projects, those funds will increase over time. Should the mortgage assistance program be deemed too expensive or of low impact, another strategy could be selected.

Commissioner Wells suggested requiring an annual status update to the City Council for Strategy 3 to facilitate meeting the State’s reporting requirements.

Mr. Mumford stated that Planning Manager Robert Hobbs and he had met with a representative from the Department of Workforce Services (DWS) to discuss their questions. Staff referenced a General Plan update from Kaysville City and the guidance of the DWS in composing their recommended plan amendments. Implementation of Strategy 5 could include requiring a certain

number of new homes to include accessory dwelling units (ADUs), deed-restricted units, or a percentage of multifamily units to be dedicated to moderate income housing with funding support from the City or State programs.

Commissioner Pengra stated that distributing the requirements in Strategy 5 through zoning seems problematic. He suggested a required number of units in the City rather than unit counts within certain zones although that method would have other challenges. Mr. Mumford will ask DWS for clarification regarding the criterion for 10% or more of new residential development in a residential zone.

Discussion ensued regarding the following:

- Clarification that the strategies would be applicable for new development and projects with existing agreements could not be asked but not required to comply;
- Concern with conflicts between moderate income housing units and Municipal Code transitioning standards;
- The likelihood of moderate income housing requirements being excluded from larger lot zones; and
- Apartments are the easiest way to provide inclusionary zoning for individuals new to the housing market.

Commissioner Everett opened the public hearing at 7:24 p.m. As there were no comments, he closed the hearing.

Commissioner Pengra cautioned against the negative economic ramifications of a community providing insufficient affordable housing for the workforce to live within the city and the impacts of housing policies resulting in prices that require residents to work multiple jobs to afford their homes. The issue warrants careful attention to earnestly impact the situation for the better. He feels Strategy 3 will have minimal impact and that the distant timeline for Strategy 4 will impede the implementation of the program.

Mr. Mumford said he was impressed with the number of strategies considered at the joint meeting with the Planning Commission and City Council. Additional strategies could be considered and added after the Affordable Housing Plan is finished. He noted that three strategies are required and the inclusion of Strategy 3 assists with providing five strategies to qualify for priority review.

Alternate Commissioner Strong stated he would rather focus on the quality execution of five achievable strategies and add additional strategies as the City is able to extend resources rather than overcommitment resulting in poor implementation.

Commissioner Everett stated that although the City Council and Planning Commission had identified additional potential strategies during their joint meeting, he agrees with Commissioner Strong about focusing on implementing five. The length of the implementation timeline for Strategy 4 is due to the complexity of the program that will necessitate planning and diligence to ensure progression and execution.

Commissioner Bergener noted that the City could consider ways to address affordable housing needs independent of State requirements due to the impacts on the City and resident needs as he agrees Eagle Mountain will suffer economically should workforce housing not be available.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the amendment to Chapter 9 (Moderate Income Housing) of the City's General Plan with the addition to Strategy 3 to add an annual report to the City Council regarding recommended changes to fees related to accessory dwelling units. Commissioner Allen seconded the motion.*

Commissioner Pengra suggested removing all fees for accessory dwelling units to increase the impact and merit of Strategy 3.

Mr. Mumford explained that external ADUs are not charged impact fees. Current external ADU fees include building permit fees, plan review fees, utility connection fees, and an ADU application fee. A funding mechanism would be needed to offset the expense of waiving the fees.

Commissioner Wells declined to amend her motion to remove all fees due to the staffing expense funded with the fees. Nevertheless, she suggested possibly amending the strategy to waive the fees for residents agreeing to rent the home at a reduced rate for a set time period.

Commissioner Allen stated while he agrees with Commissioner Pengra's desire to eliminate as many fees as possible, he would prefer to wait until more information is available during the planned review of the Consolidated Fee Schedule outlined in the strategy prior to committing to waiving fees.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

6.D. 2023 Planning Commission Meeting Schedule

Mr. Stroud presented the 2023 Planning Commission Meeting Schedule.

Commissioner Allen noted that a meeting falls on Valentine's Day.

Discussion ensued regarding the start time of the meetings.

Commissioner Everett confirmed with staff that holding meetings the day following Pioneer Day and Columbus Day would not be onerous. He will address work conflicts with the meeting

schedule that will necessitate his absence or remote attendance as they arise. He would prefer to retain the second meeting in November and remove the meeting if it is unneeded rather than call a special meeting.

MOTION: *Commissioner Pengra moved to approve the 2023 Planning Commission meeting schedule as proposed. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

7. Discussion Items

Commissioner Everett announced that Commissioner Allen was reappointed and Alternate Commissioner Strong has been appointed as a Planning Commissioner.

He recognized Commissioner Wells for her service and presented her with a plaque of appreciation from the City. The Commission and staff thanked her for her contributions.

The next Planning Commission meeting is scheduled for January 10, 2023.

8. Adjournment

MOTION: *Commissioner Wells moved to adjourn at 7:59 p.m. Commissioner Pengra seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 7:59 p.m.

Approved by the Planning Commission on January 24, 2023.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

DRAFT



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

January 10, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; and Marcus Draper, City Attorney.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

1. Discussion Items

1.A. RULES OF PROCEDURE

Commissioner Everett explained the history of the Planning Commission Rules of Procedure and the annual review by the Planning Commission.

The Commission discussed the number of votes necessary to constitute a recommendation of approval to the City Council, material submission deadlines, and Commissioners being given the opportunity to clarify their reason for voting against a recommendation of approval. No amendments to the document were proposed.

Commissioner Everett adjourned the work session at 5:51 p.m.

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

Commissioner Everett called the policy session to order at 6:31 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

The December 13, 2023 minutes will be approved during the January 24, 2023 meeting.

5. Status Report

Assistant City Administrator/Community Development Director Steve Mumford reviewed the planning items discussed and voted upon during the January 3, 2023 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – ANNUAL PLANNING COMMISSION OFFICERS ELECTION

MOTION: *Commissioner Allen moved to appoint Matthew Everett as the Planning Commission Chairman for 2023. Commissioner Bergener seconded the motion.*

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

The motion passed with a unanimous vote.

MOTION: *Commissioner Allen moved to appoint Jeremy Bergener as the Planning Commission Vice Chairman for 2023. Commissioner Everett seconded the motion.*

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

The motion passed with a unanimous vote.

6.B. ACTION ITEM – PUBLIC HEARING: LOWER HIDDEN VALLEY MASTER DEVELOPMENT PLAN & AGREEMENT AMENDMENT

Planning Manager Robert Hobbs presented the request for approval to modify both a Master Development Plan (MDP) and associated Master Development Agreement (MDA) for 244.96 acres of land zoned Residential in the Hidden Valley development area in order to allow re-configuration of a previously approved project layout. The applicant is entitled to 1,256 residential

dwelling units on the property and proposes dividing the project into 13 phases. The applicant intends to provide 24 acres of improved open space within the project, 67 acres of native open space, and 6,000 linear feet of paved community trails. A 38.44-acre portion, Parcel 58:040:0634, of the developable and open space area proposed for build-out within Lower Hidden Valley is currently owned by the City of Eagle Mountain. The applicant proposes the purchase of the parcel and dedication back of a portion of the parcel to the City along with an improved trailhead. The purchase or disposal of this parcel will require a separate process and action by the City Council.

The City's new wildlife corridor covers some of the property intended for development. The applicant has expressed a willingness to assist the City in providing a protected deer migration route through the project by use of fencing consisting of 8-foot poles with hog-wire and controlled access points or gates. The proposal envisions detached housing, townhomes, tri-plexes, and cluster housing. The applicant intends to use 51-foot rights-of-way for local roads within the project in lieu of the City's newly adopted 59-foot roads to facilitate the preservation of more detached residential product. The applicant is requesting exemptions from current setback standards and the approval of some 40-foot frontages for certain building lots.

Mr. Hobbs presented suggestions for the project made by the Eagle Mountain Nature and Wildlife Alliance and a map of existing bike trails in the area provided by Adam Clark, President of the Lake Mountain Trails Association and the President of the Lake Mountain Bicycle Club which includes the West Lake and Cedar Valley high school mountain bike teams

Wildlife Biologist/Environmental Planner Todd Black explained that the location of the proposed wildlife corridor was determined by the migration data collected from GPS-collared deer. He has worked with the developer to find a compromise to provide for deer movement through the area. He said the mountain bike trails both on the private and City property are unauthorized as they were never reviewed by or received approval from the Planning Commission and City Council or the Parks and Recreation Department. Alternate connecting bike trails could be moved to land designated as open space in the existing MDA.

Mr. Mumford stated that Mr. Clark said he had received approval to use the land for mountain bike trails. He will meet with Mr. Clark and City Administration to determine the status of the approval of the trails on the City property. He recognized the benefits of the mountain bike trails to residents and people outside of the City. Hopefully, solutions can be reached to preserve or relocate the trails. The City plans on creating a connected trail system and wildlife corridor in the area. The landowner has vested rights predating the approval of the wildlife corridor overlay and the installation of the trails.

Mr. Hobbs explained that street parking along both sides of a public road is permitted unless the City decides to prohibit parking. The approved MDA allows a five-foot side setback with a combined 15-foot setback for both sides of the unit with the allowance of minor deviations to adapt to topographical obstacles.

Applicant representative Dan Reeve explained the proposed amendment is in response to the City's request to accommodate the wildlife corridor. Otherwise, they are amenable to developing the

property with their existing entitlements. As discussed in a previous meeting, they have reduced and relocated the highest-density product near transportation corridors. The 51-foot right-of-way and five-foot side setbacks are necessary to reduce the density and provide for an increase in single-family homes; both are common development standards in other communities.

Commissioner Everett opened the public hearing at 7:07 p.m.

Dayna Koch, Adam Clark, James Duncan, Beau Campbell, Janae Aiken, Molly Duncan, Matthew Campbell, Dacia Rocha, Steve Duncan, and Brad Barlow shared personal experiences about the benefits of mountain biking and the Eagle Mountain biking community including the high school teams; spoke against the sale of the City-owned parcel to the developer; and requested for the City and the developer to retain or replace as many of the trails as possible.

Bettina Cameron and Marian Burningham, speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance, and Karina Woodbury voiced objection to the proposal and support of working with the developer on an alternative plan to preserve the wildlife corridor and the mountain bike trails.

The City received emails against the proposal from Mary Kunz, Ross Dinsdale, and Challin Peterson.

Jeff Ruth spoke against the proposal and building on mountainsides and in favor of preserving the wildlife corridor and bike trails.

Commissioner Everett closed the public hearing at 8:00 p.m.

The Commissioners individually expressed appreciation to the public for their participation and comments.

Commissioner Allen noted that he had spoken with Mr. Clark earlier in the day and had received the mountain bike map presented in the meeting. He thanked the residents for their desire to work with the developers to find solutions. Mountain biking is a unique feature of the City that he would like to see preserved. He suggested making mountain biking a part of the City's brand by hosting races and working with the Chamber of Commerce to incorporate subsequent economic opportunities.

Mr. Reeve said that due to the time spent on the application process and time limits, should the item be tabled at this meeting, they would withdraw the application and move forward with their existing entitlements. However, they are willing to incorporate adjustments to the alignment of the corridor if the City is amenable to the changes. The original plan would create a choke point at a critical location in the migration corridor that the new proposal resolves. They do not plan to build on the hillside. He clarified that Perry Homes has never given permission to build and use trails on their land and the no-trespassing signs they put up have been removed by other parties. Due to topography limitations, the areas with trails on buildable land will be developed. Nevertheless, they are willing to install trailheads and preserve as many of the trails as possible. They will begin construction along Pony Express Parkway later this year as soon as they have final plat approvals.

The length of time to complete the project will be impacted by market demand. The amount of land that would be dedicated as wildlife corridor would exceed the size of the 38.44-acre, City-owned parcel.

Discussion ensued clarifying the paths of current wildlife migration in comparison to the proposal, the plans for an overpass at the critical point identified by the applicant, and wildlife fencing costs.

Mr. Mumford explained the history of Hidden Valley resulting in the division of the land into Upper and Lower Hidden Valley developments by the involved parties. The City-owned parcel had been a part of the original Hidden Valley plan but was not included in a development agreement. The parcel was purchased by the City when the landowner defaulted on special improvement district payments levied due to infrastructure improvements beneficial to the property.

Commissioner Everett acknowledged the number of competing interests with the project. Relocating the higher-density units closer to the main roadways would help alleviate traffic congestion and would be ideal. During the review and amending of City road standards, he learned that there is no universal road width standard. Regardless of his personal preferences, the City Council has decided upon a 59-foot local right-of-way standard that should be met. He explained one of the purposes of the 8-foot and 10-foot side setbacks requirement is to provide access to the backyard for recreational vehicle storage or accessory dwelling units. He is not amenable to five-foot setbacks or 40-foot frontages. The previous Tier II standards have a minimum frontage of 55 feet. He refrained from commenting on the sale of the City-owned parcel as it is outside the purview of the Planning Commission. His preference would have been to table the item and ask the applicant to work with the stakeholders had the applicant not requested for the item to move forward to the City Council.

Commissioner Bergener noted the Commission is tasked with evaluating a decision made 12 years ago and the resulting rights held by the applicant. Eagle Mountain has unique features that residents love such as the mountain biking trails and wildlife that they want to protect and preserve.

Commissioner Strong agreed with the benefit of moving the density closer to major thoroughfares but he is against more narrow roads and setbacks.

MOTION: ***Commissioner Bergener moved to recommend denial to the City Council of the amendment to the Lower Hidden Valley Master Development Plan and Master Development Agreement. Commissioner Allen seconded the motion.***

Commissioner Bergener clarified that the recommendation of denial is due to the applicant's desire for the application to move forward to the City Council. He hopes for all parties to work together to find a better solution.

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

☐ Chris Pengra	☐ Chris Pengra	☐ Chris Pengra	☒ Chris Pengra
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong

The motion passed with a unanimous vote.

6.C. ACTION ITEM – PUBLIC HEARING: FIREFLY MASTER DEVELOPMENT

Mr. Hobbs presented the request for approval to modify both a Master Development Plan (MDP) and associated Master Development Agreement (MDA) pertaining to 2,764.51 acres of land zoned Residential in the Pole Canyon development area in order to allow re-configuration of a previously approved layout that included 9,659 residential dwelling units. A vested development agreement contract is in force on the 2,764.51-acre property zoned Residential which allows up to 9,659 residences. It is proposed now that residences be placed within one of 13 neighborhood planning areas. The overall residential unit count per acre in Firefly is noted as 3.47 dwelling units per acre. The applicant also proposes 154.40 acres of commercial land and 494.84 acres of industrial ground. Commercial and industrial areas are in the existing agreement. The new MDP for Firefly contemplates the movement of 1,358 homes from the west side of SR-73 over to the east side. The Housing within the Project will be a mixture of detached housing, twin homes, townhomes, condominiums, apartments, shared-drive housing, and commercial buildings. The Applicant is asking for 5-foot side setbacks for some homes. Tier II is presently thought to be the most comparable stratus to use to compare to what is proposed in the majority of Firefly's neighborhood planning areas for detached housing product construction. In Tier II standards, side setbacks were 5 feet and 10 feet on the garage side of a house and a local right-of-way width of 55 feet.

Per the proposed, amended agreement the applicant intends to provide over 420 acres of improved open space, with a mix of parks, trails, and open land. More specifically, the applicant has indicated that the project is intended to feature:

- A contiguous trail system that will connect the furthest southeast corner of the property to the very northwest corner. Nearly all neighborhoods will have trails that will connect to the main trail system providing a truly walkable community.
- Pocket parks in NPAs (neighborhood planning areas) have been combined to provide larger parks which will allow for greater programming and maintenance efficiencies.
- Three initially planned parks or amenity areas have a wide range of activities programmed such as a tournament-style multi-sports field, pickleball and basketball courts, a park with a skateboard and pump track, traditional playgrounds, climbing walls, NICA high school/mountain bike course, downhill mountain bike facility, amphitheater(s), roadway underpass for safe walking between parks, a homeowner's association (HOA) maintained indoor/outdoor playground with amusement park style play areas, large-scale splash pad for Firefly residents, hiking trails, mountain bike trails, equestrian trails, an HOA-maintained community campground open to Firefly and Eagle Mountain City residents, agricultural and equestrian area, and a 4H/FFA/high school rodeo practice area.

The applicant is proposing an expedited review process in the new MDA for those entitlements or subdivisions that come after approval of the Amended Plan and Development Agreement.

Applicant representative Nate Shipp spoke about the history of the project. He explained the acreage has increased because they purchased additional land to make the project contiguous. However, the number of residential units has remained the same. The proposal relocates 27% of the density from the west side of the highway near White Hills to the east side of the project. The Firefly MDA envisions the project as a whole rather than individual NPAs used in the original Pole Canyon MDA. The open space and amenity standards surpass the requirements. They are working in partnership with the City to construct a water tank large enough to exceed the needs of their community to benefit other residents. Otherwise, Eagle Mountain would need to construct a separate tank to meet water needs. The school site cannot be finalized until the amendment to the MDP and MDA is approved or they decide to move forward with the existing approvals. Church and additional school sites are anticipated and they are in conversations with both public and private schools. Businesses have expressed interest in the area but share Tyson Foods' concerns about the lack of employee housing. They are anxious to begin as soon as possible to hopefully start construction on homes this fall and hold a grand opening at the beginning of next year.

Applicant representative David Vitek presented an overview of the project with a vision to promote the mental and physical well-being of the residents, particularly the youth, by offering recreational opportunities through the amenities such as trails, parks, and open space.

Mr. Shipp clarified that Park A will be a public park open to all residents and maintained by the City. Park B with an indoor facilities will be private and maintained by the homeowner's association. The mountain bike park and rodeo area will be partially publicly and privately maintained.

Commissioner Everett opened the public hearing at 9:24 p.m.

Bruno Hunsaker, a White Hills resident, spoke in favor of the Firefly MDA as preferable to his neighborhood and hopes the setbacks on the new homes will be in harmony with the design of the existing ones. He said the developer has installed an emergency secondary access on SR 73 and verbally agreed to prioritize the State's requests to add a turnout lane and align the access with other roadways once construction begins on the project.

Adam Clark said he loves the creativity put into the plan. He supports the proposal for the mountain bike trails and connection with Bureau of Land Management land. However, he is unsure if the acreage is sufficient for the types of courses mentioned and is concerned about trail maintenance responsibilities. He requested to be involved in the planning process as the mountain biking groups he is a member of will use and likely assist with maintaining the trails.

Commissioner Everett closed the public hearing at 9:30 p.m.

Commissioner Allen stated that although he likes the creativity of the plan, as he received the traffic study yesterday, he feels he has had inadequate time to study the full proposal. Due to the size and scope of the development, he requested additional time for the Commission and City Attorney to review the materials. He is willing to entertain the possibility of expedited review of some plan aspects but thinks the potential impacts of certain plans, particularly the commercial, merit full review by the Planning Commission and City Council.

Commissioner Bergener said he appreciates the work put into the proposal and the vision, connectivity, and feel of the project. He agrees that due to the volume of documents, he has had insufficient opportunity to properly review and consider the proposal and the requested standard exemptions.

Commissioner Strong concurred. He acknowledged the applicant's desire to move forward on the project. He requested that the applicant submit timeline proposals to help the City mitigate onerous delays in the approval process.

Commissioner Everett cited the Rules of Procedure submission deadline of noon on the Wednesday prior to the meeting for application packet materials. The item can be pulled from the agenda due to late material submission or be tabled immediately without a presentation or holding a public hearing. He also was unable to review the materials submitted yesterday. As such, he thinks it would be inappropriate for the Planning Commission to make a recommendation on an item that they have been unable to evaluate completely and supports allowing time for the City Attorney to review the materials. He recognized the time and thought put into the proposal and does not desire to delay the project unnecessarily but feels a project of this size should be thoroughly and carefully considered and perfected as much as possible. His main concerns with the proposal are the reduced side setbacks and road widths.

MOTION: *Commissioner Everett moved to table the Firefly Master Development Plan to the next meeting amenable to the applicant to allow time for the Planning Commission to review the traffic study and the master agreement amendments and for the City Attorney to review the item. Commissioner Bergener seconded the motion.*

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

The motion passed with a unanimous vote.

The meeting was recessed from 9:42 to 9:52 p.m.

6.D. ACTION ITEM – PUBLIC HEARING: PRELIMINARY PLAT APPROVAL OF LONE TREE F-3 SUBDIVISION

Senior Planner Dave Stroud presented the item. The project has been reviewed by the development review committee. The plat configuration is in conformance with platting and residential zone standards. The proposed F-3 plat is a continuation of the existing Lone Tree plats. F-1 contains 21 lots and F-2 contains 18 lots and the detention basin/open space lot. The subject property was

considered with 17 lots at a previous preliminary plat approval but was subsequently removed from approval and subject to approval at a later date. The plan requires an additional 3,920 square feet of open space and eight amenity points or the payment of a fee in lieu of \$18,307.90. Rosewood Drive will connect to the adjacent Circle 5 Ranch project when that area is developed.

Staff recommends the Planning Commission motion to recommend approval of Lone Tree F-3 Preliminary Plat, for the reasons set forth in the staff report and the meeting and the following condition:

1. Correction of, if any, outstanding redlines.

Applicant representative Brian Haskell explained that the lots in this part of the project had previously been removed due to concerns with blasting and the road configuration in order to move forward with the rest of the project with the intention to return to the plan for this area at a later date. Because of City requirements, they are unlikely to use blasting and can develop the plat through excavation. Analysis of the slopes deemed the lots as buildable in accordance with Municipal Code. They are also the homebuilder for the development and plan to design custom homes consistent with the grade of the individual lots. The lot sizes are compatible with the adjacent lots, meet zone size requirements, and transition to the larger lots on the hill. The design of the road follows the topography of the area, falls under the maximum slope allowance, and will connect with the adjacent approved Circle 5 Ranch preliminary plat.

Commissioner Everett opened the public hearing at 10:06 p.m.

Nate Riggle said that he and his wife are concerned about additional homes being built before a secondary exit is built for Lone Tree.

Ben Watson stated he had been worried about blasting and appreciates that the applicant plans to excavate the site. He echoed concerns about the lack of a secondary access for Lone Tree and the development impeding the wildlife corridor.

Scot Hazard, the owner of the property to the east, requested for the Planning Commission to only entertain plans that provide connectivity compatible with other approved developments.

Dave Peterson spoke against the City permitting blasting and is concerned about additional homes reducing water pressure.

Jenny Garcia said her home has been damaged by blasting in other areas in their neighborhood. She feels the proposed road will create a blind corner resulting in deadly safety hazards.

Karina Woodbury said the fire marshal has previously said that Lone Tree already exceeds the safety capacity standards requiring a secondary access regardless of Rosewood Drive connecting to the adjacent neighborhood. She beseeched the City to not approve any additional homes until the Old Airport Road connection is completed. She thinks the turn radius is insufficient for fire trucks.

Commissioner Everett closed the public hearing at 10:18 p.m.

Mr. Stroud explained that the City is unable to require the wildlife corridor to be preserved in this plat. The fire marshal and engineering reviewed and approved the proposed road layout.

Commissioner Everett noted that the City Council passed an ordinance requiring permits for blasting. His preference is to find alternatives to blasting whenever possible for the benefit of the residents in areas with existing homes. The fire marshal evaluates and makes a recommendation on proposals before the plans reach the Planning Commission and he defers to the fire marshal's judgment. He believes the fee in lieu is more beneficial and appropriate in cases like this plat rather than requiring a poor-quality amenity that will likely be underutilized.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Lone Tree F-3 with the following conditions:*

- 1. The correction of, if any, outstanding redlines; and*
- 2. A plan for the connectivity of Rosewood Drive with the adjacent property shall be in place.*

Commissioner Strong seconded the motion.

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

The motion passed with a unanimous vote.

6.E. ACTION ITEM – PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS - TITLE 17 - RELIGIOUS OR CULTURAL MEETING HALLS

Mr. Stroud presented the item. A church wishes to locate in the Rush Creek plat but the use is not compatible with the current Light Manufacturing/Distribution (LMD) zone. Religious uses in prohibited zones have been litigated across the nation with favorable rulings on behalf of the religious organization. While not a large demand in Utah, many churches use this type of zone as a start-up location due to lower lease cost which then provides the organization time to accrue funds to be at a financial level to build a permanent location or lease a larger site. Staff discussed amending EMMC with legal counsel and while a rezone is possible, it would still be adjacent to the LMD zone. Due to case law and protecting religious land uses, the option to permit in any zone is the preferred direction as it eliminates any potential discrimination issue and any legal challenge.

EMMC currently permits religious or cultural meeting halls as a permitted use in any commercial zone, a special permitted use in residential zones and the public facilities zone, and conditional (permitted) use in an agriculture zone. The proposed changes amount to permitting the use in the Light Manufacturing/Distribution zone, Medical/Educational Campus zone, Office Professional zone, and Public Facilities zone. In residential zones, the use changes from permitted with special

standards to permitted. Agriculture zones would change from conditional to permitted. The subject use is permitted in commercial zones. The proposed change also eliminates the standards of EMMC 17.75 Standards for Special Uses regarding religious or cultural meeting halls since the additional special standards are not unique and only state the use is to meet the parking, lighting, and landscaping applicable to any non-residential use. Unlike other uses with special standards found in EMMC 17.75, there are no special standards required of a religious or cultural meeting hall.

Discussion ensued regarding the current standards for approval of religious and cultural meeting halls and case law protecting the rights of religious gathering places.

Commissioner Everett opened the public hearing at 10:32 p.m. As there were no comments, he closed the public hearing.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code 17 Religious or Cultural Meeting Halls. Commissioner Everett seconded the motion.*

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

The motion passed with a unanimous vote.

6.F. ACTION ITEM – PUBLIC HEARING: REZONE OF ~82 ACRES OF PARCEL 59:058:0004 FROM THE AGRICULTURE ZONE TO THE LIGHT MANUFACTURING/DISTRIBUTION ZONE

Mr. Stroud presented the item. The applicant requests the City amend the zoning map from Agriculture to Light Manufacturing/Distribution. The request encompasses approximately 82 acres and is located on the west side of Virtual Drive and just west of the Facebook campus. The applicant has submitted a concept plan of the potential use with 14 lots of 4 to 5 acres each. EMMC 16.10.020 states that projects in excess of 50 acres require master development approval.

However, EMMC 16.10.050 does provide an option to waive the master development plan requirement. The City Council may approve a request for waiver of either element of the application or master development plan requirement if finding one or more of the following:

1. The project's concept plan review (pursuant to Chapter 16.15 EMMC) received feedback from the Planning Commission and/or City Council in regards to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);

3. The project involves limited development requirements for infrastructure; or
4. The strict application of this chapter would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or preexisting easement restrictions.

The applicant has submitted a request based on #3 and part of #4. Infrastructure is in place via Virtual Drive and the future installation of the north and south roads. Future access to all adjacent properties will be provided.

Applicant representative Nate Walter explained they are requesting a waiver of the master development agreement approval process as most of the elements do not pertain to the type of development they desire.

Commissioner Everett opened the public hearing at 10:38 p.m. As there were no comments, he closed the public hearing.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the rezone of approximately 82 acres from Agriculture to Light Manufacturing/Distribution and recommend that the City Council waive the master development application process as the project involves limited development requirements for infrastructure. Commissioner Allen seconded the motion.*

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

The motion passed with a unanimous vote.

7. [Next scheduled meeting: January 24, 2023](#)

8. Adjournment

MOTION: *Commissioner Bergener moved to adjourn at 10:42 p.m. Commissioner Allen seconded the motion.*

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

☒ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong** ☐ **Brent Strong**

The motion passed with a unanimous vote.

The meeting was adjourned at 10:42 p.m.

Approved by the Planning Commission on January 24, 2023.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

DRAFT



EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JANUARY 24, 2023

TITLE:	ACTION ITEM -- PUBLIC HEARING: FIREFLY MASTER DEVELOPMENT (tabled from Jan. 10th)
ITEM TYPE:	Amended Master Development Plan & Amended Master Development Agreement
APPLICANT:	Oquirrh Wood Ranch et al & DAI as developer(s) -- with Nate Shipp, David Vitek & Heather Upshaw representing

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

On January 19, 2010, a Development Agreement for the Pole Canyon project became effective. The Agreement memorialized annexation of 2,764.51 acres of land per the legal description associated with the annexation petition. The Agreement further recorded commitments entered into between the City and developer (PCIG) respecting the development and build-out of the Pole Canyon project. Three amendments to the MDA have also been approved since that date.

The "Land Use Element Exhibit 2" referenced 18 residential planning areas or pods (1,984.32 acres), five commercial areas (186.86 acres), and three industrial pods (451.36 acres). Between the residential areas and one of the commercial sections, the total residential unit count approved for development in Pole Canyon tallied 9,659 units -- a number that is still vested.

The agreement recognized that at least 178 acres of open space would be required in Pole Canyon. One hundred of those acres were assumed to be derived from the donation of the Boy Scouts of America land that is positioned on the northwest corner of the development. Matters addressed by the agreement and subsequent amendments included, in part, the approval process for build-out of Pole Canyon, infrastructure (including utility) improvements, CCR enforcement, a traffic study, existing agricultural uses, etc.

About a year ago, the applicant approached the City with a re-envisioned plan that contemplated revising the existing agreement to improve its design/layout. Per the applicant, the newly imagined

development community now called "Firefly" has "a purpose driven mission of creating a community which allows children to maximize their potential while minimizing their use of electronic devices, social media, and gaming." The culmination of that effort has resulted in submittal of an application package (an amended Master Development Plan and Agreement) that seeks to replace the previously approved entitlements. Staff has reviewed the applicants' materials and provided comments prior to the drafting of this report for the Planning Commission. While Staff supports the general aspects of the proposed changes to the master development plan (shifting of density to the east, focus on outdoor recreation and trail system, regional park, industrial park, more creative neighborhood design, etc., Staff still has concerns with various details of the MDA and Community Plan and continues to work with the applicant to resolve these concerns.

On January 10, 2024, the Planning Commission heard this matter and tabled the same until the 24th to allow further review time of the application package and report materials. The application set now comes back before the Planning Commission for continued consideration.

ITEMS FOR CONSIDERATION:

The files/documents (save for a Vicinity Map and rendition of the newly proposed master plan -- copies hereto attached) that pertain to this request are too large to attach to this report. Hence, they may be accessed via the following URL:

<https://daiutah.app.box.com/folder/188870117887?s=bgt2xpspzockxtzbjcan0lr3a503owwu>

The January 09, 2010 [original] Development Agreement and three subsequent amendments may be found here for comparison:

https://drive.google.com/file/d/1nGdI9OEOdIqpssK3amOqCDh50jWZusp=drive_web

Three amendments to the same are also able to be found on the City's website under "Documents and Records".

Commissioners, larger issues or matters that you might wish to review and/or take note of include, but are not limited to, the following:

1. The Applicant already has an existing Development Agreement vested on, or against, the Property; and,
2. The Property's zoning of "Residential" [no longer "on the books"] will still be assigned to the land even if the Master Development Plan and Agreement Amendment requests are approved. We are in the process of researching and/or creating a zone (a "planned community" zone, or similar) that allows the City to approve large master development plans and exceptions to code in development agreements; and,
3. The Project contemplates 154.40 acres of commercial land and 494.84 acres of industrial ground. Regarding residential use of the Property, the Applicant is entitled to 9,659 residential dwelling units on, or within, the 2,764.51-acre Property and is proposing the same be positioned in 13 planning areas yielding a spread average of 3.47 du/a (dwelling units per acre); and,
4. The proposed, Amended Development Agreement acknowledges vested residential density, recognizes that it is a theoretical cap but also precludes losing density via any ordinance or other action implemented, or taken, by the City (e.g., a code change) following the date of its passage; and,
5. The new Master Plan for Firefly contemplates the movement of 1,358 homes from the west side of SR-73 to the east side. The Applicant believes this shift will provide "...a better, and well thought out disbursement of [residential] density..."
6. Housing within the Project envisions a mixture of detached housing, twin-homes, townhomes, condominiums, apartments, shared drive housing and units combined with, or in, some commercial buildings; and,
7. The Applicant is asking for some setback relief (e.g., 5' sides with some homes). It should be noted that the Applicants intend "on using curvilinear design in many areas which while having a minimum 5' setback, there will often be greater separation between homes. See page 4-09 of [the] community plan."

The old (2005) "Residential" Zone (no longer in the City's code)

assigned to the Property per the original Master Development Agreement recognized four "tiers" of residential development therein -- each with succeeding densities and lot configuration rules. As far as the tiers and their respective single-family detached controls, please note as follows:

Tier I standards were associated with minimum 1/2 acre lots. They mandated that side setbacks be not less than 12' on one side and 18' on the other -- unless approved otherwise by the Planning Director [10% deviation allowed] due to mitigating circumstances (e.g., slope issues, etc.). Minimum required street frontages for building lots containing detached homes was required to be at least 125' unless on a cul-de-sac.

Tier II standards were associated with smaller than 1/2 acre lots (size not defined -- just density per acre allowed). Side setbacks were set at 5' on one side and 10' on the other with the 10' being required along the garage side of a house. Lot frontage was set at 55' unless a property abutted a cul-de-sac.

Tier III standards were silent on minimum lot size and minimum street frontage but allowed even higher densities than Tier II. The minimum side setbacks for building lots was to be the same as Tier II (5'/10'). A minimum building separation standard was also provided.

Tier IV standards followed suit with Tiers II and III allowing yet greater density in a project. No minimum setbacks or frontages were stated (only building separations).

Tier II is presently thought to be the most comparable stratus to use to compare to what is proposed in the majority of Lower Hidden Valley's neighborhood planning areas for detached housing product construction.

8. Per the proposed, amended Agreement the Applicant (developer) intends to provide 420+ acres of improved open space (mix of parks, trails and open land) within the Project. More specifically, the Project is intended to feature (quoting from a statement from the Applicant's team):

"A contiguous trail system [that] will connect the furthest southeast corner of the property to the very northwest corner. Nearly all

neighborhoods will have trails [some horse] that will connect to the main trail system providing a truly walkable community."

"Pocket parks in NPAs [neighborhood planning areas] have been combined to provide larger parks which will allow for greater programming and maintenance efficiencies. There may still be some periodic HOA controlled pocket parks."

"Three initially planned parks or amenity areas have a wide range of activities programmed." Examples suggested by the Applicant include: A tournament style multi-sports field, pickleball and basketball courts, a park with skateboard and pump track, traditional playgrounds, climbing walls, NICA high school/mountain bike course, downhill mountain bike facility, amphitheater(s), roadway underpass (SR-73) for safe walking between parks, indoor/outdoor playground with amusement park style play areas (HOA maintained), large-scale splash pad for Firefly residents, hiking trails, mountain bike trails, equestrian trails, community campground open to Firefly and Eagle Mountain City residents (HOA managed), agricultural and equestrian "area" and a 4H/FFA/high school rodeo practice area.

9. If the Amendment package is approved, future subdivision development will be reviewed via the amended platting process that is included as a part of the Community Plan and will factor in any requirements made a part of the Amendments package (with particular attention to be paid to the Development Agreement's final language); and,

10. The design guidelines for the Project's housing are to be adopted by reference in the proposed Amended/Re-Stated Development Agreement and will expectedly appear within CCRs (covenants, conditions and restrictions); and,

11. Firefly also will incorporate areas of commercial and light industrial (expectedly not manufacturing or processing businesses however); and,

12. Wayfinding signage is proposed in the development; and,

13. A [new] traffic study for the Project, as of the date of this report's preparation, has not been submitted to the City; and,

14. The Applicant intends to use rights-of-way widths/profiles as illustrated in the attached roadway sizing .pdf; and,

15. Utility and emergency services expectedly will be available to the site; and,

16. Staff has not received public comments (either verbal or in writing) respecting this application as far as is known. Any agency, department or other official commentary respecting this application set is hereto attached; and,

17. The Applicant is proposing an expedited review process in the new MDA for those entitlements or subdivisions that come after this approval [after approval of the Amended Plan and Development Agreement]. See Applicant's document, Exhibit E titled "Development Application and Review Process".

18. Although the applicant has been working with the City's contract attorney (Jeremy Cook), the City's new attorney is continuing review of the MDA in detail and make any recommendations for changes. Issues for future Mayor and Council consideration outside of zoning matters will include topics related to Project utility provision, tax increment financing, and, creation of a public improvement district proposed by the developers.

REQUIRED FINDINGS:

The approval criteria for Master Development Plans are stated in EMMC 16.10.070. The approval criteria for Master Development Agreements are in EMMC 16.10.080. Although it is to be replaced in its entirety, the [originally] approved Pole Canyon Master Development Agreement should also be consulted and considered when reviewing this application.

RECOMMENDATION:

The Commission may choose to recommend approval or denial to the City Council of the proposed MDP and Amended and Restated MDA. If a positive recommendation is made, please make that recommendation contingent upon compliance with revisions as deemed warranted by the City Attorney, Planning Commission, and City Council. If a negative recommendation is made, please include

findings of facts or reasoning for the denial.

The Commission may also choose to table the proposal with specific guidance to the applicant for revisions that are required prior to the future meeting.

The applicant is requesting that the Commission send a positive recommendation to the City Council along with a list of items that need further revision or negotiation with the City Council.

ATTACHMENTS:

[Firefly project vicinity map](#)

[Pole Canyon.Firefly.Development Agreement comparisons old vs. new](#)

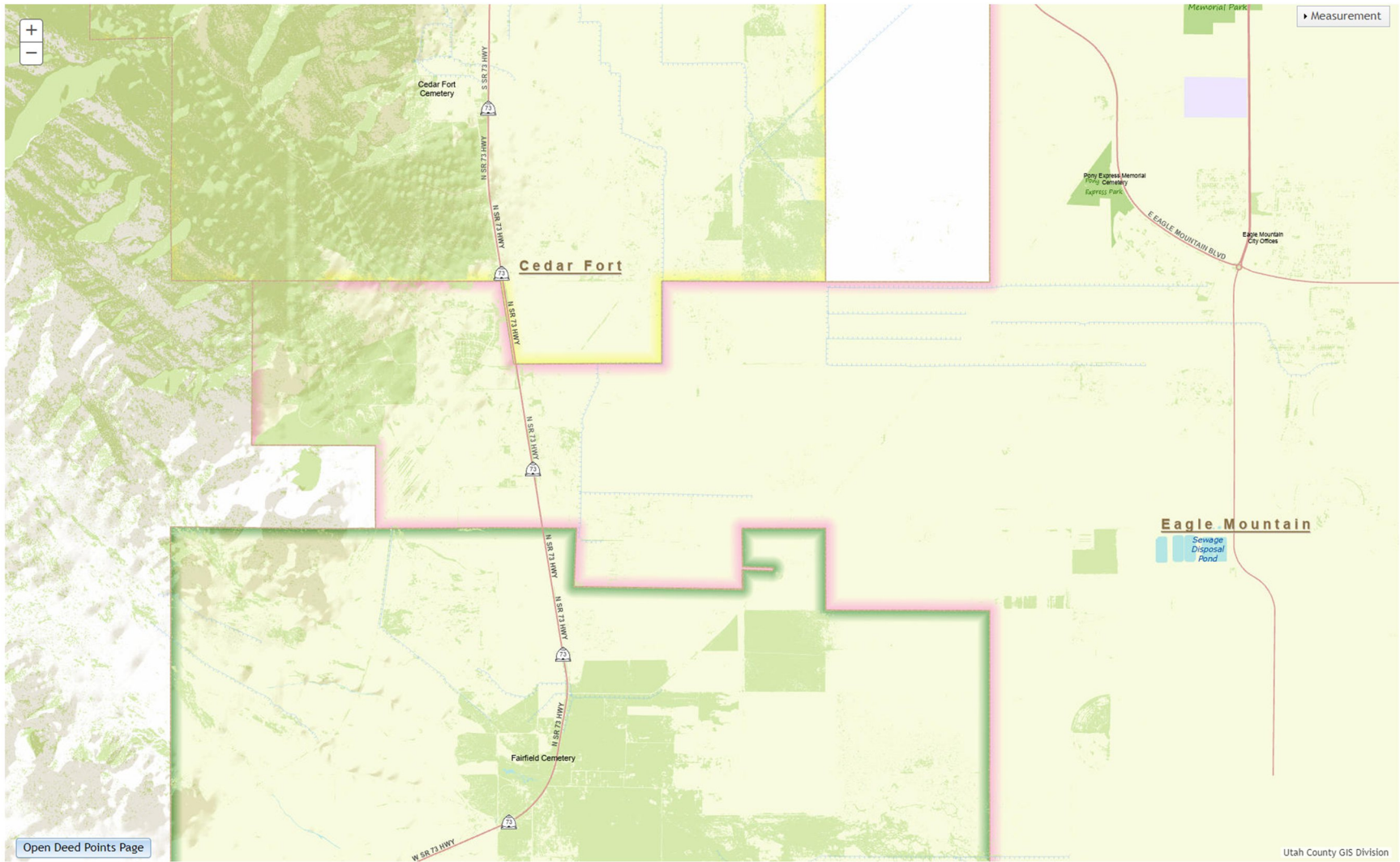
[Pole Canyon - Proposed Roadway Sizing](#)

[Firefly TIS Memo](#)

[Firefly Proposed City Processing Amendment](#)

VICINITY MAP

FIREFLY PROJECT



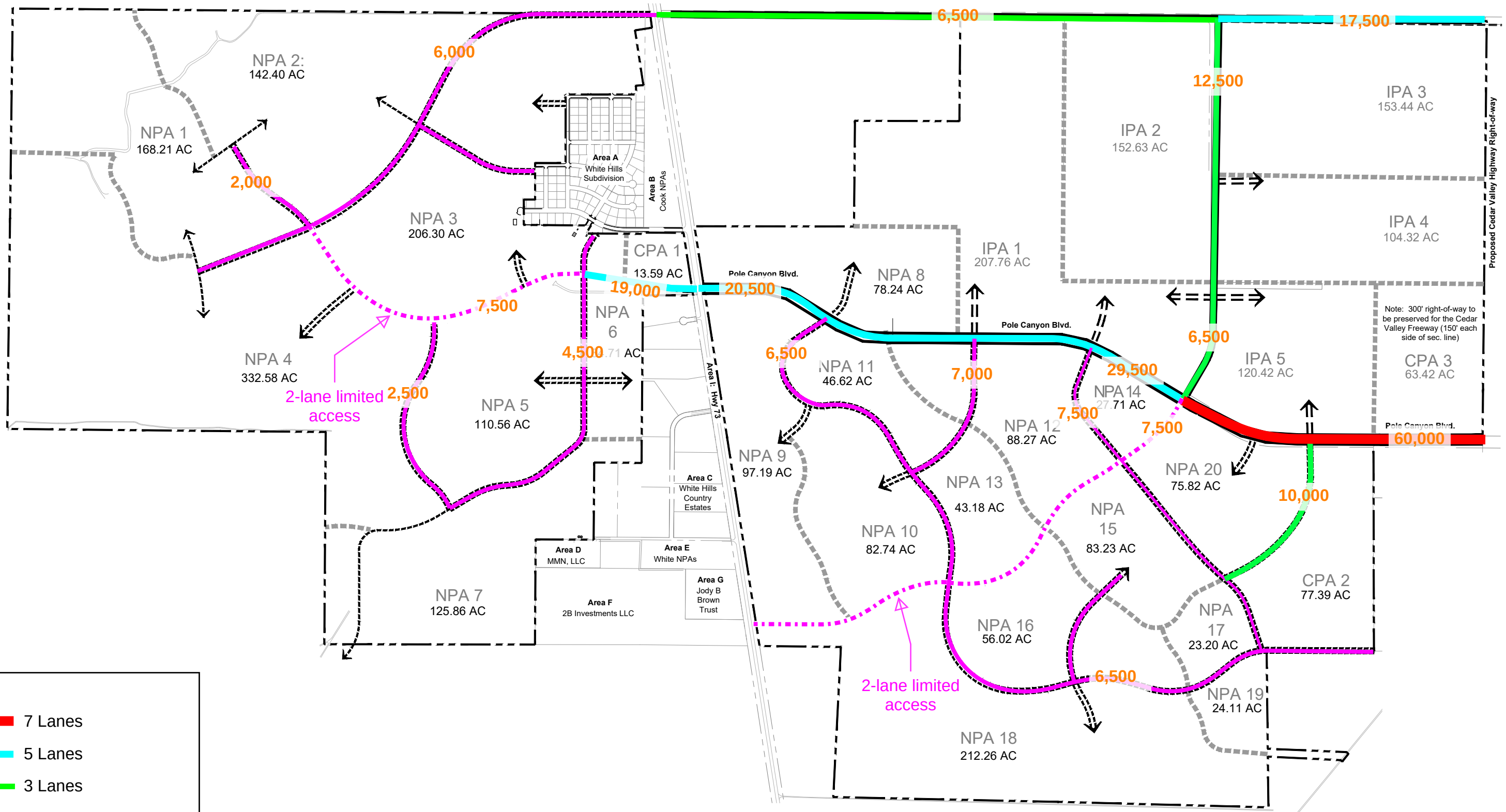
ORIGINAL MDA			ARMDA	
§	Header	Application of Section	§	Header
1	Conditions to Obligations			Comparison
1.1	Annexation	Annexation to occur as condition precedent to MDA obligations/rights.		Not Needed. Annexation Complete
1.2	Zoning	Upon annexation, zoning to be consistent with Exhibit 2 of the MDA		Not Needed. Zoning Established And Readdressed In Community Plan
2	Pole Canyon Investment Group Representative.	This section serves as PCIG's affidavit authorizing OWR to entitle the project.	3	Authority of Owners Representative to Bind Owners
3	Development of the Project	Development to comply with City's Code unless the Code impacts the densities/uses/intensities set forth in the MDA.	36	Appointment of Representatives
4	Planning Areas; MDP		4	Development of the Project
4.1	Planning Areas Generally	Different Planning Areas generally defined: development to comply with densities/uses/etc of each specific planning area as set forth in the development standards for each area.		Community Plan
4.2	Phasing	Project may develop in logical phases as determined by developer and according to infrastructure needs	4.10	Phasing
4.2.1	Arterial Road Corridor	PC Blvd. to be constructed in accordance when traffic volumes reach certain levels as identified in TIS.		Substantially similar to MDA; Defines where phase 1 development will occur
4.3	Project Maximum Density	Developer entitled to develop the maximum residential units as set forth in the Land Use Plan (Exhibit 2).	4.3	Maximum RDUs
4.3.1	Density Transfer			Same number of units, better mix of types, and clearer design standards.
4.4	Uses and Densities	Densities and intended uses are vested as shown in Exhibit 2		Community Plan (p. 2-01) describes density within each NPA Up to 20% transfer between pods.
4.5	Accounting for Density for Parcels Developed by PCIG	Development of any PCIG requires development report to be submitted to City showing density used and density remaining within the Planning Area	4.2	Land Uses within the Project, Configuration
4.6	Accounting for Density for Parcels Sold to Subdevelopers	When Developer sells parcels to a subdeveloper, Developer to submit a development report of the density sold, the amount remaining in the planning area, and any other uses sold.	4.7	Accounting for RDUs for Developments by Master Developer
4.6.1	Return of Unused Density	If a Subdeveloper does not use all purchased density, the unused units may transfer back to Developer who can then use the units in the Planning Area.	4.8	Accounting for RDUs and/or other type of Intended Uses for Parcels Sold to Subdevelopers
5	Zoning and Vested Rights		4.9	Return of Unused RDUs
5.1	Vested Rights Granted by Approval of this Agreement	Establishment of Developer's vested rights under the MDA	4.9.1	Substantially similar to MDA
5.2	Term of Agreement	Initial Term: 12/31/2019; Extension if not in default: 12/31/2029; Second Extension to 12/31/2039	5	Zoning and Vested Rights
6	Approval Process for Development Applications		5.1	Vested Rights Granted by Approval of this ARMDA
6.1	Processing under City's Code	Approval process to comply with MDA, MDP, and City's Code. If application complies with MDA, City must approve.	6	Term of Agreement
6.2	City's Cooperation in Processing Development Applications	City shall cooperate in promptly and fairly processing Development Applications		- Initially until 12/31/2030 - If not in default: then until 12/31/2040 - If not in default: then until 12/31/2050 - If not in default: then until 12/31/2060 - Terminates automatically at buildout
6.4	Independent Technical Analyses for Development Applications	Applicant to pay for technical analyses beyond the city's ability to process.	4.5	Required Process
6.5	City's Denial of Development Applications	City to detail in writing why any application is not consistent with the MDA	4.1	Compliance with this ARMDA
6.6	Meet and Confer regarding Development Application Denials	City and applicant to meet and confer if an application is denied by City.	4.5.6	City Cooperation and Approval
6.7	City Denials of Development Applications Based on Denials from Non-City Agencies	Applicant may appeal city's denial of an application that is denied due to non-City agencies' decisions.	4.5.9	Independent Technical Analyses for Development Applications
7	[OMITTED]		4.5.11	City Denial of a Development Application
8	Open Space and Trails Requirements	Developer to dedicate open space to City consistent with Exhibit 8 and other applicable provisions/exhibits.	4.5.12	Dispute Resolution
8.1	Regional Parks	City and Developer to cooperate in locating regional parks. City to provide credits/reimbursements for land donated for such purposes.	20	Denial of application subject to dispute resolution provisions of the ARMDA
8.1.1	Lagoon Property	City to sell Lagoon Property to OWR (which may be used as a regional park).	4.5.13	Substantially similar to MDA
8.2	Rodeo Grounds	Developer to dedicate 20 acres for a public rodeo grounds and improve (when thresholds are met). City to maintain after dedication.		ARMDA provision states that PTOS shall comply with the PTOS plan in the Community Plan. MDA provision off-loaded to Community Plan. See Community Plan starting at p. 3-01
8.3	Interim Equestrian Facility	Developer to construct temporary equestrian facilities by 5/1/2010.		See Open Space Plan of Community Plan starting at p. 3-01. Developer providing more specificity regarding location of all types of parks within the NPAs.
8.4	Creation of Open Space and/or Trails	Open space to be contiguous and based upon factors in the following sections: - 8.4.1: amounts and types of OS proposed in the application and OS previously developed. - 8.4.2: OS remaining to be designated and/or constructed pursuant to the MDA/MDP - 8.4.3: The amount and nature of the land and the types of land uses proposed based upon a non-residential development application		Property Purchased By Developer. Obligation Satisfied
8.5	Public Access to Open Space/Trails	If OS/Trails not owned maintained by an HOA, then the public shall have access and should be dedicated to the City or some other entity.		Obligation Satisfied (See First Amendment)
8.6	Accounting for OS for Parcels Developed by PCIG	At Final Plat or Site Plan approval, Developer to provide City with an Open Space Report that accounts for OS built and to-be built.		SEE OPEN SPACE PLAN OF COMMUNITY PLAN STARTING AT P. 3-01. DEVELOPER PROVIDING GREATER DETAIL ON LOCATION/SIZE OF OPEN SPACE AS WELL AS PRIVATE/PUBLIC NATURE OF OS.
8.7	Accounting for OS for Parcels Sold to Subdevelopers	At Final Plat or Site Plan approval, Developer to provide City with an Open Space Report that accounts for OS built and to-be built.		
8.7.1	Credit for Additional Open Space	Any oversized OS shall be credited toward the OS requirements for the Planning Area. Open Space Report to be filed with oversizing of OS.		
8.8	Notice to City	Applicant to provide notice (separate to Application) notifying City of its intent to dedicate OS (if any) associated with the application.		
8.9	Dedication of OS/Trails	Dedication to be by plat recordation or deed.		
8.10	Maintenance of OS/Trails	City to be responsible for OS dedicated to City; otherwise, private entity to maintain.		
8.11	Tax Benefits	City acknowledges that Developer may seek tax benefits by dedicating OS.	8	Tax Benefits
9	Infrastructure and Improvements		9	Public Infrastructure
9.1	Design and Construction of Public Infrastructure and Improvements	City and Developer to work cooperatively to design and construct the infrastructure for the project as generally established in the Infrastructure Plan.	9.1-9.5	Developer has the right and obligation to construct public infrastructure (as detailed in the CP and exhibits).
9.2	No Additional Off-Site Infrastructure Requirements	City will not require any off-site infrastructure improvements of Developer	9.10	No off-project Impacts
9.3	Pole Canyon Local District	Mutual acknowledgement of existing local area district and the district's role in financing/dedicating the public infrastructure for the project. LAD agreement attached as Exhibit 11	9.7	Public Infrastructure Financing
			9.9	Local District
				- PIDs, the modern LAD, have been adopted by the City. - Local District to be continued without modification.

9.4	Special Assessment Area	Contemplated that City may adopt SAA's to assist in providing financing for the construction and/or acquisition of public infrastructure improvements	No Longer Needed; TIF in place
9.4.1	Establishment by City of SAAs for Certain Improvements	City to cooperate in good faith in establishing SAAs to finance infrastructure	No Longer Needed, TIF in place
9.4.2	Fire Station	Parties to cooperate in locating a fire station for the City (and at no cost to City).	15 Fire Station Master Developer will dedicate up to 2 acres at request of City
9.4.3	White Hills Park	Phase one of WH Park to be completed within one year of the MDA being executed. Improvements to be financed by the LAD. Completed park to be dedicated to City.	Completed. Obligation Fulfilled And Acknowledged In Second Amendment
9.5	Community Development Area / Economic Development Area	Parties to work together to create CDA/JEDA	9.8 TIF City to commit 75% of tax as incentive in the Project. TIF Criteria in section 9.8.1
9.6	Capital Facilities Plan and Impact Fees		
9.6.1	Preparation and Adoption of Capital Facilities Plan and Impact Fees	City to immediately initiate amendments to CFP to acknowledge public infrastructure in the project. Accordingly, IFPP/JFA to be updated and credits to be awarded to developer, if applicable.	9.11.1 Preparation and Adoption of Capital Facilities Plan and Impact Fees Same as MDA
9.7	Construction Prior to Completion of Infrastructure	Developer may obtain a building permit and temporary C/O for model homes, sales offices prior to public infrastructure being completed. - 9.7.1: No permanent C/O for these uses.	4.5.14 Construction Prior to Completion of Infrastructure Substantially similar to MDA
10	Cable TV/Fiber Optic Service.	Subject to an applicable franchise agreement, Developer may install conduit for telecommunication services.	16 Cable TV/Fiber Optic Service Substantially similar to MDA
11	Enforcement of Technical Guidelines and CC&Rs	DRC and HOA responsible for implementation, enforcement, and amendment of the Technical Guidelines and CC&Rs.	See 4-01 of Community Plan. ARC to enforce development standards.
12	Payment of Fees		
12.1	General Requirement of Payment of Fees	Developer/Subdevelopers to pay all City fees in amounts and times specified in City Code.	4.5.4 Fees Substantially similar to MDA
12.2	Infrastructure built by Developer	Developer may construct system improvements and City shall comply with Utah Impact Fee Law regarding credits/reimbursements.	9.11.4 Construction Alternative City will not charge impact fees for system improvements constructed by Developer
12.3	Reimbursement for "Upsizing"	City won't require upsizing without financial arrangements being made for reimbursement/compensation.	10.1 Upsizing Substantially similar to MDA
13	Permits; Security for Improvements		
13.1	Building Permits	No permits issued until infrastructure is completed. Grading permits may be issued upon approval of a Site Plan.	4.5.2 Building Permits Substantially similar to MDA
13.2	City and Other Governmental Agency Permits	Developer to acquire all necessary permits (including from non-City agencies) before commencing work on the project.	4.5.3 City and Other Governmental Agency Permits Substantially similar to MDA
13.3	Security for Public Improvements	Standard warranty provisions	9.1.1 Bonding Bonding to comply with City's Vested Laws and LUDMA
13.4	Separate Security for Landscaping	Landscaping elements that are weather dependent shall have security provided as required by the City's Code.	9.1.2 Bonding for Landscaping Master Developer to bond for landscaping improvements that are weather/water dependent
14	Dedication of Public Improvements	City to accept public infrastructure that is constructed to city's standards and for which all taxes are paid.	9.2 Dedication of Public Improvements Substantially similar to MDA
15	City's Obligations	City will provide standard municipal services to the Project.	18 Provision of Municipal Services Substantially similar to MDA
16	Water		
16.1	Generally	Water related matters addressed in the Infrastructure Plan. Property to be developed in accordance with and subject to the water right requirements of the City at time of development application.	Off-loaded to Water Agreement (regarding source) (See also Exhibit F "Culinary Water System Plan" for Project requirements)
16.2	Transfer of Water Rights, Water Sources, Water Storage, and Water Distribution Systems	Parties working together, and with other agencies, to acquire water and transfer appropriate water for the project.	
16.3	Additional Water Tank Property	If needed, City will initiate purchase of BLM land for water tanks/lines.	No longer needed. Addressed in Water Agreement and Exhibit F
17	Rocky Mountain Power	City to purchase power assets and other items necessary to provide power to the Project.	Resolved With Sale of Eagle Mountain Power To RMP
18	Additional Easements	Developer to use best efforts to secure easements on adjacent property. If unable, City may use eminent domain power.	12 Additional Easements Substantially similar to MDA
19	Agricultural and Agricultural Related Used of Master Planned Area	Existing agricultural uses may continue but shall not expand unless consistent with the MDA and	38 Agricultural and Related Uses of Property Substantially similar to MDA
19.1	Generally	Until development occurs, Developer and/or assigns may use the property for agricultural purposes.	38.1 Generally Substantially similar to MDA
19.2	Agricultural Use Prior to Development	Developer may process on-site materials for development purposes.	38.2 Agricultural Use Prior to Development Substantially similar to MDA
20	On-site processing of Natural Materials		17 On-Site Processing of Natural Materials Substantially similar to MDA
21	Future Property which may be included in this Agreement		
21.1	Future Property within the Master Planned Area	If Developer acquires property in the Master Planned Area, then the property can be added to the MDA and developed at the density and uses of the adjoining areas.	4.11 Future Property If Owners acquire any additional property, then such future property shall be included in the ARMDA.
21.2	Future Property not within the Master Planned Area	If Developer acquires property NOT in the Master Planned Area, the City may approve the recordation of this MDA against the property if appropriate.	4.11.1 BSA Property Master Developer will develop BSA property when it is deeded back to Master Developer
22	Special Conditions		
22.1	WHSSD Agreement	The Agreement between the City and WHSSD, and the completion of the transfers contemplated therein, are a condition precedent to the City providing services to the property.	See Exhibit F for applicable provisions
22.2	WHWC Transition Agreement	This Agreement, along with the obligations and transfers contemplated therein, is a condition precedent to the City providing water services to the Property.	42.1 Preservation of WHWC The WHWC Agreement (as amended) is still in effect.
22.3	Local District Agreement	Local District Agreement contemplates that the City and Developer (along with the District) will cooperate in establishing a financing plan for the project.	9.7 Public Infrastructure Financing City has adopted PIDs to help pay for public infrastructure. The LAD remains in effect. (see Section 9.9)
23	Default		19 Default
23.1	Notice	If one of the parties defaults, the non-defaulting party shall provide notice. Notice of default to include: - Specify the claimed event of default - Identify the particular rule, regulation, provisions, etc. that is in default. - Identify the materiality of the default - Propose time for curing the default	19.1 Notice Substantially similar to MDA
23.2	Contents of Notice of Default	If the parties can resolve their default through negotiation or mediation, then they shall have the following remedies - Right/remedies in law/equity, including specific performance, damages - Right to draw on any security posted related to default - Right to withhold future reviews/approvals	19.2 Contents of the Notice of Default Substantially similar to MDA
23.3	Remedies	Defaulting party shall have the right to address the Council in a public meeting regarding the Default	19.3 Remedies Substantially similar to MDA
23.4	Notice and Public Meeting	If a default impairs a compelling, countervailing public interest, then the City may impose an emergency default.	19.4 Public Meeting Substantially similar to MDA
23.5	Emergency Defaults	If a party is pursuing a cure, not limited to 60-day cure period	19.5 Emergency Defaults Substantially similar to MDA
23.6	Extended Cure Period	Any amendments to the MDA to be in writing, signed by both parties.	19.6 Extended Cure Period Substantially similar to MDA
24	Amendment		23 Amendment Substantially similar to MDA
25	Assignability	Developer to notify City of any future assignments	29 Assignability Substantially similar to MDA with addition of the following: - 29.1 Sale of Lots - 29.2 Related Entity - 29.3 Notice - 29.4 Time for Objection - 29.5 Partial Assignment - 29.6 Denial - 29.7 Dispute Resolution - 29.8 Assignees Bound by ARMDA
26	Miscellaneous		
26.1	Incorporation of Recitals, Exhibits	Recitals and Exhibits are incorporated into the MDA	1.1 Incorporation Substantially similar to MDA

26.2	Binding Effect		Short form notice to be recorded against the property, and to be binding, and to run with the land.	30	Binding Effect	Substantially similar to MDA (ARMDA missing short form notice of agreement)
26.3	Notices		Notices are deemed sent within three days of being sent by US Mail	44	Notices	Substantially similar to MDA
26.4	Headings		Headings are for convenience only	21	Headings	Substantially similar to MDA
26.5	Integration		This is the entire agreement between the parties.	27	Entire Agreement	Substantially similar to MDA
26.6	Severability		Any provision of the MDA that is unenforceable is severable from the remainder of the agreement and/or enforceable to the extent permitted by law.	42		Substantially similar to MDA
26.7	Waiver		A waiver not to be construed as a continuing waiver or consent of future breach	33	Severability	Substantially similar to MDA
26.8	Governing Law		Utah law applicable to the MDA	31	No Waiver	Substantially similar to MDA
26.9	Costs of Enforcement		Enforcing party entitled to reasonable enforcement costs (including attorneys' fees)	40	Applicable Law	Substantially similar to MDA
26.10	Further Documentation		Parties will work together, in good faith, on future agreements that will help carry out the provisions of the MDA	26	Attorney's Fees	Substantially similar to MDA
26.11	Estoppel Certificate		City to deliver estoppel certificate to Developer upon 20 days' previous request	32	Further Documentation	Substantially similar to MDA
26.12	No Joint Venture		No JV between City and Developer	25	Estoppel Certificate	Substantially similar to MDA
26.13	Mutual Drafting		The Parties participated mutually in the drafting of the Agreement and it shall not be construed for or against either party.	28	No Third-Party Rights / No Joint Venture	Substantially similar to MDA
26.14	Authority		City and Developer acknowledge that they each have authority to enter into and execute the MDA	39	Mutual Drafting	Substantially similar to MDA
-	-		-	45	Authority	Substantially similar to MDA
-	-		-	2	Effect of ARMDA	MDA is novated and superseded by the ARMDA
-	-		-	4.4	Master Developers' Discretion	Master Developer has discretion to develop the project and which parts/phases to construct (if any)
-	-		-	4.5.1	Approval Required Before Development	Master Developer must obtain City approval before moving forward with any Development activity
-	-		-	4.5.5	Process	Establishes the appropriate review bodies for different Development Applications
-	-		-	4.5.7	Outsourcing of Process of Development Applications	- Timing - Cost Estimate - Compliance with applicable code - Final Payment - Acceptance of Outsourced Work
-	-		-	4.5.8	Acceptance of Certifications Required for Development Applications	Applications that require professional licensure shall be so signed, endorsed, certified, etc.
-	-		-	4.5.10	Intent of One-Time Review	City should attempt to conduct all redlines/comments at the time of the first review.
-	-		-	4.5.15	Outsourcing of Inspections	- Timing - Election/Cost Estimate - Compliance with applicable codes - Final Payment - Acceptance of Outsourced Work
-	-		-	4.6	Parcel Sales	Master Developer can sell off parcels that don't create any individual developable lots.
-	-		-	4.10.1	Phase 1	Establishes where the first phase of development should occur.
-	-		-	4.12	Special Provision Regarding CPAs 2 & 3	Flexibility in locating CPA's 2 & 3 depending upon certain criteria
-	-		-	4.13	Special Provision Regarding Data Centers	Data Centers shall be developed according to the Overlay Zone standards of Exhibit L.
-	-		-	5.2	Exceptions (to vested rights)	- Master Developer Agreement - State and Federal Compliance - Codes - Taxes - Fees - Compelling, countervailing public interest
-	-		-	5.3	Reserved Legislative Rights	City retains police powers that cannot be limited by contract.
-	-		-	7	Application under City's Future Laws	Master Developer may submit an application under the City's future laws.
-	-		-	9.11.2	Public Safety (Impact Fees)	Project subject to public safety impact fees
-	-		-	9.11.3	PTOS Impact Fees	Project has no impact on City's PTOS system.
-	-		-	10.2	Dispute Resolution	Any dispute regarding upsizing is resolved using the dispute resolution provisions of the ARMDA
-	-		-	11.3	Operation and Maintenance	OM of PTOS in the Project
-	-		-	12.1	Wastewater Pipeline and Infrastructure	Developer's contributions to the wastewater infrastructure associated with the Lagoon.
-	-		-	13	School Site	City has obligation to donate 10 acres for a public school. Master Developer to donate land to City for this purpose.
-	-		-	14	Institutional of Civic Uses	No loss of Max RDUs for use of property as schools, churches, governmental buildings, etc.
-	-		-	19.7	Default of Assignee	Default of assignee not a default of Master Developer
-	-		-	20	Dispute Resolution	Establishing and detailing the dispute resolution process - Meet and Confer - Mediation Process - Arbitration of Disputes - District Court
-	-		-	22	Administrative Modifications	Modifications to ARMDA considered and approved by administrator for location /sizing of infrastructure and other minor modifications
-	-		-	22.1	Allowable Administrative Applications	Applications for modifications filed with Administrator
-	-		-	22.2	Application to Administrator	Review and decision within 45 days of submission.
-	-		-	22.3	Administrator's review of Administrative Modifications	If administrator denies modification request, applicant may proceed as a modification application
-	-		-	22.4	Appeal of Administrator's Denial of Administrative Modification	Only City and Master Developer may submit a modification application
-	-		-	23.1	Who may submit modification applications	- Identification of Property - Description of Effect - Identification of non-city agencies - Map
-	-		-	23.2	Modification Application Contents	City may charge a reasonable fee for processing modification applications
-	-		-	23.3	Fee	City shall cooperate in promptly and fairly processing modification applications
-	-		-	23.4	City Cooperation in Processing Modification Application	- All applications required to be reviewed by the PC - PC to recommend action to CC
-	-		-	23.5	Planning Commission Review of Modification Applications	Council to consider application after PC.
-	-		-	23.6	Council Review of Modification Application	Council to provide written determination if denial.
-	-		-	23.7	Council's objection to Modification Applications	Any dispute under Section 20 shall be resolved in accordance with Dispute resolution process
-	-		-	23.8	Disputes	Parties to meet every four years to discuss progress/modifications.
-	-		-	24	Four-year Reviews	Standard language
-	-		-	34	Force Majeure	Standard language
-	-		-	35	Time is of the essence	City shall have reasonable access to the property during development of the project
-	-		-	37	Rights of Access	Venue established in Fourth District Court
-	-		-	41	Venue	

Exhibit 4		Density Allocation		Exhibit D	City's Vested Laws (on file with City Recorder)
Exhibit 5		Wet Utility Master Plan		Exhibit E	Development Application and Approval Process
Exhibit 6		Dry Utility Master Plan		Exhibit F	Culinary Water System Plan
Exhibit 7		Traffic Impact Study		Exhibit G	Sanitary Sewer System Plan
Exhibit 8		Open Space and/or Trails		Exhibit H	Storm Water Plan
Exhibit 9		Local District Maps		Exhibit I	Phase 1 Plan
Exhibit 10		WHSSD Agreement		Exhibit J	Park Maintenance Agreement
Exhibit 11		Local District Agreement		Exhibit K	Technical Guidelines
Exhibit 12		WHWC Transition Agreement		Exhibit L	Data Center Overlay Zone
Exhibit 13		Additional Exhibits/Maps		Exhibit M	Legal Description of Property Eligible for Data Center Overlay Zone
Exhibit 14		Short Form Notice of Agreement			
FIRST AMENDMENT (7/1/2014)					
§		Header	Effect of Amendment	§	Header Comparison
1		Regional Park Facility	Amended section 8.2 of the MDA; Developer to donate \$90,000 to city for rodeo bleachers; City to reimburse Developer; Developer to donate 20 acres for specialized recreation area.	-	-
2		Interim Equestrian Facility	Amended section 8.3 of the MDA to acknowledge that the obligations of Developer regarding the Interim Facility have been fulfilled.	-	-
SECOND AMENDMENT (4/19/2016)					
§		Header	Effect of Amendment	§	Header Comparison
1		Regional Park Facility	Amended section 8.2 of the MDA (as amended by the First Amendment); In lieu of donating an improved regional facility; Developer to donate 100 acres to City for use by BSA, a Wake Park, part of the master trail system, OR another recreational use. Five acres of the 100 shall be for public use.	-	-
2		Amendment to WHWC Transition Agreement	Acknowledgement that City and Developer entered into an amendment to the WHWC Agreement (included as Exhibit A to Second Amendment).	-	-
3		White Hills Park	Developer's obligations under Section 9.4.3 of the MDA regarding the White Hills Park are satisfied once the park is dedeed to the City.	-	-
4		Rocky Mountain Power	Section 17 of the MDA is deleted.	-	-
THIRD AMENDMENT (8/7/2018)					
§		Header	Effect of Amendment	§	Header Comparison
1		Wastewater Pipeline and Infrastructure	Addition of a new section (8.1.2); Developer to assist City with debt service on 12" sewer line; \$17 of each sewer bill from White Hills residents allocated to debt service; buy-in of new development at cost of \$3083.21; Prepayment of debt-service; Developer to purchase Lagoon property consistent with section 8.1.1 of the MDA.	-	-

*This comparison table is a high-level summary of the Existing MDA for the Firefly Development with what is being proposed in the amended and restated MDA (ARMDA). This table is not a substitute for reading the actual text of either the existing MDA or the proposed ARMDA. As such, this comparison table should not be used to discuss land use policy nor is it binding on any of the Parties contemplated in the MDA, the Amendments, or the proposed ARMDA.





Engineering Department
2565 North Sweetwater Road
Eagle Mountain City, Utah 84005
(801) 789-6671

MEMORANDUM

TO: Eagle Mountain Planning Staff

From: Chris Trusty, City Engineer

Date: January 10, 2023

Re: Firefly Traffic Impact Study

Eagle Mountain City staff received a memorandum from Hales Engineering on January 9, 2023 as a supplement to a previously submitted TIS. This memorandum specifically addressed the needed intersection configuration between SR 73 and Tyson Parkway.

In reviewing the memorandum, one intersection is shown to fail to meet acceptable level of service (LOS) during the morning peak. The same intersection, as well as another intersection only meet an LOS of d for the morning and evening peaks. It would appear that the main cause for these lower levels of service would be that both intersections are minor streets with right turn only at Pole Canyon Boulevard in order to comply with the minimum intersection spacing requirement for Pole Canyon Blvd. I believe that with failing conditions, drivers would be more likely to travel west to Firefly Drive and then to the intersection of Pole Canyon Blvd. and that these particular intersections would perform above failing conditions.

In conclusion, I feel comfortable with the recommendations included in the Hales Engineering Pole Canyon Intersection Configurations memorandum and with the conclusions and recommendations made in the previously submitted Pole Canyon/ Firefly Traffic Impact Study. Further as this is a large MDA and improvements are likely to take place over the next 20 years or more that as additional phases are submitted in the future that the TIS be routinely revisited and updated as changes occur.

EXHIBIT E*Development Application Review and Approval Process*

TYPE OF APPROVAL	APPROVING BODY
Single Family Home Building Permit	City Staff (with ARC certification of compliance)
Subdivisions for Individually Platted Residential Dwelling Units	City Staff (with ARC certification of compliance) ¹
Apartment Dwelling Unit Site Plans	City Staff (with ARC certification of compliance) ¹
Commercial Site Plans	City Staff (with ARC certification of compliance) ¹
Vertical Mixed-Use Site Plans	City Staff (with ARC certification of compliance) ¹
Initial Conditional Use Permit	Hearing Officer ²
Modification to Initial Conditional Use Permit	Planning Commission
Home Occupation Permits	City Staff (with ARC certification of compliance)
Open Space Design	City Staff
Park Proximity (Community Plan p. 3-01)	Administrator
Location of CPA 2 and CPA 3 (ARMDA § 4.12)	Administrator

¹ If immediately adjacent to an individually Platted Residential Dwelling unit that has been sold to resident (and not separated by a road or other open space) then Planning Commission review and approval is required.

² The "Hearing Officer" shall be the City's "Appeal Authority" as that term is defined in the City's Vested Laws.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JANUARY 24, 2023**

TITLE: ACTION ITEM -- PUBLIC HEARING: VARIOUS CODE AMENDMENTS TO TITLE 17

ITEM TYPE: Development Code Amendment

APPLICANT: City-initiated

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

David Stroud, Planning

BACKGROUND:

According to Section 17.05.120 "Amendments to this title [17]" may be initiated and proposed by the city through the planning director, planning commission or city council. Individuals may also propose amendments by submitting such amendments in writing and paying an application fee as adopted in the city's consolidated fee schedule. The process for amending this title shall be that process allowed for and required by the Utah Code, as amended from time to time, for changing the city's land use title."

Streetlights

EMMC currently has two code sections that specify the required separation distance of streetlights. However, these two sections conflict. The proposed changes eliminate the discrepancy and require streetlights to be 250-350 apart along rural and local streets. On collector and arterial streets, the distance is 150-250 feet of separation. The discrepancy is that another section states that *all* development will have street light separation of 300-600 feet. Plan reviews have been based on the 150 to 250 foot and 250 to 350-foot separation standards, not the 300 to 600-foot separation.

Accessory Structures

EMMC permits accessory structures in residential zones. Standards in place are limited to setbacks, height and in certain zones, a size equal to a percentage of the dwelling footprint. If over 200 square feet, building code will apply. A more accurate standard may be a percentage of the lot square footage. The current standard is somewhat penalizing on a larger lot with a smaller footprint home. The area is present to have a large accessory building but if the home is not large, the accessory building is limited, even though the lot can

support a larger structure. The proposed change would limit the percentage of lot coverage of an accessory building(s) to 10 percent or 15 percent, depending on the zone. A review of codes in other cities shows similar percentages. As an example, a home in the FR zone (10,890 square feet minimum lot) can be 1,000 square feet as State code prohibits the city from requiring larger than 1,000 square feet. If a home in the FR zone is the minimum size, an accessory structure or combination of could only be 500 total square feet.

Architectural Standards

State code prohibits architectural standards of single-family homes unless contained in a development agreement. Recent changes to state code now prohibit the same with two-family structures. The proposed changes bring EMMC into conformance with state code.

ITEMS FOR CONSIDERATION:

Three items to be considered:

1. Streetlight changes;
2. Limits on residential accessory building coverage; and
3. Architectural standard prohibitions on one-family and two-family structures.

REQUIRED FINDINGS:

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

RECOMMENDATION:

Staff recommends the Planning Commission in-turn consider recommending to the City Council that they approve the proposed amendments, subject to Commission or Council revisions.

ATTACHMENTS:

[Street lights](#)

[Accessory structures](#)

[Architectural standards](#)

[Multifamily design standards](#)

15.10.390 Street lighting.

Eagle Mountain City shall contract with an independent consultant for street lighting design. Unless approved otherwise by the city's consultant, street lighting will be installed throughout all developments using the following criteria:

A. Spacing.

1. Street lights will be installed at a minimum spacing of 150 feet and a maximum spacing of 250 feet on arterial and collector streets with alternating sides.
2. Street lights will be installed on rural and local ~~residential~~ streets at a minimum spacing of 250 feet and a maximum spacing of 350 feet with alternating sides. They will be installed at the closest property line to the midpoint between the lights on either side.

B. The locations of street light poles:

1. Street lights will be installed at every intersection, corner, and any bend in the road. The spacing requirements shall be met accordingly once these areas are developed.
2. Shall be a minimum of five feet from any tree, unless written approval is received from the city engineer. Branches may need to be pruned as determined by the engineering inspector in the field at the time of installation.
3. Shall not be installed within five feet from the edge of any driveway.
4. Any structure such as block walls, chain link fences, retaining walls, etc., shall leave a minimum of 18 inches to the face of the street light pole on all sides.

Wherever there is an overhead utility that may conflict with the installation of the street light poles, those conflicts must be resolved between the developer and the utilities involved before the street light bases are installed at no expense to Eagle Mountain City. The resolution must be approved by Eagle Mountain City and Rocky Mountain Power.

6. Street lights placed between corners will be shown on the electrical construction drawing, and will indicate the direction that the street light will be aimed. Street lights at intersections may aim to the center of the intersection or may be set at a 90-degree angle along collector and larger roads.
7. Each street light will be installed so that the street light pole is located 24 inches from the top back of the curb to the center of the pole in a public utility easement or public right-of-way.
8. Street lights shall be located at least 10 feet from fire hydrants.

15.70.090 Underground distribution for new subdivisions.

A. General Requirements. Primary and secondary distribution facilities in all new subdivisions shall be installed underground and at the expense of the subdivider or developer. Such facilities shall be constructed in accordance with the specifications and standards adopted by the utility. The facilities shall be located in easements dedicated to the utility and in locations approved by the utility.

B. Right-of-Way Easements. Before any tracts of land or subdivision lots are sold, necessary right-of-way easements shall be executed between the owner of the entire subdivision or tract of land and the utility. Said easement shall constitute a covenant that shall be a part of, and shall run concurrently with, each and every subsequent deed transfer that involves any parcel of land located within the subdivision. Said covenant shall grant to utility whichever of the following provisions utility deems as being appropriate and necessary.

A suitable perpetual right-of-way easement that will permit the installation, operation, maintenance and replacement of all utility's distribution facilities and appurtenances required to serve every lot or tract of land in the subdivision, including the right of ingress and egress by utility and the right to trim trees and shrubbery, is required.

C. Equipment and Cable Labeling – Tagging and Color Coding. Electrical equipment shall be labeled on the outside of the equipment with unique labels that match the labeling shown on the electrical system drawings. The labels shall be self-adhering and permanent, and use black cutout lettering at least three inches in height. The labels shall be applied in a readily visible location on the front of transformers, and 200-ampere and 600-ampere sectionalizing enclosures. Labels shall be applied in a readily visible location on the front and back of pad-mounted switchgear.

Primary and secondary cables shall be color coded and/or tagged within all equipment. Color coding of primary cable phases shall be provided by applying one or more bands of white tape to the cable, proximate to the cable entrance of 200-ampere load break and 600-ampere dead break elbows, and cable terminations (pot heads or terminators). The phase color coding shall use one white band for Phase A, two white bands for Phase B and three white bands for Phase C. A space of approximately one-half inch shall be left between adjacent white bands.

Tagging of primary and secondary cables shall use write-on tags. Markers used to write on the tags shall have permanent (waterproof) ink. The tags shall indicate the designation of the nearest adjacent equipment from/to which the primary or secondary cable extends. It shall also designate the general direction to the nearest adjacent equipment. The direction designation shall use the directions north (N), south (S), east (E), west (W), northeast (NE), northwest (NW), southwest (SW), and southeast (SE), as applicable.

Tags shall be securely attached to cables using plastic or nylon cable ties to prevent the tags from falling off of the cables. The tags shall be placed near the cable entrance of 200-ampere load break and 600-ampere dead break elbows, and cable terminations (pot heads or terminators).

Tags used for tagging of primary and secondary cables shall be Allflex [phone number: (800) 989-8247] Catalog No. GXF-Y (bags of 100) or GFX-Y (each) or approved equal.

D. Street Lighting. Street lighting will be installed throughout all developments using the following criteria:

1. Street lights will be installed at all intersections with the only exception being where a four-way intersection has an offset of less than 100 feet.

2. Street lights will be installed with separation as required by Section 15.10.390 EMMC. ~~at a minimum spacing of 300 feet and a maximum spacing of 600 feet. They will be installed at the closest property line to the midpoint between the lights on either side.~~

3. Street lights placed between corners will be shown on the electrical construction drawing, and will indicate the direction that the street light will be aimed. Street lights at intersections may aim to the center of the intersection or may be set at a 90-degree angle along collector and larger roads.

~~4. Any street that extends more than 600 feet without an intersection will have a street light at approximately the midpoint.~~

~~54.~~ Each street light will be installed so that the street light pole is located 24 inches from the top back of the curb to the center of the pole in a public utility easement or public right-of-way.

~~65.~~ Streetlights shall be located at least 10 feet from fire hydrants.

~~76.~~ A ground wire shall be connected to the street light pole using NEC-approved methods and a separate ground wire shall be run from the pole base to the closest secondary pedestal or transformer. If the street light is fed from a secondary pedestal, an eight-foot by five-eighths-inch copper-clad ground rod must be installed at the pedestal, and street light ground will be attached to the ground rod using the NEC-approved connector.

~~87.~~ Pole. A 14-foot aluminum street light pole shall be used. The pole shall be manufactured by Holophane and shall be green with base. All bases must be embedded in concrete with a standard bolt pack. The hole shall be 20 inches in diameter and four feet deep unless approved otherwise by the energy department manager.

~~98.~~ Luminaire. The luminaire shall be of a style that is approved by the city in conformance with Chapter 17.56 EMMC.

17.25.040 Residential development standards.

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

Residential Development Standards

[illegible]

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
Zone Designation	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Accessory Structure Maximum Height ¹	35'	35'	35'	25'	20'	20'	20'	20'	20'	20'	20'
Ancillary Structure Maximum Height ⁶	10' above primary structure										
Minimum Lot Frontage ²	150'	150'	125'	100'	90'	85'	80'	62'	58'		
Minimum Lot Frontage (cul-de-sac or circle)	100'	100'	75'	60'	50'	45'	40'	20'	20'		
Minimum Dwelling Size (excluding garage)	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	800 sq ft	800 sq ft	800 sq ft	650 sq ft	650 sq ft
Minimum Setbacks for Primary Structures ³											
Front	35'	35'	30'	25'	25'	25'	25'	15'	15'	15'	15'
Front Garage	45'	45'	40'	30'	25'	25'	25'	22'	22'	22' ⁵	22' ⁵
Rear	35'	35'	35'	35'	35'	25'	20'	20'	20'	30' between buildings	
Side	20'	20'	15'	10'	10'	10'	8'	8'	8'	15' between buildings	20' between buildings
Garage Side	20'	20'	15'	15'	10'	10'	10'	10'	10'	15' between buildings	20' between buildings
Street Side	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'	15'
Maximum Size of Accessory Structure	-	-	-	75% of dwelling footprint⁴	50% of dwelling footprint⁴						

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
Zone Designation	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Maximum Footprint Coverage of Accessory Structure(s)	15%				10%						
Minimum Setbacks for Accessory Structures											
Front	Same as principal structure										
Rear	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Side	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Street Side	Same as principal structure										
Distance from a Residential Dwelling	Structures housing animals: 50' from neighboring residences; 6' for all other structures					6'	6'	6'	6'	6'	6'
Site Plan Approval Required (See Chapter 17.100 EMMC)										Yes	Yes

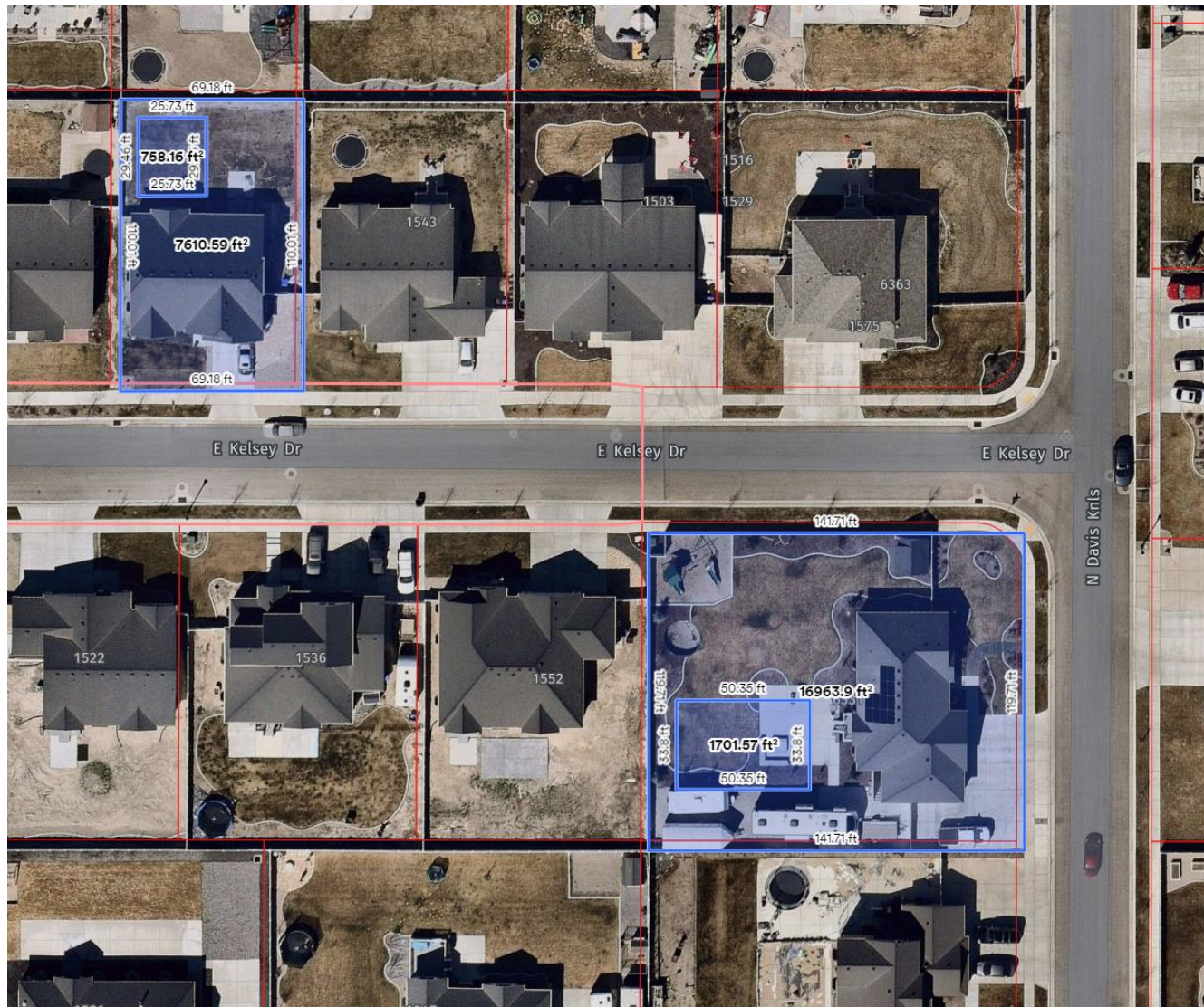
¹ Height is measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures. Where permitted by EMMC [17.25.030](#), the maximum height of accessory dwelling units (ADUs) located above a detached garage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

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

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

~~⁴ Square footage of the footprint of the residential dwelling, including attached garage.~~

Example of 10%. Not be included in EMMC.



17.25.050 Generally applicable provisions

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

F. Architectural Design Standards. All multifamily buildings shall comply with Chapter 17.72 EMMC. Where single-family and two-family structures are approved without architectural standards contained in a development agreement, developers are encouraged but not required to construct ~~Single-family developments should produce~~ diverse yet compatible homes with similar design qualities on all front and side elevations that face a public road. ~~and shall include~~ Variations in exterior materials (fiber cement siding, board and batten or vertical siding, stone, brick, stucco) and/or colors are preferred. All front and side elevations that face a public road ~~shall~~ may include additional architectural detailing, and may include decorative shutters, bay windows, popouts, trellis or arbor structures, decorative gables, dormer windows, balconies, decorative trim and moldings, window grids, etc. Aluminum siding is discouraged. ~~prohibited~~. All single-family and two-family residential dwellings are preferred to have ~~shall include~~ windows and main entry doors on the front elevation. If a floor plan is to be repeatedly built within a development, a minimum of three elevation schemes ~~shall is preferred be developed~~. ~~Elevation schemes shall be approved by the planning director or his/her delegated representative~~. Single-family dwellings ~~Houses~~ or two-family dwellings sited on adjacent lots, or directly across the street (sharing frontage) are preferred to ~~shall~~ have different floor plans or elevations and different color schemes. Prefabricated metal carports are prohibited in front yards.

17.72 Commercial and Multifamily Design Standards

17.72.040 Purpose.

The architectural elements of a building can either enhance the building's visual appeal or detract from the quality of the neighborhood. In order to prevent the construction of bland, out-of-scale buildings that are oriented to vehicular traffic and discourage pedestrian activity, the following minimum architectural standards shall be applied to commercial and multifamily development. Minor variations to these standards may be considered by the planning commission and city council with very specific justification provided by the applicant of how the proposal is more appropriate for the neighborhood and of higher quality than the standard.

For the purpose of this section, a duplex or twin home shall not be considered a multifamily dwelling. The architectural design standards contained in this section shall not apply to duplex or twin home dwellings unless contained in a development agreement.*

E. Architectural Detailing. Pedestrian-scaled architectural features/details shall be incorporated into commercial and multifamily buildings to orient the building to pedestrian activity and to increase the overall visual appeal of the structure.

2. Multifamily buildings shall incorporate a majority of the following architectural detailing: decorative shutters, bay windows, popouts, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grilles and railings, architectural lighting, decorative masonry pattern, window grids, and decorative doors and windows. All sides of a building shall include the chosen details, where applicable.

*(Utah Code 10-9a-534 prohibits architectural standards of 1-2 family structures)

F. Building Materials. Buildings should incorporate materials used throughout the city and be similar in character and architectural theme as significant neighboring structures.

1. Multifamily structures shall utilize at least two exterior materials, including stucco, vinyl or fiber/cement siding, decorative rock/stone, brick, or other material deemed appropriate by the planning director. Each material shall be used on a minimum of 30 percent of the building, and used on all sides of the building. Other materials may be included as accents.

Aluminum siding is prohibited.