

# City Council Staff Report

January 20, 2015

**Applicant:** Ensign Bickford

**Location:** 5000 S HWY 89

**Prepared by:** Sean Conroy,  
Community Development  
Director

**Public Hearing:** No

**Zone:** PD-3

**Attachments:**

1. Original Concept Plan & Proposed Concept Plan.
2. Development Agreement Excerpt on BOR Park.
3. Current Sewer Alignment.

## REQUEST

A discussion item to address amendments to the Concept Plan for the Harmony Ridge (EBCO) development project located at approximately 5000 S Highway 89 and a discussion of other project related topics.

## BACKGROUND AND PROJECT DESCRIPTION

On August 9, 2011 the City approved a Boundary Adjustment and Development Agreement for the Harmony Ridge development project located at the south end of the City. The development agreement authorized up to 850 residential units and also included some commercial and light industrial uses. The concept plan includes the following:

- 271 detached residential units (upper bench).
- 483 attached townhomes (both upper bench and valley).
- 96 condominiums (valley).
- Commercial/Light industrial area.
- Two parks dedicated to the City totaling approximately 11.8 acres.
- 4 HOA maintained parks totaling approximately 7.7 acres.
- Possibility of utilizing adjacent Bureau of Reclamation (BOR) property for a park.

Based on a market study, the applicant is proposing the following changes to the concept plan:

- 358 detached residential units (upper bench).
- 31 detached residential units (valley).
- 164 attached townhomes (valley).
- 170 detached quad residential units (valley). These are smaller residential units where each set of 4 share a driveway.
- One City owned park approximately 8.54 acres in size.
- Three HOA maintained parks totaling approximately 5.14 acres.

The primary changes include the elimination of the condominium units, the introduction of the detached quad units, a decrease in the number of townhomes and an increase in the number of detached units. The total number of residential units has been reduced from 850 to 723.

## EVALUATION

**Concept Plan Changes:** With a project of this size it should be expected that the concept plan will need to be amended from time to time to address changing market conditions. Section 4.1.3(3) of the development agreement states the following regarding density:

*“EBCo may freely transfer ERUs from one or more Development Areas to other Development Areas within the Harmony Ridge Project, subject to the density transfer requirements set forth in Section 18.78 of the City Code; except that: (i) the density subsequent to the transfer shall not exceed the total densities allowed for all areas within the Harmony Ridge Project and (ii) the ERUs associated with the Commercial/Retail/Mixed Development Area shall not be less than 200.”*

Section 4.2 allows for minor amendments to the Concept Plan to be approved administratively, but more significant changes require City Council approval. The proposed changes to the residential project types are consistent with the spirit of the original concept, which was to have a high density valley area with a more traditional single family residential upper bench. While the revised concept does show fewer overall units, as the project develops and market conditions change, it is likely that another amended concept plan will be submitted to obtain additional units.

**Park Changes:** Section 5.2.8 and exhibits “G1-G9” outline the proposed park amenities for the project. The original concept plan envisioned obtaining a permit from the BOR for a large City park on BOR property and a 3 acre park adjacent to the BOR property on the project site that would be developed and deeded to the City. Section 5.2.8(1)(A)iii of the development agreement indicates that if the City is unable to obtain a permit to utilize the BOR property that the applicant would pay an amount to the City equal to the cost that would have been incurred in making the improvements on the BOR property. The amount to be paid would be prorated and collected on a per ERU basis at building permit issuance.

Staff has met with the BOR and determined that a park on BOR property is not feasible or desirable for the City. The Council should discuss whether as a condition of allowing an amendment to the concept plan that a different arrangement could be made for the payment described above. Staff’s concern is that if the park payment is made incrementally per ERU that it may take a significant amount of time before enough money is collected by the City to be put to productive use on other parks in the City. Alternative options could include an upfront payment of some agreed amount or allowing for a prorated amount per ERU but collecting the money at plat recording rather than at building permit issuance.

**Sewer Alignment:** During previous Council meetings, the applicant had requested that a portion of the sewer line be placed in the Union Pacific Railroad’s right-of-way. However, based on staff and Council’s concerns regarding the encroachment agreement requirements, the applicant presented an option to take the sewer west on 1600 South and into Spanish Fork. The applicant would like to discuss some additional alignment alternatives.

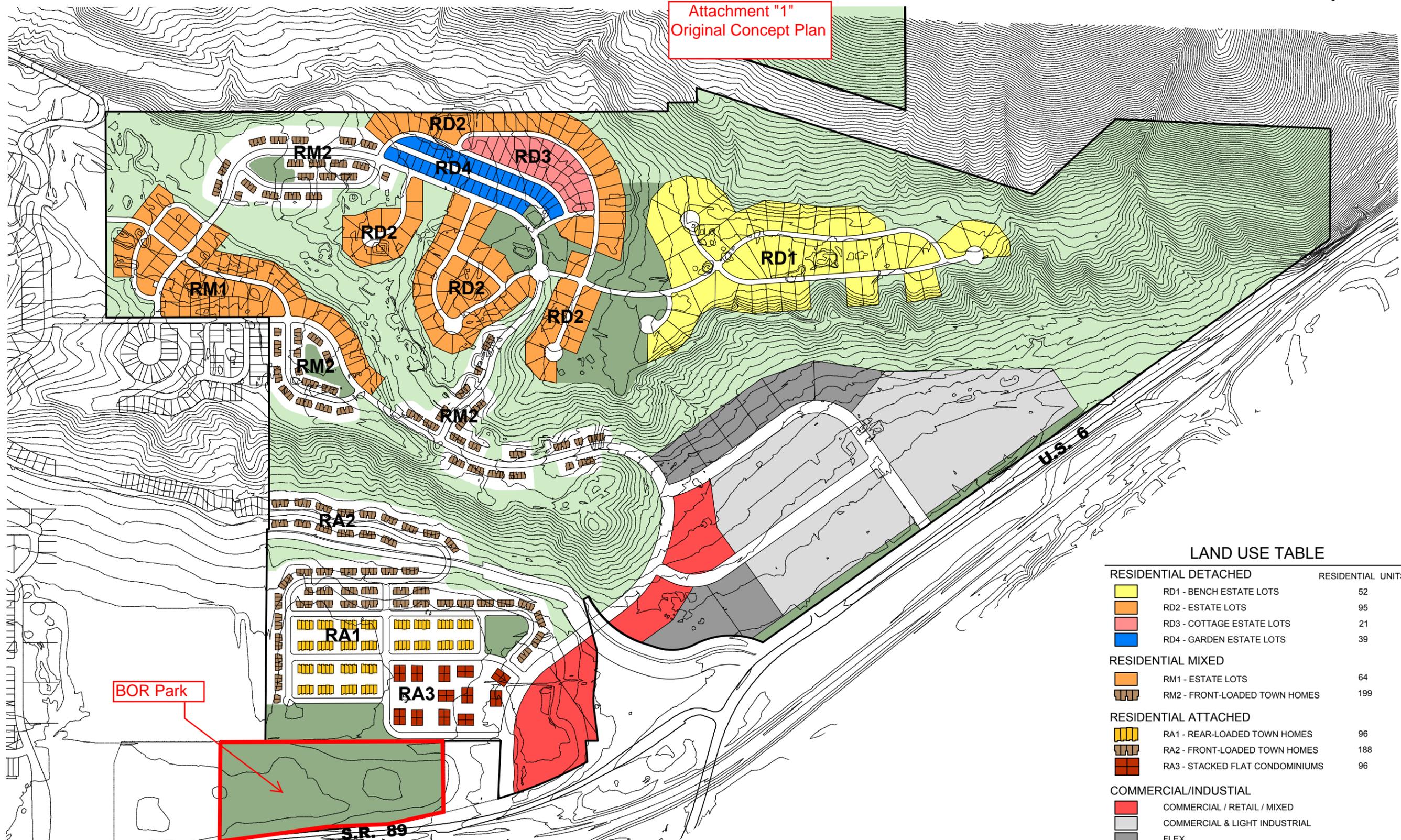
**Development Agreement Amendments:** Due to the proposed revisions to the Concept Plan, there may be several sections of the development agreement that require amendments. Based on the City Council’s direction, staff and the applicant will work on the required amendments and bring them back to Council for adoption at a future meeting.

**STAFF RECOMMENDATION**

Provide direction to the applicant.



Attachment "1"  
Original Concept Plan



LAND USE TABLE

RESIDENTIAL DETACHED		RESIDENTIAL UNITS
	RD1 - BENCH ESTATE LOTS	52
	RD2 - ESTATE LOTS	95
	RD3 - COTTAGE ESTATE LOTS	21
	RD4 - GARDEN ESTATE LOTS	39
RESIDENTIAL MIXED		
	RM1 - ESTATE LOTS	64
	RM2 - FRONT-LOADED TOWN HOMES	199
RESIDENTIAL ATTACHED		
	RA1 - REAR-LOADED TOWN HOMES	96
	RA2 - FRONT-LOADED TOWN HOMES	188
	RA3 - STACKED FLAT CONDOMINIUMS	96
COMMERCIAL/INDUSTRIAL		
	COMMERCIAL / RETAIL / MIXED	
	COMMERCIAL & LIGHT INDUSTRIAL	
	FLEX	
OTHER		
	PARKS (PUBLIC & HOA)	
	APPROXIMATE PRESERVED OPEN SPACE / PUBLIC FACILITIES	
<b>TOTAL RESIDENTIAL UNITS</b>		<b>850</b>
<b>TOTAL COMERCIAL/INDUSTRIAL ERU</b>		<b>200</b>
<b>OVERALL TOTAL ERU</b>		<b>1050</b>

- NOTES
- ROADS SHOWN ARE FOR CONCEPT PURPOSES. FINAL CLASSIFICATIONS OR ALIGNMENTS MAY VARY.
  - FINAL PRESERVED OPEN SPACE AREA TO VARY BASED ON FINAL LOT CONFIGURATION.

**LEI**  
ENGINEERS  
SURVEYORS  
PLANNERS  
3302 N. Main Street  
Spanish Fork, UT 84660  
Phone: 801.798.0555  
Fax: 801.798.9393  
office@lei-eng.com  
www.lei-eng.com

**HARMONY RIDGE**  
MAPLETON, UTAH  
**EXHIBIT E - DENSITY PLAN**

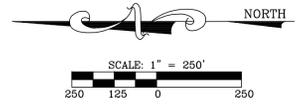
REVISIONS

1	
2	
3	
4	
5	

LEI PROJECT #:  
**2008-4005**  
DRAWN BY:  
**RWH**  
DESIGNED BY:  
**GDM**  
SCALE:  
**1" = 600'**  
DATE:  
**05/17/2011**

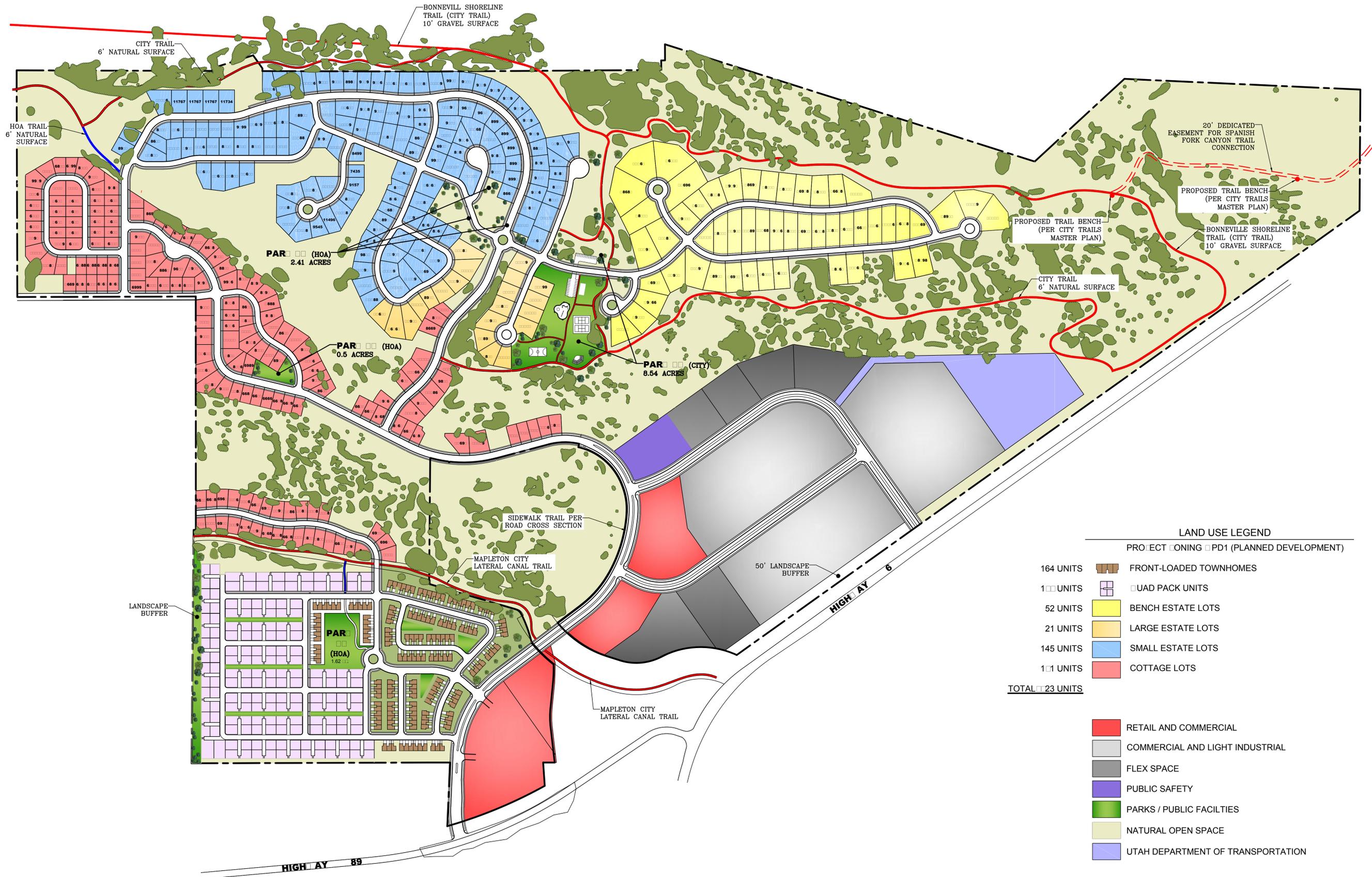
SHEET  
**E**

# Proposed Concept Plan



**ENGINEERS  
SURVEYORS  
PLANNERS**

3302 N. Main Street  
Spanish Fork, UT 84660  
Phone: 801.798.0555  
Fax: 801.798.9393  
office@lei-eng.com  
www.lei-eng.com



LAND USE LEGEND	
PROJECT ZONING PD1 (PLANNED DEVELOPMENT)	
164 UNITS	FRONT-LOADED TOWNHOMES
100 UNITS	QUAD PACK UNITS
52 UNITS	BENCH ESTATE LOTS
21 UNITS	LARGE ESTATE LOTS
145 UNITS	SMALL ESTATE LOTS
101 UNITS	COTTAGE LOTS
<b>TOTAL 233 UNITS</b>	
[Red Box]	RETAIL AND COMMERCIAL
[Grey Box]	COMMERCIAL AND LIGHT INDUSTRIAL
[Dark Grey Box]	FLEX SPACE
[Purple Box]	PUBLIC SAFETY
[Green Box]	PARKS / PUBLIC FACILITIES
[Light Green Box]	NATURAL OPEN SPACE
[Blue Box]	UTAH DEPARTMENT OF TRANSPORTATION

**HARMONY RIDGE**  
MAPLETON, UTAH  
ON EPT 8

REVISIONS
1
2
3
4
5

LEI PROJECT #: 2008-4005  
DRAWN BY: TJP  
CHECKED BY: GDM  
SCALE: 1" = 250'  
DATE: 1/7/14  
SHEET

U:\LAND DESKTOP PROJECTS\2014\14-1839 HARMONY RIDGE\DWG\CONCEPTS\14-1839 CONCEPT 8.DWG 1/7/2015 3:52 PM

**Attachment "2"**  
**Development Agreement Section regarding BOR Park**

**5.2.8 Park Amenities.** The Park Amenities depicted in the “Parks and Open Space Plan and Design Standards,” Exhibit “G” attached, shall be developed and constructed by EBCo in conformance with the following:

(1) Park Ownership, Use, Operation and Maintenance. The parks to be developed by EBCo within the Harmony Ridge Project as depicted in the Parks and Open Space Plan and Design Standards, Exhibit “G” hereto, shall be owned, operated and maintained as follows:

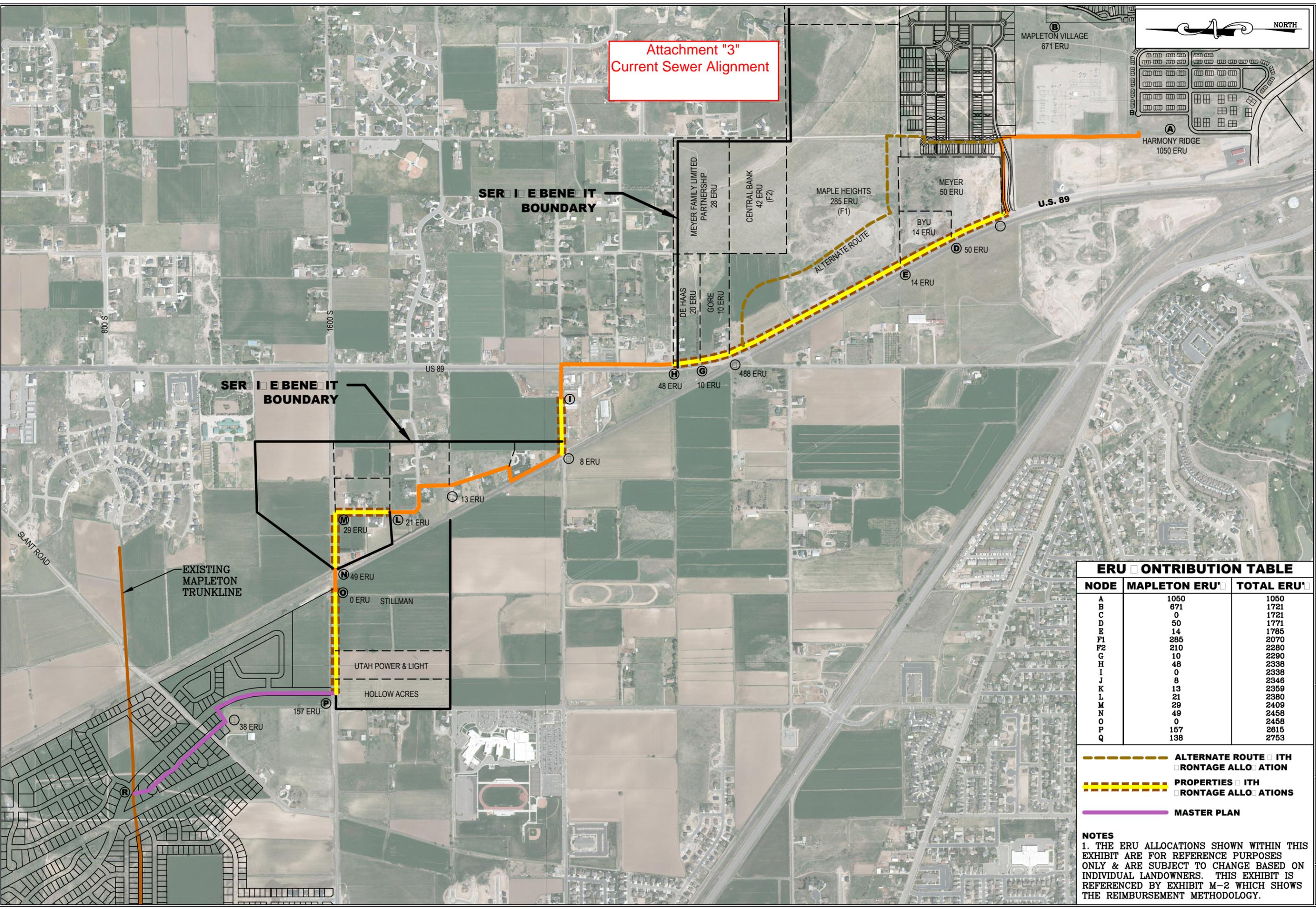
(A) The approximate 3-acre park situated immediately adjacent to the Bureau of Reclamation property (the “*BOR Property*”), designated as the Lower City Park, and the approximate 8.80 acre park designated as the Bench City Park on the “Parks and Open Space Plan and Design Standards,” Exhibit “G” attached (collectively the “*City Parks*”), shall be developed by EBCo at its sole cost and expense. The precise location of the Lower City Park may be relocated in relation to the BOR Property at the request of the City, subject to approval of the relocation by EBCo.

(i) Title to the Lower City Park and the Bench City Park, together with easements and rights-of-way required for public access thereto, shall be conveyed by EBCo to the City for use as public municipal parks. The conveyance may occur prior to the approval of the preliminary plat containing such park, but shall occur not later than the filing of the final plat containing such park. The City shall accept the conveyance of the City Parks as a donation from EBCo.

(ii) In addition, subject to the City obtaining the contractual right to use a portion of the BOR Property for use as a municipal park, EBCo, in conformance with the provisions of Section 5.2.8(3) below, shall improve the park portion of the BOR property with improvements strictly limited to the construction and installation of a suitable sprinkler irrigation system to serve said property and the planting of grass thereon. Title to the sprinkler irrigation system improvements constructed by EBCo on the BOR Property shall be transferred to the City, by bill of sale, upon completion of the improvements. **Notwithstanding the foregoing, in the event the City is unable to obtain the contractual right to utilize a portion of the BOR Property for a municipal park as intended herein, EBCo shall pay to the City an amount equal to the cost that would have been incurred by it in making the improvements thereon as delineated in this Subsection 5.2.8(1)(A)(ii), based upon the total acreage identified in the municipal park plan submitted by the City in its application to the Bureau of Reclamation. The amount to be paid by EBCo to the City shall be the then current market price for said work, determined by the lowest qualified bid of three bids received from reputable contractors selected by EBCo and approved by the City. The bids shall be solicited and the amount due (the “*BOR Park In-lieu Total Payment*”), determined within sixty (60) days of the date EBCo receives written notice from the City that it has been unable, after good faith negotiations on the City’s part, to obtain the contractual right to utilize the BOR Property (it being the mutual desire and intent of the Parties to develop, if at all possible, a municipal park on the BOR Property). The BOR Park In-lieu Total Payment shall be paid on a per ERU basis. The amount due and owing per ERU (the “*BOR Park In-lieu ERU Payment*”), shall be determined by dividing the BOR Park In-lieu Total Payment amount**

**by the number of ERUs authorized within Harmony Ridge for which a building permit has not then been issued. The BOR Park In-lieu ERU Payment shall be due and payable at the time of and as a condition to the issuance by the City of a building permit for the structure associated with each such ERU.**

**Attachment "3"**  
**Current Sewer Alignment**



**ERU CONTRIBUTION TABLE**

NODE	MAPLETON ERU	TOTAL ERU
A	1050	1050
B	671	1721
C	0	1721
D	50	1771
E	14	1785
F1	285	2070
F2	210	2280
G	10	2290
H	48	2338
I	0	2338
J	8	2346
K	13	2359
L	21	2380
M	29	2409
N	49	2458
O	0	2458
P	157	2615
Q	138	2753

- ALTERNATE ROUTE WITH RONTAGE ALLOCATION
- PROPERTIES WITH RONTAGE ALLOCATIONS
- MASTER PLAN

**NOTES**  
 1. THE ERU ALLOCATIONS SHOWN WITHIN THIS EXHIBIT ARE FOR REFERENCE PURPOSES ONLY & ARE SUBJECT TO CHANGE BASED ON INDIVIDUAL LANDOWNERS. THIS EXHIBIT IS REFERENCED BY EXHIBIT M-2 WHICH SHOWS THE REIMBURSEMENT METHODOLOGY.

REVISIONS

1	
2	
3	
4	
5	

LEI PROJECT #: 2008-4005  
 DRAWN BY: TJP  
 DESIGNED BY: NKW  
 SCALE: 1" = 1000'  
 DATE: 10/8/2014  
 EXHIBIT

U:\LEI-PARK CITY\08-4005-ERU MAPLETON\DWG\08-4005-OFF-SITE SEWER & WATER\EXHIBITS\08-4005-EXHIBIT M-1 SEWER PALINDROME