

**MASTER DEVELOPMENT AGREEMENT  
BETWEEN  
THE TOWN OF EAGLE MOUNTAIN, UTAH  
AND  
THE RANCHES, L.C.  
"DEVELOPER"**

This Master Development Agreement, the "Development Agreement," is entered into as of the 6<sup>TH</sup> day of MAY, 1999, by and between the Town of Eagle Mountain, Utah, a Utah Municipal Corporation (the "Town") and The Ranches, L.C. ("Developer") for the master planned area called "The Ranches."

This Master Development Agreement is made with reference to the following facts and representations of the parties:

The Developer owns, holds options to purchase, or has contractual rights to purchase all of the private land ("Developer's Land") designated on Exhibit "1" (Master Development Plan), which is the Master Development Plan ("Ranches MDP") approved by the Town of Eagle Mountain for the Developer's project. The Developer is entitled under the Master Development Plan to develop up to 6,134 residential units and additional uses on the property described in Exhibit "1" subject to the Developers compliance with the terms of this Agreement.

The Developer and the Town have engaged in joint development planning for the area described on Exhibit "1" which is the Master Development Plan for the Developer's Land;

The Developer will make additional investments in the construction of off-site and on-site (subdivision) public infrastructure, related substantially to Developer's Land and the public infrastructure improvements will become the property of the Town. The advance funding of improvements and the additional investment planned by the Developer are a part of the consideration for the Town to enter this Agreement with the Developer;

The Town of Eagle Mountain Planning Commission and Town Council have approved the Developer's Master Development Plan which is depicted on the map which is Exhibit "1." The Town and the Developer wish to preserve and to define specifically the rights and responsibilities of each party with respect to the project in this Development Agreement.

The parties desire to assure fair and equitable treatment for the Developer and the Town under the terms and conditions of this Agreement.

The Developer acknowledges that the Town is relying on the faithful performance of the Developer of all the terms and conditions of this Agreement, funding of all improvements, dedication of rights of way, water rights, the implementation of the Developer's financial plan, construction of streets, other public facilities and utilities required by the Town, and compliance with the Town Development Code as consideration for the land uses approved in this Agreement and the Ranches MDP.

The Town acknowledges that Developer is relying upon the execution and continuing validity of this Development Agreement and the Town's faithful performance of the Town's obligations to respect the densities and uses on Exhibit "1" under this Development Agreement in exchange for the Developer's existing and continued commitment and expenditure of substantial funds for the future improvement projects which will service the Ranches project area as identified in the Town Capital Facilities Plan ("CFP"). (Exhibit "3"). The parties understand that the Capital Facilities Plan may be amended from time to time as changing circumstances concerning the Developer's project require and that the CFP as amended is the governing CFP under this Agreement. The parties do not anticipate that significant changes will be made in the CFP for the Ranches area except for the inclusion of land costs and certain water facilities.

Now, therefore, in consideration of the foregoing facts and the following mutual promises the parties agree as follows:

**1.0 Definitions.**

**1.1 After-Acquired Land** means land acquired by Developer after the approval of the Ranches MDP within or adjoining the boundaries of the Ranches MDP (Exhibit "1"), which qualify, at the date of this Agreement as islands within the Ranches MDP or peninsulas consisting of land owned by others which are adjacent to Developer's Land within the Ranches MDP area. Islands are defined as property bounded on all sides by the Developer's Land in the Ranches MDP and peninsulas are parcels of land adjoined by at least 60% of the land parcel perimeter of the existing Ranches MDP.

**1.2 Buildout** means the completion of all of the development of all of Developer's Land in the approved Master Development Plan as amended from time to time by the Town to include qualified after acquired land.

**1.3 Development Phases** means the development of any portion of the Ranches MDP.

**1.4 Approved Development Master Plan (Exhibit "1")** means the configurations, uses and densities for Developer's Land as depicted on Exhibit "1" which is attached and incorporated herein by reference and which was previously approved, adopted and accepted by the Town on March 10, 1998.

**1.5 Developer** means The Ranches, L.C.

**1.6 Developer's Land** means the land owned or controlled under contract by the Developer within the corporate boundaries of the Town as of March 10, 1998 within the Ranches MDP illustrated on Exhibit "1" and legally described in Exhibit "2" which are incorporated herein by reference.

1.7 **“Master Developer”** means a Developer which has received approval for a Master Development Plan under the provisions of the Development Code.

1.8 **Project or Developer’s Project** means the Ranches development of the land within the Ranches MDP including all associated improvements required and land uses depicted on the exhibits to this Agreement.

1.9 **Town's Development Code** means the “Town of Eagle Mountain Development Code” adopted by the Town pursuant to the Utah Municipal Land Use Planning Enabling Act, Section 10-9-101 et. Seq., U.C.A., on June 23, 1998.

1.10 **Town's General Plan** means the General Plan adopted pursuant to Section 10-9-103 (I)(f) and 301, U.C.A.

**2.0 Rights and Responsibilities of Developer.**

2.1 **Developer's Reliance.** The Town acknowledges that Developer is relying upon the execution and continuing validity of this Development Agreement and the Town's faithful performance of the Town's obligations under this Development Agreement in the performance of Developer's existing and continued obligations under this Agreement.

2.2 **Completion of Requirements and Compliance with Special Conditions.** In addition to the requirements of the Development Code, the Developer has received in writing the Town requirements for public facilities, utilities and other infrastructure improvements which are required for the construction of the public improvements to serve the project which is the subject of this Development Agreement. The public improvements are generally as defined in the Town Capital Facilities Plan (Exhibit “3”) which may be amended from time to time as circumstances concerning the Ranches development may require. A schedule of required improvements, parks, trails, amenities and a Master Trails Plan is attached to this Agreement as Exhibit “4.1”, and incorporated herein as though fully set forth.

If additional improvements become necessary because of changes in the MDP and are necessary to serve the Developer's Land, the additional improvement requirements will be defined by the Town and become required improvements under this Agreement.

**2.2.1** The Developer acknowledges and understands that compliance with the Development Code requirements to dedicate and transfer water rights to the Town in compliance with the Development Code continue as requirements and will be enforced as established in the Development Code and the Town Utility Ordinance. The Developer agrees to dedicate and transfer to the Town at no cost to the Town the water rights required for the Developer's project as required by the Development Code.

**2.2.2 Water Source Development** - The Developer acknowledges that it is required to provide the Town with a new municipal water source. The water source will be a new well which will contribute water from groundwater sources to the Town municipal system. Using experienced groundwater hydrologists and engineers the Town will study the north impact area of the Town and select alternate sites for groundwater development. The Town will designate agents to represent the Town in consultation with agents appointed by the Developer to periodically review progress on site selection, exploration, and final development of the selected water source. The Developer will be responsible to pay all of the costs of the exploration and well development and connection of the water source to the Town's system using the contracting, mediation and payment process otherwise defined in this Agreement. In the event other Master Developer's are required to contribute water sources to the Town water system, the Town shall require cost-sharing by other future Master Developers with The Ranches on a ratio of residential units use basis. The parties recognize that the development of groundwater sources is subject to unknown factors

concerning the available water in geologic structures in the area. Whether groundwater development is successful, and the extent to which groundwater development is successful, is unknown. The water source development required by this paragraph shall proceed as follows:

**2.2.2.1** The Town shall propose a scope of work to the Developer with cost estimates for each item of work. The scope of work shall identify each step in the process of exploration, site selection, regulatory approval, bidding for drilling work, engineering supervision and all other required professional services and construction activities. Each item in the scope of work from project initiation to project completion shall contain all cost estimates and a proposed elapsed time schedule to the completion of each activity in the scope of work. All work proposed shall be strictly in compliance with the requirements of the Drinking Water Division of the Department of Environmental Quality of the state of Utah and the Utah Division of Water Rights.

**2.2.2.2** The Developer shall review the proposed scope of work, comment and advise the Town of the extent to which the Developer is willing to fund the activities under the scope of work. The professional specialists retained by the Town shall advise the Town and the Developer of the extent to which the required objectives can be met using the cost approved as proposed by the Developer. If, in the professional judgment of the professional specialists retained by the Town the required objectives cannot be achieved for the cost proposed by the Developer, the Developer shall be advised of the decision by the professional specialists retained by the Town and the parties shall consult with the objective of proceeding with the project in a manner acceptable to both parties. In the event the parties cannot agree, the parties shall proceed to mediation by a professional specialist selected by the parties using the following procedure. The Town shall nominate an individual professionally

qualified to mediate the dispute and if the Developer does not agree to mediation by the individual nominated by the Town, the Developer shall nominate a professionally qualified individual to the Town. If the Town does not agree to mediation by the specialist proposed by the Developer, the Town shall nominate a second specialist who shall not be the party initially nominated by the Town. If the Developer does not agree to the second specialist nominated by the Town, the Developer shall nominate a second specialist to the Town. If the Town does not agree to mediation by the second specialist nominated by the Developer the nomination process shall continue until parties have agreed upon an individual to mediate the dispute. The party finally selected to mediate the dispute shall meet with the parties and attempt to reach concurrence by each party on a scope of work, definition of each task, and a cost estimate for each task in the scope of work.

**2.2.2.3** The Town shall prepare contracts for professional services and construction work in accordance with the mediated settlement provided for above and shall submit all contracts for work on the project to the Developer for review and comment. If the Developer disagrees with any provision of any contract the Developer shall provide written notice to the Town specifically identifying the Developer's objection. The objection shall be reviewed by the Town Council and the decision of the Town Council with respect to the Developer's objection to the contract shall be final. If the Developer does not agree with the final decision of the Town Council, the parties agree to submit the disputed contract provisions to binding arbitration under the commercial arbitration provisions of the American Arbitration Association, provided, however that the use of standard Town utility construction specifications and standards for the installation of improvements shall not be a subject of such binding arbitration under this Agreement. Each party shall pay one-half of the cost of the

arbitration provided for herein. Each party shall pay its attorney's fees incurred in the arbitration proceeding and shall not seek recovery of fees or costs from the other.

**2.2.2.4** The Developer shall deposit with the Town the amount required to fund the first two contracted activities on the agreed scope of work. The funds deposited by the Developer shall be maintained by the Town in an interest-bearing account and the interest earned shall be attributed to the Developer. The Developer may propose an escrow account to the nature of a money-market account and shall execute an appropriate indemnification in favor of the Town as a condition to use the account nominated by the Developer. Thereafter as funds are drawn from the account and tasks are completed in the scope of work, the Developer shall deposit additional funds to assure the Town that funds are currently available to the Town from the escrow account to fund each contracted task as payment becomes due. Phased project contracts shall be funded fully before the project contract is released and a notice to proceed is issued.

**2.2.2.5** The Town shall draw on the escrow funds deposited by the Developer to pay agreed project costs only after written notice to the Developer of each proposed withdrawal. Payments shall be applied exclusively to the costs identified in the written scope of work and contracts prepared under the provisions of paragraphs 2.2.2.1 and 2.2.2.2 above. If conditions require the expenditure of more funds than estimated for each item of the scope of work as the project progresses, the Developer shall deposit the additional funds required to complete the work for the Town to proceed to encumber the funds required to pay for the work. In the event the funds required under this Agreement are not deposited in the account as required by this Agreement in a timely manner, the Town may, at its option, stop work on the project in progress until the required funds are on deposit as required by this Agreement.



**2.2.2.6** The progress of the work shall be open at all times to the Developer and the Developer's representative to inspect the work in progress. In the event the Developer believes that the work is not progressing on schedule or in compliance with the budget for the work, the Developer shall provide written notice to the Town and the Town shall stop work on the project until the issue raised by the Developer is resolved. The Developer shall have access at all times to all construction contracts, professional service contracts, and other documentation under which the work is proposed or underway.

**2.2.3** It is the responsibility of the Developer to acquire and dedicate to the Town all rights-of-way, easements and other land associated with the improvements required to develop the project. The Town Engineer or a surveyor approved by the Town Engineer to work under his supervision shall determine the required alignment for all roads and other easements and rights-of-way and shall field stake the right-of-way or easements and prepare a legal description which shall be used by the Developer to acquire a title report from qualified title insurance company acceptable to counsel for the Town showing the land ownership of the required easements and rights-of-way. The Developer shall obtain the required easements or rights-of-way from the property owner in an instrument acceptable to counsel for the Town at the Developer's sole expense. The Developer shall consult with counsel for the Town and receive advance approval from counsel for the Town of the title insurance company and the instruments proposed by the Developer to acquire rights-of-way and easements for the Town in the Developer's project construction. If funds are available in the approved SID budget, the Developer shall be re-imbursed for easement, right-of-way, and other approved public improvements if and/or when interim warrants or bonds are sold to provide funding for budgeted re-imburement.

**2.2.4** The Developer is required to finance all of the improvements which benefit

the Developer's project. The Town Development Code requires a financial plan adopted by the Developer and approved by the Town which demonstrates that the Developer has the financial capability to complete the improvements required in the Developer's project. The Developer has submitted a financial plan which relies initially on the formation and funding of Special Improvement District 98-1 of the Town of Eagle Mountain, Utah to fund the majority of the improvements in the Developer's project. The financial plan provides that other alternative sources of funding are available to the Developer, which are set forth more specifically in the financial plan which is attached to this Agreement as a Special Conditions Exhibit which is Exhibit "6." The Town approves the financial plan proposed by the Developer provided, however, that the Developer notify the Town as improvements are constructed of which alternative source of funding the Developer will rely upon for any specific improvement underway. All off-site (non-subdivision) improvements which will become public improvements within the Developer's project shall be designed by an engineer approved by the Town under the supervision of the Town Engineer and constructed under the supervision of the Town Engineer by the Town. If SID funding is not used, the improvements may be constructed by the Developer using Town contracts, specifications and inspections by the Town Engineer. Funding for the public improvements required by this agreement shall be provided by the Developer under specific improvement construction agreements between the Town and the Developer to be entered into by the parties prior to the commencement of construction on the proposed improvement. Until the Town has engaged staff counsel and engineers, it is the obligation of the Developer to reimburse the Town for all direct legal and engineering costs associated with the construction of the improvements required in the Developer's project. Legal and engineering costs incurred on behalf of the Developer's project will be billed to the

Town and the Town will in turn provide such billings to the Developer for reimbursement to the Town by the Developer. The Developer will promptly reimburse the Town for all legal and engineering fees associated with the construction of the Developer's project within 30 days of receiving a statement which describes undisputed services rendered on behalf of the Developer's project. If any statement for reimbursement contains services which are disputed by the Developer, the Developer shall notify the Town in writing all of the disputed services. The service provider shall be required to justify the service billing for engineering or legal services and if written justification is provided to the satisfaction of the Town Council with appropriate notice to the Developer, the Developer shall reimburse the Town for services which were claimed to have been disputed. The Developer shall be entitled to review and comment on all change orders to construction contracts under this subsection. Objections to change orders shall be in writing addressed to the Town Public Works Director and Engineer. The Town shall review their objections and comments and cancel the change order unless the Town Council finds that the change is necessary to benefit the Developer's project and complete the original project. Draw requests from the contractor performing services under a contract shall be provided to the Developer for review and comment. If the Developer objects to a draw request, the objection must be in writing and shall specify in detail all reasons the Developer objects to the draw request. The written objection will be reviewed by the Town Public Works Director and Engineer. The objection shall be considered by the Town Council if it is not accepted by the Town Public Works Director and Engineer and the decision of the Town Council shall be final.

**2.2.5** For central utility project improvements the Town requires that the Developer participate in the cost of central utility projects which benefit utilities installed in the

Developer's project. Central utility improvements include power system improvements; telephone system improvements and natural gas system improvements. The Developer's project cost share shall be determined by the Town Council using a formula which allocates central utility costs to every Master Developer in the Town based on the ratio of the Developer's residential units to be served by the project to the total unit capacity of the project in a resolution for each project year. For the project year commencing in the fall of 1998, the project cost share of the Developer is set forth on Exhibit "6". The Developer shall fund the Developer's share of such project cost improvements on the schedule set forth in Exhibit "6".

**2.3 Reaffirmation of Town's Approval of the Master Development Plan.** The approval, adoption and acceptance by the Town on March 10, 1998 of the Master Development Plan is hereby reaffirmed. The Master Development Plan is deemed an approved and authorized amendment to the Town's Zoning and General Plan for the land area described on Exhibit "2"; provided, however, that the Developer and the Town acknowledge that the Development Code must be amended to allow unit densities for certain neighborhoods which could result from the density transfers which are permitted under the terms of this Agreement. No density transfer shall be allowed which would exceed 14 units per acre until or unless the Development Code is amended to provide for an increased density ceiling per acre with related compatibility standards.

**2.4 Rights Granted by Approval of the Master Development Plan.** To the maximum extent permissible under the law and subject to the provisions of Section 2.6.6 below, it is the intent both of the Town and the Developer that the execution of this Development Agreement grants and vests in Developer all rights, consistent with the Town's General Plan, as it may be amended, the Town's Development Code,

Parks Master Plan, and other specific plans ordinances and plans generally applicable throughout the Town which may be enacted in the future, as specifically provided herein under Paragraph 3 below, to develop Developer's Properties in fulfillment of the Ranches MDP. The Developer acknowledges that the Town does not guarantee that the Developer will be able to properly land plan all of the density entitlement explicit in the approval of the MDP. The parties acknowledge that as development progresses certain constraints may be presented which could prevent the practical use of all unit entitlements granted in the MDP. Commercial development within the MDP could also utilize utility capacity in a manner which would prevent complete development of residential units at the density described on the MDP within any specified neighborhood or Ranch area. The parties intend that the rights granted to Developer under this Development Agreement are both contractual and as provided under the common law concept of "vested rights."

**2.5 Density Entitlements.** In addition to the general rights acquired by Developer pursuant to Paragraph 2.3 above, the Town specifically acknowledges that at build-out Developer shall be entitled to a density of residential housing up to the density specified in the Ranches Master Development Plan provided that the density bonus credits provided for in the Development Code for density credit have been approved for the Developer's project based on improvements which benefit the MDP area or are part of each subdivision or commercial site as required by the Development Code. The park and open space density bonus allowance will be credited to the Ranches MDP under the dedication schedule for parks and open space contained in Exhibit "4.2". After-acquired properties shall be subject to the modification process as defined in this Agreement.

**2.5.1** Within the MDP, density transfers to qualified neighborhoods approved as qualified neighborhoods by the Town Planning Commission and the Town Council

as map Exhibit "7" may be proposed by the Developer. A density transfer to a qualified neighborhood depicted on Exhibit "7" may be proposed by the Developer in the subdivision application or proposed site development approval application for the parcel. The parties agree that no density transfer shall be approved which will cause the density within the parcel to violate the provisions of the Development Code as amended. In considering density transfers to qualified neighborhoods depicted on map Exhibit "7", the Town may consider the compatibility of the proposed use to the compatibility of other existing or proposed uses as part of the consideration to approve proposed density transfers.

## **2.6 Development Phases.**

**2.6.1 Intent to Allow Phasing.** The Town acknowledges that Developer, and/or assignees of Developer who have purchased portions of Developer's Properties, intend to submit multiple applications from time to time to develop and/or construct portions of the Ranches MDP in Development Phases. For each phase the Developer or the Class II permit applicant shall dedicate to the Town the proportionate open space, park or other open space in compliance with the approved Master Development Plan at a ratio of 31.8% of park or open space to developed area as required by the Ranches MDP according to the defined sequence dedication schedule which is Exhibit "5."

**2.6.2 Phase Densities.** The parties understand that the total possible permitted residential units under the Ranches MDP at the date of the Development Agreement is 6,134. After-acquired properties shall be entitled to the density attributed to such after-acquired properties when and if the Ranches MDP is amended to include after acquired land.

**2.6.3 Density Reporting.** Each Class II Development permit or application submitted by Developer, and/or assignees of Developer who have purchased

portions of Developer's Land for a particular Development Phase shall include a statement describing: (1) the total number of residential units allowed under the Ranches MDP for that neighborhood and ranch and After-Acquired Properties carrying residential densities; (2) the cumulative total number of residential units previously approved within a subject ranch and for all of Developer's Properties; and (3) the total open space, parks and other properties to be dedicated to the Town as depicted on Exhibit "5"; (4) the total number of residential units approved for the Ranches MDP, less the number of units approved for recordation as subdivision or site development plans by the Town and the total remaining units after deduction of the units in the proposed development.

**2.6.4 Development Agreements for Phases.** Each Development Phase which requires a Class II permit also requires the approval of a Class II Development Agreement specifying the details of the development such as exact locations of public improvements and dedications, infrastructure design, schedule for improvements, phasing of development proposed uses and other such information. Each Class II Development Agreement shall be consistent with this Master Development Agreement. The Class II Development Agreements shall not decrease Developer's rights under this Master Development Agreement for the uses and densities approved in the Ranches MDP.

**2.6.5 Dedication of Public Improvements for Phases – Trails.** Each separate Class II Development Agreement for a Development Phase shall provide that the Developer and the applicant for the Development Phase shall dedicate and improve the land required for the public trails.

**2.6.6 Rights Granted by Approval of the Development Master Plan.**

To the maximum extent permissible under the law, it is the intent both of the Town and the Developer that subject to the full compliance of the Developer and the Town

with all conditions, standards and/or requirements of development described more specifically herein the execution of this Development Agreement grants and vests in Developer all rights, consistent with the Town's General Plan, as hereby amended, the Town's Development Code, Parks Master Plan, as hereby amended, and other specific plans ordinances and plans generally applicable throughout the Town, as specifically provided herein under Paragraph 3 below, to develop Developer's Properties as approved in the Development Master Plan without modification by the Town except as specifically provided herein. The parties intend that the rights granted to Developer under this Development Agreement are both contractual and as provided under the common law concept of "vested rights."

**2.7 Dedication of Public Improvements for Phases - Parks.** All of the required park land must be dedicated with the concurrent phase of development and the final acreage shall be transferred at or with the phase of development, which results in final Build-out. So long as it is not materially inconsistent with the provisions of the Master Development Plan the land dedicated for parks by Developer and/or assignees of Developer who have purchased portions of Developer's Properties shall be in such locations as specified in Exhibits "1", "4.2" and "4.3".

**2.8 Improvements of Parks.** The land areas on Exhibit "1" approved by the Planning Commission and Town Council as parks shall be dedicated as required set in Exhibit "5", and shall be improved and maintained for a period of five years by the Developer from the date of acceptance of the park. Upon completion of the specific improvements, a Maintenance Bond for two years shall be provided until the Developer has demonstrated to the satisfaction of the Town that these public improvements of parks, trails and open space areas required to be improved and maintained by the Developer have been completed and maintained.



**2.9 Infrastructure Continuation.** The Developer acknowledges that the public infrastructure (e.g., roads, sewer and water lines, power lines, etc.) required to connect proposed Development Phases did not exist as of the date of the Master Development Plan approval. Developer and/or assignees of Developer are required as a condition of approval by the Town of the proposed subdivision, to construct such infrastructure at the expense of Developer and/or Developer's assignees. Infrastructure constructed by the Developer or the Developer's assignees included in the Capital Facilities Plan will qualify for impact fee credit under the Town Impact Fee Ordinance if the facilities for which credit is claimed are included in the Town Capital Facilities Plan for impact fees.

**2.10 Effect on Invalidation of Improvement and/or Dedication Requirements.**

If any of the requirements in the Town's Development Code or any future iteration of the Town's Development Code regarding dedication of land for public improvement and/or construction of such public improvements by a developer or property owner are amended or withdrawn by the Town or rendered partially or wholly unenforceable by subsequent court decision or by Federal, State or County statute or regulation, Developer shall be relieved of the requirement to the same extent as any other developer of property within the Town regarding all such improvements not yet dedicated or constructed.

**2.11 Process for Modifying the Master Development Plan.**

**2.11.1 Intent.** The Town acknowledges that the Master Development Plan is a plan approved for the development of Developer's Land with specific land uses permitted as set forth on the Master Development Plan.

**2.11.2** Density unit transfers from one neighborhood or more to others within the Master Development Plan area will be approved provided that the total density does not exceed the densities allowed for all parcels of land recorded or in the Class II

application process and that the Development Code compatibility standards between parcels are satisfied. Density transfers shall be allowed only to approved receiving neighborhoods which are pre-qualified and identified as receiving neighborhoods in Exhibit "7". Density transfers shall be implemented by notice to the Town which describes the neighborhood from which density is transferred and the neighborhood to which density is transferred. The density transfer notice required by this paragraph shall be required in the application for the Class II permit for the receiving neighborhood. The density transfer shall be considered approved and complete when the Class II permit for the receiving neighborhood is approved by the Town. The Town may notify the Developer that the density transfer is not approved and shall specify in the notice disapproving the density transfer the reason for the density transfer disapproval.

**2.11.3** Amendments to the Ranches Master Development Plan shall be initiated by filing an application for an amendment to the Master Development Plan substantially in the form provided as Exhibit "8" to this Agreement. After the date the application is filed, the Town shall review the application and within twenty days notify the Ranches if the application is not complete. The notice to the Ranches that the application is not complete shall describe in detail the information needed by the Town to receive a complete application.

**2.11.3.1** After the application is complete, the Town Planning Commission shall consider the application within 30 days and make a recommendation to the Town Council to approve the application, modify the application, or disapprove the application.

**2.11.3.2** If the application is disapproved by the Town Council and the Ranches does not agree with the reason for disapproval by the Town, the Ranches may elect to arbitrate the questions of whether or not the disapproval is based on sound land use

principles, or is arbitrary and capricious. The Developer will notify the Town of its election to proceed with arbitration within 90 days of the date of the Town Council decision disapproving the application.

In the event the Ranches elects to participate in arbitration, the Ranches shall select one arbitrator who is a qualified land-use planner; the Town shall select one arbitrator who is a qualified land-use planner and the two arbitrators so selected shall select the third arbitrator. The arbitrators shall constitute an arbitration panel which shall receive a statement from the Ranches describing the basis for the Ranches claim for arbitration. The Ranches shall specify the grounds and reasons for seeking arbitration of the decision by the Town. The Town shall be allowed to respond in writing within 15 days of receipt by the Town of the Ranches initial arbitration statement. After the Town arbitration response is filed, the arbitration panel shall proceed within 20 days to hear and decide the arbitration appeal by the Ranches. The arbitration panel may approve, disapprove, or modify the decision of the Town Council. The decision of the arbitration panel shall constitute an amendment to the Ranches Master Development Plan unless the decision allows no change in the Master Development Plan then in effect. The costs of arbitration and fees shall be allocated as provided in Section 2.2.2.3 above.

**2.11.4 After-Acquired Properties** will be approved on the same density basis as provided for in the Master Development Plan and will be processed as an amendment to the Master Development Plan.

**2.12 Application Under Future Town Development Codes.** Without waiving any rights granted by this Development Agreement, Developer may from time to time or at any time, choose to submit some or all of Developer's Land for development under the version of the Town's Development Code existing at the time of the application.

**3.0 Ordinances and Requirements of General Applicability.** This Development Agreement shall not limit the future exercise of the police powers of the Town to enact ordinances, standards or rules regulating development generally applicable to the entire area of the Town such as requiring compliance with the Town Capital Facilities Plan, Parks Master Plan, including park and trail dedications, utility construction and connections, mandating utility capacities, requiring street development or other such similar rules so long as these ordinances or rules do not materially increase the amount of exactions or dedications vested in the Developer under this Development Agreement or the Master Development Plan.

**3.1 Impact fees.** This Development Agreement shall also not be construed to prohibit the Town from adopting or amending lawfully imposed impact fees applicable to the Developer's Land and all other parcels developed or to be developed within the Town.

**3.2 Statement Regarding "Compelling, Countervailing Public Interests."**

The Town acknowledges that it is familiar with the "compelling, countervailing public interest" test that is generally an exception to the doctrine of Vested Rights in the State of Utah; the Town acknowledges that as of the date of this Agreement, the Town Council can foresee no facts under which a desire by the Town to modify Developer's rights under this Development Agreement and/or Master Development Plan would be justified by a "compelling, countervailing public interest".

**4.0 Special Conditions.** The parties acknowledge that certain special conditions are applicable to the MDP. The Developer is required to provide a financial plan to the Town indicating the proposed financial resources which are or may become available to the Developer to pay for the required public improvements. The Developer has sponsored a Special Improvement District which has been established by the Town to pay for public improvements in the project. In the event the Town is not able to

fully implement the Special Improvement District, the Developer is not relieved of its obligation to pay for all public improvements in the project but shall fund the project improvements through the implementation of the financial plan which is set forth in more detail in Exhibit "6" to this Agreement.

The Developer is required by the Development Code to disclose to the Town the contractual arrangements or other arrangements in place and available to the Developer for the acquisition of water rights for approximately 20% of the total residential unit buildout of the project. The parties understand that the Developer's obligation is to demonstrate that the Developer has at least 900 acre feet of water right available to it at the date of this Agreement. The requirements of the Development Code to demonstrate the availability of water for each parcel proposed for development are not modified or changed by this Agreement. The Developer must show with each Class II, conditional use or other site development approval application that it has on hand sufficient water rights to dedicate and transfer to the Town for municipal use the water right required for service to the parcel proposed for development. The parties agree that the Developer has sufficient water rights under contract to satisfy the 900 acre foot availability requirement for Master Development Plan Agreement approval. No subdivision plat will be recorded and no conditional use or other site development approval will be allowed unless sufficient water has been transferred to the Town approved for municipal use as required by the Development Code.

## **5.0 General Provisions.**

**5.1 Authority.** The parties to this Development Agreement each warrant that they have all of the necessary authority to execute this Development Agreement. Specifically, on behalf of the Town, the signature of the Mayor of the Town is affixed to this Development Agreement pursuant to approval adopted by the Town Council

on February 8, 1999 and is approved as to form and as to being lawful and binding on the Town by the signature of the Counsel for the Town.

**5.2 Assignability.** The rights and responsibilities of Developer under this Development Agreement may be assigned in whole or in part, by Developer with the consent of the Town. The Town may not unreasonably withhold its consent. Developer shall notify the Town of any proposed assignment with a complete description of the proposed assignee, its financial capacity and development experience. Unless the Town objects in writing within thirty (30) days, the Town shall be deemed to have approved of and consented to the assignment. Developer's selling or conveying individual lots or parcels of land to builders, individuals or other developers shall not be deemed to be an "assignment" subject to the above referred approval by the Town unless specifically designated as an assignment by the Developer. Further, when Developer sells or conveys individual tracts or parcels of lands to such builders, users or developers, the lands so sold and conveyed shall bear the same rights, privileges, uses, configurations, and densities as applicable to such parcel and be subject to the same limitations and rights of the Town when owned by the Developer and as set forth in this Development Agreement without any required approval, review, or consent by the Town except as otherwise provided herein.

**5.3 Time Is Of The Essence.** Time is of the essence to this Development Agreement and every right or responsibility shall be performed within the times specified.

**5.4 Remedies Upon Default.** In the event of the default by any party to this Development Agreement, the non-defaulting party shall be entitled to collect from the defaulting party its provable damages, including, but not limited to, its reasonable attorneys' fees and expenses. In addition, the parties acknowledge that the remedies of damages may not always be sufficient and the parties hereby consent to the Court's

imposition of specific performance and/or injunctive relief. All rights and remedies under this Development Agreement, and/or statute or common law shall be deemed cumulative and the selection of one of the rights or remedies shall not be deemed a waiver of any other right or remedy.

**5.5 Non-Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

**5.6 Term of Agreement.** This Development Agreement shall be deemed to have commenced on March 10, 1998 and shall extend for a period of 20 years or until Build-out, whichever comes first.

**5.7 Severability.** If any provision of this Development Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Development Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Development Agreement shall remain in full force and affect.

**5.8 No Joint Venture/No Third Party Beneficiaries.** This Development Agreement does not create a joint venture relationship, partnership or agency relationship between the Town and Developer. Further, the parties do not intend this Development Agreement to create any third-party beneficiary rights. The parties acknowledge that this Development Agreement refers to a private development and that the Town has no interest in, responsibility for or duty to any third parties concerning any improvements to Developer's Properties unless the Town has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the Town's. Developer shall have the full and exclusive control of all of Developer's Properties.

**5.9 Recordation and Running With The Land.** This Development Agreement shall be recorded in the chain of title for all of Developer's Properties described in Exhibits "1" and "2."

**5.10 Entire Agreement.** This Development Agreement is the Entire Agreement between the parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

**5.11 Applicable Law.** This Development Agreement is entered into in Utah County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

**5.12 Venue.** Any action to enforce this Development Agreement shall be brought only in the Fourth District Court for the State of Utah.

**5.13 Notices.** All notices required or permitted under this Development Agreement shall be given in writing by certified mail and regular mail to the following address:

To the Town:

Mayor Robert E. Bateman  
Town of Eagle Mountain, Utah  
1680 East Heritage Drive  
Eagle Mountain, UT 84043

With Copies to:

Town Counsel:

Gerald H. Kinghorn  
Parson, Davies, Kinghorn & Peters  
185 South State Street, Suite 700  
Salt Lake City, UT 84111

Developer:

Mr. Scott Kirkland  
Managing Member  
The Ranches, L.C.  
9155 North Cedar Pass Rd. #B  
Eagle Mountain, UT 84043



Developer's Attorney:

Ralph Marsh  
Backman, Clark & Marsh  
68 South Main Street, Suite 800  
Salt Lake City, UT 84111

The addresses for notice may be modified by either party or their successors by written notice to the other party.

Made and entered into as of the date and year first written above.

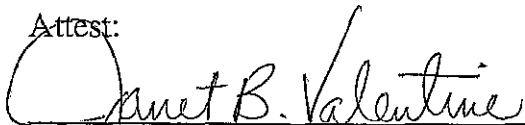
**Developer**

**The Town**

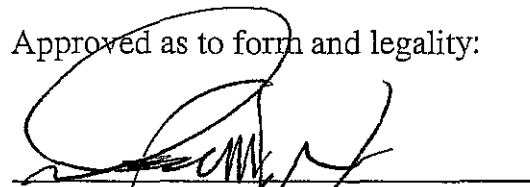
By: 

By: 

Attest:

  
City Recorder

Approved as to form and legality:

  
Gerald H. Kinghorn  
Town Counsel

MASTER DEVELOPMENT AGREEMENT  
BETWEEN  
THE TOWN OF EAGLE MOUNTAIN, UTAH  
AND  
THE RANCHES, L.C.  
"DEVELOPER"

Exhibit List

Exhibit 1 - Master Development Plan (Map)

Exhibit 2 - Town's Zoning and General Plan (Development Code)

Exhibit 3 - Town Capital Facilities Plan

Exhibit 4 - Schedule of Required Improvements

4.1 Master Trails Plan Map

4.2 Park & Open Space Dedication Map

4.3 Developed Park Location Map

Exhibit 5 - Open Space Dedication Schedule for Parks and Open Space

Exhibit 6 - Special Conditions

Exhibit 7 - Density transfer map.

Exhibit 8 - Amendment to the MDP (Application Form)

# ***EXHIBIT 1***

## **Master Development Plan (Map)**

NORTH  
RANCH

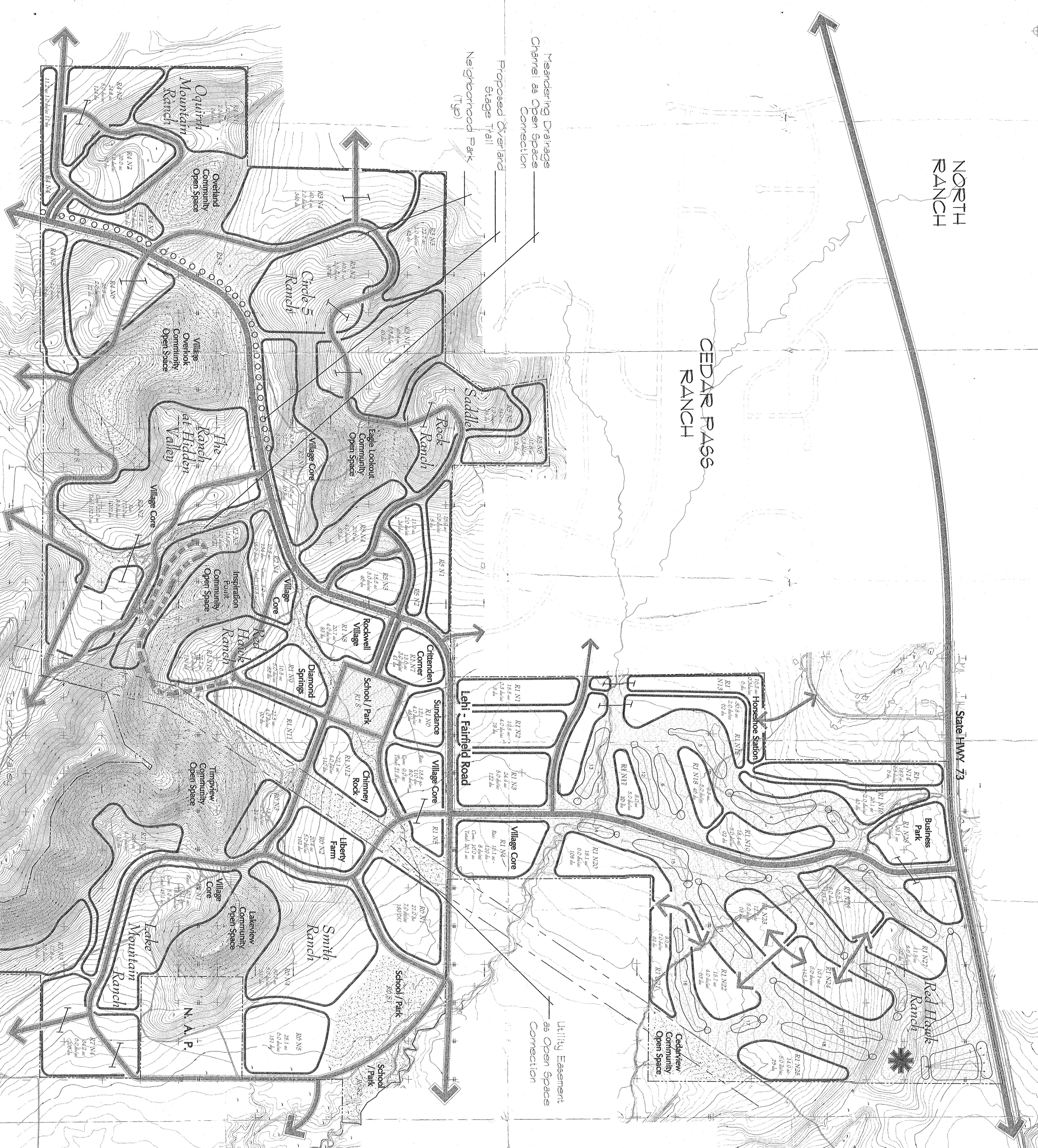
CEDAR PASS  
RANCH

State Hwy 73

Meandering Drainage  
Channel as Open Space  
Connection

Proposed Overland  
Stage Trail  
Neighborhood Park  
(Typ)

Utility Easement  
as Open Space



# THE RANCHES @ EAGLE MOUNTAIN

## A MASTER PLANNED COMMUNITY

Eagle Mountain, Utah

### Concept Master Plan

for The Ranches, L.C.

#### Land Use Summary

Category	Area	Density	Units	Total
COMMERCIAL	10.0	100	100	100
RESIDENTIAL	100.0	10	1000	1000
INDUSTRIAL	5.0	50	50	50
RECREATION	20.0	20	200	200
UTILITY	10.0	10	100	100
<b>TOTAL</b>	<b>145.0</b>		<b>1450</b>	<b>1450</b>

Category	Area	Density	Units	Total
COMMERCIAL	10.0	100	100	100
RESIDENTIAL	100.0	10	1000	1000
INDUSTRIAL	5.0	50	50	50
RECREATION	20.0	20	200	200
UTILITY	10.0	10	100	100
<b>TOTAL</b>	<b>145.0</b>		<b>1450</b>	<b>1450</b>

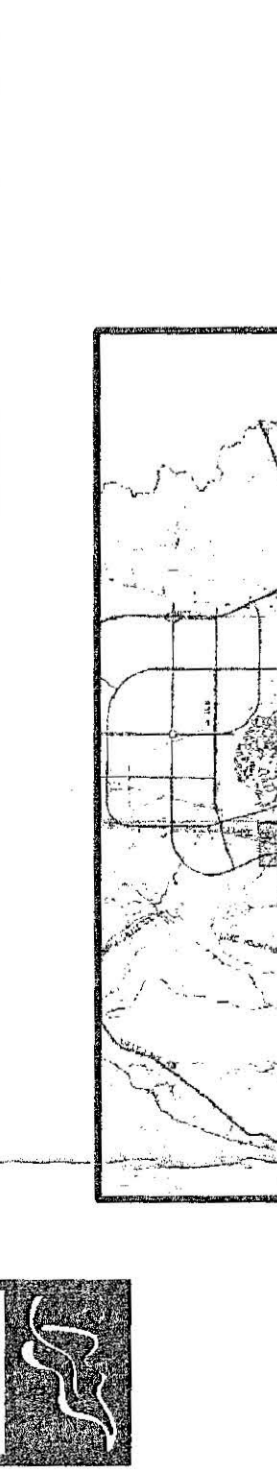
Category	Area	Density	Units	Total
COMMERCIAL	10.0	100	100	100
RESIDENTIAL	100.0	10	1000	1000
INDUSTRIAL	5.0	50	50	50
RECREATION	20.0	20	200	200
UTILITY	10.0	10	100	100
<b>TOTAL</b>	<b>145.0</b>		<b>1450</b>	<b>1450</b>

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RESIDENTIAL	100.0	10	1000	1000
INDUSTRIAL	5.0	50	50	50
RECREATION	20.0	20	200	200
UTILITY	10.0	10	100	100
<b>TOTAL</b>	<b>145.0</b>		<b>1450</b>	<b>1450</b>

Category	Area	Density	Units	Total
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RESIDENTIAL	100.0	10	1000	1000
INDUSTRIAL	5.0	50	50	50
RECREATION	20.0	20	200	200
UTILITY	10.0	10	100	100
<b>TOTAL</b>	<b>145.0</b>		<b>1450</b>	<b>1450</b>



ORDINANCE NO. 98-05

AN ORDINANCE ADOPTING A DEVELOPMENT CODE FOR  
THE TOWN OF EAGLE MOUNTAIN, UTAH

PREAMBLE

This ordinance is enacted under the provisions of the Utah Municipal Land Use Act to adopt a Development Code including zoning and subdivision regulations for the Town of Eagle Mountain, Utah.

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

1. It is in the public interest for the Town of Eagle Mountain, Utah to enact and adopt a zoning ordinance and subdivision regulations to protect the public health, safety and welfare of the residents of the Town of Eagle Mountain and to promote the fair and orderly administration of land use, subdivision approval and growth within the Town.

2. The Development Code of the Town of Eagle Mountain, which contains the zoning and subdivision regulations of the Town and which is Exhibit 1 to this ordinance is hereby enacted and adopted as the zoning, subdivision and development code for the Town of Eagle Mountain, Utah.

3. This ordinance shall take effect at 12:01 A.M. March 30, 1998.

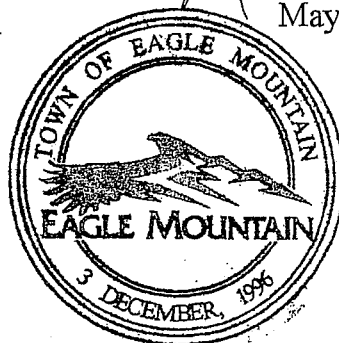
ADOPTED by the Town Council of the Town of Eagle Mountain, Utah, this 30<sup>th</sup> day of March, 1998.

TOWN OF EAGLE MOUNTAIN, UTAH

ATTEST

Janet B. Valentine  
Town Clerk

Debbie Hooe  
Mayor Debbie Hooe



# **EAGLE MOUNTAIN DEVELOPMENT CODE**

March 30, 1998

***EXHIBIT 2***

**Town's Zoning and General Plan  
(Development Code)**

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## CHAPTER I - PURPOSE • AUTHORITY • GENERAL PROVISIONS

**A. What This Chapter Does.** This chapter establishes the purpose of this ordinance, identifies the enabling statute pursuant to which it is adopted, allows certain vested rights during the transition from the regulations previously applicable to the lands included in Eagle Mountain, establishes a procedure for the vesting of rights for developments approved as provided by this ordinance, and sets rules for the continuation of nonconforming lots, uses, buildings, and signs. This chapter also establishes basic rules for the interpretation of this ordinance.

**B. Purpose.** As provided by §10-9-102, Utah Code, the purposes of this ordinance shall be to provide for the health, safety, and welfare of the people of Eagle Mountain and promote the prosperity, comfort, convenience, and aesthetics of the Town and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster agriculture and other industries, and protect property values.

**C. Authority.** This ordinance is adopted pursuant to the authority granted by the Municipal Land Use Development and Management Act (§10-9-102, 10-9-401 et. seq. Utah Code. This ordinance establishes regulations for changes in land use, zoning and development. No subdivision shall be recorded or subdivision lots sold unless the owner of the property proposed for the sale of lots or land subdivision has complied with the provisions of this ordinance.

**D. Prohibited Uses.** All land uses not specifically authorized under the provisions of the Code are specifically prohibited

**E. Vested Rights: Transition to this Ordinance.** A vested right is the right to proceed with development under the regulations that applied prior to the incorporation of Eagle Mountain and the adoption of this ordinance or the right to proceed under this ordinance, as it existed at the time an application for a permit was approved. Vested rights to proceed with development initiated prior to the effective date of this ordinance shall be established only by:

1. having obtained a building permit in full compliance with the provisions of the previous regulations (such vested rights expire with that permit); or

2. having recorded a final plat in full compliance with the provisions of the previous regulations. Recording a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any specific improvement of the lots. Such improvements must comply with this ordinance.

EXCEPTION TO I.E.2.: See I.G. of this ordinance for the treatment of nonconforming lots.

**F. Vested Rights: After Adoption of This Ordinance.** Vested rights to proceed with development under the provisions of this ordinance, as it existed at the time an application for a permit was approved, shall be established by development master plan approval or a Class I or Class II permit approval in full compliance with its provisions. Vested rights expire with the development master plan approval, the permit, or the development agreement, where one is executed as provided in Chapter IV and the development rights approved in the Development Agreement, permit and master plan approval are enforceable.

**G. Nonconforming Lots.** A nonconforming lot is a separate parcel of land that existed on the effective date of this ordinance, but is too small to serve as a site for building in compliance with its requirements. Nonconforming lots may be developed only as provided here.

## Eagle Mountain Development Code

1. Adjoining nonconforming lots that are in the same ownership shall be consolidated to create one or more conforming lots before any development is approved. Where such a consolidation occurs in a platted subdivision, an amended plat shall be filed. Otherwise, lot consolidations shall be exempt from the platting requirements of this ordinance.

2. Nonconforming lots that are not subject to consolidation shall be further divided only in order to bring adjoining lots closer to conformity. Where such divisions are made in a platted subdivision, an amended plat shall be filed. Otherwise, such divisions shall be exempt from the platting requirements of this ordinance.

3. Where the only requirement of this ordinance preventing construction of one single-family dwelling on a nonconforming lot that is not subject to consolidation, as required by I.G.1., is a minimum or average lot size standard, the Administrator shall issue a Class I permit for one single-family dwelling. Where other standards make construction of one single-family dwelling on a nonconforming lot infeasible, the Board of Adjustment may accept nonconforming lot size as the basis for the minimum variances needed to permit the construction of one single-family dwelling. Conditions designed to mitigate potentially adverse consequences of development on a small lot may be attached to permits and variances issued pursuant to this requirement.

**H. Nonconforming Uses, Buildings, and Signs.** A nonconforming use, building, or sign is one that was in existence on the effective date of this ordinance, but would not comply with one or more of its requirements if submitted for approval after that date. Nonconforming uses, buildings, and signs may continue subject to the rules established here.

1. The right to continue any nonconforming use or sign that is abandoned for more than 12 months expires. Abandonment shall not be measured by the owner's intent, but solely by the fact that use ceases for a period of 12 months.

EXCEPTION TO: I.H.1: Nonconforming uses for which a renewable permit had been issued by Utah County prior to the incorporation of Eagle Mountain shall apply for a Class I permit in the Town upon the expiration of the county permit. The Town may permit the use to continue for a limited term that allows the owner to amortize his or her investment or require that it either be terminated or brought into compliance with this code.

2. There shall be no limit on repair or maintenance activities for nonconforming uses, buildings, or signs, but no such activity shall increase the degree of nonconformity.

3. The use of a nonconforming site or building shall be changed only to a conforming use.

4. Nonconforming uses, buildings and signs may be replaced, but only if destroyed by a catastrophe, and only where the degree of nonconformity is not increased by the replacement. Requests for replacement of nonconforming buildings and signs shall be processed as applications for Class I permits.

5. Nonconforming uses that were never approved and/or permitted by Utah County are not lawful or grandfathered under the Eagle Mountain Development Code. Any such use(s) are subject to the Eagle Mountain Development Code and may be permitted only after applying for a Class I permit.

**I. Most Restrictive Standards Apply.** When state or federal law impose additional requirements on activities governed by this ordinance, the most restrictive shall apply.

**J. Conflict with Private Agreements.** This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, this ordinance shall apply.

**K. Burden of Proof.** The burden of demonstrating compliance with this ordinance rests with the developer or property owner.

**L. Interpretation.** In the case of conflict concerning the interpretation of this Code between the designated Administrator and a third party applicant for approval of development under this Code, the Administrator shall provide a written interpretation of the provision or term in dispute and if the third party applicant disagrees with the written interpretation, the Administrator's decision may be appealed by the aggrieved party to the Planning Commission. The Planning Commission shall hear the appeal and render a decision. An applicant who disagrees with the decision of the Planning Commission may within 10 days appeal to the Town Council, whose decision shall be final. All requirements of this ordinance shall be interpreted as the minimum necessary to protect the public health, safety, and welfare, and to implement the Municipal Land Use Development and Management Act.

**M. Severability.** If any provision of this ordinance is held to be invalid by a court, the remainder shall continue to be in effect.

## CHAPTER II - ROLES AND DUTIES

**A. What This Chapter Does.** This chapter describes the roles and duties of the official actors in the administration of this ordinance. This chapter also serves as the ordinance to establish a Planning Commission, as provided by §10-9-201(1), Utah Code.

**B. Administrator.** The Town Mayor may, with the advice and consent of the Town Council, appoint an Administrator to perform the duties listed herein as delegated by the Mayor.

1. The Administrator shall assist the public in understanding the requirements of this ordinance.

2. The Administrator shall prepare official application forms (see III.E.1.) and receive all applications for permits required by this ordinance.

3. The Administrator shall review applications for Class I permits for compliance with this ordinance and approve or disapprove such applications following the procedures of III.G.

4. The Administrator shall refer applications for Class II permits and development master plan approval to other agencies, as directed by III.H.4 and III.X.4., and prepare reports on, or arrange for professional review of, applications for Class II permits and development master plans following the procedures of III.H.5. and III.X.5.

5. The Administrator shall assist the Planning Commission, the Board of Adjustment, the Mayor, and the Town Council in setting agendas, providing proper notice of all hearings required by this ordinance, providing proper notice of all decisions made, and ensuring that there is a proper record of all proceedings.

6. The Administrator shall issue certificates of compliance, based on site inspections, as provided by III.R., enforce the provisions of development agreements, investigate possible violations of this ordinance, and initiate proceedings to correct violations, as provided by III.T. and III.U.

7. The Administrator shall prepare monthly and annual reports describing development activity in Eagle Mountain.

8. The Administrator shall perform all other duties assigned by this ordinance and the Town Mayor.

**C. Planning Commission.** A Planning Commission shall be established, as authorized by §10-9-201, Utah Code, et seq.

1. The Planning Commission shall consist of seven members, one of whom shall be a member of the Town Council. Members shall be appointed by the Mayor with the advice and consent of the Town Council.

2. Planning Commission members shall serve terms of three years, except those members initially appointed, who shall serve terms, as set by lottery, of up to six years, in order to provide for the annual appointment or reappointment of at least one member.

3. The Mayor shall, with the advice and consent of the Town Council, fill any vacancy within 30 days of the death, resignation, or removal of a member, or the expiration of a member's term.



4. The Planning Commission shall elect officers and adopt policies, bylaws and procedures for the conduct of its internal business, in accordance with state law and this ordinance.

5. Planning Commission members may be removed for failure to attend meetings, as provided by the Planning Commission's policies and procedures. Members may also be removed for cause, based on written charges and a hearing, if requested by the member.

6. The duties of the Planning Commission shall be to:

a. review and recommend to the Town Council, Class II permits following the procedure established in III.H.;

b. review and recommend to the Town Council Master Development Plans following the procedure established in III.W.;

c. review and make a recommendation to the Town Council on applications for amendments to this ordinance following the procedure established in III.X.; and

d. monitor development activity, periodically review the general plan and this ordinance, and recommend desirable amendments to the general plan or this ordinance to the Town Council following the procedure established in III.X.

**D. Board of Adjustment.** A Board of Adjustment shall be established, as required by §10-9-701, Utah Code, et seq.

1. The Board of Adjustment shall consist of five members appointed by the Mayor, with the advice and consent of the Town Council. The Mayor and Council shall appoint two additional members who shall serve as alternates who will substitute for regular members unable to attend scheduled Board of Adjustment meetings.

2. Board of Adjustment members shall serve terms of five years, except those members initially appointed, who shall serve terms, as set by lottery, of one, two, three, four, and five years, in order to provide for the annual appointment of one member.

3. The Mayor shall, with the advice and consent of the Town Council, fill the vacancy within 30 days of the death, resignation, or removal of a member, or the expiration of a member's term.

4. The Board of Adjustment shall elect officers and adopt policies and procedures for the conduct of its internal business, in accordance with state law and this ordinance.

5. Board of Adjustment members may be removed for failure to attend meetings, as provided by the Planning Commission's policies and procedures. Members may also be removed for cause, based on written charges and a hearing, if requested by the member.

6. The duties of the Board of Adjustment shall be to:

a. other than appeals concerning the interpretation of this Code, hear appeals from decisions of the Administrator using the appeals procedure provided by III.L.; and

b. review and act on applications for variances following the procedure of III.N.

c. exercise other powers defined by Utah law.

7. As provided by §10-9-702(5), Utah Code, the concurring vote of three members shall be needed to reverse a decision of the Administrator.

**E. Town Council.** The Mayor and Town Council have adopted this ordinance and must approve any amendments following the procedure provided by III.X. The other duties of the Mayor and Town Council in the administration of this ordinance shall be to:

1. appoint, with advice and consent of the Council, Planning Commission and Board of Adjustment members, as provided by II.C. and II.D.;

2. review and act on proposed development agreements and final subdivision plats, as provided in III.H.10 and III.H.12.; and

3. hear certain appeals, as provided by III.H.11., III.H.16.d., and III.L.

4. review and approve applications for Class II permits;

5. review and approve development master plans.

**F. Mayor.** The Town Mayor is generally responsible for the administration of all Town business, including the administration of this code. Specifically, the Town Mayor:

1. appoints the Administrator, as provided by II.B.;

2. reviews permit applications referred by the Administrator, as provided by III.H.4. and III.X.4; and

3. with the assistance of the Town attorney, negotiates development agreements for presentation to and approval by the Council;

4. the Mayor may appoint an executive assistant and assign specific duties to the executive assistant in the administration of these ordinances.

**G. Board of Development Agreement Appeals.** A Board may be convened upon the request of a party to a Development Agreement to decide issues arising from the interpretation of a Development Agreement between the Town and a third party.

1. Each party to the dispute shall appoint a representative to the Board and the two representatives so appointed shall select a third member of the Board from a list of five nominees provided by the Mayor.

2. The Board shall convene and hear the dispute and render a written decision within 15 days of the notice of request for the interpretation unless the parties agree in writing to enlarge the time for a final decision.

**H. Open Meetings.** All meetings and hearings conducted in the administration of this ordinance shall be conducted in compliance with the Open and Public Meetings Act, §52-4-1, Utah Code, et seq.

**I. Individual Liability.** The provisions of the Utah Governmental Immunity Act shall govern the assumption of defense and liability for individuals holding public office in the Town or under the employ of the Town.

## CHAPTER III - PERMIT REQUIREMENTS • ADMINISTRATIVE PROCEDURES

**A. What This Chapter Does.** This chapter requires permits for all land divisions, land development, and construction activities except those that are specifically exempted. It also establishes permit application and review procedures, an appeal procedure, a procedure for the review of applications for variances, and the other procedures needed for the administration of this ordinance, including a procedure for development master plan approvals.

### Permit Requirements

**B. Permit Required.** A permit is required for any division of land that is not specifically exempted by III.C., any change in land use, and for any clearing, excavation, grading, construction, or reconstruction that is not specifically exempted by III.D.

1. Class I permits are used to ensure that certain minor developments comply with this ordinance and to ensure that individual uses, buildings, and signs that are part of a development for which a Class II permit has been approved comply with the approved plan, all conditions imposed on that approval, and this ordinance. Specifically, a Class I permit shall be required for:

- a. any lot split (lot split is defined in XVI).
- b. a one-family dwelling on a nonconforming lot, but only as provided by I.G.3., or the replacement of a nonconforming use, building, or sign that has been destroyed by catastrophe, as provided by I.H.4.;
- c. a one-family dwelling on an existing subdivision lot or parcel of land identified by separate tax parcel number as of November 1, 1997;
- d. any minor change of use in, or change in the facade of, an existing commercial or industrial site or building;
- e. any use or minor change in use, or any building or sign within a development for which a Class II permit has been approved, including any accessory building or fence not exempted by III.D.;
- f. any other construction activity that is not exempted by III.C. or III.D., but does not require a Class II permit, and
- g. any clearing, excavation, or grading preparatory to an activity listed in III.B.1.a. through III.B.1.f.

The Class I permit procedure is found at III.G. The processing of Class I permits may, to the extent practical, be combined with the processing of building permits required by the Uniform Building Code.

2. Class II permits are used to review plans for the subdivision of land and development of entire sites, including subdivisions or multiple-occupancy, multiple-building developments for which a plat is not required. Specifically, a Class II permit shall be required for:

- a. any subdivision that is not specifically exempted by III.C., including development of that subdivision;

b. any higher density residential development for which platting is not required, including multiple-family dwellings.

c. any commercial or industrial development for which platting is not required, including any major change in use in an existing commercial or industrial site or building and any change in the facade of a building that is subject to the design performance standards established by this ordinance; and

d. any clearing, excavation, or grading preparatory to any activity listed in III.B.2.a. through III.B.2.c.

The Class II permit procedure is found at III.H.

**C. Exemptions for Land Divisions.** No permit shall be required for:

1. any division of land in which all resulting parcels are more than 160 acres in size;
2. any division of land that results from a court decree for the distribution of specific parcels of property;
3. any division of land that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose; or
4. any adjustment of unplatted property lines in which no new parcel is created and no new nonconforming lot, use, or building results. For plat amendments, see III.Z.

Exemption of a land division does not exempt development of the lot or parcel created from compliance with this ordinance.

**D. Exemptions for Development Activity.** The activities listed here are not exempt from any applicable requirement of this ordinance, except the requirement for a permit. No permit shall be required for:

1. ongoing farm and ranch activities, including the production of crops and raising of livestock, and the repair and maintenance of irrigation works and agricultural buildings;

EXCEPTION TO III.D.1: New or expanded feedlots, dairies, and other confined animal feeding operations shall be prohibited.

2. clearing, excavation, or grading for the installation or maintenance of residential grounds and gardens;

EXCEPTION TO III.D.2.: The Uniform Building Code regulates certain excavation and grading activities. See the Appendix to UBC Chapter 33.

3. repair or remodeling that does not alter the exterior dimensions or the appearance of the facade of the building;

EXCEPTION TO III.D.3.: The Uniform Fire Code and/or Uniform Building Code may require a permit for repair and remodeling exempted by III.D.3.

4. installation and replacement of certain signs, as provided in Appendix A;

5. construction or installation of fences of six feet or less in height (note that all fences must comply with the requirements of this ordinance for clear lines of sight at points of access to public streets and intersections: see Appendix E.4.e.);

6. construction or installation of accessory buildings that are exempt from review for compliance with the Uniform Building Code.

7. minor utility installations, except where such installations are subject to the provisions of the Uniform Building Code.

### **Application Forms and Fees - Inspections**

#### **E. Application Forms and Fees.**

1. Applications for permits and other procedures (appeals, variances, development master plan approvals, amendments, etc.) established by this ordinance shall be filed on the forms provided by the Town. Applications shall be accompanied by a development master plan, concept plan, or a preliminary plat (for proposed subdivisions) and any other maps, plans, drawings, tabulations, calculations, and text needed to demonstrate compliance with this ordinance. The contents of concept plans is specified in III.H.1. Preliminary plats shall be as required by Appendix B. The Administrator will determine the required number of multiple copies of application forms and supporting materials. An application is not complete until the application is acknowledged in writing as being complete by the Administrator.

2. Application fees for each type of permit and other procedures (appeals, variances, inspection of improvements, development master plan approvals, etc.) established by this ordinance shall be set by resolution of the Council. Payment of application fees shall always precede review of the application.

**F. Site Inspections.** The filing of an application for a permit, a variance, or a development master plan approval constitutes permission for the Mayor, Town Council, Administrator, Planning Commission, or Board of Adjustment to inspect the proposed development site during their consideration of the application. The Administrator may delay consideration of any application when inclement weather or a snowpack prevents a useful site inspection.

### **Permit Application and Review Procedures**

**G. Class I Permit Procedure – Site Plans for Construction on Existing Parcels of Land Other Than Subdivision Lots (not requiring subdivision of property).** The Class I permit procedure provides for prompt review of routine construction and other activity which requires a Class I permit, while still ensuring that such activities have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services. The Class I permit procedure shall be as follows.

1. The developer or builder shall file a properly completed Class I permit application form, all required supporting materials, and the required application fee with the Administrator. Site plans, drawn to a suitable scale and showing all proposed structures, will be required for dwellings or other residential structures on single lots that have not been reviewed as part of previous Class II permit approval and which do not qualify as a subdivision. Such site plans will be required to submit sufficient materials to ensure compliance with the absolute performance standards and requirements of this code and all applicable zones. Document submission requirements will include the following:

a. a vicinity plan showing significant natural and man-made features on the site and within  $\frac{1}{4}$  mile of the site.

b. the property boundaries of the proposed development and the name(s) of both the owner(s) of the property and the owners of adjacent property

c. if the predominant slope of the property exceeds 10%, contour lines showing topographic intervals of not more than five feet.

d. a proposed site plan showing general dimensions to the nearest foot and the proposed layout of structures on the lot. Plans for lots under 10 acres must show how the lot will meet the requirement for frontage on an improved public street.

e. relationship of the site to the open space circulation plan, unless already provided in an approved Class II permit application.

f. an affidavit (Certificate of Clear Title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the Class I permit

g. a north point and scale

h. the location, nature, and boundaries of existing public streets and public or private easements in or adjacent to the proposed site.

i. the location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development;

j. the location of irrigation structures, watercourses, and wetlands within or adjacent to the proposed development;

k. the location and exterior dimensions of existing and proposed buildings;

l. the location, dimensions, and general planting design of existing and proposed landscaping, including landscaped buffers and parking area landscaping; and

m. any other information required to demonstrate compliance with this ordinance including supplemental runoff management plans, planting plans, etc. as required by individual performance standards.

n. Zoning districts, density overlay districts, taxing districts and other special districts, if any, and if not already provided in an approved Class II permit application.

o. Water sources.

p. Proposed location of sewer lines and points of connection, or location of septic system.

q. The relationship of the property to the master trail system, showing any trails that are planned for the property and the location of any public trails within 1,320 feet, unless previously provided as part of an approved Class II permit application.

r. Documents detailing all covenants, grants of easement or other deed restrictions applicable to the site.

2. The Administrator and, if necessary, the Town engineer shall determine whether the proposed development complies with this ordinance.

3. Where the proposed development is part of a larger development for which a Class II permit was previously approved, the Administrator shall also determine whether it is in compliance with the previously approved development agreement and all conditions attached to that approval.

4. Conditions may be attached to the approval of any Class I permit, as provided by III.I.

5. The Administrator shall provide written notice of the decision to the developer within 10 days.

6. The Administrator's decision may be appealed to the Board of Adjustment using the appeals procedure of III.L. Notice of such an appeal must be filed with the Administrator within 10 days after notice of the decision has been issued. Developers proceed at their own risk during the appeal period.

**H. Class II Permit Procedure.** The Class II permit ensures effective planning and regulation of developments that may have significant impacts on public facilities, environmental quality, or neighboring uses. A Class II permit application may not be filed and will not be approved unless the land area of the proposed permit is within the boundaries of a master site plan approved under the Development Master Plan provisions of this code. Small single-owner proposed applicants may seek a waiver from the Town Council of the Master Plan and master site plan requirements upon a recommendation from the Planning Commission where the contiguous land area owned by the property owner at the date of this Code is less than forty (40) acres in size. The Class II permit procedure shall be as follows.

1. A **concept plan** review shall be required before the filing of an application for a Class II permit;

a. The concept plan review shall be an informal conference with the developer, the Administrator, the Town Engineer, if appropriate, and a representative of the Public Works Board. The developer shall receive comments from the Administrator and other participants to guide the developer in the preparation of a Class II permit

b. The developer shall provide a schematic drawing of the proposed project which depicts the area of the proposed project, air and ground transportation corridors within two miles, and the general relationship of the proposed project to the general plan and the surrounding area.

c. The concept plan review is intended to provide the developer with an opportunity to receive input from Town staff on a proposed development prior to incurring the costs associated with further stages of the approval process. This review does not create any vested rights to proceed with development in any particular configuration. Developers may anticipate that the Planning Commission and Town Council will raise other issues not addressed at the concept review stage.

2. Upon completion of the concept plan review, the developer shall file a properly completed Class II permit application form, including a **proposed preliminary plat** and all required supporting materials (See Appendix B), a proposed development agreement (See Chapter IV – Development Agreements, Required Improvements) and the required application fee with the Administrator at least 40 days before the Planning Commission meeting at which a hearing on the application is requested. The application must be consistent with the concept review, including consideration of the recommendations of the Administrator and other staff reviewers.

3. The Administrator shall determine whether the application is complete within 10 days after its filing.

a. If the application is complete, the Administrator shall schedule a hearing for the application on the agenda of the next Planning Commission meeting for which the requirements of III.H.5. and III.H.6. can be met, and at which time will permit its proper consideration.

b. If the application is not complete, the Administrator shall return it, with a written statement explaining what is missing.

4. Prior to the Planning Commission hearing, the Administrator shall refer a copy of the application and all accompanying materials for review by the Mayor, the Town engineer, Public Works Director, the fire department, the Airport Advisory Board and other professionals responsible to the Town, and the superintendent of schools. All reviews must be returned to the Administrator 20 days before the hearing.

5. The Administrator shall prepare, or contract with appropriate professionals for the preparation of, a written report that explains how, in the professional opinion of the Administrator or the contractors, the proposed development complies, or fails to comply, with this code. Upon completion, but not less than 10 days before the scheduled hearing, such reports shall be transmitted to the developer and to the Planning Commission. These reports will also be placed on file for public review with the application materials. In the event that the Administrator contracts with professionals for assistance, the costs of report preparation shall be added to the application fee required by III.E.2.

6. Hearing notices for Class II permits shall comply with the requirements of III.J. Notice shall be provided, as follows:

a. by first class mail, at least 14 days before the hearing: to all owners of record of property within 1,000 feet of the outer boundaries of the proposed development site;

b. by posting by the Town in three public places (including the Town office) at least 14 days before the hearing: in addition, a sign conveying the required notice shall be placed on the site at least 14 days before the hearing. Such signs shall be clearly visible from the nearest public road.

EXCEPTION TO III.H.6.b: The sign may be placed at a point of access to the site, rather than on the site, if the Administrator determines that this will provide more effective notice.

The developer shall mail the notice required by this paragraph at the developers expense, to all parties set forth on a mailing list provided to the developer by the Town for the project. After mailing the required notice the developer shall execute an affidavit of notice in the form required by the Town as proof of mailing the required notice.

7. The Planning Commission shall conduct a hearing on the proposed development following the procedure established in III.O. At that hearing, the Planning Commission shall take testimony



and determine whether the proposed development complies with all applicable requirements of this ordinance (See Chapter VI-Performance Standards for Development Review) .

a. If the proposed development complies with all applicable development requirements and utility standards for the site, is in the public interest and is fully consistent with any applicable master development plan and development agreement previously approved by the Town, and the submission is complete in all respects, the Planning Commission will recommend approval.

b. The Planning Commission may table its decision, but for no more than 35 days after the hearing, unless a longer period is required for the applicant to submit information or materials required by this ordinance.

8. Conditions or requirements may be attached to the approval of any Class II permit, but only as provided by III.I.

9. The Administrator shall provide written notice of the Planning Commission's decision to the Mayor and Council, the developer, and all other interested parties who have specifically requested such notice within 10 days.

10. If the proposed development receives a recommendation for approval, the Administrator shall request that it be placed on the next available Town Council agenda for which any applicable noticing requirements can be met.

11. If the proposed development was denied by the Planning Commission, the decision of the Planning Commission may be appealed to the Town Council using the appeals procedure of III.L. Notice of such an appeal shall be filed with the Administrator within 10 days after notice of the decision has been issued. Developers proceed at their own risk during the appeal period.

12. Each development for which a Class II permit or master development plan is approved must have a development agreement, and its approval will automatically be a requirement for approval of the Class II permit by the Town Council. At minimum, each development agreement will specify required improvements as specified in section IV.B. A development agreement may permit phased final platting, based on phased installation of the required improvements, and bonding for such improvements as provided by Chapter IV. The Town will provide a standard format for a development agreement that will include many of the most common provisions to facilitate efficiency in preparation and execution of such agreements.

13. Upon approval of a Class II permit by the Town Council, the developer may file a final plat. Such filing must occur at least 20 days before the Planning Commission meeting at which a hearing on the plat is requested, in accordance with the requirements set forth in Appendix B. The developer may file a final plat with the Administrator at any time after the Class II permit for a subdivision has been approved, and all necessary fees have been paid, as provided in III.H.11

14. The Administrator and the Town Engineer shall complete a review of the proposed final plat and submit a report to the Planning Commission 10 days prior to the hearing before the Planning Commission

15. The Planning Commission shall review the proposed final plat and determine whether it is in compliance with the Class II permit, and any requirements imposed as a condition of that permit's approval which shall be completed prior to review by the Town Council or which may be included in the Development Agreement. If the proposed final plat complies, the Planning Commission shall recommend that it be signed by the Mayor, with the advice and consent of the Town Council after final approval of the Development Agreement. If the proposed final plat fails to comply, the Planning Commission shall direct the Administrator to return it to the developer, along

with a written list of deficiencies. The Planning Commission is specifically charged with ensuring that all significant conditions required for final plat have been resolved before recommending Town Council review.

16. If the Planning Commission recommends that a proposed final plat be signed, the Administrator shall place it on the agenda of the next Town Council meeting at which time will allow for its proper consideration. At that meeting, the Town Council shall determine whether the Planning Commission's recommendation was correct. If the Town Council determines that the Planning Commission was correct, it shall authorize the Mayor to sign the proposed final plat when the Development Agreement is completed and approved by the Council. If the Town Council determines that the Planning Commission was not correct, it shall direct the Administrator to return the proposed final plat to the developer, along with a written list of deficiencies that must be corrected before the Town Council will authorize the Mayor to sign it.

17. Planning Commission disapproval of a final plat may be appealed to the Town Council using the appeals procedure of III.L. Notice of any such appeal shall be filed with the Administrator within 10 days after notice of the decision has been issued.

**I. Conditions.** Conditions may be imposed upon the approval of any permit, variance, or master development plan if:

1. they are designed to ensure compliance with one or more specific requirements of this ordinance or commitments made to the Town by the Developer; and

2. a list of all conditions imposed is provided to the developer with notice of the decision. That list shall specifically identify the requirement of this ordinance each condition is designed to implement or the representations of the developer upon which the requirement is based.

**J. Hearing Notices.** All hearing notices shall include the name and mailing address of the developer; a legal description of the site; the address or another general description by which the public can locate the site; the present land use; the proposed use and, for subdivisions, the proposed number of lots and average lot size; the body conducting the hearing; the date, time, and place of the hearing; and where applications are available for public review.

**K. Approvals Valid for Three Years.** Permits shall be valid for 3 years from the date of approval, unless their approval is extended by a development agreement. See Chapter IV on development agreements.

### **Appeals - Variances**

**L. Appeals.** Any decision of the Administrator, other than interpretations of the provisions of this Code and disputes concerning the interpretation of development agreements, may be appealed to the Board of Adjustment. Any decision of the Planning Commission may be appealed to the Town Council. All appeals shall be based on, and limited to, specific sections of this ordinance. The person making the appeal will follow the following procedure:

1. The appellant shall file a properly completed notice of appeal and the required appeal fee with the Administrator within 10 days after notice of the decision was issued. Supporting materials may be filed later, but not less than 10 days before the hearing.

2. The Administrator shall place a hearing of the appeal on the agenda of the next Board of Adjustment, Planning Commission, or Town Council meeting for which the notice requirements can be met, and at which time will permit its proper consideration. Notice requirements for an appeal shall be the same as for the original permit application.

3. The Board of Adjustment, Planning Commission or Town Council shall conduct a hearing on the appeal following the procedure established in III.O. At that hearing, the Board of Adjustment, Planning Commission or Town Council shall determine whether the decision being appealed is in compliance with this code, and affirm, modify, or overturn that decision accordingly. Consideration of an appeal may be tabled for no more than 15 days.

4. The Administrator shall provide written notice of the decision to the appellant and all interested parties who have specifically requested such notice within 10 days.

5. Appeals from decisions of the Board of Adjustments or Town Council may be taken to District Court only after all administrative appeals have been exhausted.

**M. Alleged Takings.** If, after completing an appeal to the Board of Adjustment or Town Council, any person alleges that a decision of the Administrator or Planning Commission, as affirmed or modified by the Board of Adjustment or Town Council, constitutes a taking of property without just compensation, that decision may be appealed to the Town Council as an alleged taking of property without just compensation. No other aspect of a decision of the Board of Adjustment is subject to such an appeal. Other appeals from the Board of Adjustment must be taken directly to court as provided by §10-9-708, Utah Code.

1. An appeal based on an alleged taking of property without just compensation must be filed with the Administrator within 30 days after the notice of the decision being appealed was issued.

2. The Town Council shall conduct a hearing on the appeal within 14 days after it is filed. At that hearing the Town Council shall consider the guidelines adopted pursuant to §63-90a-3, Utah Code (see Appendix C) and the Town Attorney's advice, then:

a. reject the appeal because the decision of the Administrator or Planning Commission and Board of Adjustment did not constitute a taking of property without just compensation;

b. remand the application for re-consideration by the Administrator or Planning Commission in order to mitigate adverse impacts on the developer's property value; or

c. if it determines that the public interest requires a restriction on the use of the developer's property that does constitute a taking without just compensation, direct the Town Mayor to enter into negotiations that will result in just compensation being paid.

3. The Administrator shall provide written notice of the Town Council's decision to the developer and all interested parties who have specifically requested such notice within 10 days.

**N. Variances.** Variances provide relief for landowners who, because of some unique physical characteristic of their property, would have no beneficial use of that property if this ordinance is strictly enforced. Land use may not be varied, but variances from the standards of this ordinance may be granted as provided here.

1. The developer shall file a properly completed application for a variance, all required supporting materials, and the required application fee with the Administrator.

2. The Administrator shall place consideration of the proposed variance on the agenda of the next Board of Adjustment meeting. Consideration of an application for a variance may be tabled for no more than 35 days.

3. The Board of Adjustment shall approve a variance only upon finding that:

a. literal enforcement of this ordinance would cause an unreasonable hardship for the owner because there are special conditions affecting the use of the lot or parcel on which the variance is proposed that do not generally affect the use of other lots or parcels in the same zoning district and, due to those conditions;

b. a conforming use cannot be developed on the lot or parcel without a variance.

c. The Board of Adjustment must also find that approval of the variance will not substantially affect implementation of the general plan or be contrary to the public interest.

d. The hardship was not created by the owner of the property nor is the hardship of a financial nature.

4. Additional findings may be required for variances.

5. Conditions may be attached to the approval of any variance, but only as provided by III.I.

6. The Administrator shall provide written notice of the Board of Adjustment's decision to the appellant and all interested parties who have specifically requested such notice within 10 days.

7. Appeals from decisions of the Board of Adjustment are taken to District Court, as provided by §10-9-708, Utah Code.

#### Hearing Procedures

**O. Hearing Procedure.** This procedure shall be followed in all hearings required by this ordinance, whether before the Planning Commission, Board of Adjustment, or Town Council. All hearings must be part of an open meeting, as required by II.H.

1. The presiding officer shall announce the purpose and subject of the hearing.

2. The presiding officer shall determine whether notice of the hearing has been provided, as required by this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.

3. The presiding officer shall ask if any member wishes to declare a conflict-of-interest in the matter to be heard and, if so, will describe briefly the provisions of the Town's ordinance governing such conflicts (Ordinance 98-01)..

4. The presiding officer shall ask the Administrator to present a report on the proposal being considered.

5. The presiding officer shall direct questions from members to the Administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.

6. The presiding officer shall remind those present that all statements given must address the merits of the proposed development, as measured by its compliance or lack of compliance with the general plan and this ordinance.

7. The presiding officer shall request a statement from the developer or a representative, or in an appeals hearing, the appellant or a representative. Members may ask questions following this statement, with all questions and replies directed through the presiding officer.

8. Following the statement of the developer or appellant, the presiding officer shall ask for statements from the public. Anyone giving a statement shall begin by stating his or her name and mailing address. Members may ask questions following this statement, with all questions and replies being directed through the presiding officer.

9. When all statements have been given, the presiding officer shall ask if anyone who gave a statement wishes to speak in rebuttal to other statements or to clarify his or her statement. Questions from members may follow each rebuttal or clarification.

10. The presiding officer shall close the public hearing portion of the meeting and call for discussion, resulting in action, as provided by this ordinance.

11. Written statements, plans, photographs, and other materials offered in support of statements at a hearing are part of the hearing record and shall be retained by the Town pending the expiration of the appeal period for all matters heard and any relevant period of litigation.

12. The Administrator shall keep a tape record of all hearings on file for at least six months after the final hearing, including appeals hearings, on the development.

**P. Additional Hearing Procedures.** These procedures may be used, without prior notice, to expedite the conduct of large or controversial hearings.

1. In order to allow everyone an opportunity to speak and ensure completion of the agenda, time limits may be imposed on the statements given.

2. People who wish to speak are required to register with the presiding hearing officer or the Administrator. Each person registering to speak at the hearing shall execute an affirmation declaring under penalty of perjury that each statement purporting to be a statement of or representation of fact is true and correct in all aspects reasonably known to the speaker. Persons who are not willing to voluntarily execute the required registration and affirmation shall not be permitted to speak or present information to the hearing body. The presiding officer shall then use the register to call upon persons to present their statements.

**Q. Decision Record.** All decisions of the Administrator, Planning Commission, Board of Adjustment, and Town Council shall be reported in written form. Written findings may be established by reference to application materials, the Administrator's report, and testimony at hearings. Compliance findings may be reported in the form of checklists showing that all requirements of this ordinance have been systematically considered and the results of that consideration.

### Enforcement

**R. Certificate of Compliance.** The Administrator shall issue a certificate of compliance after on-site inspections have shown that a completed development (or phase of a development, where a development agreement provides for approval in phases) complies with this ordinance, including any conditions imposed upon its approval. A certificate of compliance must be issued before any lot is leased or sold, or any lot or building occupied. Certificates of compliance may be combined with certificates of occupancy required by the *Uniform Building Code*. A certificate of compliance may be issued if the development is not complete where the developer has complied with the financial guaranty provisions of the Code to assure the completion of all required improvements and conditions.

**EXCEPTION TO III.R.:** The Administrator may issue a temporary certificate of compliance to permit temporary use of a building when the weather prevents prompt completion of landscaping or outdoor site improvements. No such certificate shall be valid for more than 180 days.

**S. Violations.** A person violates this ordinance whenever he or she:

1. proceeds with an activity for which a permit is required by III.B. without having obtained that permit;
2. makes a misrepresentation on any application form, or in any supporting materials required by this ordinance;
3. offers any land for sale, lease, or use, or occupies a development without first obtaining a certificate of compliance, as required by III.R.;
4. fails to fulfill any condition imposed on the approval of a permit or variance, or fails to maintain any improvement required for compliance with this ordinance.

**T. Failure to Obtain a Permit.** When the Administrator becomes aware of an activity for which a permit is required by III.B or under the Uniform Building Code, including Chapter 70 of the U.B.C., but for which a permit has not been approved, he/she shall order the owner to immediately cease the activity. This order shall be given by posting written notice on the site or mail. If the violation continues, the Administrator shall direct the Town attorney to take prompt action, as authorized by §10-9-1002, Utah Code, to end the activity which is not permitted. If a permit is not subsequently issued, the Town attorney shall obtain an agreement, or if necessary, a court order providing for the restoration of the site to its original condition. Required restoration may include re-establishment of natural grade and vegetative cover where sites have been cleared, excavated, or graded in violation of this ordinance.

**U. Other Violations.**

1. The Administrator shall notify the owner of the violation by mail or posting on the site. The notice shall describe the violation, cite the sections of this ordinance being violated, and order the owner to attain compliance within 30 days.
2. A person who receives a notice of violation may:
  - a. request an inspection by the Administrator to show that compliance has been attained within the 30 days allowed, or
  - b. file an appeal of the Administrator's notice, following the procedure of III.L.
3. The Administrator shall ask the Town attorney to take prompt action, as authorized by §10-9-1002, Utah Code, against any owner who fails to attain compliance within the specified time or to show, on appeal, that a violation has not occurred.
4. This procedure may be accelerated where the Administrator finds that a violation poses an immediate threat to public health and safety. In such cases, the Administrator shall direct the Town attorney to take immediate action to end the violation.

**V. Penalties.**

1. Violations of this ordinance shall be punishable, upon conviction, as Class B misdemeanors.

2. No municipal utilities service shall be provided to any lot, parcel, or development that is not in full compliance with this ordinance.

3. No permit required by this ordinance or by the *Uniform Fire Code* or *Uniform Building Code* shall be issued for additional or further development on a lot or parcel where a violation exists.

### Master Development Plans

**W. Master Development Plans.** Development of a new Town, like Eagle Mountain, requires careful, detailed and well informed coordinated land use planning and additional planning, design and funding by or on behalf of the Town for roads, water, sewer, parks, dry utility infrastructure, schools and every kind of public facility and service to serve the public interest. It also involves major investments in land and infrastructure, which must often take place before it is feasible for a developer to file an application specific enough to obtain a Class II permit. The development master plan procedure established here is intended to provide a process for assuring the achievement of the public interest goals which are the primary objective of this Code and its requirements and adequate security for investments in infrastructure that would be considered substantially in excess of those typically required within the bounds of an individual subdivision. In granting approval to a Master Development Plan the Town allows a developer to vest the right to a specified use, or range of uses, and density, or range of densities within a specified area by obtaining approval of a zoning change in the official zoning map. A Master Development Plan proposal is a zoning change request and must contain specific proposed zoning districts and site use designations authorized by this Code for each proposed Class II permit phase of the proposed Master Development Plan and all land within the plan area. The developer will still be required to obtain a Class II permit, as provided by this ordinance, as it existed on the date the development master plan was approved. A development master plan will be required as a condition of annexation.

1. An application for approval of a development master plan shall be processed as an application for a zoning map and General Land Use Plan amendment (see III.X. for the amendment procedure within which the permitted use or range of uses, and density or range of densities shall be clearly established).

2. Every Master Development Plan, including all phases of future development, shall have professionally licensed engineers, landscape architects, and other design professionals directly involved in the project who shall be available during presentations to the Planning Commission and the Town Council. Review of applications for the approval of development master plans shall be guided by the criteria established in Chapter XIII.

3. Additional Procedures: Class II Permit. Approval of a development master plan does not constitute a permit to proceed with development. A Class II permit, grading permits and approval of infrastructure design must still be obtained. Class II permit review will be guided by this ordinance, as it existed on the date the development master plan was approved.

### Amendments

**X. Amendments.** Any person may apply for an amendment to this ordinance. Amendments may also be initiated by the Planning Commission, in which case steps 1. and 2. shall not be required.

1. A pre-application review shall be required before the filing of an application for an amendment of this ordinance.

a. The applicant shall file a request for pre-application review with the Administrator at least 10 days before the Planning Commission meeting at which pre-application review is requested.

b. The Administrator shall place the pre-application review on the agenda of the next Planning Commission meeting at which time is available.

c. The Planning Commission shall conduct a pre-application review. The applicant may file an application for an amendment, as provided by III.X.2. at any time within 365 days after that review. If more than 365 days passes before the filing of an application, another pre-application review shall be required.

2. The applicant shall file a properly completed application form, all required supporting materials, and the required application fee with the Administrator at least 30 days before the Planning Commission meeting at which a hearing on the application is requested.

3. The Administrator shall determine whether the application is complete within 10 days after its filing.

a. If the application is complete, the Administrator shall place a hearing on the application on the agenda of the next Planning Commission meeting for which the requirements of III.X.5. and III.X.6. can be met, and at which time will permit its proper consideration.

b. If the application is not complete, the Administrator shall return it, with a written statement explaining what is missing.

4. The Administrator shall refer a copy of the application and all accompanying materials for review by the Mayor, the Town engineer, the fire department, or other professional responsible to the Town and the superintendent of schools. All reviews must be submitted to the Administrator before the hearing.

5. The Administrator shall prepare, or contract with appropriate professionals for the preparation of, a written report that explains how, in the professional opinion of the Administrator or the contractors, the proposed amendment is consistent, or fails to be consistent, with the public interest, the health, safety and general welfare of the Town and its residents, with the general plan or, for a proposed development master plan, the criteria of Chapter XIII. Upon completion, such reports shall be transmitted to the applicant and placed on file for public review with the application materials. The costs of report preparation shall be added to the application fee required by III.E.2.

6. All hearing notices for an amendment shall comply with the requirements of III.J. Notice shall be provided, as follows:

a. by first class mail, at least 14 days before the hearing: to all owners of record of property within 1,000 feet of the outer boundaries of the proposed map amendment;

EXCEPTION TO III.X.6.a: Where more than 100 certified mail notices would be required, the Administrator may limit certified mail notice to the nearest 100 owners of record, while providing all other forms of notice required by this ordinance.

b. The developer shall mail the notice required by this paragraph at the developer's expense, to all parties set forth on a mailing list provided to the developer by the Town for the project. After mailing the required notice the developer shall execute an affidavit of notice in the form required by the Town as proof of mailing the required notice.



c. by posting on the site, at least 14 days before the hearing: a sign conveying the required notice shall be placed on the site. Such signs shall be clearly visible from the nearest public road.

EXCEPTION TO III.X.6.c: The sign may be placed at a point of access to the site, rather than on the site, if the Administrator determines that this will provide more effective notice.

7. The Planning Commission shall conduct a hearing on the proposed amendment following the procedure established in III.O. At that hearing, the Planning Commission shall take testimony and determine whether the proposed amendment is consistent with the general plan or, for a proposed development master plan, the criteria of Chapter XIII, and in the public interest.

a. If it finds that the proposed amendment is legal and enforceable and consistent with the general plan, or, for a proposed development master plan, the criteria of Chapter XIII, and the general health, safety and welfare of the Town and its residents, and in the public interest, the Planning Commission may recommend that the Town Council adopt it.

b. If it finds that the proposed amendment is not legal and enforceable, consistent with other provisions of the Code, not consistent with the general plan or, for a proposed development master plan, the criteria of Chapter XIII, not intended to protect and enhance the general health, safety and welfare of the Town and its inhabitants or not in the public interest, the Planning Commission shall recommend that the Town Council reject it.

c. The Planning Commission may table its decision, but for no more than 35 days after the hearing.

8. The Administrator shall transmit the Planning Commission's recommendation, in writing, to the Town Council, the applicant, and all interested parties who have specifically requested such notice within 10 days.

9. The Town Council shall conduct a hearing on the proposed amendment following the procedure established in III.O. and required by Utah law. At that hearing, the Council shall consider the Planning Commission recommendation, take testimony and determine whether the proposed amendment is consistent with the general plan, or, for a proposed development master plan, the criteria of Chapter XIII, and is in the public interest.

a. If it finds that the proposed amendment is consistent with the general plan, or, for a proposed development master plan, not consistent with the criteria of Chapter XIII, or not in the public interest, the Town Council shall adopt it.

b. If it finds that the proposed amendment is not consistent with the general plan, or, for a proposed development master plan, not consistent with the criteria of Chapter XIII, or in the public interest, the Town Council shall reject it.

**Y. Annexation.** An amendment of the official zoning map shall be required whenever land is annexed to Eagle Mountain.

#### Other Procedures

**Z. Plat Amendments and Vacations.** Plats may be changed or vacated only as provided by the applicable provisions of Utah law.

## CHAPTER IV - REQUIRED IMPROVEMENTS • DEVELOPMENT AGREEMENTS

**A. What This Chapter Does.** This chapter requires the installation, contribution and dedication at no cost to the Town of certain improvements in developments at the developer's expense, sets improvement standards or refers to other standards, permits the phased installation of improvements pursuant to a development agreement, and requires the perpetual maintenance of required improvements which are not dedicated to the Town.

**B. Required Improvements Defined.** A required improvement is any legal entitlement such as water rights or other legal or tangible, physical improvements required for compliance with any absolute performance standard of this ordinance. Required improvements include, but are not limited to:

1. runoff and erosion control measures, including both structures and plantings, required to implement an approved runoff and erosion control plan;

2. landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;

3. water and sewer mains and related improvements

4. water rights as required by Town ordinance, water sources, water storage, lift stations, and other utilities;

5. off-street parking and loading areas, including any required landscaping;

6. roads and related improvements, including bridges, culverts, traffic control signs, street lights and signs, and street trees;

7. sidewalks and trails;

8. neighborhood parks and squares; and

9. sufficient water, including sources if necessary and water rights conveyed to the Town and usable by the Town for municipal purposes acceptable to counsel for the Town, and to meet all applicable Town and other government regulatory standards for the uses proposed.

10. utilities such as telecommunications, cable TV, electric power and natural gas.

**C. Installation at Developer's Expense.** The installation of required improvements shall be at the developer's expense.

**EXCEPTION TO IV.C.:** The Town may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with the capital facilities plan or general plan. Where off-site improvements, such as utility extensions, are constructed at the developer's expense, provisions may be included in a development agreement for reimbursement by landowners whose property subsequently benefits from the improvements under Holding Strip agreements.

**D. Improvement Standards.** Required improvements shall be installed in compliance with this ordinance and any capital facilities plans and design and engineering standards separately adopted by the Town or other agencies responsible for providing services to the development.

**E. Time of Installation, conveyance, transfer or dedication - Development Agreements.**

1. Except for the conveyance of water rights which shall be transferred to the Town and approved for municipal use within the Town by the Utah State Engineer prior to final plat approval and recordation, developers must either 1) install all required improvements before a final plat is recorded; or 2) comply with the security provisions of this Code which require full approved collateral or approved surety in the form of a corporate bond approved by the Town Attorney to assure completion of all improvements before building permits are issued by the Town. A final plat must be recorded before any lot covered by the plat may be leased or sold. or offered for sale. Lots may be offered for sale under the rules of the Utah Division of Real Estate.

2. Developers may record final plats in phases, offering each phase of the development for lease, sale, or occupancy upon the bonding for or completion and acceptance of improvements, as provided by IV.H., of all improvements required for each phase. Phasing shall be permitted only pursuant to a development agreement that:

a. incorporates a conceptual site plan of the entire development (the site plan used as a basis for permit approval) and a detailed site plan and construction drawings of the initial phase;

b. identifies all required improvements, including parks and trails, in the initial phase and establishes an estimate by the Town Engineer of their cost;

c. sets a schedule for completion of the required improvements in the initial phase and an anticipated schedule for future phases;

d. guarantees completion and one year's maintenance of all required improvements in the initial phase using one of the methods listed in IV.G., and provides a process for submission of detailed plans, cost estimates, and the guarantee of improvements in each future phase;

e. provides a process by which the Town may, if necessary, complete required improvements using the guarantee provided;

f. provides a process by which either party may request re-negotiation of the development agreement,

g. provides a process by which the development agreement may be transferred, with Town approval, to the developer's successors; and

h. provides that the development agreement and the vested rights it confers shall be void if the Town is required to "call" a guarantee to complete required improvements or if the anticipated schedule required by c., above, is not met or re-negotiated. The developer shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the developer, within 90 days after failure to initiate or complete a phase as scheduled.

i. provides for dedication to the Town of right-of-ways to adjacent properties and construction of temporary cul-de-sacs as needed to ensure adequate egress from stub streets.

3. Improvements must be completed within one year of recording the final plat, unless otherwise provided in the development agreement.

4. Road access must be provided as approved by the Town Engineer and fire hydrants must be operational before any construction within the subdivision will be allowed to proceed above

foundation level. Other restrictions contained in the UBC may also apply. Exceptions for model homes may be approved by the Town Council, provided the developer executes a suitable waiver of liability.

**F. Effect of Development Agreement.** The effect of a development agreement shall be to create vested rights as described in said Agreement. All such rights shall expire with the development agreement. Development agreements do not insulate developments from changes in state or federal regulations or changes in the Uniform Fire Code or Uniform Building Code.

**G. Guarantees.** Completion of the improvements identified in a development agreement shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development identified in the development agreement.

1. The developer may place an amount equal to 105% of the estimated cost of the required improvements in escrow, with that amount and the accumulated interest being released only after the Town has inspected and accepted the required improvements. A development agreement may provide for the phased release of portions of the funds in escrow as work proceeds, but at least 25% of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the development agreement, the Town shall use as much as necessary of the escrow account to complete those improvements, then return any remaining balance to the developer.

2. The developer may provide an irrevocable or standing letter of credit or a performance bond for an amount equal to 105% of the estimated cost of the required improvements. The letter of credit or bond shall be released only after the Town has inspected and accepted the required improvements. If any required improvements are not completed as provided in the development agreement, the Town shall use as much as necessary of the credit available to complete those improvements.

**H. Inspection and Acceptance of Improvements.** Required improvements shall be inspected by the Administrator or Town Engineer before acceptance. Such acceptance of required improvements shall be by approval of a bond release by the Town Council, following submission of the developer's written request for acceptance and receipt of the Administrator's or Town Engineer's report that all improvements have been inspected and are in compliance with this ordinance.

1. Fees for the inspection of required improvements shall be set in the resolution required by III.E.2.

2. Reproducible as-built drawings of all improvements that will be dedicated to the public shall be provided to the Town at the developer's expense.

**I. Warranty of Improvements.** Required improvements shall be warranted by the developer for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all development agreements. A warranty agreement shall be submitted for approval by the Administrator and the Town attorney. Enforcement of the warranty shall be assured by one of the following:

1. retention of 10% of an escrow account established to comply with IV.G.;

2. a continuing letter of credit or bond, as provided in IV.G., but for 10% of the cost of the required improvements; or

3. establishment of a new escrow account, in which an amount equal to 10% of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty.

4. A separate warranty shall be required for each phase of the development identified in the development agreement.

**J. Continuing Maintenance Required.** The continuing maintenance of any improvement required for compliance with these regulations shall be required. Failure to maintain any required improvement shall be a violation of these regulations.

**K. Maintenance Mechanism.** Any development that is subject to the continuing maintenance requirement of IV.J., and that results, or may reasonably be expected to result, in multiple ownerships (subdivisions, condominiums, etc.) shall create a community association or establish a municipal improvement district that has responsibility for continuing maintenance.

1. The choice of maintenance mechanisms (community association or improvement district) shall depend on the type of development and the extent of the need for maintenance, with the choice being approved by the Town Council.

2. where an improvement district is used: The developer shall bear the expense of creating and financially supporting the district following the process established by §17A-3-325, Utah Code for at least one (1) year.

3. where a community association is used: The developer shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association for review and approval by the Town attorney, and those documents shall be recorded before any development agreement is executed or any certificate of compliance is issued.

**L. Open Space Maintenance.** The maintenance of any open space required for compliance with this ordinance shall include fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. Maintenance activities shall not diminish the open space values (wetlands, slopes, etc.) being protected.

**M. Maintenance of Landscaping.** Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function of the landscaped area. Sufficient water rights for the maintenance of landscaped areas will be dedicated to the Town.

## CHAPTER V - ZONING DISTRICTS AND MAP

**A. What This Chapter Does.** This chapter establishes zoning districts and zoning overlays in Eagle Mountain by adopting an official zoning map. It also provides a procedure for the interpretation of zoning district boundaries.

**B. Zoning Districts.** The following zoning districts and their boundaries, as shown on the Official Zoning Map of Eagle Mountain, Utah, are hereby established:

1. Airpark (AP)
2. Business Park (BP)
3. Commercial Core (CC)
4. Manufacturing & Industrial (M&I)
5. Town Core Residential (TCR)
6. Country Residential (CR)
7. Critical Environment (CE)
8. Resort Mixed Use (RMU)
9. Satellite Commercial (SC)
10. Village Core (VC)
11. Agriculture (AG)

**C. Permitted and Conditional Uses.** Each zoning district except the AG district contains some combination of possible land uses. Each use is designated as either permitted or conditional,

1. A permitted use is one which is authorized by definition in the zone. Permitted uses must meet all absolute performance standards as part of the Class II approval process.

2. A conditional use is intended to allow the use of certain lands and structures which may be acceptable under special conditions and in specific locations within the zoning district. Conditional uses require a special permit that is approved subject to the use meeting relative performance standards applicable to the zoning district in which it will be located. A conditional use permit may be revoked upon failure to comply with the conditions precedent to the original approval of the permit. Areas within a development that are intended for uses requiring conditional use permits, other than home businesses, must be so designated on all plans and plats submitted as part of the Class II or master development plan approval process.

a. The Planning Commission may approve a conditional use permit in any zoning district for which the particular use is designated as a conditional use. In approving such uses, the Planning Commission shall impose such requirements and conditions as may be considered necessary to protect adjacent properties, ensure the public welfare, and achieve the purposes of the Eagle Mountain General Plan. Compliance with all applicable relative performance standards identified for the specific use will generally be considered the minimum necessary for approval of a conditional use. Any conditional uses approved by the Planning Commission as part of the Class II or master development plan approval procedure shall be specifically brought to the attention of the Town Council during the review of preliminary and final plats.

b. Under the provisions of this paragraph any person shall have the right to appeal to the Town Council any decision on a conditional use permit or any requirements for such permits rendered by the Planning Commission. Such appeals must be filed with the Town Recorder within ten (10) days of the decision by the Planning Commission. The appeal shall include any statements-of-fact intended to support a contention that the decision of the Planning Commission was unreasonable, in error or counter to the intent of the General Plan. The Town Council will

review appeals on conditional uses and may affirm, reverse, alter or remand the decision of the Planning Commission. The decision of the Town Council will be final.

c. The Building Inspector or Administrator shall ensure that all Class I permits and building permits comply with all provisions attached to the conditional use permit as specified by the Planning Commission or Town Council. Failure of the Building Inspector or Administrator to enforce such requirements will in no way relieve a builder or developer of responsibility for compliance.

d. Unless substantial action is initiated under a conditional use permit within one year of issuance, the permit will expire. The Planning Commission may extend such permits for up to two successive periods of one year each.

**D. Land Uses within Zoning Districts.** The Eagle Mountain Development Code allows for the following land uses within the zoning district indicated. The development pattern encouraged by the code will be compact, small lot residential development in the Town and village cores. Larger lots and small clusters surrounded by large expanses of open space will be characteristic of areas outside the core. Open space and recreational uses are encouraged in all Eagle Mountain land use designations. Preservation of scenic views and natural settings will be a key element of development in all zoning districts. Preexisting agricultural activities, such as the raising of livestock, cultivation of row crops and other agricultural uses are explicitly permitted in all zones. Such agricultural uses may also be initiated after adoption of this code, provided such activities do not create a nuisance to nearby uses. The storage and/or disposal of hazardous materials or other regulated wastes, bulk feedstock materials or materials awaiting recycling on a commercial scale, extraction of minerals or gravel, and other activities similar in character are expressly prohibited in all zones.

1. **Airpark.** The airpark zone will provide business and residential sites with access to hangers and taxiways suitable for business and general aviation aircraft. In addition to the aviation related functions to be accommodated in the air park, the design/development standards will encourage a variety of uses to make the air park a functional business environment offering a diversity of aviation and non-aviation services including the uses described in the Business Park area, light manufacturing, professional offices, restaurants, and lodging.

a. Development standards for the airpark will specify landscaping and parking design requirements. Setbacks and the physical requirements of taxiway corridors will dictate some of the design standards within the Airpark. All building in the Airpark shall meet setback and height requirements of the FAA as described in the airport layout plan.

b. Aircraft sales, manufacturing, assembly and service operations or other aviation services carried out under contract with the Town are permitted uses. Other uses within the Airpark are conditional uses, subject to all relative performance standards in Chapters XVII. The following conditional uses and such uses as the Planning Commission may recommend as similar and consistent with the scale, character and impact of the area will be considered. All other uses are expressly prohibited.

- Office Use
- Restaurants
- Hotel, Motel, Bed and Breakfast Facilities
- Light Manufacturing
- Warehousing
- Dwellings, Group Homes

2. **Business Park.** The purpose of the Business Park designation is to establish a very high amenity campus style environment for businesses, professional offices, research facilities, and other compatible uses. The Business Park area is to be low density development. Due to the mix of building sizes likely to occur in this use designation the performance standards will establish a combination of floor area ratio and impervious surface percentage to determine the maximum utilization of a site. The Business Park, while primarily a location for business, technology, and research facilities, can allow supporting services such as restaurants, lodging, and other uses able to meet the requirements of the performance standards.

a. Parking areas in the business park shall be visually screened by vegetation, berms, and walls. Parking lots shall include interior and perimeter landscaping. The number of required parking spaces and standards for parking area design shall be established by industry standards for each use and the landscape standards in the Eagle Mountain Development Code.

b. Signs erected within the Business Park area are required to be designed for identification, not advertising. Signs adjacent to streets are to be landscaped monuments using materials and colors relating to the buildings. The only illumination allowed shall be external lighting; neon and internally illuminated signs are prohibited. Monument signs, exclusive of the monument structure, cannot exceed 20 square feet per sign face for a single business. Monument signs for complexes containing several businesses may have faces of up to 30 square feet. Monument signs located in landscaped areas, at a distance of more than 50 feet from the street and signs on buildings will be granted square footage on the basis of design review and the standards of the Signage Standards of the Eagle Mountain Development Code.

c. The Town will encourage projects in the Business Park area to dedicate an amount equivalent to 1% of the building cost for public artwork to be located at or near the building(s), or within public areas of the Town of Eagle Mountain as approved by the Planning Commission and a Design Review Board.

d. Permitted uses with the business park are business and corporate offices not to exceed three stories in height. All other uses within the business park are conditional uses, subject to all relative performance standards in Chapters XVII. The following conditional uses and such uses as the Planning Commission may recommend as similar and consistent with the scale, impact and character of existing uses will be considered. All other uses are expressly prohibited.

- Restaurants
- Retail Services Establishments
- Hotel, Motel, Bed and Breakfast Facilities
- Day Care Centers
- Medical and Health Care Offices
- Veterinary Offices
- Electronics Repair Shop
- Dwellings, Group Homes

3. **Commercial Core.** The Commercial Core zone is intended to provide for a pedestrian friendly commercial center developed at a higher density. Appropriate uses for the commercial core location are businesses, offices, governmental functions, restaurants, retail shops, professional services and entertainment. Commercial Core buildings shall be at least two stories and not more than four stories. Upper levels of Commercial Core businesses may include any of the uses of the Commercial Core zone designation that meet the relevant performance standards, plus apartments and condominiums.

a. Developments in commercial core will occur around a town square, or a series of squares. Buildings will generally be constructed with no front setback. Side and rear setbacks will



be determined on the basis of compatibility with adjacent uses and the proposed use of the space within the building setback. Because the core is essentially a public space, each building project will be required to provide certain public amenities. The public amenities can include mini parks and outdoor eating areas. Each building project will be encouraged to contribute a minimum of 1% of the project cost for public artworks at or near the site.

b. Parking for commercial core development shall be behind the buildings. In no case will a building be granted a front setback to accommodate parking. Commercial core blocks will be large enough to have a perimeter of buildings surrounding an interior block parking area. The block interior parking area shall be landscaped in accordance with the parking and landscape standards in the Eagle Mountain Development Code. The Landscaping Standards of the Eagle Mountain Development Code require trees, street furniture, and planting along the pedestrian space in front of, and adjacent to, buildings in the commercial core.

c. Signs allowed in the commercial core area can be mounted flush to the building front surface. Such building signs shall not exceed 20% of the front surface. Commercial core businesses may have externally lighted signs that overhang the building line up to a maximum of 4 feet. Neon signs may be placed inside business windows, but may be no larger than 4 square feet. Neon lettering may be placed on building fronts, but shall be placed no higher than the floor line of the second story or a maximum height of 12 feet above the sidewalk. Such wall mounted neon signs may not exceed 18 vertical inches. Internally illuminated lettering will be allowed and shall follow the same general guidelines for signs described in the development code. Moving, flashing, and portable signs are prohibited. Internally illuminated awnings are prohibited.

d. Permitted uses in this zone are retail sales, business offices, banks, restaurants, apartments or condominiums, and professional offices. All other uses within the commercial core are conditional uses, subject to all relative performance standards in Chapter XVII. The following conditional uses and such uses as the Planning Commission may recommend as similar and consistent with the scale, character and impact of existing uses will be considered. All other uses are expressly prohibited.

Retail Services Establishments  
Restaurants  
Theaters  
Hotels, Motels, Bed and Breakfast Facilities

4. **Manufacturing & Industrial.** Warehousing and construction trades or services will be permitted uses in the Manufacturing and Industrial zone. This designation can also accommodate large warehouse style retailing operations not allowed within the Commercial Core or Satellite Commercial areas, manufacturing facilities and other uses requiring large buildings or structures that would not be appropriate in other zones.

a. Within the Manufacturing and Industrial Zone parking areas may be located between the building and the street. Parking lots shall have perimeter landscaping that shall include trees spaced no more than thirty feet apart. The number of parking spaces to be required shall be determined on the basis of standards established for each particular use or type of industry.

b. All uses not listed as permitted within the Industrial Zone are conditional uses, subject to relative performance standards in Chapters XVII. The following conditional uses and such uses as the Planning Commission may recommend as similar and consistent with existing uses will be considered. All other uses are expressly prohibited.

Manufacturing  
Retail Services Establishments

**5. Town Core Residential.** The Town Core Residential Zone is for development of housing and other compatible uses at higher densities near the Town center or village cores. The performance standards of the Eagle Mountain Development Code require residential scale and character for development within this zone. Residential neighborhoods may be multi-family structures, attached housing or higher density single family homes.

a. The Town Core Residential zone allows limited commercial uses to be located within the zone designation on a conditional use basis. Neighborhood grocery stores (not convenience markets), and retail sales, personal services such as barber shops or beauty salons, and restaurants may be considered appropriate uses within this designation, along with other commercial uses such as professional offices, fitness centers, arts and crafts studios, galleries, and day care facilities designed to meet the needs of neighborhood residents. The mix of commercial and residential uses must maintain the scale and character of the neighboring residential uses. Commercial and other conditional uses may occupy up to 10% of each project area.

b. A density of two dwelling units per acre shall be allowed in conventional neighborhoods that comply with this ordinance, and are connected to the Town's open space, central water and sewerage systems. Higher densities will only be permitted in developments meeting the supplemental provisions contained in Chapter XV.

c. All commercial uses shall be built in a style reflective of, and consistent with, the neighboring residential structures. Commercial uses will be allowed signs to identify the business. All signs erected in the Town Core Residential zone shall comply with the development code. Signs may be plaques mounted on the building at the primary entrance, or signs may be monument style. Monument style signs shall be part of the landscaping plan and shall be constructed of the same materials and utilizing the same color schemes as the adjacent buildings. Only external illumination is allowed. See the Sign Code for specific details for commercial signage in the Town Core Residential zone.

d. Parking lots associated with any commercial or business use in the Town Core Residential zone area must be located behind buildings so as to be hidden from the street view. Parking lots shall be landscaped in accordance with the Landscape Standards of the Eagle Mountain Development Code. Where a corner, terrain, or other site characteristic would allow the parking to be highly visible from the street additional landscaping or walls shall be utilized for visual screening.

e. Each neighborhood in this zone will be assigned a gross buildout density. Performance standards and supplemental requirements to the density overlays will emphasize squares and other public open spaces, as well as natural open spaces in and around clusters of home sites. The goal of the open space requirement is to preserve a meaningful portion of each residential neighborhood as developed open space and/or public recreation areas that are conveniently accessible from every lot. The unique characteristics of the topography, street layout, and design of each neighborhood shall dictate the area and amount of land to be held in open space.

f. Residential structures and recreational facilities designed to service a group of residential structures are the only permitted uses in the TCR zone. All other uses are conditional uses, subject to the relative performance standards of Chapter XVII. The following conditional uses and such uses as the Planning Commission may recommend as similar and consistent in character, scale and impact will be considered. All other uses are expressly prohibited.

Dwelling, Multiple-Family  
Restaurants

Office Use  
Day Care Centers  
Art Gallery, Museums

6. **Country Residential (CR).** Agricultural or wildland areas approved for residential development outside the Town center will generally be placed in the Country Residential zone, although the provisions of XIV.B.1 allow for some portion of a project to be in the Village Core and TCR zones. The CR zone envisions single family dwellings on large lots or clusters of homes on smaller lots surrounded by large areas of agricultural or natural open space. It is the intent and purpose of the Town Council in establishing this zone to encourage development that will be compatible with the predominantly agricultural uses and natural open space that have traditionally defined the character of the Cedar Valley, to ensure that such uses are consistent with the natural limitations and carrying capacity of the area, to preserve the aesthetic appearance of the landscape and, to avoid or mitigate the effects of natural hazards.

a. Permitted uses within the CR zone will be single-family detached dwellings on individual building lots. Conditional uses within the zone are identified below and must meet the relative performance criteria of Chapter XVII:

Dwelling, Multiple-Family

Commercial uses as identified in the Town Core Residential not to exceed 10%

b. Allowable building density will be determined by allowing one building lot per three acres of unconstrained developable land included in the project. Single land parcels of less than 120 acres may be allowed density of 1 unit per acre where the parcel would not qualify for bonus density under the supplemental regulations for this zone. Acreage subject to constraints listed below will be allowed a percentage of the density that would be permitted for unrestrained land. Determination of allowable dwelling density within this zone will be based on Adjusted Tract Acreage determined according to the following formula:

[RESERVED]

c. A higher density overlay zone is available under the supplemental regulations of Chapter XIV of this code. No construction may occur in areas with the constraints indicated with an asterisk [RESERVED] above. Density credits for such constrained land may be used elsewhere in the project in accordance with the provisions of Chapter XIV (supplemental regulations).

7. **Critical Environment (CE)** The Critical Environment zone consists of areas on the perimeter and more mountainous or elevated areas of the Town which, because of the presence of steep slopes, unique soil conditions, wild fire hazard or other natural conditions are considered environmentally sensitive. Geographic features such as hilltops and ridgelines which are key elements of the visual character of Eagle Mountain will also be included in this area. It is the intent and purpose of the Town Council in establishing this overlay district to set minimum standards for the use of land within the district and to establish guidelines for development activities thereon which recognize and balance the need to protect sensitive environmental areas, a need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions, and the need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

a. Permitted uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the overlay area which are most suitable for development activity (cluster areas) interspersed with large undisturbed open space areas. Unless a variance is granted by vote of

the Town Council, all development within this overlay area will be in accordance with the provisions of Chapter XIV.

b. Determination of allowable dwelling density within this overlay area will be based on a minimum of five acres per dwelling and a calculation of Adjusted Tract Acreage determined according to the following formula:

[RESERVED]

c. No construction may occur in areas with the constraints indicated with an asterisk (\*) above. Density credits for such constrained land may be used elsewhere in the project in accordance with the provisions of Chapter XIV.

8. **Resort Mixed Use.** The Resort Mixed Use designation is designed to accommodate lodging facilities, tourism and recreational uses such as golf courses, requiring high quality amenities. Residential and condominium projects may also be located within this zone.

a. Golf courses are a permitted use within this zone.

b. All other uses within the Resort Mixed Use zone are conditional uses, subject to adherence with the performance standards contained in Chapter XVII. The following uses and those that the Planning Commission may determine are similar and compatible will be allowed on a conditional basis. All other uses are expressly prohibited.

Hotels, Motels, Bed and Breakfast Facilities  
Restaurants  
Condominiums  
Retail Goods Establishments  
Dwellings, Group Homes  
Office Use

9. **Satellite Commercial.** The Satellite Commercial Zone is intended to provide space for businesses that need more of a highway or major arterial orientation than the Commercial Core or the Business Park. The Satellite Commercial zone provides for all of the uses included in the Commercial Core, along with automobile dealers and repair services, large supermarkets, and other retail operations servicing more than a local neighborhood. Satellite Commercial is not intended to allow the "strip mall" style development. Vegetative barriers, setbacks and related requirements will be used to prevent the appearance of wall-to-wall structures. Various building heights are allowed.

Like the commercial core, the design standard for satellite commercial requires parking to be located behind buildings and other visual barriers. The "strip mall" and large warehouse-type retailing establishments are prohibited. Design standards for satellite commercial areas will encourage the village or Town center type of design with mixed use, multilevel buildings.

a. Supermarkets, gas stations and professional offices are permitted uses in the Satellite Commercial zone.

b. All other uses within the Satellite Commercial Zone are considered conditional uses and must meet the performance standards included in Chapters XVII. The Planning Commission may approve the following conditional uses and those that it finds to be similar and compatible. All other uses are expressly prohibited.

Automobile, Truck, Recreational Vehicle and Equipment Sales or Rental  
Automotive Repair and Service Stations

Retail Services Establishments  
Restaurants  
Hotels, Motels, Bed and Breakfast Facilities  
Banks  
Theaters  
Art Galleries and Museums

**10. Village Core.** The Village Core is intended to provide for small commercial areas that provide services similar to those in the Commercial Core, but for a more limited area. As in the downtown core, commercial uses will be oriented toward pedestrian access. The scale of commercial uses will be somewhat smaller than in the commercial core, with structures limited to no more than three floors above ground.

a. A density of seven units per acre shall be allowed in conventional neighborhoods that comply with this ordinance, and are connected to the Town's open space, central water and sewerage systems. Higher densities will only be permitted in developments meeting the supplemental provisions contained in RESERVED.

b. A village core will generally be required in any subdivision of more than 160 acres. Smaller subdivisions may include a small, residential scale neighborhood business center consistent with the commercial uses allowed on a conditional basis in the underlying zone. Phased developments should base the Village Core size on the number of residential units contemplated at buildout.

c. The Village Core is to provide pedestrian accessible locations for small businesses serving the adjacent residential neighborhood. Appropriate Village Core uses include day care facilities, delicatessens, cafes, professional offices, clinics, and convenience markets. The Village Core shall include a street pattern that allows buildings to be oriented toward a village square or park. The village square or park may be counted toward the requirement for neighborhood park space. Buildings in the Village Core shall generally be two or three story structures.

d. The Village Core shall be oriented toward a town square style of open space. Town square refers to the space normally developed as a square or rectangle in a town or village core, although geometric shape is not required to be square or rectangular. The town square shall include improvements and landscaping. A Village Core area may have more than one public square. A square shall be sized to fit the scale of the surrounding Village Core uses. In no case shall the town square be less than 0.1 acre nor larger than 1.0 acre. Town square improvements count toward neighborhood park improvement requirements of this code. The Village Core is to be a pedestrian space with sidewalks, squares, and pedestrian amenities including benches and informal gathering places.

e. Buildings in the Village Core shall be constructed to the front lot line (no front setback). Parking lots may not be placed in front of Village Core buildings. Parking shall be located behind buildings or otherwise screened from casual view.

f. The architectural style within any village core area shall be consistent in scale and character. A variety of imported styles within one village core area shall be deemed inappropriate. Signs on Village Core buildings shall conform to the sign standards for Eagle Mountain. No signs shall be uplighted and signs on building surfaces shall not exceed 20% of the facade. No moving signs, neon signs or off premises signs are permitted. Each Village Core will be required to adopt graphic standards for sign lettering, materials, and color.

g. All uses that are included in the commercial core will be allowed on a conditional basis in the Village Core. Other requirements for design, parking, signage and other performance standards will be the same as in the Commercial Core.

11. **Agricultural.** Much of the land that was incorporated into the Town of Eagle Mountain has been traditionally used for dry farming operations, for irrigated agriculture or for livestock grazing. The agricultural zone will incorporate those areas in which such activities and vacant land in a natural state are predominant.

a. Permitted uses in the AG zone will be single-family dwellings on existing parcels of at least five acres as an accessory use to agriculture, such as the cultivation of row crops and other agricultural products, livestock grazing and associated cultivation or herding activities. Limited processing of agricultural products will be authorized on a conditional use basis, but largescale packing or processing operations will only be allowed in the M&I zone. Confined feeding operations, such as poultry farms, swine farms or feedlots will not be allowed, except as a continuation of a pre-existing use.




b. Landowners requesting uses other than those listed as permitted or conditional in this zone must prepare and file a Master Development Plan under the provisions of Chapter XIII of this Code. See V.6 and XIV.B.1 for provisions governing allowable densities. Applicants requesting residential or commercial uses must demonstrate that such uses will not interfere with ongoing agricultural operations. Large areas of contiguous open space created as a result of residential development under the provisions of Chapter XIV or Chapter XV will remain in the AG zone.

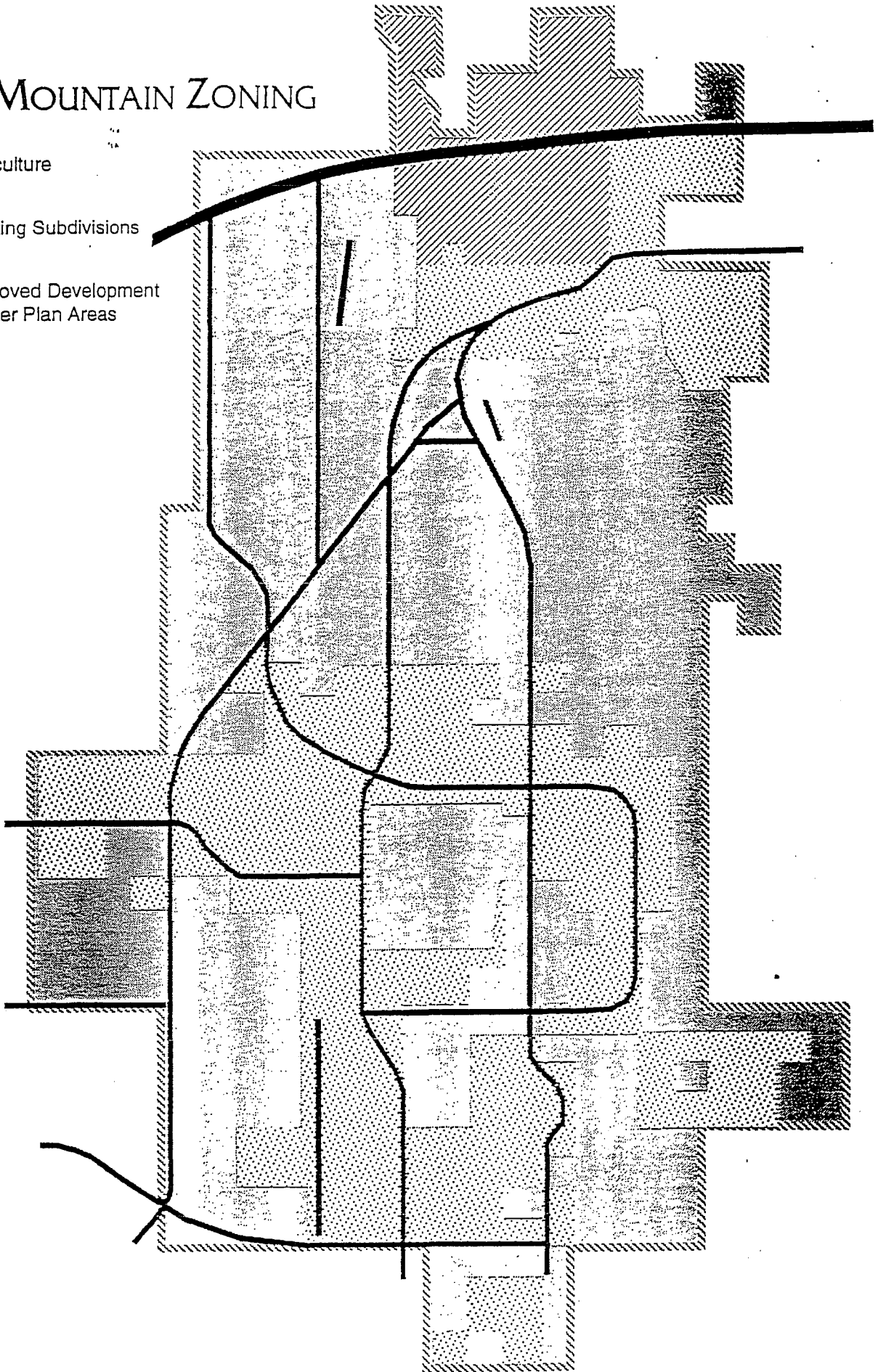
**E. Zoning District Boundaries.** Any person who disputes the location of a zoning district boundary, as interpreted by the Administrator, may appeal the Administrator's decision using the procedure of III.L. In the event of uncertainty as to the exact location of the boundary of any zone, the Zoning Administrator shall make an interpretation of the zoning map upon request. Any person aggrieved by such interpretation will be allowed to appeal the determination to the Planning Commission. In the interpretation of the map, the following criteria shall apply:

1. Zoning district and density overlay lines are intended to conform to property lines, or to be parallel or perpendicular thereto, or along the center lines of the public rights-of-way, unless such boundary lines are established by fixed dimensions shown on the map. Where zoning district or density overlay lines approximately follow lot lines, such lot lines shall be construed to be the boundary.

2. Where a zoning district or density overlay line divides a lot, the location of such boundary line, unless indicated by dimensions shown on the map, shall be determined by the use of the map scale shown thereon.

# EAGLE MOUNTAIN ZONING

-  Agriculture
-  Existing Subdivisions
-  Approved Development Master Plan Areas



## CHAPTER VI - STANDARDS FOR DEVELOPMENT REVIEW

**A. What This Chapter Does.** This chapter explains the organization of the performance standards that are described in the following chapters and appendices and that are used as a basis for the review of permit applications. General requirements that are absolute requirements are provided in chapters VII through XIII, with specific detailed requirements covered in Appendices D - I. Relative performance standards for conditional uses are provided in Appendix XVII. Supplemental regulations allowing higher residential densities in some residential zones are provided in Chapters XIV and XV.

**B. Absolute Development Standards.** Absolute development standards require that developments contain certain features that ensure the public welfare by providing for a safe and aesthetic community; or they may prohibit certain features that undermine property values, have adverse impacts on safety and health, or detract from the aesthetic appeal of Eagle Mountain. Failure to comply with any applicable absolute performance standard shall result in rejection of the application for a permit.

**EXCEPTION TO VI.B.** Exceptions to the requirement for compliance with all absolute development standards shall be only as specifically provided in this ordinance or as allowed by variance. The variance procedure and the findings required for approval of a variance are explained in III.N.

**C. Relative Development Standards.** Relative development standards provide an incentive for developments and land uses that encourage a sense of community, foster aesthetic values and provide amenities that make Eagle Mountain a desirable place to live. For uses that may be considered conditional in a certain zone, compliance with relative development standards in Chapter XVII will demonstrate compatibility with other nearby uses. Residential developments that comply with the relative development standards will be allowed a higher density due to their ability to provide the amenities necessary to support a larger neighborhood population. The procedure for obtaining approval for higher residential densities than allowed by the applicable zone is described in Chapters XIV and XV.

**D. Development Standards Checklist.** The review of applications will be based on a development standards checklist, with the completed and approved checklist constituting the conclusions required by III.Q.



## CHAPTER VII - ADOPTION OF UNIFORM CODES

### A. What This Chapter Does. This chapter adopts uniform codes that:

1. provide minimum standards for protecting public health and safety, and public and private property, from fire, exposure to hazardous materials, and explosion; and
2. provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the Town.

**B. Compliance Required.** Compliance with the codes adopted in this chapter shall be an absolute performance standard and a condition of approval of all permits. These codes also establish independent permit requirements, and require permits for activities that are exempt from the requirements of Chapter III.

### C. Uniform Fire Code.

1. The 1994 *Uniform Fire Code*, Volumes 1 and 2, as published by the International Fire Code Institute, and including appendix chapters and standards I-C, II-A, II-E, II-F, II-G, II-I, III-A, III-B, III-C, III-D, IV-A, V-A, VI-A, VI-B, and VI-E, is adopted for use in the Town of Eagle Mountain. Such updates to the 1994 *Uniform Fire Code* as may be published from time to time are hereby adopted by reference, unless the Town Council votes not to adopt certain provisions of such updates. Wherever the word "jurisdiction" is used in the *Uniform Fire Code* it refers to the Town of Eagle Mountain.

2. The storage of flammable or combustible liquids in outside aboveground tanks shall be prohibited outside the Manufacturing & Industrial Zoning District.

3. The storage of liquefied petroleum gases shall be prohibited outside the Manufacturing and Industrial Zoning District.

EXCEPTION: 8204.2 of the *Uniform Fire Code* exempts liquefied petroleum gas storage facilities of less than 2,000 aggregate gallons, water capacity.

4. The storage of explosives and blasting agents shall be prohibited outside the Manufacturing and Industrial Zoning District.

5. The storage of compressed natural gas shall be prohibited outside the Manufacturing and Industrial Zoning District.

**D. Uniform Building Code.** The 1994 *Uniform Building Code*, Volumes 1, 2, and 3, as published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the *Fire Resistance Design Manual*, Thirteenth Edition, dated April 1992, published by the Gypsum Association as referenced in Tables 7-A, 7-B, and 7-C of the *Uniform Building Code*; appendix chapters 3-II, 3-III, 3-IV, 4, 11, 12, 13, 15, 16-I, 18, 29, and 33; the *Structural Welding Code - Reinforcing Steel*, AWS D1.4-92 (U.B.C. Standard 19-2); and the *American National Standard for Accessible and Useable Buildings and Facilities*, A117.1-1992 (see *Uniform Building Code* Section 1101.2) published by the Council of American Building Officials as modified or amended in the *Uniform Building Code*, is adopted for use in the Town of Eagle Mountain. Such updates to the 1994 *Uniform Building Code* as may be published from time to time are hereby adopted by reference, unless the Town Council votes not to adopt certain provisions of such

updates. Wherever the word "jurisdiction" is used in the *Uniform Building Code* it refers to the Town of Eagle Mountain.

**E. Uniform Sign Code.** The 1994 *Uniform Sign Code*, as published by the International Conference of Building Officials, is adopted for use in the Town of Eagle Mountain. Wherever the word "jurisdiction" is used in the *Uniform Building Code* it refers to the Town of Eagle Mountain. If the *Uniform Sign Code* is found to be in conflict with this ordinance, the requirements of this ordinance shall be followed.

**F. Board of Appeals.** The Board of Adjustment established by II.D. of this ordinance shall serve as the "board of appeals" required for the administration of the various uniform codes adopted in this chapter.

## CHAPTER VIII – ABSOLUTE DEVELOPMENT STANDARDS FOR INTEGRATING DEVELOPMENT INTO THE LANDSCAPE

**A: What This Chapter Does.** This chapter establishes absolute development standards that are designed to limit exposure to natural hazards and limit development of environmentally sensitive areas.

### **B. Clearing, Excavation, and Grading.**

1. Clearing, excavation, and grading shall be in compliance with an approved plan, as required by Appendix Chapter 33 of the *Uniform Building Code*.

2. Clearing, excavation, and grading shall also be in compliance with the runoff and erosion management plan required by VIII.D.

3. Positive drainage shall be provided around buildings and structures by grading away from the exterior foundation wall at a minimum five percent slope.

EXCEPTION TO VIII.B.3. The Administrator may permit grading away from the exterior foundation wall at a minimum two percent slope on rapidly permeable soils.

**C. Avoiding Surface Ponding.** Sites shall be graded so as to avoid surface ponding near buildings or structures, or in actively used outdoor spaces. Surface runoff must be channeled to detention or infiltration basins, as provided by a runoff and erosion management plan: see VIII.D.

**D. Managing Runoff and Erosion.** The principal strategy for managing runoff and erosion in Eagle Mountain is to allow natural channels to carry storm and snowmelt runoff, within their capacity, to open spaces where it will infiltrate or evaporate. All developments shall submit a runoff and erosion plan with their application for a permit.

1. Such plans shall be consistent with the Town's overall runoff and erosion management plan and:

a. show how the area disturbed by construction at any one time will be minimized, and how disturbed areas will be stabilized during the construction period;

b. show how disturbed areas will be promptly, permanently stabilized by revegetation and/or structural techniques (revegetation with native plants is encouraged);

c. show how runoff will be channeled through the development, including how the drainageways used will be prepared to handle the anticipated flows without erosion or surface flooding; and

d. show how the runoff generated by development will be retained on-site and infiltrated or evaporated, or how it will be released from the site to a natural channel at a rate that can be conveyed downstream without damaging that channel or downstream structures (culverts, bridges, detention basins, etc.), or creating flooding. Engineered storm drainage is required.

e. Runoff and erosion management measures shall be "required improvements," subject to the provisions of Chapter IV.

**E. Maintaining Natural Channels.** Natural intermittent stream channels serve the critical function of conveying runoff through Eagle Mountain, and shall remain undeveloped.

EXCEPTION TO VIII.E. Roads and utility lines shall be permitted to cross natural channels, but the number of such crossings shall be minimized. The design and construction of culverts and bridges shall be consistent with overall runoff and erosion management plan. Grading, planting, and the installation of structures needed to manage runoff and erosion or mitigate flood hazards shall also be permitted in natural channels, but only in compliance with an approved runoff and management plan, or the overall runoff and management plan.

**Additional Development Standards for the Playa Landscape Unit**

**F. Building on Expansive Soils.** See also Chapter 18 of the *Uniform Building Code*.

1. The area within five feet of the exterior foundation wall of buildings and structures built on expansive soils shall be paved (for access drives, sidewalks, etc.) or landscaped using xeriscape techniques that eliminate the need for irrigation.

2. Downspouts, splash blocks, or other techniques shall be used to ensure that runoff from rooftops is carried at least five feet away from the exterior foundation wall.

**Additional Development Standards for the Alluvial Fan Landscape Unit**

**G. Building on Alluvial Fans.** Development on alluvial fans may also be subject to the standards this ordinance establishes for building steep slopes. See VIII.H. and VIII.I.

1. Building on an alluvial fan shall proceed only after the flood hazard has been assessed. Where such an assessment shows they are necessary, floodproofing measures may be required, including, but not limited to: site grading that channels floodwater away from structures; construction of floodwalls, armoring of existing natural channels, or similar structural measures; revegetation of existing natural channels; and elevation of structures onto fills. The assessment shall be made by a qualified engineer or hydrologist.

2. Building near the apex of an alluvial fan shall proceed only after the debris flow hazard has been assessed. Areas subject to debris flow hazards shall remain in open space use. The assessment shall be made by a qualified engineer or an engineering geologist.

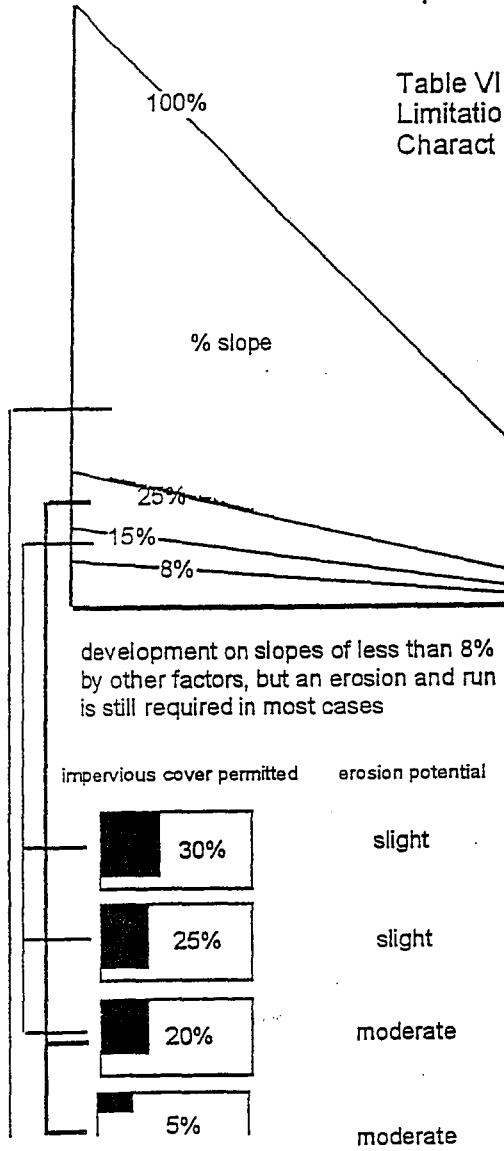
**Additional Development Standards for the Development on Slopes**

**H. Building on Slopes Over 25%.**

1. Building on slopes over 25% is not permitted, although property at higher slopes may be used to qualify for higher densities in other parts of a development in accordance with the provisions of Chapter XIV and Chapter XV.

**I. Impervious Cover on Slopes.** Impervious cover of development on slopes over eight percent shall be limited, as shown in the following table:

Table VI  
Limitatio  
Charact



## CHAPTER IX – ABSOLUTE DEVELOPMENT STANDARDS ENSURING ADEQUATE PUBLIC FACILITIES

**A. What This Chapter Does.** This chapter establishes absolute performance standards that are designed to ensure that adequate infrastructure is made available in all developments.

**B. Protecting the Water Source.** All proposed developments shall be reviewed by the designee of the Mayor for compliance with the Drinking Water Source Protection Plan approved by the Town and approved by the Utah Drinking Water Division in compliance with the Utah Safe Drinking Water Act and all applicable federal law.

### **C. Providing Domestic Water Service.**

1. All permanent buildings constructed in the Town intended for human occupancy or commercial use, using potable water, shall be connected to the Town central water system after the date of the adoption of this Code, unless an existing home as of the date of enactment of this Code is connected to an individual well approved by the State of Utah, an exception is granted by the Council based on circumstances existing at the date of this Code or the system is not available.

2. Developments shall be connected to the Town's water system at the developer's expense. This includes the costs of the service connection and meter for each lot or building, and the costs of extending mains, valves, fire hydrants, and any other improvement, including storage, pressure regulation, etc., needed to bring water service to the site. The Town may choose to share in the costs of extending mains, constructing storage, or other improvements needed to provide capacity for future development but is not obligated to do so. Potable water service is a "required improvement," subject to the provisions of Chapter IV.

### **D. Providing Wastewater Disposal (sewer).**

1. On-site wastewater disposal systems may be used by individual homes where the lot size is 2.5 acres or more. Such systems shall be installed in compliance with applicable state and county health department requirements.

EXCEPTION TO IX.F.1. The minimum lot size of a development served by individual on-site sewage disposal systems may be reduced. See XII.D.2.

2. Other developments shall be connected to the Town sewer system at the developer's expense. This includes the costs of the service lateral connection for each lot or building, and the costs of extending mains, lift stations, and any other improvement needed to bring sewerage to the site. Ownership of the collection system must be dedicated to the Town by each developer installing a sewer system. Each individual property owner shall be responsible for the maintenance and operation of the individual service lateral connected to the main collection line from the point of connection of the service lateral to the building served by the service lateral. The Town may choose to share in the costs of extending mains or other improvements needed to provide capacity for future development. Sewerage is a "required improvement," subject to the provisions of Chapter IV.

3. Developments shall provide sewage pretreatment, as required by Town ordinance and by state and federal law.

### **E. Providing Utilities.**

1. Power, telephone, natural gas, and cable television service shall be provided in all developments, at the developer's expense and in compliance with regulations of the Town, or if municipal utilities are not available, by the service provider and in accordance with Chapter IV of this ordinance.

2. Utility lines shall be underground. Substations and other utility installations shall comply with all requirements of this ordinance.

**F. Managing Runoff.** Developments shall prepare and implement a runoff and erosion management plan, as required by VIII.C. Runoff and erosion control measures are a "required improvement," subject to the provisions of Chapter IV.

**G. Utilities In First.** Underground utilities, including water, sewer, and other utilities shall be installed and stubbed to the property line of each lot or parcel before street surfaces are constructed.

**H. Utility Easements.** No structure shall be constructed or placed in a utility easement, but fences may cross utility easements, where permitted by the Town.

**I. Off-Street Parking and Loading.**

1. Developments shall provide off-street parking and loading areas as required by the detailed performance standards of Appendix D.

EXCEPTION TO IX.I.1: Community center uses shall share municipal parking areas or structures, as provided by the general plan.

2. Neighborhood centers shall provide shared off-street parking for all uses in compliance with Appendix D and IX.L., and shared loading and service areas where feasible.

3. Providing more parking spaces than are required by Appendix D shall be discouraged.

**J. Parking Design.** Adequate parking, as required by IX.E, is an essential feature of all developments, but parking should not determine the visual character of the Town.

1. Parking areas shall be landscaped, as required by Appendix D. See also XI.D.

2. Parking areas shall be located behind buildings, not between the building and the street., except as provided in the Industrial and Satellite Commercial zones.

**K. Safe Access.**

1. Points of access to public streets shall comply with the detailed performance standards of Appendices C and D.

2. Additional access for fire apparatus may be required for compliance with the *Uniform Fire Code*, Section 902.

**L. Building Streets.** Developments shall be served by dedicated public streets constructed at the developer's expense, and in compliance with the detailed performance standards of Appendix E. This includes the costs of the streets serving each lot, building, or group of buildings and the costs of culverts, bridges, and any other improvement, including signs and signals, needed to provide vehicular access to the site. Streets are "required improvements," subject to the provisions of Chapter IV. Use of traffic circles may be required based on traffic studies.

**M. Street and Alley Pattern.** Alleys, where provided, and local streets shall be consistent with the general plan and organized in a grid pattern, or shall have the equivalent level of connectivity of a grid pattern. Cul de sacs will only be permitted where topographic conditions, existing streets, clustering or property ownership make them necessary. In no case shall a cul de sac street be longer than 400 feet, unless a variance is granted by the Town Council.

EXCEPTION TO IX.O: Dead-end streets may be used to minimize land disturbance and impervious cover on slopes over 15%. Where permitted, dead-end streets shall terminate in a turning circle that has a minimum radius of 60 feet or in a T- turnaround.

**N. Efficient Traffic Flow on Arterial Streets.**

1. No lot shall have its primary access onto an arterial street, unless the Planning Commission determines that such access cannot be avoided due to terrain or other features that cannot be reasonably resolved..

2. Where residential developments adjoin an arterial street, reverse frontage, deep lots, screening, landscaped buffers, and similar techniques will be required to reduce potential conflict between homes and traffic. Screening fences or walls and landscaping may be utilized to meet this requirement.

**O. Planting Street Trees.**

1. Street trees shall be planted along all streets, in compliance with a plan submitted by the developer and approved by the Town.

a. In industrial, commercial, and higher density residential developments, street trees shall be installed by the developer, before a certificate of compliance is issued. Street trees shall be installed where there is a soil volume sufficient to support healthy trees and an irrigation system. Street trees are "required improvements," subject to the provisions of Chapter IV.

2. Species selection, the spacing of street trees, and the use of planting strips or tree wells and grates shall be used under a plan approved by the Town to help create a distinct identity for the neighborhood and for special places (neighborhood center, neighborhood parks) within it.

**P. Building Walks and Trails.**

1. Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of Appendix F. Sidewalks are "required improvements," subject to the provisions of Chapter IV.

EXCEPTIONS TO IX.P.1. Sidewalks shall not be provided along alleys, as defined in Appendix E. Sidewalks, curbs, and gutters are not required in subdivisions in which 50% or more of the lots are one acre or more in size. Notwithstanding other provisions of this code, the Town Council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the Town Council may specify the completion of other public facilities in lieu of sidewalks. A development agreement may permit phased final platting, based on phased installation of the required improvements, as provided in Chapter IV.

2. Developments shall provide improved bicycle and/or horse trails connecting the development to the major trails established in the Town's master trails plan.. Connecting trails are



"required improvements," subject to the provisions of Chapter IV. The design and construction of connecting trails shall comply with the detailed performance standards of Appendix F.

3. Lighting shall be installed where necessary to ensure the safety of sidewalk and trail users.

**Q. Providing Bicycle Parking.** Bicycle parking shall be provided as required by Table IX.1. Bicycle parking is a "required improvement," subject to the provisions of Chapter IV.

**Table IX.1. Bicycle Parking Requirements**

Use	Minimum Number of Spaces
Neighborhood squares	4 per square
Neighborhood parks	8 per acre
Neighborhood centers space	distributed parking, 1 space per 7,500 sq ft of office or retail
Community center	distributed parking, 1 space per 7,500 sq ft of office space plus 1 space for every 60 seats in each place of public assembly
Commercial uses outside centers	5% of vehicle parking spaces required by Appendix D.

**R. Protecting Airspace.** Development shall comply with the detailed performance standards of Appendix G, which protect aircraft pilots and passengers from possible safety hazards and protect the continuing utility of the Eagle Mountain airports.

**S. Neighborhood Parks and Squares.**

1. Neighborhood parks, shall be provided and improved, at the developer's expense, at a rate of 1 acre of park space for each 100 proposed dwelling units, OR a payment equal to the land and basic development cost of 1 acre of neighborhood park space for each 100 proposed dwelling units shall be made to the Town's dedicated park fund. Whether the park must be developed or a payment will be acceptable will be determined by the proposed development's plans for compliance with XII.D.4. or XII.F.2., whichever is applicable. Neighborhood parks are "required improvements," subject to the provisions of Chapter IV. The improvements to be completed for a public park space will be defined in the landscape and park improvement plan approved by the Planning Commission and will be consistent with the Town's Master Park Plan. The Town will specify, in some cases, improvements that may be suitable for community athletic facilities such as football or soccer fields, baseball diamonds, tennis or volleyball courts, etc. Parks and facilities constructed under this provision may be used to meet density bonus requirements in Chapters XIV and XV.

2. Neighborhood parks will be effectively integrated into residential developments and connected with homes, each other, neighborhood squares, neighborhood centers, community parks, and open space areas via sidewalks or trails. There shall be a neighborhood park of at least one acre in size within 1,320 feet of 90% or more of the proposed dwelling units.

## CHAPTER X - DEVELOPMENT STANDARDS FOR DEALING WITH POTENTIAL NUISANCES AND HAZARDS

**A. What This Chapter Does.** This chapter establishes absolute and relative performance standards that are designed to eliminate or mitigate potential nuisances and hazards.

**B. Preventing Excessive Sound.** No development shall create excessive sound beyond the setback line of adjoining uses. Excessive sound is that which exceeds the standards of Table X.1. This performance standard applies to sounds generated by the occupancy of a development, including sounds generated by operation of motor vehicles and heavy equipment on the site. It does not apply to the movement of vehicles on public streets or the operation of farm machinery or aircraft. The maximum sound levels of Table X.1. may be exceeded by temporary construction and maintenance activities and holiday celebrations. Excessive noise generated by such activities shall be restricted to the hours between 7:00 A.M. and 10:00 P.M.

**Table X.1. Detailed Development Standards for Noise**

Receiving use – sound measured at setback	Maximum Sound Level Permitted
Residential and Commercial (within 500 feet of residential)	60 dBA, 7:00 am to 10:00 pm 50 dBA, 10:00 pm to 7:00 am
Industrial and Commercial (no residential)	70 dBA, anytime

dBA is the measure of sound in A-weighted decibels.

### **C. Preventing Air Quality Problems.**

1. Developments shall comply with applicable state and federal air quality standards. Developments for which a state or federal air quality permit is required shall demonstrate compliance with this performance standard by showing that a complete application for the permit has been filed, and accept its approval as a condition of compliance with these regulations.

2. No development shall generate dust, smoke, odors, or other air-borne pollutants that adversely impact neighboring properties or the enjoyment of public spaces. Approval of a permit may be conditioned upon effective mitigation of anticipated air quality problems, including dust control on construction sites.

### **D. Seeing the Stars/Preventing Hazardous Glare.**

1. Uplighting of buildings, signs, or landscape features shall be prohibited. For additional limitations on the illumination of signs see Appendix A.

2. Luminaires used to illuminate neighborhood parks and squares, off-street parking and loading areas, uses, buildings, or structures shall have a full cut-off.

3. Luminaire height in and adjacent to residential areas, including neighborhood and community centers where dwellings may be located above shops or offices shall be limited to 15 feet. Luminaire height in other areas shall be the lowest appropriate for the use, with a maximum height of 30 feet.

EXCEPTION TO X.D.3. Luminaire height for public playing fields may exceed the 15 foot height limit.

4. No development shall generate a level of illumination greater than 0.5 horizontal foot-candles at the setback line on any neighboring residential use.

5. Outdoor display lighting and illuminated signs shall be turned off within 30 minutes after closing. For neighborhood and community center uses, 'closing' shall be defined as the closing time for the center, not the individual use.

6. Security lighting shall be triggered by motion sensors rather than being constantly on.

EXCEPTION TO X.D.6. The Town Mayor may, upon advice of the chief of police, authorize an exception for constant security illumination.

7. Stationary welding arcs and other equipment that generates intense light shall be shielded from public view by location on the lot, enclosure within a building, or a fence or wall.

8. The use of highly reflective building surfaces, including mirrored glass, is prohibited.

#### **E. Preventing Surface Runoff and Water Quality Problems.**

1. Developments shall comply with applicable state and federal water quality standards. Developments for which a state or federal water quality permit is required shall demonstrate compliance with this standard by showing that a complete application for the permit has been filed, and accept its approval as a condition of compliance with these regulations.

2. No development shall channel surface runoff or irrigation water onto another property without the express permission of its owner. See also VIII.D.

#### **F. Handling Solid Waste.**

1. Solid waste shall be stored in approved containers, and handled in a manner that does not: attract bears, rodents, flies, or other animals; generate odors perceptible beyond the property line or liquid runoff; or permit blowing of paper and other lightweight waste.

2. Commercial and industrial solid waste handling and storage areas shall be located on an alley or screened from public view by enclosure in a building, location on the site, a densely planted landscaped buffer, or a fence or wall. Solid waste transfer stations and recycling centers shall be confined to the Heavy Industrial Zoning District.

3. Solid waste storage areas for residential developments shall be located on an alley or service court, or screened from public view by enclosure in a building, location on the site, a densely planted landscaped buffer, or a fence or wall.

#### **G. Outdoor Materials Handling and Storage.**

1. Industrial and commercial developments shall comply with X.F., which addresses the handling and storage of solid waste and XI.E., which will require a landscaped buffer for many outdoor materials handling and storage areas.

2. Outdoor storage accessory to dwellings shall be confined to rear yards where it is effectively screened from view by an opaque fence or wall. No material stored in a rear yard shall be stacked to a height of more than six feet.

3. No outdoor storage of commercial or industrial materials or equipment shall be permitted as an accessory use to a dwelling, except where specifically approved by the Planning

Commission incident to an approved conditional use. Such storage shall be still be subject to the requirements of Appendix I and X.G.2.

**EXCEPTION TO X.G.3.** Construction equipment and materials may be stored in front and side yards during construction activities for which a permit has been approved as provided in this ordinance or the Uniform Building Code, provided that such storage does not constitute a nuisance or safety hazard.

**H. Parking/Storing Vehicles.**

1. Outdoor parking or storage of vehicles that do not have a current license shall be permitted only in the Heavy Industrial Zoning District.

2. Development covenants, conditions and restrictions shall require that no commercial vehicle, camping trailer, recreational vehicle, snow machine, boat, or similar vehicle shall be parked outdoors overnight on a residential lot, except where it is effectively screened from public view by location on the lot or a landscaped screen or buffer. Such vehicles may also be garaged on the lot, or stored elsewhere.

**I. Keeping Streets Open.** See also Appendix D.7.c.

1. Approved solid waste containers may be placed in public rights-of-way for collection, as provided by Town ordinance.

2. Vehicles with a current license may be parked on public rights-of-way, as permitted by Town ordinance.

3. Other storage or parking in a public right-of-way shall be permitted only as provided by Town ordinance.

**J. Hazardous Materials.** Developments that will generate, handle, store, or dispose of hazardous materials shall demonstrate continuing compliance with state and federal requirements for such activities and with the Uniform Fire Code. All storage of hazardous material will require a Town permit. On-site disposal of hazardous wastes or long-term storage of such wastes is prohibited. Handling or storage of radioactive wastes, except in minimal quantities such as those associated with medical uses, is prohibited. No permit for such a development shall be approved until the fire department has indicated that it has the capability to effectively respond to an emergency at the proposed development.

**K. Keeping Livestock.**

1. Grazing shall be permitted as a continuing agricultural use in all zones, but new confined livestock feeding operations shall be prohibited. Expansion of nonconforming uses, including confined livestock feeding operations is not permitted.

2. In Planned Equestrian or Community-Supported Agriculture Developments livestock may be kept as specifically provided by the development plan. Applications for permits for developments in these patterns shall clearly show how livestock will not constitute a nuisance and include a set of proposed regulations that may be adopted as a Town ordinance regulating the keeping of livestock within the development.

3. Outside of Planned Equestrian or Community-Supported Agriculture Developments.

a. Livestock may be kept on residential lots that are 1.5 acres or more in size and have water rights sufficient to support irrigation of the pasturage or provisions for enclosed stalls and feeding.

b. No more than 2 head of large livestock shall be kept on a 1.5 acre lot. No more than 2 such animals per acre shall be kept on larger acreage lots.

c. Residential lots on which livestock are kept shall not generate dust, odors, flies, or other nuisances that adversely affect adjoining properties.

**L. Moving to a Nuisance.** Proposed developments that could be adversely affected by existing nuisances, including the municipal sewage treatment plant, municipal solid waste transfer station, aviation easements and airports, present or planned, will require special measures to mitigate the impacts of land use incompatibility as part of the development. The Planning Commission will review such measures and recommend acceptance or rejection as part of the preliminary plat approval process for the Class II permit.

## CHAPTER XI – ABSOLUTE DEVELOPMENT STANDARDS ENSURING LAND USE COMPATIBILITY

**A. What This Chapter Does.** This chapter establishes absolute development standards that are designed to make Eagle Mountain an attractive, pleasant, and functional place to live and work by ensuring that land uses are compatible, but without forcing the artificial segregation of uses.

**B. Traffic Generation.** Adjoining or neighboring uses should have similar traffic generation potential, OR uses that have higher traffic generation potential should be sited and designed to minimize the adverse impacts of higher traffic volume on adjoining and neighboring uses. For the purposes of this performance standard, traffic generation potential should be measured in ADT (average daily trips) per acre.

**C. Heavy Industrial Uses.** Heavy industrial uses shall be confined to the Manufacturing & Industrial zoning district. See also VII.C.

**D. Density.** This ordinance allows great flexibility in the clustering of development, including the mixing of densities in compliance with these performance standards. By applying for a Class II permit the developer is committing to a particular density or mix of densities, as approved. Further subdivision of lots or creation of additional units in existing buildings will not be permitted.

**E. Landscaped Buffers.** The extensive use of landscaped buffers will help make it possible to effectively mix uses of different intensities and different densities of housing in relatively close proximity in Eagle Mountain. Landscaped buffers shall be provided in compliance with the detailed standards of Appendix H. Landscaped buffers shall have a landscaping plan approved by the Planning Commission.

### Compatibility Standards for Specific Uses

**F. Single- and Two-Family Dwellings.** It shall be presumed that single-family and two family dwellings and their customary accessory structures comply with XI.C. if: building height is 35 feet or less and the following setbacks and maximum lot coverage are maintained: front setback: 15 feet; rear setback: 20 feet; side setback: 10 feet; and maximum lot coverage: 50%. This is a presumptive standard. One and two family dwellings with smaller setbacks and higher lot coverage may be proposed, but must then be found to comply with XI.C. based on an analysis of the proposed development and neighboring uses. Recreational vehicle and travel trailers are not one-family dwellings, and shall not be used as such. Commercial or other conditional uses may not exceed 10% of the project area in residential developments.

**G. Home Businesses.** Home businesses shall be permitted in single-family dwellings, but only in compliance with the detailed performance standards of Appendix I.

**H. Fences.** Fences of six feet in height or less are generally exempt from the requirement for a permit (see III.D.5.), but must comply with the following performance standards.

1. No fence shall obstruct the line of sight at an intersection or a point of access to a public street. See Appendix E.4.e.

2. Fences shall be constructed of materials, and in styles and colors, that are compatible with the building to which they are accessory and that comply with the Eagle Mountain Community Design Guidelines.

EXCEPTION TO XI.I.2: Wire fences may be utilized where needed for agricultural purposes. Chain link fences may be used in the Manufacturing and Industrial Zoning District.

**I. Day Care Centers.** Day care centers shall be licensed by the Utah Department of Human Services. See §62A-2-101, Utah Code, et seq.

**J. Human Services Programs.** Human services programs shall be conducted only in facilities licensed by the Utah Department of Human Services. See §62A-2-101, Utah Code, et seq.

**K. Temporary Uses and Buildings.** Temporary uses, buildings, and signs are not excluded from the permit requirements of III.B.

1. All permits issued for temporary uses, buildings, or signs shall be for a definite period of time, not exceeding 30 days or:

a. for temporary on-site construction uses and buildings, until a certificate of compliance is issued

b. for temporary on-site real estate sales offices. The permit shall be renewed annually.

2. No temporary use or building shall reduce the number of spaces in a parking area to less than the minimum number required by Appendix D.

3. It shall be unlawful for any property owner or person to reside in or occupy or allow to be occupied within the Town of Eagle Mountain, any tent, trailer, recreational vehicle or other enclosure not designed and constructed for permanent human occupancy and for which a final certificate of occupancy has not been issued. Recreational vehicles or vacation trailers may be occupied with the permission of the property owner for a period not to exceed 21 days in connection with bona fide guest visitation.

EXCEPTION TO XI.K.3: Where temporary occupancy which is unlawful under the preceding section is permitted by the recorded Covenants, Conditions and Restrictions of the applicable subdivision, or other subdivision rules, a temporary occupancy permit may be issued by the building official and permission may be granted to occupy a temporary facility which would otherwise not be permitted for occupancy by the Town, after compliance with the following requirements and conditions:

a. The owner of the property where the use is located must execute an agreement with the Town which provides for the termination of the temporary occupancy. The Agreement shall:

i. define a specific date certain for the termination of the temporary occupancy;

ii. obtain the written promise of the land owner to terminate the temporary occupancy;

iii. require sufficient cash in escrow under the control of the Town or unencumbered property collateral in an escrow to assure the Town that the person(s) using the temporary facility will comply with the permit and terminate the temporary occupancy as required by the permit;

iv. provide that if the Town is required to enforce the permit and remove the temporary facility, the Town has written permission to enter the premises to remove the temporary use and has sufficient funds available from the collateral or the sale of the collateral to pay all costs of the removal of the temporary occupancy together with all attorneys fees and other expenses which may be incurred by the Town in the enforcement of the agreement or the temporary occupancy permit.

v. release the Town from liability which may be incurred by the Town and the property owner's indemnification of the Town from all liability associated with the temporary use or its termination.

vi. The temporary housing use must be secured physically to the property in a manner which will assure the safety of the inhabitants of the temporary housing.

vii. If the temporary housing is a recreational vehicle or other mobile housing, the temporary housing must be connected to an approved septic system or the Town sewer system, to a drinking water source approved by the Utah County Health Department or under the Drinking Water Regulations of the State of Utah and to a safe and adequate electric power supply.

viii. The temporary housing use must be located to minimize visibility from the street, either in or behind a residence or other structure to be out of public view.

ix. The temporary housing must be removed or removable in accordance with the terms of the temporary permit agreement with the Town without damage to other property or permanent facilities.

**L. Lot Splits.** Lots created by lot splits shall include at least 3 acres.



## CHAPTER XII – ABSOLUTE NEIGHBORHOOD AND COMMUNITY DESIGN STANDARDS

**A. What This Chapter Does.** This chapter establishes absolute standards that are designed to achieve a mix of functional and attractive patterns of development in Eagle Mountain.

**B. Community Open Space.** Developments shall dedicate community open spaces consistent with the general plan for the Town. Open space for community use shall constitute not less than 20% of each development. Such open space shall be organized according to the following provisions or in accordance with the provisions of Chapters XIV and XV. See IX.S for requirements regarding community parks.

1. All neighborhood developments, shall provide pedestrian neighborhood travel corridors connecting community open spaces.

2. In the TCR zone residential developments will be grouped around small parks or other developed open spaces that will constitute not less than 10% of the developed project area. Parks or developed open spaces provided under this code are to provide recreational space near the project for the inhabitants of the project. Remaining required open space will generally be organized to provide corridors of open space to connect the development to other adjoining or nearby developments.

3. In the CR zone developed open space, agricultural open space and natural open space may be used to meet the required minimums. Developed and natural open space are to provide proximity to recreational space near the project. Open space will be organized so as to provide contiguous spaces or corridors that provide access to and through the development.

**C. Neighborhood Design: Mixed Use, Mixed Density Neighborhoods.** Much of Eagle Mountain will be made up of mixed use, mixed density neighborhoods organized around neighborhood centers and neighborhood and community open space.

1. Mixed Use, Mixed Density neighborhoods, including neighborhood clusters, shall include at least 20% total neighborhood open space, including neighborhood parks, neighborhood squares, and other common open spaces. Private yards are not to be considered in open space calculations where proposed lots are less than 5 acres in size. Improved areas will be owned and maintained by a homeowners' association or other similar mechanism, unless the Town Council agrees that special circumstances justify municipal control or maintenance. Open space set aside under the provisions of Chapters XIV and XV will be controlled and maintained according to the specific provisions contained in those Chapters.

**D. Neighborhood Design: Conventional Neighborhoods.** Conventional neighborhoods will be permitted in Eagle Mountain in order to provide a diversity of residential environments. These neighborhoods must comply with XII.B and the following additional standards. Private yards are not to be considered in open space calculations where proposed lots are less than 5 acres in size. Improved areas will be owned and maintained by a homeowners' association or other similar mechanism, unless the Town Council agrees that special circumstances justify municipal control or maintenance.

1. There shall be a ratio of landscaped or open areas to impervious surfaces of at least 40% on all lots in conventional neighborhoods.

EXCEPTION TO XII.F.1.: The amount of impervious cover is further limited on slopes. See VIII.I.

2. Conventional neighborhoods must provide community open space connections, as specified by XII.D.3. The minimum lot size in conventional neighborhoods that are served by on-site sewage disposal systems and/or individual wells, and that comply with this development standard, may be reduced to one acre, subject to state and county health standards.

**E. Community Center Design. RESERVED**

**F. Industrial Area Design. RESERVED**

**G. Auto-Oriented Commercial.**

1. Auto-oriented commercial uses shall be located on the periphery of the Town, near the intersection of an arterial and a major collector or parkway.

2. Strip commercial development shall be prohibited. Commercial facilities shall be located around a central landscaped parking area which does not front on a public street but has not less than two points of access to a public street.

**H. Equestrian and Community-Supported Agriculture Design. See also X.L.**

1. RESERVED

**Specific Design Features**

**I. Creating a Unified Image.** Developments shall incorporate the streetscape elements of unity established by the general plan.

**J. Regulating Signs.**

1. Signs shall comply with the detailed performance standards of Appendix A.

2. Within the Community Center: Sign design shall comply with the community center master plan.

**K. Architectural Design Review.**

1. The review of applications shall include a review of proposed architecture for the structures in the development to ensure compatibility with the following guidelines, as evidenced by incorporation into covenants, conditions and restrictions for each area covered by a Class II permit. The Town will be made party to such covenants and conditions to the extent required to allow it to enforce their provisions.

2. The Town of Eagle Mountain is a planned community that will offer quality amenities and a high standard of commercial and residential design. The design guidelines are to protect homeowners' investments and create unified community appearance. Variety is encouraged, but certain standards are necessary to promote quality, protect and enhance property values, and establish a consistent sense of community.

The following design standards will allow a wide variety of design options and individual preferences, while protecting the design integrity of the community. Each development seeking master development or Class II permit approval must submit design guidelines to demonstrate compatibility with the Town's design guidelines or submit proposed guidelines with the Class II application for review, modification if necessary, and approval by the Planning Commission and

the Town Council, all of which will be included in the approved covenants and restrictions for the project.

a. Residential. Architecture utilizing different materials on different sides is discouraged. All elevations of the residence should be treated similarly, since a building is rarely viewed from the front only.

b. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24". All exterior wall materials to be considered by an architectural review board, or Planning Commission until appointed. No single residential structure should utilize more than three different wall materials (trims, fascias, etc. excluded).

c. Roofline profiles are important aspects of residential design. Tract homes especially, should avoid monotony in heights, colors and ridge orientation. Each residence should have a dominant gabled or hipped roof element. Shed roofs may be used for secondary roof elements only. Dome roofs, rock roofs, false dormers, and false chimneys are not acceptable. Metal fireplace flues shall be enclosed in chimneys. Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet. Wood shakes or shingles are allowed if certified as fire resistant. Cement tile and slate roofs are acceptable. Partial flat roofs on custom homes require specific approval. Roof vents to be behind ridge where possible. Evaporative coolers, heat pumps, and other roof mounted equipment shall be hidden from view.

d. Gable roofs shall have a minimum pitch of 6/12, 8/12 is preferred.

e. Accessory buildings shall be of similar style, color, and material selection as the residence served.

f. No unenclosed carports will be allowed on residential structures (exceptions may be made for multi-family units larger than a four-plex). Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line or the front of the garage is set back at least 15 feet from the front of the dwelling.

g. Main entry doors shall face the street.

h. Propane tanks, satellite dishes, and other equipment shall be screened from view.

i. Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony.

j. Single family homes shall have front porches oriented to the street. Minimum porch depth to be 8 feet, minimum square footage for front porches shall be 100 square feet. Front porches are encouraged, but not required for houses set back 75 feet or more from the front property line.

## CHAPTER XIII - CRITERIA FOR REVIEW OF DEVELOPMENT MASTER PLANS

**A. What This Chapter Does.** This chapter establishes criteria for review and action on proposed development master plans. These criteria are needed to implement III.W. of this ordinance.

**B. Master Development Plan.** A master development plan shall be required for any development proposal which is not in an approved subdivision or area within the boundaries of an approved master site plan and master development plan.

**C. Site Analysis.** Development master plans shall be evaluated using the following criteria, and approved only if the requirements below are met.

1. Is the slope of each area designated for a particular use or density suitable for that use or density? The proposed densities should vary with slope, as provided by VIII.I.

2. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?

3. Given proper planning (as will be required at the time of an application for a Class II permit), can the proposed uses and densities reasonably be established without accelerating runoff and erosion in a way that would have adverse downslope or downstream impacts?

4. Will the proposed uses and densities be reasonably compatible with the protection of natural channels (see VIII.E.)?

5. Will the proposed uses be reasonably safe from flooding, including alluvial fan flooding,?

6. Is the soil in each area designated for a particular use or density generally suitable for that use or density? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of Fairfield-Nephi Area Utah, Parts of Juab, Sanpete, and Utah Counties issued by the USDA-Soil Conservation Service in June 1984 may be used in answering this question.

**D. Infrastructure.** Development master plans shall be evaluated using the following criteria, and approved only if the answers to these questions are positive.

1. Can the proposed uses and densities be adequately served by Eagle Mountain's planned municipal utilities?

2. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major streets?

3. Is there legally enforceable documentation to the satisfaction of counsel to Town that substantiates the ability of the developer to convey water rights to the town based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common useable open space?

**E. Compatibility.** Development master plans shall be evaluated using the following criteria, and approved only if the answers to these questions are positive.

1. Will the proposed uses and densities be reasonably compatible with existing or planned uses on adjoining lands? The answer to this question may be based on the assumption that the proposed uses and densities will comply with this ordinance, including the performance standards designed to help ensure land compatibility.

2. Will the proposed uses and densities be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed uses and densities will comply with this ordinance, including the performance standards designed to help ensure land compatibility.

3. Does the pattern of proposed uses and densities help buffer potentially incompatible uses from one another?

**F. Design.** Development master plans shall be evaluated using the following criteria, and approved only if the answers to these questions are positive.

1. Do the proposed densities include the planned community open space? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space? (See Chapter XIV.B.1)

2. Are the proposed uses and densities consistent with provision of ample neighborhood open space?

**G. Environmental Impact.** Master development plans including more than 160 acres must include an environmental impact analysis of the potential impacts of the proposal on existing vegetation and wildlife, water courses, sources of water, waste generation, noise, etc. The Administrator will establish a format for this submission and identify those areas requiring specific attention.

**H. Financing Infrastructure Development.** Master development plans must include an element describing in reasonable planning level detail the cost of all infrastructure required to serve the area of the proposed plan. Engineering estimates of construction costs from recent cost experience for similar facilities in the area may be used. The financial element may suggest the use of Special Improvement Districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the Town or the use of public finance authorization legally and practically available to the Town. The plan shall include the use of property collateral of the development proponent to assure the Town that the proposal will not unduly burden the Town, adjoining landowners who will not voluntarily participate in the project or other property owners in the Town. The plan must show that the required infrastructure can be constructed by the developer or jointly by the Town and the developer using the funding provided by the developer sponsored publicly authorized financial methods proposed in the plan.

## CHAPTER XIV - SUPPLEMENTAL REGULATIONS FOR THE COUNTRY RESIDENTIAL (CR) AND CRITICAL ENVIRONMENT (CE) ZONES

**A. Intent.** It is hereby declared to be the intent and purpose of the Town Council in authorizing and establishing supplemental provisions for the Country Residential and Critical Environment zones:

1. To provide an alternative form of development for residential housing projects within the Town which permits increased flexibility and encourages the preservation of open space and ingenuity in design while preserving a quality of residential amenities equal or superior to that possible under conventional subdivision requirements. In order to qualify for approval under these provisions, a development must demonstrate the following:

- a. Adequate recognition and incorporation of natural conditions present on the site;
- b. Efficient utilization of land resources and provision of increased economy to the public in the delivery of municipal services;
- c. Increased variety in the style and quality of residential dwellings available within the Town;
- d. Preservation of open space to meet the recreational, scenic and public service needs of the community; and
- e. Accomplish the purposes of the underlying zone and density overlays under conditions that will result in the creation of residential environments of sustained desirability.

2. To establish criteria and standards for the design of Planned Residential Development projects by developers and also guidelines for evaluation by the Planning Commission, Town Council and Town staff.

3. To set forth the duties and responsibilities of developers and residents with respect to the approval, construction and maintenance of such projects.

4. To clearly establish the relationship of the Town and the developer with respect to the review and approval of such projects.

**B. Permitted Uses.** Land uses permitted under these provisions will be the same as those permitted in the underlying zone. Specifically included in the CR zone will be common areas and recreational facilities (public and private), including but not limited to golf courses, swimming pools, tennis or volleyball courts, club houses, landscaped parks and other similar elements for the use and enjoyment of the residents.

1. Development master plans for large areas are encouraged in order to provide for continuity and a logical organization of neighborhoods and communities. Master development plans for primarily residential areas located outside the Town Center and consisting of at least 640 acres will include 10%±5% of the project land area as Village Core and 30%±5% as Town Core Residential, with the balance in Country Residential or Critical Environment. Master development plans for areas containing at least 80 and less than 640 acres may include up to 5% Village Core and 30%±5% Town Core Residential. Master development plans for areas containing less than 80 acres may include up to 30% Town Core Residential. All approved uses other than those allowed in the AG zone will constitute an amendment to the official zoning map as described in paragraph C.5 below. Although the provisions of this chapter provide substantial flexibility in the location and

clustering of residential lots, higher density residential uses will generally be located near the Village Core, if included. See XIV.D.5 below for restrictions on overall density as part of a master development plan.

2. Notwithstanding the provisions of XIV.B.1, areas with slopes over 15% will be placed in the CE zone, unless dedicated as open space under the provisions of XIV.D.4. In such cases, the formulae provided in XIV.B.1 will apply to the remaining project acreage.

**C. Approval Procedure.** The procedure for approval of a development under the provisions of this chapter will be the same as those for other developments within the same zone with the following additions:

1. **Review.** Upon receipt of all plats, plans, documents and other materials required for a Class II preliminary plan review, the Planning Commission may recommend to the Town that the development be considered as a planned residential development (PRD) upon determining the following:

- a. All required materials have been submitted in a form suitable for evaluation;
- b. The site is suitable for development of the PRD and that such a project will be consistent with existing development in the vicinity and compatible with the General Plan for the area.
- c. The project conforms in all respects to the design standards and criteria applicable to the PRD, as defined in this chapter and other relevant sections of this code.
- d. The arrangement of the buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be provided under conventional lot-by-lot development.
- e. The project, if developed, will accomplish the objectives of this chapter as stated above.

2. **Denial of PRD.** For projects not meeting the review criteria, the Planning Commission shall submit a recommendation of denial.

3. **Changes to proposed plan.** The Planning Commission may recommend changes in the plan in order to more fully accomplish the intent of the provisions of this chapter and compliance with the General Plan. Such changes may include, but are not limited to, adjustments in the density or the number of structures, relocation of project elements, redesign of the road system, increase in the amount of open space and provisions for the disposal of surface water drainage.

4. **Resolution of Approval.** Final approval shall be the adoption and publication of an "Resolution of Approval" by the Town Council, adopted after due public notice and hearing on the proposal in accordance with III.X. The resolution of approval will identify the territory included in the project and adopt by reference the plats, documents, development agreement and other materials to be incorporated as part of the approval.

5. **Amendment to Zone Map.** Upon adoption and publication of the ordinance of approval, the ordinance together with the referenced plats, development agreement, documents and materials will be considered as an amendment to the Official Zone Map and constitute the specific lot area and width, setback and access requirements applicable to the project area.

6. **Ownership.** In addition to the requirements of this chapter, a PRD project which includes a division of land into separate ownership will also constitute a subdivision and shall conform to all applicable requirements for subdivisions. PRD projects that do not include the division of property shall be considered as a condominium development and will conform to all applicable requirements for such projects in this chapter and chapter XVII.

D. **Density.** Each development under the provisions of this chapter will be assigned an allowed density.

1. **Maximum Base Density.** The Maximum Base Density (MBD) will be the Adjusted Base Density as applied to the density overlay district applicable to the project location.

2. **Maximum Total Density.** The Maximum Total Density (MTD) of a project will be the sum of the maximum base density plus any density bonus units which may be approved in accordance with the provisions contained in paragraph 4 below.

3. **Density bonus.** A density bonus may be granted to a PRD development by the Town Council, subject to the recommendation of the Planning Commission and a finding that the density bonus is justified. The maximum bonus density that may be awarded to a specific project will be as shown below.

<u>Density Overlay District</u>	<u>Maximum Bonus Density (% of base density)</u>
CR	100%
CE	50%

4. **Bonus award criteria.** Any award of bonus density will be determined by the Planning Commission and Town Council in accordance with one or a combination of the following density criteria:

**Maximum Bonus Amount  
(% of Max Base Density)**

**Criteria for Award of Bonus**

Up to 20% of MBD	By providing contiguous natural open space. Credit of 2% of MBD for each 1% of the project area left in natural open space. Only land in excess of the minimums set forth in XIV.E below may qualify for this credit.
Up to 8% of MBD	By providing clustered open space with demonstrated suitability for agricultural use. An additional credit of 0.2% of MBD for each 1% of the project area which is retained as agricultural open space. This credit may be applied to the minimum open space area specified in XIV.E below.
Up to 20% of MBD	By arranging lots so that each abuts an area of open space. The bonus is based on the percentage of lots abutting
Up to 8% of MBD	By providing variation in lot sizes within those portions of the project in the CR or CE zones.
Up to 100% of MBD	By providing parks, playgrounds or other developed useable open space. Credit of 6% of MBD will be awarded for each 1% of the project devoted to developed open space.



Up to 20% of MBD

By preserving or augmenting natural vegetation, retaining wildlife corridors, or promoting the aesthetic value and natural character of the developed portions of the project. Deed restrictions that mandate natural hues or otherwise minimize visual impact will be considered for this bonus.

5. **Maximum Overall Density.** Notwithstanding the density bonus provisions contained herein, the maximum overall density allowed for any master development plan under the provisions of chapters XIV and XV will be 2.6 units per acre.

6. **Minimum area.** The minimum base acreage required to qualify for a Planned Residential Development under the provisions of this chapter will be 20 acres for the CR zone density overlay district and 20 acres for the CE-5 overlay district, unless the Town Council determines that natural or environmental features impacting the project make a smaller logical design unit more advantageous for aesthetics, public safety or environmental protection.

7. **Development clusters.** All lots in a PRD will be located in a designated development cluster. Projects may contain more than one development cluster, each with not less than three (3) lots. In the case of multi-dwelling structures, each structure will be in a cluster consisting of at least three (3) such structures.

a. **Lot sizes.** There is no minimum lot size for developments meeting the provisions of this chapter.

b. **Location.** Clusters will be located so as to minimize their impact on sensitive environmental conditions and scenic views. Clusters on hilltops, on ridgelines or on slopes exceeding 15% will not be allowed, unless no other feasible alternative is available. Clusters will be located away from surface drainage areas, floodplains, alluvial fans, slide areas and other potentially hazardous conditions.

**E. Public open space.** A portion of each project area will be set aside and maintained as public open space. The area set aside for this purpose shall be at least 20% of the total project area.

1. **Types of open space.** Designated open space areas may include either natural open space, such as hillsides, wetlands, farmland or floodplains, or developed open space such as parks and common squares, or it may include a combination thereof.

2. **Hazards.** All 100-year flood plain areas, defined floodways, avalanche or rock fall hazard areas, land on slopes in excess of 25%, and any other area of known hazard to development will be included in public open space or subject to a conservation easement acceptable to the Town Council.

3. **Maintenance.** The designated open space will be maintained so that its use and enjoyment as open space are not diminished or destroyed. To ensure that all designated open space is protected, owners or developers will:

a. Dedicate or otherwise convey title to natural or agricultural open space areas to the Town or to an open space preservation trust approved by the Town for preservation in agriculture or wildland.

b. Convey ownership of developed open space to a homeowners association established as part of the approval of the PRD or to the Town, if approved by the Town Council. Where the proposed open space contains space or amenities intended exclusively for the

residents of the project, organizational documents shall contain a provision for collection of fees adequate to maintain such amenities.

c. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed for useable common open space will be included in the development agreement.

**F. Design criteria.** In addition to the other design guidelines established in this Code, the following design criteria will apply to PRD developments:

1. Natural open space areas within the project will, to maximum extent possible, be positioned so as to be contiguous to other areas of natural open space.

2. Each lot in a PRD will abut a public street. All public streets proposed for the PRD will be dedicated to the Town and will be improved according to Town standards.

3. Cul-de-sacs or dead-end roads will be allowed only as necessary due to constraints of topography or ownership or if no alternative method exists to support clustering and retention of open space.

4. Cuts and fills will be minimized and will in no case exceed the critical angle of repose of the soil in the disturbed area. Retaining walls will not be permitted, unless specifically approved by the Planning Commission and the Town Engineer. Where disturbed, soils on slopes will be stabilized and the area revegetated.

5. To qualify for consideration under the provisions of this ordinance, developments must include covenants and restrictions that implement architectural standards consistent with the Eagle Mountain design guidelines or similar guidelines that require common architectural themes acceptable to the Planning Commission.

**G. Improvement Requirements.** The following improvements will be constructed in all PRD developments in accordance with Chapter IV, unless otherwise exempted in the Development Code. All such improvements will meet minimum Town standards and be completed within one year of final plat approval by the Town Council. Financial guarantees in the form of bonds will be required for all improvements and will be approved as a condition of final approval to be administered in the same manner specified for subdivisions.

1. Streets, trails and parks, including those necessary to provide access to adjacent property.
2. Water and sewage mains and facilities
3. Fire hydrants
4. Any required drainage or flood control structures
5. Any required restoration of cut or fill slopes.
6. The costs of installing landscaping and common facilities within any common open space area.

**H. Water rights.** Water rights will be conveyed to the Town based on the number of dwellings in the project, the commercial uses anticipated, and the area developed, including both building lots and common useable open space such as parks or areas containing common amenities.

## CHAPTER XV - SUPPLEMENTAL REGULATIONS FOR THE TOWN CORE RESIDENTIAL (TCR) ZONE

**A. Intent.** It is hereby declared to be the intent and purpose of the Town Council in authorizing and establishing supplemental provisions for the Town Core Residential zone:

1. To provide an alternative form of development for residential housing projects within the Town which permits increased flexibility and encourages the preservation of open space and ingenuity in design while preserving a quality of residential amenities equal or superior to that possible under conventional subdivision requirements. In order to qualify for approval under these provisions, a development must demonstrate the following:

- a. Adequate recognition and incorporation of natural conditions present on the site;
- b. Efficient utilization of land resources and provision of increased economy to the public in the delivery of municipal services;
- c. Increased variety in the style and quality of residential dwellings available within the Town;
- d. Preservation of open space to meet the recreational, scenic and public service needs of the community; and
- e. Accomplish the purposes of the underlying zone under conditions that will result in the creation of residential environments of sustained desirability.

2. To establish criteria and standards for the design of Planned Residential Development projects by developers and also guidelines for evaluation by the Planning Commission, Town Council and Town staff.

3. To set forth the duties and responsibilities of developers and residents with respect to the approval, construction and maintenance of such projects.

4. To clearly establish the relationship of the Town and the developer with respect to the review and approval of such projects.

**B. Permitted Uses.** Land uses permitted under these provisions will be the same as those permitted in the underlying zone. Specifically included in the TCR zone will be common areas and recreational facilities (public and private), including but not limited to swimming pools, tennis or volleyball courts, club houses, landscaped parks and other similar elements for the use and enjoyment of the residents.

1. Master development plans for Town Core Residential areas consisting of 100 or more acres shall include a neighborhood commercial site or sites for the convenience of the residents.

2. Master development plans for Town Core Residential areas consisting of 160 acres or more shall include at least 5% of the developed land area as Village Core. The Village Core areas will constitute an amendment to the official zoning map as described in paragraph 5 below.

**C. Approval Procedure.** The procedure for approval of a development under the provisions of this chapter will be the same as those for other developments within the same zone with the following additions:

1. **Review.** Upon receipt of all plats, plans, documents and other materials required for a Class II preliminary plan review, the Planning Commission may recommend to the Town that the development be considered as a Planned Residential Development (PRD) upon determining the following:

- a. All required materials have been submitted in a form suitable for evaluation;
- b. The site is suitable for development of the PRD and that such a project will be consistent with existing development in the vicinity and compatible with the General Plan for the area.
- c. The project conforms in all respects to the design standards and criteria applicable to the PRD, as defined in this chapter, and in other relevant sections of this code.
- d. The arrangement of the buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be provided under conventional lot-by-lot development.
- e. The project, if developed, will accomplish the objectives of this chapter as stated above.

2. **Denial of PRD.** For projects not meeting the review criteria, the Planning Commission shall submit a recommendation of denial.

3. **Changes to proposed plan.** The Planning Commission may recommend changes in the plan in order to more fully accomplish the intent of the provisions of this chapter and compliance with the General Plan. Such changes may include, but are not limited to, adjustments in the density or the number of structures, relocation of project elements, redesign of the road system, increase in the amount of open space and provisions for the disposal of surface water drainage.

4. **Resolution of Approval.** Final approval shall be the adoption and publication of an "Resolution of Approval" by the Town Council, enacted after due public notice and hearing on the proposal in accordance with III.X. The resolution of approval will identify the territory included in the project and adopt by reference the plats, documents, development agreement and other materials to be incorporated as part of the approval.

5. **Amendment to Zone Map.** Upon adoption and publication of the ordinance of approval, the ordinance together with the referenced plats, development agreement, documents and materials will be considered as an amendment to the Official Zone Map and constitute the specific lot area and width, setback and access requirements applicable to the project area.

6. **Ownership.** In addition to the requirements of this chapter, a PRD project which includes a division of land into separate ownership will also constitute a subdivision and shall conform to all applicable requirements for subdivisions. PRD projects that do not include the division of property shall be considered as a condominium development and will conform to all applicable requirements for such projects in this chapter and in chapter XVII.

**D. Density.** Each development under the provisions of this chapter will be assigned an allowed density.

1. **Maximum Base Density.** The Maximum Base Density (MBD) will be two units per acre.

2. **Maximum Total Density.** The Maximum Total Density (MTD) of a project will be the sum of the maximum base density plus any density bonus units which may be approved in accordance with the provisions contained in paragraph 4 below.

3. **Density bonus.** A density bonus may be granted to a PRD development by the Town Council, subject to the recommendation of the Planning Commission and a finding that the density bonus is justified. The maximum bonus density that may be awarded to a specific project will be as shown below:

<u>Density Overlay District</u>	<u>Maximum Bonus Density (% of base density)</u>
TCR	200%

4. **Bonus award criteria.** Any award of bonus density will be determined by the Planning Commission and Town Council in accordance with one or a combination of the following density criteria:

<u>Maximum Bonus Amount (% of Max Base Density)</u>	<u>Criteria for Award of Bonus</u>
Up to 25% of MBD	By incorporating provisions that provide for up to 20% affordable housing suitable for households with a gross income equal to or less than 80% of the median income for the Standard Metropolitan Statistical Area
Up to 50% of MBD	By grouping homes around neighborhood parks or other common areas. Maximum credit may be extended if 50% or more of lots in the development are within 300 feet of such an area.
Up to 60% of MBD	By providing developed useable open space, including turf areas, volleyball courts, playing fields, etc. Credit may be awarded at the rate of 2% bonus per 1% of developed open space (may include any of the minimum open space area required in XV.E below that is developed).
Up to 100% of MBD	By providing significant common recreation facilities such as libraries, swimming pools, tennis courts, playgrounds, community centers, etc.
Up to 30% of MBD	By providing natural open space. Credit of 1% of MBD for each 1% of the project devoted to natural open space above the requirements of XV.E below.

5. **Maximum Overall Density.** Notwithstanding the density bonus provisions contained herein, the maximum overall density allowed for any master development plan under the provisions of chapters XIV and XV will be 2.6 units per acre.

6. **Development clusters.** All lots in a PRD will be located in a designated development cluster. Projects may contain more than one development cluster, each with not less than three (3) lots. In the case of multi-dwelling structures, each structure will be in a cluster consisting of at least three (3) such structures.

a. Lot sizes. There is no minimum lot size for developments meeting the provisions of this chapter.

b. Location. Clusters will be located so as to minimize their impact on sensitive environmental conditions and scenic views. Clusters on hilltops, on ridgelines or on slopes exceeding 15% will not be allowed, unless no other feasible alternative is available. Clusters will be located away from surface drainage areas, floodplains, alluvial fans, slide areas and other potentially hazardous conditions.

**E. Public open space.** A portion of each project area will be set aside and maintained as public open space. The area set aside for this purpose shall be at least 20% of the total project area.

1. **Types of open space.** Designated open space areas may include either natural open space, such as hillsides, wetlands, farmland or floodplains, or developed open space such as parks and common squares; or it may include a combination thereof.

2. **Hazards.** All 100-year flood plain areas, defined floodways, avalanche or rock fall hazard areas, land on slopes in excess of 25%, and any other area of known hazard to development will be included in public open space or subject to a conservation easement acceptable to the Town Council.

3. **Maintenance.** The designated open space will be maintained so that its use and enjoyment as open space are not diminished or destroyed. To ensure that all designated open space is protected, owners or developers will:

a. Dedicate or otherwise convey title to natural open space areas to the Town or to an open space preservation trust approved by the Town for preservation in agriculture or wildland.

b. Convey ownership of developed open space to a homeowners association established as part of the approval of the PRD or to the Town, if approved by the Town Council. Where the proposed open space contains space or amenities intended exclusively for the residents of the project, organizational documents shall contain a provision for collection of fees adequate to maintain such amenities.

c. A detailed landscaping and park improvement plan showing the proposed landscape treatment of all portions of the project proposed for useable common open space must be approved by the Planning Commission and provisions for the implementation of the approved landscaping and park improvement plan will be included in the development agreement.

**F. Design criteria.** In addition to the other design guidelines established in this Code, the following design criteria will apply to PRD developments:

1. Natural open space areas within the project will, to the maximum extent possible, be positioned so as to be contiguous to other areas of natural open space.

2. All public streets proposed for the PRD will be dedicated to the Town and will be improved according to Town standards. Cul-de-sacs or dead-end roads will be allowed only as necessary due to topography or ownership or if no alternative method exists to support clustering and retention of open space.

3. Cuts and fills will be minimized and will in no case exceed the critical angle of repose of the soil in the disturbed area. Retaining walls will not be permitted, unless specifically approved by the Planning Commission and the Town Engineer. Where disturbed, soils on slopes will be stabilized and the area revegetated.

4. To qualify for consideration under the provisions of this ordinance, developments must include covenants and restrictions that implement architectural standards consistent with the Eagle Mountain design guidelines or similar guidelines that require common architectural themes acceptable to the Planning Commission.

**G. Improvement Requirements.** The following improvements will be constructed in all PRD developments in accordance with chapter IV, unless otherwise exempted in the Development Code. All such improvements will meet minimum Town standards and be completed within one year of final plat approval by the Town Council. Financial guarantees in the form of bonds will be required for all improvements and will be approved as a condition of final approval to be administered in the same manner specified for subdivisions.

1. Streets, trails and park areas, including those necessary to provide access to adjacent property.
2. Water and sewage mains and facilities
3. Fire hydrants
4. Any required drainage or flood control structures
5. Any required restoration of cut or fill slopes.
6. The costs of installing landscaping and common facilities within any common open space area.

**H. Water rights.** Water rights will be conveyed to the Town based on the number of dwellings in the project, the commercial uses anticipated, and the area developed, including both building lots and common useable open space such as parks or areas containing common amenities.

## CHAPTER XVI - DEFINITIONS

**A. What This Chapter Does.** This chapter provides definitions of important terms used in this ordinance.

**Absolute.** Absolute development standards require or prohibit certain kinds or levels of performance. See VI.B.

**Accessory.** Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use that exists on the same lot or parcel.

**Accessory Use.** A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

**Adjacent/Adjoining.** Includes all lots or parcels that directly border the lot or parcel on which a development is proposed, and all lots or parcels separated from that lot or parcel by only a public or private easement or right-of-way, including streets and irrigation canals.

**Adjusted Tract Acreage.** See V.D.vii and V.D.viii. This figure is determined by adjusting the total project acreage for natural or man-made constraints that may limit certain uses or densities.

**Administrator.** The Town employee or contractor responsible for the administration of this ordinance. See II.B. for the role and duties of the Administrator.

**Agricultural Use.** Use of a tract of land for growing crops in the open, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming and ranching operations and the residence of the person who owns or operates the farm, and the family thereof. For the purposes of this ordinance, agriculture does not include confined feeding operations, the raising of poultry or swine as a primary use, or operations engaged in the slaughtering or rendering of livestock.

**Alluvial Fan.** An outspread, gently sloping mass of alluvium deposited by a stream, especially in an arid or semiarid region where a stream issues from a narrow canyon onto a plain or valley floor: viewed from above it has the shape of an open fan, the apex being at the canyon mouth.

**Art Gallery.** An establishment engaged in the sale, loan or display of paintings, sculpture or other works of art. This term does not include libraries or museums.

**Arterial Street.** Arterial streets connect a community with other communities or connect major activity centers within the community (e.g. State Road 73).

**Auditorium.** A multi-purpose assembly facility that is designed to accommodate conventions, live performances, trade shows, sports events and other similar public events.

**Automobile, Truck, Recreational Vehicle and Equipment Sales or Rental.** Sales or rental of both new or used motor vehicles or equipment from indoor or outdoor areas, but not to include non-serviceable or junk vehicles or equipment.

**Auto Repair, Major.** An establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within a completely enclosed building.



**Auto Repair, Minor.** An establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, provided it is conducted within a completely enclosed building.

**Auto Self-Service Station.** An establishment for the retail sale of automotive fuels and lubricants at which the customer provides the service to his or her own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for retail sale other convenience items as a clearly secondary activity and may also include a free-standing automatic car wash.

**Auto Service Station.** An establishment for the primary purpose of selling gasoline or other automotive fuels, quick oil or lubricant services. Accessory activities may include automotive repair and maintenance, car wash service and food sales.

**Bank.** A business principally involved in the lending, borrowing, exchanging, issuing or safeguarding money, under charter from an agency of the State of Utah or the United States.

**Bar, Tavern.** A business principally involved in the sale of alcoholic beverages under license from the Town and the State of Utah.

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

**Board of Adjustment.** An appointed board that hears appeals from decisions of the Administrator or Planning Commission. See II.D.

**Building.** As used in this ordinance, any structure, i.e. any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, earthworks, liquid storage tanks, fences, and overhead transmission lines.

**Building Height.** See the *Uniform Building Code*.

**Building Volume.** The total cubic feet enclosed in a building.

**Certificate of Compliance.** A certificate of compliance is issued upon the completion of a use or building and any accompanying improvements required by this ordinance. See III.R.

**Class II Permit.** For the purposes of §10-9-204(7) and §10-9-704(2), Utah Code, a Class II permit shall be considered to be a conditional use permit.

**Community Recreation Center.** A place, structure, area or other facility used to provide social and recreational programs generally open to the public and designed to accommodate and serve some segment of the community.

**Compatible/Compatibility.** Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

**Condominium.** A single unit in a multi-unit project or structure which is separately owned, which may be combined with an undivided interest in common areas and facilities of the property, and subject to the Utah Condominium Ownership Act.

**Conventional Neighborhood.** A conventional neighborhood or development consists primarily of a single use (convenience commercial or institutional uses like churches or elementary schools could be included in a conventional residential development) and includes a limited range of densities (lot size could vary, but the density would be predominantly single-family).

**Day Care Center, Adult.** A non-medical facility for the daytime care of adults who, due to advanced age, disability or impairment require assistance and/or supervision during the day.

**Day Care Center-Child, Large.** An establishment providing care and maintenance to fifty or more children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services.

**Day Care Center-Child, Small.** An establishment providing care and maintenance to more than twelve, but fewer than fifty children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services.

**Day Care Establishment-Family, Child.** An establishment providing care and maintenance to four or more, but fewer than twelve, children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services to be provided within a single-family residence.

**Days.** All periods of time established in this ordinance shall be measured in working days.

**Degree of Nonconformity.** The measured extent to which an existing use or building fails to comply with a requirement of this ordinance. For example, the degree of nonconformity of a parking lot that has four spaces, but serves a commercial use requiring nine, is five parking spaces. No change in the nonconforming use that would reduce the number of parking spaces could be permitted, because that would increase the degree of nonconformity.

**Density.** The number of dwelling units per gross acre. Gross acreage includes the entire development (roads, neighborhood parks and squares, neighborhood commercial centers, etc.). Density is not synonymous with lot size.

**Density Bonus.** A percentage of the maximum base density which is used to define the number of additional dwellings or other individual uses which will be allowed if a development meets certain requirements in Chapters XIV and XV. See XIV.D.3 and XV.D.3.

**Development.** The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels, by any person. The following activities will be considered to involve development under this ordinance:

- 1) construction of any principal building or structure;
- 2) increasing the intensity of use of land, such as an increase in the number of dwelling units or an increase in non-residential use intensity that requires additional parking;
- 3) alteration of a shore or bank of a pond, stream, lake or other waterway;
- 4) excavation on a parcel of land or commencement of drilling, except to obtain soil or water samples;
- 5) demolition of a structure;
- 6) clearing of land as an adjunct of construction; and

- 7) deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve development for the purposes of this ordinance:

- 1) work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- 2) utility installations;
- 3) landscaping for residential uses; and
- 4) work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other planted areas.

**Development Agreement.** A document that establishes in detail the specific improvements required for each Class II or Master Development Plan approval and which may contain other requirements on which the approval is conditioned. See IV.E.

**Development Master Plan.** This term is used interchangeably with "Master Development Plan." See XIII.

**Dwelling, Multiple-family.** A building containing three (3) or more dwellings, other than single-family attached dwellings, on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

1. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.

2. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one (1) month shall be considered a hotel/motel.

**Dwelling, Single-family.** Any detached building that averages twenty (20) or more feet in width, is attached to a permanent foundation, is permanently connected to the municipal utilities, where they are available; and is clearly designed for occupancy by one family or group of unrelated persons living together as a single household unit. This definition

1. specifically includes group homes that fit the foregoing definition; have no more than eight (8) residents and two (2) resident staff; and are licensed as required by Chapter XI.k; and

2. specifically includes manufactured homes that meet the foregoing definition; comply with the National Manufactured Home Construction and Safety Standards Act (40 U.S.C. § 1504) or the *Uniform Building Code*. Manufactured homes that do not fit the foregoing definition, recreational vehicles, and travel trailers are not single-family dwellings.

**Dwelling, Single-Family Attached.** A dwelling unit that is attached via a common party sidewall to at least one (1) other such single-family dwelling.

**Electronics Repair Shop.** A use engaged in repair of household electronic items and appliances.

**Existing.** The term "existing" is used to indicate a parcel of land, use, or building that was in existence on the effective date of this ordinance.

**Expansive Soil.** For the purposes of this ordinance, includes the following soil mapping units, as defined and mapped in the Soil Survey of Fairfield-Nephi Area Utah, Parts of Juab, Sanpete, and

Utah Counties issued by the USDA-Soil Conservation Service in June 1984: 1. Cheebe fine sandy loam, 2. Cheebe silty clay loam, 3. Goldrun-Cheebe complex, 0-10% slopes, and 4. Provo Bay-Cheebe complex.

**Floor Area Ratio.** The total floor area of a building, including all floors, divided by the total lot size.

**Group Home.** A residential facility established as a single housekeeping unit and shared by an approved number of unrelated persons, exclusive of staff, who require assistance and supervision. Group homes are licensed by the State of Utah and provides counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. A group home shall not include persons who are diagnosed with substance abuse problems or who are staying in the home as a result of criminal offenses.

**Guest.** Any person hiring or occupying a room for temporary living or sleeping purposes.

**Home Business.** A commercial or industrial activity conducted in a dwelling or a building accessory to a dwelling. Home businesses, by definition, comply with the detailed performance standards of Appendix I.

**Hotel, Motel.** A building or group of buildings containing individual sleeping units designed and used primarily for the accommodation of short-term guests, and with automobile parking or storage available. This definition includes auto courts, motor lodges and tourist courts, and it allows inclusion of restaurant, food service and group meeting facilities.

**Intense, Intensity.** The intensity of a use shall be evaluated in terms of its projected traffic generation; the number of parking spaces it requires; projected stormwater runoff; projected noise levels at the property line and the potential for other nuisances that may cross the property lines, including light, glare, dust, and odor; the number and size of signs proposed; and similar factors. It shall be presumed that uses within the same three-digit Standard Land Use Code are of essentially the same intensity. Uses that are not within the same three-digit Standard Land Use Code may also be found to be of the same intensity, but such a finding shall be documented, not simply presumed.

**Kennel.** An establishment at which four (4) or more dogs, cats or similar household pets or farm animals of at least three (3) months of age are lodged on a temporary basis.

**Landscaping.** The improvement of a lot, parcel or tract of land with grass, ground cover, shrubs and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural or artificial objects designed and arranged to produce an aesthetically pleasing effect.

**Lot Coverage.** The ratio of the portion of the lot covered by buildings, including accessory buildings, sidewalks, driveways, and other impervious surfaces to the total lot area.

**Lot Split.** Creation of a single lot or parcel of land for immediate or future offer, sale, lease, or development that is not exempted by III.C. of this ordinance. Creation of a second lot or parcel from either the original parcel or the resulting parcel will constitute a subdivision, regardless of ownership.

**Manufactured Home or Dwelling.** A single-family dwelling complying with the National Manufactured Home Construction and Safety Standards Act (4 U.S.C. §5401) or the Uniform Building Code. Mobile homes, travel trailers, houses mounted on self-propelled or drawn

vehicles, and tents or other forms of temporary housing or portable housing are not included within this definition.

**Manufacturing, Heavy.** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than average effects on the environment, or that ordinarily have significant impacts on adjacent property through noise, dust, smoke, fumes, odors, glare or health or safety hazards or that otherwise do not constitute "light manufacturing." This term generally includes processing and fabrication of large or bulky products, products made from raw or extracted materials, or products involving flammable or explosive materials and processes which require extensive floor areas or land area for fabrication or storage of products. This term shall include refineries and chemical manufacturing, but shall not include any use which is otherwise specifically listed as a permitted or conditional use for the applicable zoning district.

**Manufacturing, Light.** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, dust, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such activities take place, where such uses are housed entirely within a building or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25% of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land area. This term shall not include any use which is otherwise specifically listed as a permitted or conditional use for the applicable zoning district.

**Maximum Total Density.** The maximum base density (MBD) plus the number of bonus density units calculated by multiplying MBD by the percentage density bonus authorized. See XIV.D.2 and XV.D.2.

**Mayor.** See II.F. For the role and duties of the Town Mayor in the administration of this ordinance.

**Medical and Health Care Offices.** Offices or clinics which provide services for the treatment and care of illness or injury, medical, dental and chiropractic offices; offices devoted to the healing arts such as licensed, accredited massage therapists; licensed physical therapists; and psychotherapists, and which may include a pharmacy, drug store or laboratory intended to serve patients of the medical or dental professions as an accessory use.

**Minor Change In Use.** A change to another use of essentially identical intensity. Changes of use within the same three-digit Standard Land Use Code shall be presumed to be minor. Changes of use that are not within the same three-digit Standard Land Use Code may also be found to be minor, but such a finding shall be documented, not simply presumed.

**Mixed Use, Mixed Density.** A development that includes a wider than typical range of land uses and/or densities. This type of development is by definition different from a conventional neighborhood.

**Museum.** An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

**Neighborhood Park.** As used in this ordinance, means a common or public outdoor recreational space of at least one acre in size that is easily accessible by walking or bicycling from nearby homes and, as a minimum, is developed with shade trees, bicycle racks, playground equipment for younger children, sitting places, and illumination, as needed for the safety of park users.

**Neighborhood Square.** As used in this ordinance, means a common or public outdoor space that is less than 100 feet across in every dimension (75 feet is an ideal maximum for encouraging sociability) that is immediately accessible from adjoining dwellings. A neighborhood square may be hard-surfaced, but is developed with shade trees, bicycle racks, sitting places, and illumination, as needed for the safety of its users.

**Nonconforming Lot.** A nonconforming lot is a separate parcel of land that existed on the effective date of this ordinance, but is too small to serve as a site for building in compliance with the requirements of this ordinance. Nonconforming lots may be developed only as provided by I.G.

**Nonconforming Uses, Buildings, and Signs.** Any building or land legally occupied by a use at the time of passage of this ordinance or amendment hereto which does not conform after passage of this ordinance or amendment thereto with the use regulations in the district in which it is located. Nonconforming uses, buildings, and signs may continue subject to the rules established in I.H.

**Office Use.** A type of business use, which may or may not offer services to the public, that is engaged in the processing, manipulation or application of business information of professional expertise. An office use is not materially involved in fabrication, assembly or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. Examples include accounting, investment services, architecture, engineering, legal services and real estate services. "Office use" shall not include any use or other type of establishment which is otherwise specifically listed as a permitted or conditional use for the applicable zoning districts.

**Off-Street Parking.** Parking provided on public or private property, excluding public rights-of-way.

**Open Space.** An area which is completely free and unobstructed from any structure or parking areas. Landscaping, walkways, covered patio areas, light poles and other ornamental features shall not be considered as obstructions for the purposes of this definition.

**Place of Worship.** A church, synagogue, temple, mosque or other place of religious worship, including any accessory use or structure used for religious observances.

**Planned Residential Development (PRD).** A PRD is a development approved under the provisions of Chapters XIV and XV.

**Planning Commission.** See II.C.

**Plat.** A plat is the legally binding map of a subdivision that is recorded, after approval by the Town as provided in this ordinance, with the county recorder.

**Plat Amendment.** Any change in the lot arrangement or routing of rights-of-way or easements within a recorded plat. See III.Z.

**Private Schools.** Accredited schools for residential and non-residential, class room instruction with state approved curriculum.

**Relative.** Relative performance standards address complex issues for which absolute standards are inadequate or inappropriate. They encourage or discourage certain kinds or levels of performance. See Chapter 17.

**Religious or Cultural Activity.** A building or buildings owned or maintained by organized religious organizations and non-profit associations for social, civil or philanthropic purposes, or as a place of worship. Uses also include the public, non-profit display of art, historic or cultural artifacts or other inanimate exhibits, a building used as a lending library or reading room, seminaries associated with schools, monasteries and convents. This definition shall not include tents or other temporary structures.

**Required Improvement.** A required improvement is any improvement required for compliance with any absolute development standard of this ordinance. See IV.B.

**Restaurant.** A building, property, or activity the primary purpose of which is to serve as an eating establishment comprising facilities in which food is prepared for either on- or off-site consumption, with service being provided at table or served from a counter. This definition also included specialty food stores, such as ice cream parlors or delicatessens.

**Retail Goods Establishment.** A building, property, or activity, the principal use or purpose of which is the provision of which is the sale of physical goods, products, or merchandise directly to the consumer. This term shall not include any use or other type of establishment with is otherwise specifically listed as a permitted or conditional use for the applicable zoning district.

**Retail Services Establishment.** A building, property, or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. This term shall include barber shops, beauty parlors, laundry and dry cleaning establishments (with off-plant premises), tailoring shops, shoe repair shops, and the like. This term shall not include any use or other type of establishment with is otherwise specifically listed as a permitted or conditional use for the applicable zoning district.

**Setback.**

1. On Interior Lots. An interior lot is any lot that is bordered by only one street.
  - a. The front setback is the distance, at the nearest point, from the street right-of-way to the outer foundation wall of the principal building, or to any projection that extends more than three feet beyond the outer foundation wall.
  - b. The rear setback is the distance, at the nearest point, from the alley right-of-way, or the property line that is parallel, or more or less parallel, to the street, to the outer foundation wall of the principal building, or to any projection that extends more than three feet beyond the outer foundation wall.
  - c. The side setback is the distance, at the nearest point, from a property line that is perpendicular, or more or less perpendicular, to the street, to the outer foundation wall of the principal building, or to any projection that extends more than three feet beyond the outer foundation wall.
2. On Corner Lots. A corner lot is any lot that is bordered by more than one street.
  - a. The front setback is the distance, at the nearest point, from the street right-of-way on which the principal building has its address to the outer foundation wall of the principal building, or to any projection that extends more than three feet beyond the outer foundation wall.
  - b. The rear setback is the distance, at the nearest point, from the property line opposite the street on which the principal building has its address to the outer foundation wall of the principal building, or to any projection that extends more than three feet beyond the outer foundation wall.

c. The side setback is the distance, at the nearest point, from a property line that is perpendicular, or more or less perpendicular, to the street on which the building has its address, or to any projection that extends more than three feet beyond the outer foundation wall.

**Shopping Center.** A concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownerships/operations/management control and may include pad sites as well as architecturally connected units.

**Sign.** Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. Specific types of signs are defined in Appendix A.

1. Specifically includes group homes that fit the foregoing definition; have no more than eight residents and two resident staff; and are licensed as required by XI.J.

2. Specifically includes manufactured homes that fit the foregoing definition; comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the *Uniform Building Code*. Manufactured homes that do not fit the foregoing definition, recreational vehicles, and travel trailers are not one-family dwellings.

**Sketch Plan Review.** A sketch plan review is a pre-application opportunity for the Administrator and the Planning Commission to be made aware of an impending development proposal and for the developer to be made aware of possible issues and questions, and applicable requirements of this ordinance. No decisions are made at a sketch plan review, and no written records, other than the Planning Commission's minutes are required.

**Slope.** Slope shall be measured before any site clearing, excavation, or grading, and expressed as a percentage (rise/run\*100). Measurement shall be made perpendicular to the contours of the land, between natural (changes in slope as landforms change) or manmade (road cuts and similar breakpoints) breakpoints.

**Standard Land Use Code.** The Standard Land Use Code is a hierarchical method of classifying land uses that, by definition, includes all possible land uses. See the Standard Land Use Coding Manual, U.S. Department of Transportation, Federal Highway Administration, as reprinted in March 1977. Table XIV.1. gives a summary of the Standard Land Use Code. Where there is a question about how a proposed use should be classified, the Administrator shall make a determination. That determination may be appealed to the Board of Adjustment using the appeals procedure of III.L.

**Strip Commercial.** A linear pattern of development that is generally one lot or parcel deep along a major road and characterized by most of the following features: numerous points of access to the road, parking between the road and the buildings, a lack of safe pedestrian or bicycle access to most uses, a lack of landscaping, and numerous signs.

**Theater, Concert Hall.** A building used principally to present live performances of plays, operas, concerts and the like to the public.

**Theater, Movie.** A building used principally to present showings of cinematic films to the public.

**Town.** The Town of Eagle Mountain, Utah. The terms "city" and "Town" are interchangeable as used herein.



**Town Council.** Eagle Mountain's elected governing body. See II.E. for the role and duties of the Town Council in the administration of this ordinance.

**Town Executive Assistant.** A Town Executive Assistant may be appointed by the Mayor. The Mayor may assign some of the Mayor's duties to the Executive Assistant in the administration of this ordinance.

**Unreasonable Hardship.** For the purposes of III.N.3.a. of this ordinance, an unreasonable hardship shall be as defined by §10-9-707(2)(b), Utah Code.

**Uplighting.** Where a landscape feature, sign, building, or architectural feature is illuminated by a luminaire that is directed upward at an angle of more than 50 degrees.

**Use.** The activities occurring on a lot or parcel for which land or a building is arranged, designed or intended, for which land or a building is or may be occupied, including all accessory uses.

**Variance.** Variances provide relief for landowners who, because of some unique physical characteristic of their property, would have no beneficial use of that property if this ordinance is strictly enforced. Land use may not be varied, but variances from the absolute performance standards of this ordinance may be granted as provided in III.N.

**Vested Right.** A vested right is the right to proceed with development under the regulations that applied prior to the incorporation of Eagle Mountain and the adoption of this ordinance or the right to proceed under this ordinance, as it existed at the time an application for a permit was approved. Vested rights to proceed with development initiated prior to the effective date of this ordinance shall be established only as provided by I.E. Vested rights to proceed with development after the effective date of this ordinance shall be established only as provided by I.F.

**Veterinary Offices.** An establishment at which dogs, cats, similar household pets or farm animals at least three (3) months of age are treated, groomed or trained. Facilities at which more than three (3) such animals are lodged will also be considered kennels for the purposes of this ordinance.

**Violation.** See III.S.

**Warehouse.** A structure, or part thereof, or area, used primarily for the storage of goods, inventory and merchandise.

## CHAPTER XVII – RELATIVE STANDARDS FOR CONDITIONAL USES

**A. What This Chapter Does.** This chapter contains criteria and establishes procedures for the evaluation of proposed uses requiring a conditional use permit.

**B. Permit Required.** A conditional use permit shall be required for those uses listed as conditional in the zoning district regulations or elsewhere in this ordinance. Except in those cases in which the Planning Commission determines that a conditional use will be allowed for a term of less than one year, conditional use permits will be reviewed at least annually. A conditional use permit may be revoked upon failure to comply with conditions and requirements established at the time of its original approval or subsequent approvals.

**C. Application.** A landowner or developer desiring a conditional use will complete an Application for Conditional Use and provide such specific additional information as may be necessary to demonstrate compliance with this ordinance. The information provided will include at minimum a description of the proposed use, construction drawings or site plans involving structures to be built or altered to accommodate such use, and a list of proposed conditions to which the owner is prepared to commit in order to ensure compatibility with surrounding uses. The application and supporting information will be provided to the Administrator at least ten (10) days prior to the Planning Commission meeting at which it is to be considered. Either the Administrator or the Planning Commission may require additional information to clarify the potential impacts of the conditional use or facilitate evaluation of the application.

**D. Determination.** The Planning Commission may approve a conditional use in any district in which the particular use is designated as a conditional use in this Code. In authorizing a conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties, the public welfare and achievement of the objectives of the General Plan. The Planning Commission may also add specific requirements not enumerated in this Code to ensure compatibility in individual situations. Such requirements may include the following:

1. Conditions relating to the safety of persons or property.
2. Conditions relating to health and sanitation.
3. Conditions relating to environmental concerns.
4. Conditions relating to compliance with the comprehensive plan or special characteristics of the zoning district.
5. Conditions relating to performance.

The determination of the Planning Commission may be appealed according to the provisions of V.C.2.b.

**E. Public Hearing.** The Planning Commission will hold a public hearing on all requests for conditional use permits. Such hearings may be conducted simultaneously with required hearings for master development plans or Class II permits, or they may be scheduled separately. Neighboring land owners and the community in general will be informed of such hearings according to the provisions of III.X.6.

**F. Building Permit.** Following issuance of a conditional use permit, the Administrator or Building Inspector may approve an application for a Class I permit and shall ensure that all development

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**E. Building Permit.** Following issuance of a conditional use permit, the Administrator or Building Inspector may approve an application for a Class I permit and shall ensure that all development undertaken is in compliance with the conditional use permits and all requirements pertaining to its approval.

**F. General Requirements.** . Developments and structures requiring conditional use approval will generally be required to meet all of the following criteria, although the Planning Commission may determine that certain requirements do not apply due to the individual characteristics of the specific proposal, the character of the neighborhood or the requirements of the underlying zone. Conditional uses will normally be required to meet the following conditions in addition to all absolute requirements set forth for other uses in the applicable zone. The provisions in this chapter are intended to supplement the other standards contained in this Code, but where the provisions in this chapter conflict with other requirements of this Code, the provisions here will apply. Additional requirements for specific uses will be added to this Chapter in subsequent sections.

**1. Compatibility.** A primary consideration in the approval of conditional uses is compatibility with other adjacent or nearby uses. This applies both to the edges of developments and within developments where uses and densities are mixed. Compatibility shall be evaluated using the following performance standards:

a. Building Height. Building heights should be compatible. The following questions are relevant in evaluating performance on this standard where heights are mixed.

- Will shade cast by taller buildings or landscaping associated with the proposal shade community or neighborhood parks or squares, or residential yards, rendering them less useful in fall or spring?
- Will shade cast by taller buildings or landscaping associated with the proposal create unnecessary icy spots on streets, sidewalks, or trails?
- Will windows on upper floors of taller buildings provide views that compromise the privacy of residential yards?
- What impact will building height have on views from public parks, squares and nearby homes?
- Are tall buildings located at visual focal points, but where their height and bulk is visually absorbed by a background of mountains? Isolated "towers" are to be avoided.

b. Building bulk, which may be measured in terms of total building volume or floor area ratio, should be compatible.

c. Lot coverage should be compatible, with open space areas, landscaped buffers, or structures separating areas of contrasting lot coverage. For one and two family dwellings, see XI.G.

d. Intensity. The intensity of adjoining or neighboring uses must be compatible, with carefully planned transitions from one level of activity to another. The following questions may be relevant in evaluating performance on this standard where uses are mixed or adjacent:

- Is building placement and orientation (arrangement of windows and entrances) effectively used to mitigate transitions between uses of different intensity?
- Is the terrain on the site used to make transitions between uses of different intensities?
- Are open space areas, neighborhood parks and squares, and landscape buffers used effectively in transitions between uses of different intensities? See also XI.E?
- Are effective screening fences or walls provided where necessary? See also Chapter X.
- Where uses are mixed within a building (residential over commercial would be an example), are architectural techniques like the separation of entrances and soundproofing used to effectively mitigate potential conflicts?

e. Hours of Operation. Approval of commercial uses in mixed-use developments may be conditioned upon limited hours of operation.

f. Outdoor Display. Outdoor sales and display areas must be landscaped in accordance with the parking area landscaping standards adopted in Appendix D.

**2. Conservation Design.** Conditional uses should follow conservation design practices that provide for effective integration with the surrounding landscape. The Planning Commission will consider all aspects of such design, to include the following:

a. Xeriscaping shall be encouraged, but only within the framework of the requirements of this ordinance for the provision of street trees, landscaped buffers, and parking lot landscaping. Developments should not include areas of turf or other high water demand that do not serve one or more of the following specific functions: recreational activities that require turf (playing fields); buffering between different uses or different intensities of use, as required or encouraged by this ordinance; or parking lot landscaping, as required or encouraged by this ordinance.

b. The use of naturally vegetated and landscaped spaces rather than structural measures for runoff and erosion control, and the integration of runoff and erosion control measures with landscaping for other purposes, including buffers, shall be required where possible. Effective multiple use of landscaped buffers in runoff and erosion management plans shall be encouraged.

c. Structures in residential areas will be located so as to provide solar access for as many structures as possible.

**3. Neighborhood Design.** Although the intent of this Code is to provide for good neighborhood design throughout the Town, effective community design is particularly important if conditional uses, especially those of a commercial nature, are located in primarily residential areas. It is the intent of the Town to encourage such mixed uses and to ensure that the mix and organization of uses provides for the convenience of the residents and the sustained desirability of the neighborhood. Neighborhood design will be evaluated according to the following criteria:

a. Neighborhoods should have a distinctive streetscape, based on a master plan for street tree selection, the design of the neighborhood park or parks, the design of neighborhood squares, and the design of parking areas and similar common spaces or facilities.

b. Neighborhoods should have distinctive entrances, but not present the appearance of a "walled" community.

c. Neighborhoods should be designed to focus views along streets, from neighborhood parks and squares, and from public buildings toward prominent landscape or community features. See IX.V. for requirements for neighborhood parks and squares.

d. The neighborhood open space in Mixed Use, Mixed Density neighborhoods should meet all requirements of XII.B and XII.C or of XIV.E or XV.E, as appropriate.

e. Neighborhood squares will be effectively integrated into residential neighborhoods.

**4. Neighborhood Centers.** Conditional uses associated with higher density residential housing, particularly multi-family housing will generally be required to provide for a neighborhood center.

a. Mixed Use, Mixed Density neighborhoods should be served by a mixed use neighborhood center that is within 2,640 feet of 90% of the dwelling units in the neighborhood.

b. Neighborhood centers should be sited near the center of each neighborhood, but with direct access to a major collector or parkway.

c. Neighborhood centers shall include a public meeting center that includes a community bulletin board, restrooms and a meeting room of at least 1,000 square feet in size. The neighborhood meeting center shall have direct access to the neighborhood commons, plaza, or green, where one is provided.

d. Neighborhood centers should effectively blend the following components: the public meeting room required by XVII.D.2., a neighborhood commons or green with an outdoor community bulletin board, convenience shopping and services, office space, dwellings, and off-street parking.

e. Neighborhood center buildings should be two to three stories high. This will provide a visual connection with the rest of the neighborhood without exceeding a human scale. It will also help provide a sense of enclosure for the neighborhood commons or green.

f. Small-scale retail and service commercial uses should not be confined to neighborhood centers. Such uses may radiate from the neighborhood center into surrounding residential area, but only in accordance with all requirements of this code. Examples of uses that may be compatible include bed and breakfast inns, specialty shops, which may be combined with living quarters, studios and shops of artists and artisans combined with living quarters, and professional offices combined with living quarters.

g. Higher density residential uses (all except one and two family dwellings) should be concentrated near the neighborhood center, but should not be massed around the center in a way that forms a perceptual barrier to pedestrian movement from the outlying parts of the neighborhood to the center.

**5. Parking and Loading.** Conditional uses will be required to meet all requirements for parking and loading areas identified in Appendix D and Chapter X, as well as the following additional requirements:

a. Large parking areas should be broken into smaller "cells" separated by landscaped areas or open space areas, pedestrian ways, or buildings.

b. Parking areas will not be located at the end of lines of sight along streets or other public ways.

c. See Appendix D.7. for requirements for freight loading areas. Such areas must be sited and designed to maximize traffic safety and minimize conflict with neighboring uses.

**6. Streets and Access.** Care will be taken to ensure that traffic access to conditional uses does not have adverse impacts on neighboring uses, especially in residential areas. In addition to meeting the design criteria in ??? and ???, streets providing access to conditional uses will meet the following criteria:

a. No industrial or auto-oriented commercial development shall have street access through a residential area.

b. Developments should be designed to maximize functional connections with adjoining developments, including shared access to arterial and major collector streets or parkways, shared parking and service access, shared buffering and open space, and shared pedestrian circulation.

**7. Architectural Design Review.** All conditional uses proposed will be subject to an architectural design review. It is the intent of the Town to ensure that architectural design of

conditional uses maintains or enhances the value of other nearby uses. It is not the intent of the Town to discourage innovative design that is compatible with the local community. Novel approaches that do not detract from the overall appearance and character of the local neighborhood will be approved. Because individual tastes may differ, the following specific guidelines are provided as an objective standard. These design standards will allow a wide variety of design options and individual preference, while protecting the design integrity of the community.

a. Facade architecture in which artificial elevations not consistent with the overall design and construction of the building is discouraged. All elevations of the residence should be treated similarly, since a building is rarely viewed from the front only.

b. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24". All exterior wall materials to be considered by an architectural review board, or Planning Commission until appointed. No structure should utilize more than three different wall materials, excluding trims, fascias, etc.

c. Roofline profiles are important aspects of architectural design. Conditional uses in residential areas should have roof pitches and treatments similar to the adjoining uses. Flat roofs will generally not be allowed in residential areas. In commercial zones, flat roofs will be allowed if consistent with other nearby structures. Shed roofs may be used for secondary roof elements only. Dome roofs, rock roofs, false dormers, and false chimneys are not acceptable. Roof penetrations for heating and other systems servicing the structure, as well as roof mounted equipment such as evaporative coolers, will be shielded from view on the back of the home.

d. Accessory buildings shall be of similar style, color, and material selection as the principle structure served.

e. No unenclosed carports will be allowed on residential structures (exceptions may be made for multi-family units larger than a four-plex). For residential uses, garage doors shall not face the street unless the garage is set back 75 feet or more from the front property line. For commercial uses garage doors and freight loading doors will not face the street providing principle access to the site.

f. Main entry doors for residents or customers will face the street.

g. Propane or other fuel tanks, satellite dishes and other equipment will be screened from view.

h. Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony, except in the M&I zone and the SC zone.

i. Multi-family homes shall have porches or balconies oriented to the street, unless set back 75 feet or more from the property line. Minimum porch or balcony depth to be 8 feet.

j. Commercial uses will generally not be approved on hillsides with slopes exceeding 15%, except for recreational uses in the RMU zone. Any structure which is located on a slope over 10% will use only approved natural colors and hues for exterior elevations. In no case will commercial or multi-family structures requiring a conditional use permit be allowed to break the continuity of a ridgeline when viewed at 90 degrees either side of perpendicular from the structure at a distance of 1,320 feet.

**8. Continuing Agriculture.** Conditional uses must be compatible with any ongoing agricultural activities nearby. Developments that help maintain productive open space by incorporating a community-supported agriculture program shall be encouraged.

**G. Specific Requirements.** The following requirements are established for approval of specific conditional uses as indicated:

**1. Mobile Homes and Mobile Home Parks. RESERVED.**



## APPENDIX A - DETAILED STANDARDS FOR SIGNS

**1. Purpose.** This appendix provides detailed performance standards for the installation or placement of signs that will promote local businesses while maintaining the Town's special image.

### Permit Requirements

**2. Permit Required.** A Class I permit shall be required for the erection, placement, or replacement of any sign, except as provided in Table A.1. Failure to obtain a permit shall be a violation of this ordinance, subject to the penalties provided in Chapter III. Compliance with this code is required, even when a permit is not, and any sign that is not expressly permitted shall be prohibited.

**3. Uniform Sign Code.** The Class I permits required by A.2. may be combined with permits required by the *Uniform Sign Code*, compliance with which is required for all signs. Where there is conflict between the *Uniform Sign Code* and this ordinance, this ordinance shall govern.

**4. Master Signage Plan.** No permit shall be issued for a new or replacement sign for any use displaying more than one sign, except upon submission of a master signage plan. A master signage plan consists of one or more scaled drawings showing the location, type, size, and design of all existing signs appurtenant to the lot or parcel, and the proposed sign or signs. A master signage plan must be submitted with any application for a new development that proposes to display more than one sign, and with the first application for a development permit for a new or replacement sign to be displayed by an existing use that displays one or more signs.

**5. Non-compliance.** Signs erected in violation of this Code will be brought into compliance within 10 days of notification of such violation. Signs not in compliance within 10 days will be removed and the owner will be billed for the cost of removal.

### Performance Standards

**6. Placement of Signs.** No sign shall be placed:

- a. in or over any public right-of-way, except as provided in A.14. and A.15.;
- b. on any tree, cliff, or other natural feature; or on a utility pole;
- c. on a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign;
- d. where it creates a traffic safety hazard by obscuring traffic control signs or signals, confuses drivers by appearing to be a traffic control sign or signal or the lights of a public safety or maintenance vehicle, or obstructing vision at intersections or driveways.

**7. Types of Signs.** The types of signs permitted are shown in Table A-1.

**8. Number of Signs.** The maximum number of signs permitted in each zoning district is shown in Table A-2. Nothing in that table shall be construed to allow the total area of signs on any lot or parcel to exceed the overall sign area limitations of A.9. Where the number of signs permitted is expressed as a ratio with street frontage, every lot or parcel is permitted one sign, regardless of its frontage, but additional signs shall be permitted only with the addition of a full increment of frontage. For example, a lot in the auto-oriented commercial area with 30 feet of frontage is permitted one freestanding sign, but a lot with 399 feet of frontage is also permitted only one

freestanding sign. A full 200 feet of additional frontage is required for the second freestanding sign.

**9. Size of Signs.** The maximum size of individual signs shall be as shown in Table A.3. Nothing in Table A-3 shall be construed to allow the total area of signs on any lot or parcel to exceed the overall sign area limitations of A.9.

Eagle Mountain Development Code

Table A-1 appears here

Eagle Mountain Development Code

Table A-2 appears here

Eagle Mountain Development Code

Table A-3 appears here

a. The size permitted is for one face of a sign. Signs which have two faces (freestanding, projecting, and suspended signs, and some banners) will actually have double the display area permitted by Table A.3.

b. The size of a sign face shall be calculated as the area of the smallest simple geometric shape (circle, square, rectangle, or triangle) that will encompass the outer limits of the sign's copy, including both words and graphics. Decorative or contrasting borders are part of the copy.

**10. Total Area of Signs.** The maximum total area of signs permitted on any lot or parcel shall be as shown in Table A-4.

**11. Height of Signs.** The height of most signs is limited by definition to the height of the building facade on which the sign is placed. The maximum height of any freestanding sign shall be eight feet.

**12. Illumination of Signs.**

a. Any permitted sign may have a constant, indirect source of illumination that is focused on the sign's copy. Internally illuminated signs shall be permitted only as window signs or as provided by the community center master plan.

b. No animated, flashing, blinking, or moving signs shall be permitted, except that animated public service message signs displaying the time of day, temperature, and/or announcements of community events may be permitted in the community center.

c. Electrical signs and spotlights or other fixtures used for the indirect illumination of signs shall be installed in compliance with the provisions of this ordinance prohibiting hazardous or excessive light or glare (see X.D.) and the Town's electrical code.

**13. Temporary Signs.** Approval of the Class I permit for a temporary sign may be conditioned upon the posting of a bond, in the amount specified in the fee resolution adopted pursuant to III.E. of this ordinance, that guarantees the sign's removal within the specified term.

**14. Design of Signs.** The design of signs, including materials, form, and color shall be compatible with the building or use to which they are accessory, and comply with the *Eagle Mountain Community Design Guidelines*.

**Signs In or Over Public Rights-of-Way**

**15. Signs In Public Rights-of-Way.** No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.

**16. Signs Over Public Rights-of-Way.** No sign shall extend over a public right-of-way, except that:

a. canopies, banners, and projecting signs may extend up to seven feet over a public sidewalk (measured from the face of the supporting building), but shall not extend to within more than two feet of the near curbline;

b. suspended signs may hang over a public sidewalk that is covered by an arcade or canopy; and

c. any canopy, banner, or sign extending over a public sidewalk shall have a minimum clearance of eight feet.

Table A-4 appears here

### Maintenance -- Abandonment

**17. Maintenance of Signs.** Signs and their supporting structures shall be maintained so as not to create a health or safety hazard, or constitute a nuisance. See also A.3.

**18. Identification of Signs.** Signs shall bear a weatherproof label identifying the owner, including the owner's name, address, and telephone number. Identification labels may be attached to the sign or its supporting structure.

**19. Abandoned Signs.** Any sign that is not structurally sound, or that no longer serves to inform or attract the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and its removal required. Abandoned signs shall be removed within sixty days of the adoption of this ordinance, or within 60 days of the abandonment of the use to which the sign was appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use has ceased to operate for more than 12 months.

### Sign Definitions

**20. Banner.** A building sign made of fabric, plastic, or a similar lightweight material and hung from a building or a pole or framework attached to a building. Banners may also be freestanding, mounted on a pole or similar supporting structure, in which case they shall be regulated as freestanding signs.

**21. Building Sign.** Any sign attached to a building. Several types of building sign are defined here.

**22. Canopy Sign.** A building sign that is part of a fabric, plastic, or similar shelter supported by a noncombustible rigid framework attached to a building, and sheltering the building's entrance or windows. Synonymous with "awning" for the purposes of this ordinance.

**23. Cornerstone.** A cornerstone is carved or cast into a building, or a metal plaque permanently attached to a building. It carries no commercial message, but may include the building's name, the date of its completion, and the names of owners, architects, contractors, etc.

**24. Community Entrance Sign.** A sign used to welcome people to the Town.

**25. Community Event Sign.** A temporary sign displayed by the Town to promote community events.

**26. Directional Sign.** Any sign used to display the address of a commercial or industrial building or use, or to identify points of access, the direction of travel, and similar functions in off-street parking and loading areas. Such signs display no advertising or promotional copy, but may bear a logo or be in a distinctive design associated with the use to which they are accessory.

**27. Freestanding Sign.** Any sign that has its own supporting structure, rather than being attached to and supported by a building.

**28. Monument Sign.** A freestanding sign whose sign face extends to the ground or to a base or pedestal.

**29. Nameplate Sign.** A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.



- 30. Portable Sign.** Any sign that is not permanently attached to a building or the ground.
- 31. Projecting Sign.** A projecting sign is attached to the wall of a building and projects away from that wall. Projecting signs do not extend above the roof line of the building to which they are attached. See A.15. regarding signs that project over a public sidewalk.
- 32. Replacement.** For the purposes of this appendix the term "replacement" does not include the temporary removal of an existing sign for repair or refurbishment.
- 33. Religious Sign.** A religious sign is a sign containing religious messages or symbols. Such signs will must meet the same requirements as other signs, but may not be placed on public property.
- 34. Residential Sign.** A residential sign is a freestanding or building sign that displays the address and the name of the occupants of a residence.
- 35. Roof Sign.** Any building sign that projects above the building facade. The only kind of roof sign permitted by these regulations is an integral roof sign, in which the sign is designed into the roof, and does not project or extend above the highest point of the roof.
- 36. Sign.** Defined in Chapter XIV. For sign area see A.8. A sign face is the surface and copy of a sign visible from any one location.
- 37. Suspended Sign.** Suspended signs are attached to the ceiling of an arcade or the framework of a canopy and hang over a sidewalk.
- 38. Traffic Control Sign.** Standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc., and permitted wherever warranted. When installed on private premises, such signs are directional.
- 39. Temporary Sign.** Any permitted type of sign, but displayed for 60 or fewer days, except in the case of construction and real estate signs, which may be displayed until construction is complete or the property advertised has been rented or sold.
- 40. Wall Sign.** A building sign painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which it is attached. Wall signs extend no more than one foot from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.
- 41. Window Sign.** Appear within the frame of and are affixed directly to a window. Window displays of merchandise are not signs.

## APPENDIX B - DETAILED REQUIREMENTS FOR PRELIMINARY PLATS AND FINAL PLATS (Class II Permits)

**1. Supporting Materials.** Each phase of the approval process identified for a Class I or Class II permit will require submission of specific supporting materials. The materials required for each phase are described in detail below.

**2. Standard Form.** The Town shall provide standard forms that are suitable for the submission of most applications for Class II permits.

**3. Contents of Preliminary Plat Submittals (Required for Class II Permits).** The preliminary plat submittal will consist of three drawings: a general layout, a grading and drainage plan, and a utility layout. Additional materials are also required as described below. Notwithstanding the provisions of this ordinance, the Planning Commission or Town Council may require additional supporting materials if necessary to demonstrate that the proposed development complies with the Development Code.

a. A preliminary plat drawing will be required which shows accurate alignments, boundaries and monuments as certified by a land surveyor registered in Utah. A quality drawing is expected; a poorly drawn or illegible drawing will be grounds for rejection. Preliminary plats shall be prepared at a scale no smaller than 1 inch equals 100 feet. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map. The vicinity and index maps shall appear on the first of the serially numbered sheets. The following data shall be included on the preliminary plat:

i. a title block showing the name of the proposed development and its location by: i. lot, block, and subdivision, or quarter-quarter section, section, Township, range, principal meridian, county, and state;

ii. the name and address of a registered engineer licensed in the State of Utah who prepared the plat, together with a professional registration number.

iv. a north point and scale, including both graphic and written scales on complex site plans and preliminary plats;

v. a vicinity map that locates the proposed development within the Town and its subdivision or section, and that shows major streets, watercourses, and other landmarks, and for preliminary plats, boundaries and recorded names of adjacent or nearby subdivisions;

vi. a context map or maps showing how the proposed development relates to its neighborhood and the rest of the Town, including community open spaces, neighborhood centers, the community center, and other features established by the general plan;


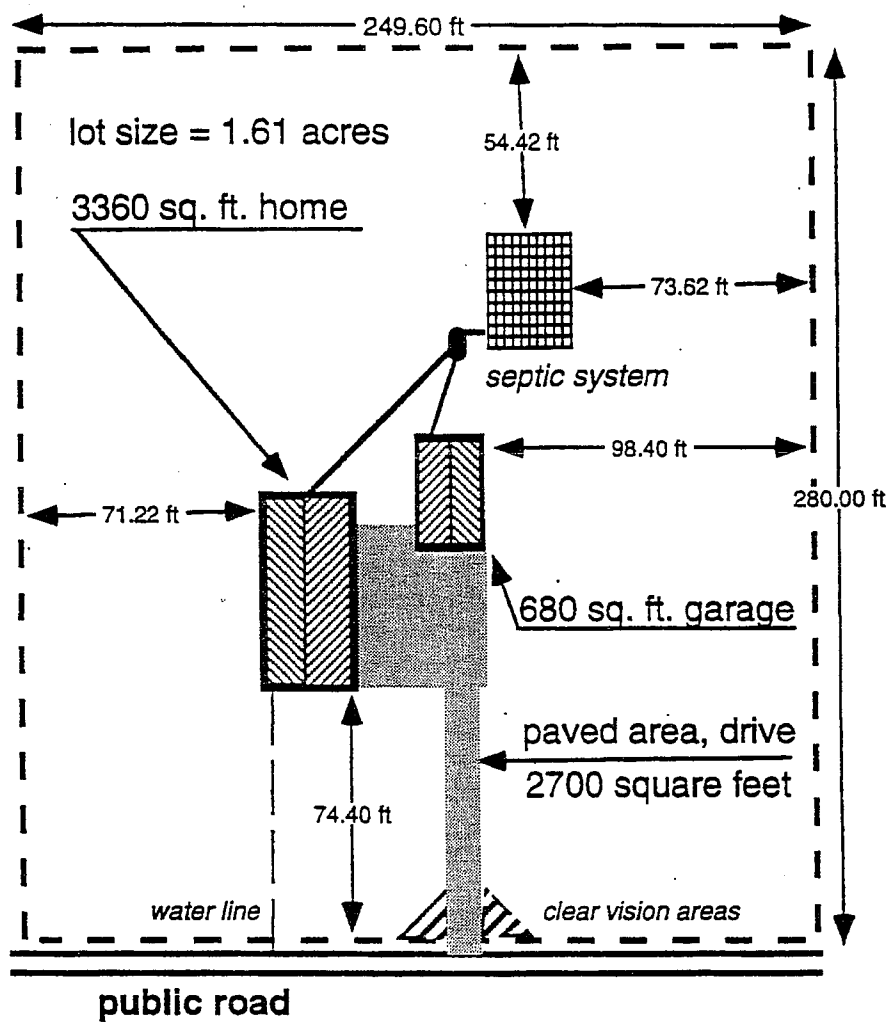
vii. the exterior boundaries of the proposed development;

viii. existing contours at two foot intervals. Elevations will be based on National Geodetic Survey area level data.

ix. the location, nature, and boundaries of existing public streets and public or private easements in or adjacent to the proposed development, and for preliminary plats, county book and page number references to the instruments establishing the easements;

Simple Site Plan Sheet      1" = 40 ft.

Show Scale Here      Place a North Arrow in this circle

This site plan sheet may be used for simple scaled drawings to accompany permit applications. Please use detailed architect's, engineer's, or builder's drawings wherever possible.

Application of: A&L Builders, Inc.

**SAMPLE**

x. The layout of streets, their proposed names and grades. Plats should not contain lots fronting on arterial class streets. Proposed streets must provide connectivity to adjacent properties under other ownership if within 200 feet.

xi. the location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development;

xii. the location, exterior dimensions to the nearest foot, and number of proposed lots and blocks, or other parcels to be created by the proposed development

xiii. where lots or parcels are created: the acreage of each proposed lot or parcel, and a table showing the total acreage of the area proposed for development, the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of neighborhood parks, neighborhood square, and other parcels proposed for dedication to public use or to be held in common by the owners;

xiv. the location, number and of spaces in, and circulation pattern of existing and proposed parking and loading areas;

xv. the location of irrigation structures, watercourses, and wetlands within or adjacent to the proposed development;

xvi. the location and exterior dimensions of existing and proposed buildings;

xvii. the location, dimensions, and general planting design of existing and proposed landscaping, including landscaped buffers and parking area landscaping; and

xviii. the location on each lot of a buildable area of not less than 6,000 square feet and having a natural grade not to exceed 20% which may serve as a building pad. There will be no upper limit on the size of this buildable area, provided the natural grade does not exceed 20%. If a lot contains less than 6,000 square feet, the entire lot less required setbacks, must be buildable under this provision.

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

xx. sites intended for conditional uses within the underlying zone, such as commercial sites or other business establishment.

xxi. any other information required to demonstrate compliance with this ordinance including supplemental runoff management plans, planting plans, etc. as required by individual performance standards.

b. Additional information or maps will be required showing the following:

i. Zoning districts, density overlay districts, taxing districts and other special districts, if any.

iii. an affidavit (Certificate of Clear Title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed development.

ii. Documentation showing availability of water sufficient to serve the development.

iii. Proposed location of water, sewer and storm drainage lines.

iv. Proposed future street layout for any portion of the land which is not being developed at the present time.

v. Hydrologic storm drainage calculations and proposed storm drainage systems, showing water courses, culverts, detention areas, flood plains, etc.

vi. Information on proposed covenants, grants of easement or other deed restrictions to be imposed on any land within the development.

vii. A traffic plan showing anticipated trip generation and the level of service provided to S.R. 73 or other arterial.

viii. A letter from each utility company involved, addressed to the Planning Commission, stating that they have reviewed the proposed development and are setting forth their comments concerning their ability to provide service to the proposed development. The plan approved by the utility company will be returned to the Planning Commission with the initials of the reviewing or approving official.

**4. Contents of Final Plats.** Final plats prepared at a scale of not less than one inch equals one hundred feet, with all dimensions shown in feet and decimals thereof will be required for final approval prior to recordation. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map, with vicinity and index maps appearing on the first of the serially numbered sheets. Final plats must show trails, roads, sidewalks and other public facilities which will be deeded to the Town per Chapter IV. The Town will provide a set of standard cross sections for roads, trails and sidewalks. The final plat submission must conform in all major respects to the preliminary plat as previously reviewed by the Planning Commission and Town Council, and shall incorporate all modifications required in the review process for a Class II permit approval. Final plat submissions shall include all information listed below, delineated in permanent ink on waterproof tracing cloth or mylar:

a. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, Township, range, principal meridian, Town, county, and state;

b. the name, address, telephone number, stamp, signature and registration number of a land surveyor registered in the State of Utah who prepared or reviewed the final plat;

c. a north point, and both graphic and written scales;

d. a vicinity map that locates the proposed subdivision within its Township and the section, shows major roads and watercourses adjacent to or near the subdivision, and shows the boundaries of and recorded names of adjacent or nearby subdivisions;

e. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

f. the point of beginning for the survey, which shall be tied to a section or quarter-section corner, and the location and a description of all existing monuments found during the course of the survey;

g. the location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;

h. the exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;

i. the location, exterior dimensions, and consecutive number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries (with all curve dimensions for boundary lines shown outside any such boundaries) ;

j. the acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;

k. the names of all streets and widths and boundaries of all street and trail rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

l. the location and a description of all monuments set during the course of the survey;

m. a signed and dated owner's certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;

n. a public notary's acknowledgment of the owner's certificate;

o. a signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

p. a public notary's acknowledgment of the certificate of consent;

q. If a plat has been revised, a copy of the old plat shall be attached for comparison purposes.

r. All land included within the platted area shall be accounted for as lots, walkways, streets, alleys, common open space or natural open space. Excepted parcels shall be marked as "not included in this subdivision." Parcels not contiguous shall not be included on the same plat.

s. signature blocks for plat approval by the Planning Commission, Town Council, Town engineer and Town attorney;

t. a certificate for use by the county recorder in recording the plat after its approval; and

u. any other information required for compliance with this ordinance.

**5. Construction Drawings.** Construction drawings will include the following information:

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

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

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

d. The drawing scale shall be 1 inch equals twenty feet horizontal and 1 inch equals two feet vertical. The vertical scale may be smaller if warranted by unusual circumstances.

- e. Stationing shall increase from left to right.
- f. Centerline data and property line data shall be shown, including details of all curves.
- g. Centerline profiles shall be shown a minimum of 300 feet each way from the ends of subdivision streets.
- h. All existing and proposed improvements within or adjoining the subdivision shall be shown. This includes curb, gutter, sidewalk and underground pipes and utilities, ditches, canals, fire hydrants, street lights, water valves, etc.
- i. All proposed structures such as manholes, catch basins, clean-outs, etc. shall be shown. If Town or County standard structure details exist, they may be referenced in lieu of detail.
- j. All proposed drainage facilities, including pipe and boxes, shall be shown. This includes plan and profile of the system showing the method of drainage water disposal.
- k. Where vertical curves are required to give a smooth transition, the horizontal distance shall be a minimum of 100 feet. Wherever vertical curves coincide with horizontal curves, points on the vertical curve shall be calculated to coincide with fractional arc lengths on the horizontal curve.
- l. Elevations shall be shown on all horizontal and vertical curves at approximately 25-foot intervals and at the points of curvature and points of tangency.
- m. The minimum grade for curb and gutter shall be 0.4% (0.5% if financed by FHA). The maximum grade shall be 12%. Percent of grade shall be shown on straight grades with elevations at approximately 50-foot intervals. Flow arrows shall be shown to indicate the direction of drainage.
- n. Roadway crowns shall be 2.0% grade from the lip of gutter.
- o. All street names must be shown.
- p. Show typical roadway cross sections.
- q. Show any existing trees that are 4-inch caliper or larger that are within the right-of-way.
- r. The existing grade elevations are to be shown in the profile.
- s. Construction standards and specifications shall be referenced.
- t. Road signs and stop signs will be shown.

## APPENDIX C - "TAKING" GUIDELINES

### TAKINGS CHECKLIST CRITERIA

The Town Attorney must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact, proposed requirements may have generally, takings questions normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that should be used aggressively to safeguard rights of private property owners.

Although a question may be answered affirmatively, it does not mean that there has been a "taking". Rather, it means there could be a constitutional issue and that the proposed action should be carefully reviewed.

#### 1. Does the Action Result in a Permanent or Temporary Physical Occupation of Private Property?

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a "taking." For example, a regulation that required landlords to allow the installation of cable television boxes in their apartments was found to constitute a "taking". See *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982).

#### 2. Does the Action Require a Property Owner to Dedicate a Portion of Property or to Grant an Easement?

Carefully review all regulations requiring the dedication of property or grant of an easement. The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development. Likewise, the magnitude of the burden placed on the proposed development should be reasonably related to the adverse impacts created by the development. A court will also consider whether the action in question substantially advances a legitimate state interest.

For example, the United States Supreme Court determined in *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987), that compelling an owner of waterfront property to grant a public easement across his property that does not substantially advance the public's interest in beach access constitutes a "taking." Likewise, the United States Supreme Court held that compelling a property owner to leave a public greenway, as opposed to a private one, did not substantially advance protection of a floodplain, and was a "taking." *Dolan v. Town of Tigard*, 114 U.S. 2309 (1994).

#### 3. Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?

If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a "taking." In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. See *Lucas v. South Carolina Coastal Coun.*, 112 S. Ct. 2886 (1992).

Unlike 1. and 2. above, it is important to analyze the regulation's impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any profitable use of the remaining property available. See *Florida Rock Industries, Inc. v. United States*, 18 F.3d 1560 (Fed. Cir. 1994). The remaining use does not necessarily have to be the owner's planned use, a prior use or the highest and best use of the property. One factor in this assessment is the degree to which the regulatory action interferes with a property owner's reasonable investment-backed development expectations.

Carefully review regulations requiring that all of a particular parcel of land be left substantially in its natural state. A prohibition of all economically viable uses of the property is vulnerable to a takings challenge. In some situations, however, there may be pre-existing limitations on the use of property that could insulate the government from takings liability.

#### 4. Does the Regulation Have a Significant Impact on the Landowner's Economic Interest?

Carefully review regulations that have a significant impact on the owner's economic interest. Courts will often compare the value of the property before and after the impact of the challenged regulation. Although a



reduction in property value alone may not be a "taking," a severe reduction in property value often indicates a reduction or elimination of reasonably profitable uses. Another economic factor courts will consider is the degree to which the challenged regulation impacts any development rights of the owner. As with 3. above, these economic factors are normally applied to the property as a whole.

5. Does the Regulation Deny a Fundamental Attribute of Ownership?

Regulations that deny the landowner a fundamental attribute of ownership – including the right to possess, exclude others and dispose of all or a portion of the property – are potential takings.

The United States Supreme Court recently held that requiring a public easement for recreational purposes where the harm to be prevented was to the flood plain was a "taking." In finding this to be a "taking", the Court stated:

The Town never demonstrated why a public green way, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others ... [T]his right to exclude others is "one of the most essential sticks in the bundle of rights that are commonly characterized as property."

*Dolan v. Town of Tigard*, 114 U.S. 2309 (June 24, 1994). The United States Supreme Court has also held that barring the inheritance (an essential attribute of ownership) of certain interests in land held by individual members of an Indian tribe constituted a "taking." *Hodel v. Irving*, 481 U.S. 704 (1987).

6. Does the Regulation Serve the Same Purpose that Would be Served by Directly Prohibiting the Use of Action: and Does the Condition Imposed Substantially Advance that Purpose?

A regulation may go too far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose. *Nollan v. California Coastal Commission*, 107 S. Ct. 3141 (1987); *Dolan v. Town of Tigard*, 114 U.S. 2309 (June 24, 1994).

In *Nollan*, the United States Supreme Court held that it was an unconstitutional "taking" to condition the issuance of a permit to land owners on the grant of an easement to the public to use their beach. The Court found that since there was no indication that the Nollans' house plans interfered in any way with the public's ability to walk up and down the beach, there was no "nexus" between any public interest that might be harmed by the construction of the house, and the permit conditions. Lacking this connection, the required easement was just as unconstitutional as it would be if imposed outside the permit context.

Likewise regulatory actions that closely resemble, or have the effects of a physical invasion or occupation of property, are more likely to be found to be takings. The greater the deprivation of use, the greater the likelihood that a "taking" will be found.

## APPENDIX D - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AND LOADING

### D.1. Design Standards for Off-Street Parking and Loading Areas

**1. Purpose.** This appendix provides detailed performance standards for off-street parking and loading areas, which are required by IX.I, IX.J and IX.K.

#### **2. Off-Street Parking Required.**

a. All uses and buildings shall provide the minimum number of off-street parking spaces required by Table D.1.

b. Parking areas shall have properly drained, paved surfaces, except that paving will not be required for graveled parking areas on residential lots of one acre or more. Parking areas must be included in the runoff and erosion management plans required by VIII.D.

EXCEPTION TO D.1.2.B: Parking areas for single-family residences on lots larger than 1 acre may have a gravel surface.

c. The classification of uses and off-street parking requirements for uses that are not listed in Table D.1. shall be determined by the Administrator. The Administrator's decision may be appealed, as provided by III.L.

d. Driveways of a length of less than 50 feet as measured from the property line shall be paved. Longer driveways may be gravel if proper drainage and engineering standards are met.

**3. Location of Off-Street Parking.** Required off-street parking spaces shall be within 600 feet of a main entrance of the use or building those spaces serve, except for spaces serving a dwelling, which shall be within 100 feet of the main entrance of the dwelling unit they serve.

**4. Control of Parking.** Off-street parking shall be provided on the same lot or parcel, and under the same ownership, as the use it serves, but two or more uses may share a parking area if:

a. the total number of spaces provided is not less than the sum of spaces required for all buildings or uses served, and

b. a contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of compliance.

#### **5. Passenger Loading Areas.**

a. Neighborhood centers shall be served by at least one safe, properly signed off-street passenger loading area.

Passenger loading areas will also be needed in the community center, as shown in the master plan for that area.

b. Human services facilities, including day care centers, that regularly have more than 20 clients on-site, schools, libraries, and places for public assembly that are located on arterial or major collector streets or parkways shall be served by at least one safe, properly signed passenger loading area.

**6. Freight Loading Areas.** Commercial and industrial uses and buildings shall have one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area. Off-street freight loading areas shall:

a. be on the same lot or parcel and under the same ownership as the building or use they serve; and

b. be designed to accommodate the largest vehicle that may reasonably be anticipated, with the following minimum dimensions: vertical clearance: 14 feet; width: 12 feet; and depth or length: 35 feet.

c. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.

d. See also IX.I.

**7. Access to Off-Street Parking and Loading Areas.** Safe, properly drained, paved driveways shall be provided to access off-street parking and loading areas, including the off-street parking for single family dwellings.

a. No parking or loading area shall create a situation in which vehicles are required to back onto a public street.

EXCEPTION TO D.7.a.: Parking areas for single family dwellings with access to local streets or lanes shall be exempt from this requirement.

b. Continuous curb cuts shall be prohibited. Access to public streets shall be via driveways that comply with the standards of this ordinance.

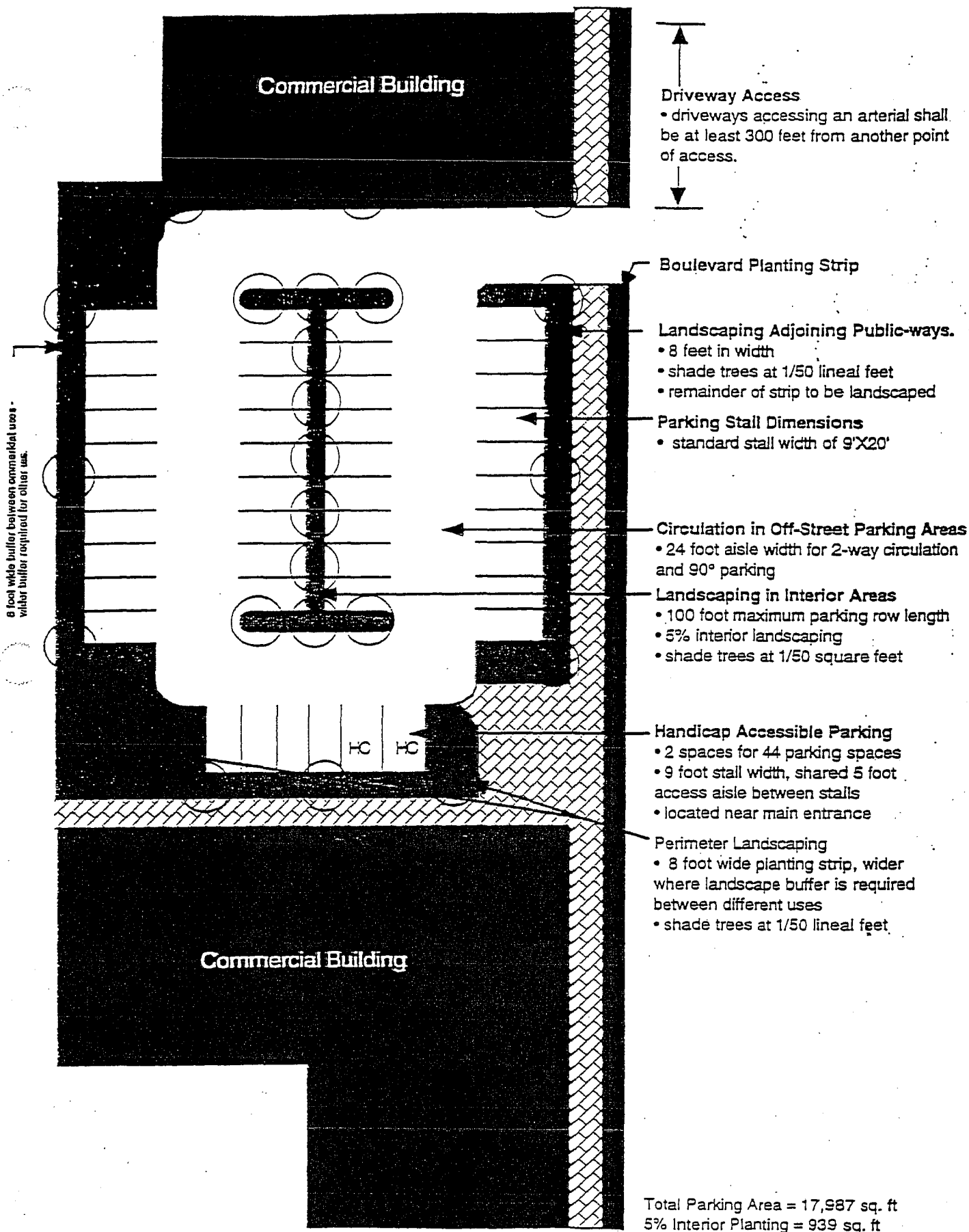
c. Driveways that have access onto an arterial street shall be at least 300 feet (centerline to centerline) from any other point of access, including other driveways and intersections. Driveways that have access to roads that intersect with an arterial shall be located at least 200 feet (centerline to centerline) from the arterial.

EXCEPTION TO D.7.C. Where the required distance cannot be attained, the driveway shall be placed at the property line most distant from another point of access.

d. Clear vision triangles shall be provided at all points of access to parking and loading areas, as required by Appendix E.4.

e. Driveways serving single- and two-family dwellings shall be a minimum of 10 feet wide, with a minimum curb radius of five feet, and a maximum grade of 3% for at least 20 feet before the driveway intersects the street. Driveways for other uses shall be designed to accommodate the anticipated level of traffic.

f. Where necessary for drainage, driveways shall be built over a culvert capable of bearing at least 40,000 pounds. Culvert size shall be as specified by the Administrator.



Commercial Building

Driveway Access  
 • driveways accessing an arterial shall be at least 300 feet from another point of access.

8 foot wide buffer between nonresidential uses - visitor buffer required for other uses.

Boulevard Planting Strip

Landscaping Adjoining Public-ways.  
 • 8 feet in width  
 • shade trees at 1/50 lineal feet  
 • remainder of strip to be landscaped

Parking Stall Dimensions  
 • standard stall width of 9'X20'

Circulation in Off-Street Parking Areas  
 • 24 foot aisle width for 2-way circulation and 90° parking

Landscaping in Interior Areas  
 • 100 foot maximum parking row length  
 • 5% interior landscaping  
 • shade trees at 1/50 square feet

Handicap Accessible Parking  
 • 2 spaces for 44 parking spaces  
 • 9 foot stall width, shared 5 foot access aisle between stalls  
 • located near main entrance

Perimeter Landscaping  
 • 8 foot wide planting strip, wider where landscape buffer is required between different uses  
 • shade trees at 1/50 lineal feet

Commercial Building

Total Parking Area = 17,987 sq. ft  
 5% Interior Planting = 939 sq. ft

OFF-STREET PARKING DESIGN REQUIREMENTS

**8. Circulation in Off-Street Parking Areas.** The pattern of circulation within off-street parking areas shall be designed to give safe and efficient access to parking spaces, protect pedestrians, and facilitate safe access to public streets. For more on parking area design see IX.J.

a. Minimum aisle widths shall be: i. for two-way circulation and 90 parking: 24 feet; ii. for one-way circulation and 60 parking: 13 feet; iii. for one-way circulation and 45 parking: 15 feet; and iv. for one-way circulation and 30 parking: 18 feet.

b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area. The size of directional signs is limited by Appendix A.

c. No off-street parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

d. There shall be safe pedestrian access around or through all off-street parking and loading areas.

**9. Handicap Accessible Parking Spaces.** Accessible parking spaces shall be provided, as required by Table D.2.

a. Minimum stall dimensions shall be 10 feet wide by 20 feet long, with an adjacent access aisle of at least 5 feet in width. Two handicap accessible parking stalls may share the same access aisle between them.

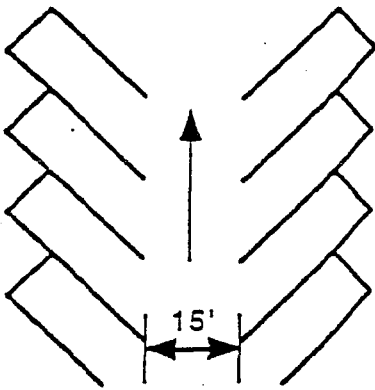
b. Handicap stalls shall be located near a main building entrance, and connected to that entrance with curb cuts and accessible sidewalk routes.

c. Handicap stalls are to be clearly marked with sign posts displaying the international symbol for accessibility.

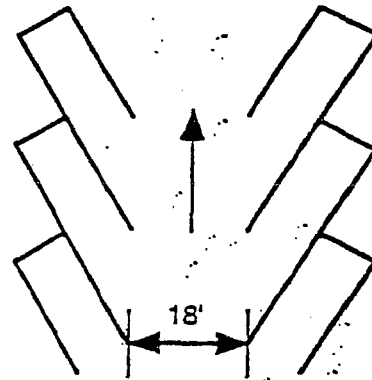
**10. Parking Stall Dimensions.** Standard parking stalls, excluding handicap accessible stalls, shall be nine feet wide by 20 feet deep.

**11. Shared Parking Study.** A reduction in the requirements of Table D-1 may be permitted where the developer submits a professionally-prepared shared parking study clearly demonstrating that the interaction of uses on the site will permit such a reduction.

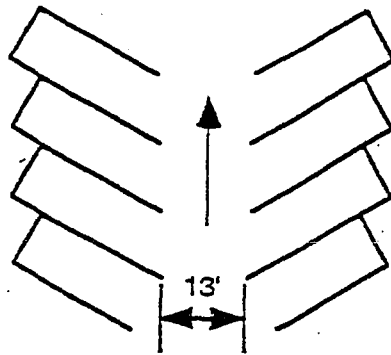
<i>Total parking spaces in lot</i>	<i>Required minimum number of accessible spaces</i>	<i>Total parking spaces in lot</i>	<i>Required minimum number of accessible spaces</i>
1-25	1	26-50	2
51-75	3	76-100	4
101-150	5	151-200	6
201-300	7	301-400	8
401-500	9	501-1000	2% Of total
Over 1000	20 plus 1 for each 100 over 1000		



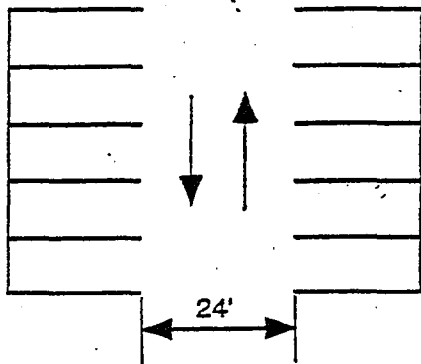
45° Stall Angle  
9' X 20' Stall  
Aisle Width 15'  
One-way traffic



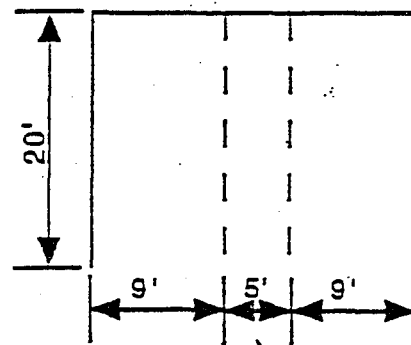
60° Stall Angle  
9' X 20' Stall  
Aisle Width 18'  
One-way traffic



30° Stall Angle  
9' X 20' Stall  
Aisle Width 13'  
One-way traffic



90° Stall Angle  
9' X 20' Stall  
Aisle Width 25'  
Two-way traffic



Handicap Accessible Parking Spaces

**PARKING STALL DIMENSIONS**

## **D-2 LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING AREAS**

**12. Purpose.** Landscaping requirements for off-street parking and loading areas protect and preserve the appearance, character, and value of neighboring land and buildings. They also reduce the adverse impact of glare, headlights, and parking lot lights on public streets and from adjoining properties; provide visual and climatic relief from broad expanses of pavement; and help channel pedestrian and vehicular circulation into and through the parking or loading area.

**13. Landscaping Required.** Landscaping shall be required for off-street parking areas and off-street freight loading areas. The requirements of this appendix will also be used to be meeting the conditional use requirements for the landscaping of outdoor sales and display areas. See Chapter 17.

**14. Landscaping Along Public Ways and Property Lines.** Landscaping shall be provided between parking and freight loading areas and adjoining public streets, sidewalks, trails, or other public rights-of-way and between parking and freight loading areas and adjoining properties. The landscaped area shall be:

- a. at least 8 feet wide,
- b. include at least one major tree for every 50 lineal feet, and
- c. have grass, ground covers, evergreen shrubs, or other plant materials not exceeding three feet in height, and mulches covering the ground.
- d. No impervious cover shall be permitted in the required landscaped area, except where driveways, sidewalks, or trails cross it, or a permitted freestanding sign is based in it.
- e. Berms may be used, but the slope of a berm shall not exceed 2.5:1, except where a retaining wall is used to support one side of the berm.

EXCEPTION TO D.14: Wider buffers with more landscaping materials will be required where a parking or freight loading area adjoins a different land use or a public way serving other land uses. See XI.D.

**15. Landscaping the Interior of Parking Areas.** Interior landscaping shall be provided in all parking areas that have more than one double-loaded aisle of parking spaces, as follows:

- a. At least 5% percent of the interior of the parking area (the interior excludes parking spaces that adjoin perimeter landscaping required by D.14) shall be landscaped.
- b. Interior landscaping shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet.
- c. Landscaped areas (perimeter and interior) shall be designed so that no parking space is more than 120 feet from some portion of the landscaped space required by this appendix.
- d. The minimum dimension of any landscaped area shall be five feet. There shall be at least one major tree for each 50 square feet of interior landscaping and grass, ground covers, shrubs, or other plant materials not exceeding three feet in height, and mulches shall cover the ground. There shall be no impervious cover in the required landscaped area.

e. Trees used in the interior of parking areas shall have a single trunk and be pruned to remove all branches and foliage to a height of at least six feet above the parking area surface.

**16. Clear Vision at Intersections.** Landscaping required by this appendix shall comply with the requirements of D.7.d.

**17. Plant Materials Specifications.** Plant materials shall conform to the *American Standard for Nursery Stock* and meet the following specifications:

a. all trees shall be containerized or bagged and burlapped stock with a caliper of at least 1.5 inch, measured one foot above grade, for deciduous trees and a height of at least six feet for coniferous trees; and

b. all shrubs shall be minimum one gallon containerized stock.

**18. Definitions.**

a. Groundcover. Groundcover plants normally grow to a maximum height of 24 inches and tend to spread across the ground, entirely covering the soil.

b. Major Tree. A major tree is a self-supporting woody plant that will normally reach a height and spread of at least 30 feet when mature.

c. Mulch. A mulch is a pervious material like bark or stone, that is spread to cover the soil between or around plants, conserving moisture and suppressing the growth of weeds.

d. Shrub. A shrub is a self-supporting, woody plant that, for the purposes of this appendix, does not normally exceed three feet in height.



**APPENDIX E - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR DESIGN AND CONSTRUCTION OF LOCAL STREETS AND ALLEYS**

**1. Streets and Alleys.** Construction of local streets and, in certain cases, alleys is required by Chapter IX. This appendix sets basic geometric standards for local streets and alleys. Geometric standards for collector and arterial streets shall be as set by the Town engineer. Material and construction standards are provided in the Town's public works specifications.

**2. Basic Geometric Standards.** Table E-1 provides basic geometric standards for local streets and alleys.

**Table E-1 - Basic Geometric Standards for Local Streets and Alleys**  
 more stringent standards apply at intersections

<i>type of street</i>	<i>right-of-way width</i>	<i>cartway width</i>	<i>minimum cross-slope</i>	<i>maximum grade</i>	<i>RESERVED</i>
Grid Street	50 feet	28 feet	2%	5%	
Alley	20 feet	20 feet	2%	5%	
Lane*	40 feet	24 feet	2%	10%	

\* Lanes may be used on slopes over 15% only, to avoid excessive cuts and fills. No parking will be permitted on a lane. Dead-end lanes must comply with IX.P.

**3. Curves, Where Permitted.** Streets in Eagle Mountain will generally follow a grid pattern.

a. Where curves are permitted to re-align the grid, the minimum centerline radius shall be 175 feet.

b. Where curves are permitted to adjust the grid to slopes or on lanes, the minimum centerline radius shall be 175 feet and the minimum tangent between reverse curves shall be 50 feet.



**4. Intersections.**

a. Street intersections shall be separated by at least 300 feet, centerline to centerline.

EXCEPTION TO E.4.A. Lanes may enter local streets at T-intersections, but such intersections shall be offset at least 125 feet (centerline to centerline) from any other intersection.

b. Streets shall approach intersections at 90 .

EXCEPTION TO E.4.b. Lanes may approach intersections at an angle of  $90 \pm 10$  within the 50 feet before the intersection.

c. The maximum grade in the 50 feet before an intersection shall be 3%.

d. The minimum curb radius at intersections shall be: where local grid streets and/or lanes intersect, 20 feet; where local streets intersect with major collector streets, 25 feet.

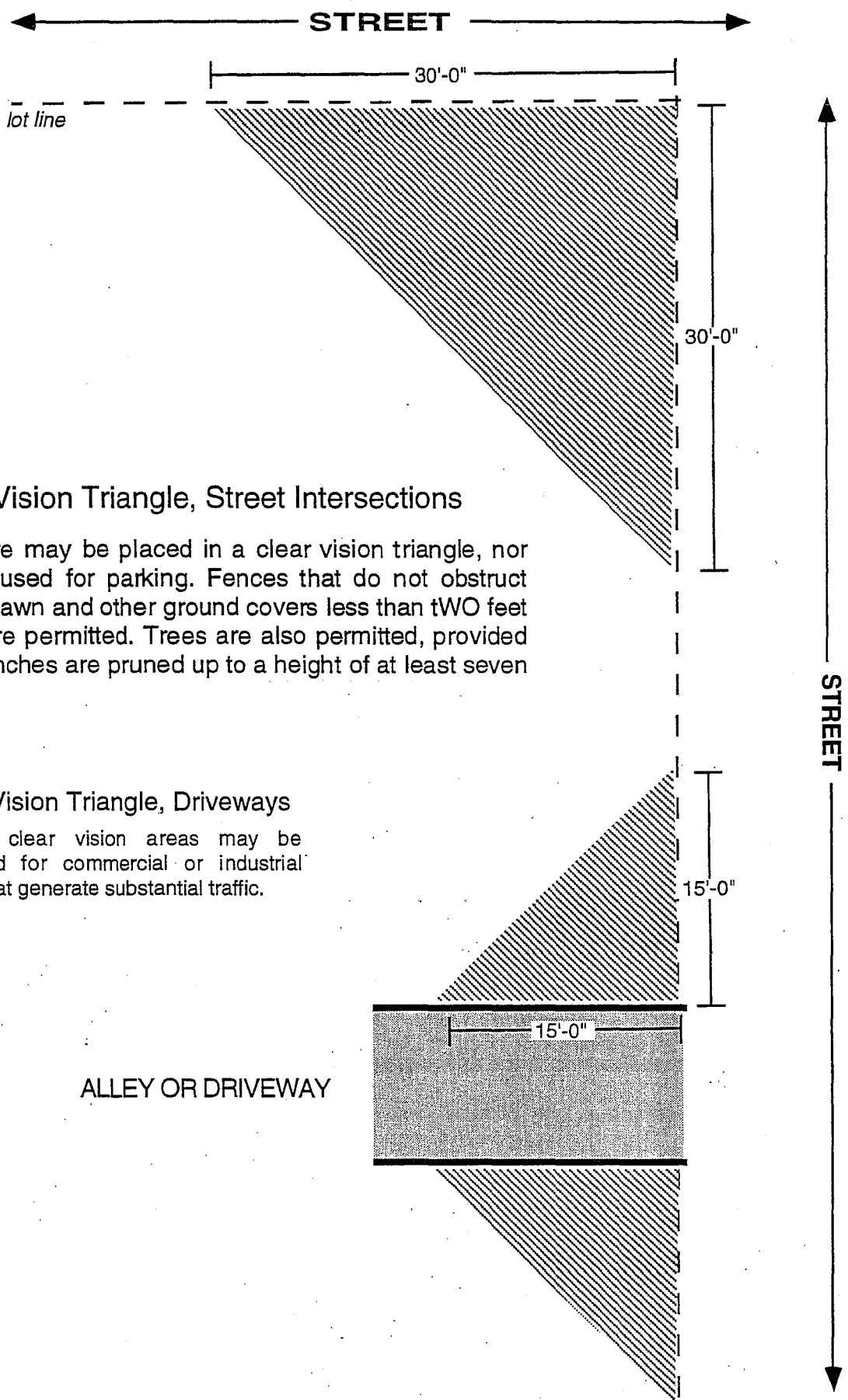
e. Clear lines of vision shall be provided at intersections. This shall be accomplished by delineating triangular areas adjacent to all intersections, within which no parking shall be permitted and no building, structure, or landscaping over 2.5 feet in height above the street shall be permitted. Fences that do not obstruct vision may be erected in such areas. Single-trunk trees may be planted within such areas, but only where the tree will be pruned to eliminate all branches and foliage below seven feet. The size of the clear vision triangles shall be as follows:

i. at intersections of local streets: the triangle shall be defined by drawing a line between two points that are 30 feet from the intersection along the lot (property) lines; or

ii. at intersection of alleys or driveways (this includes private driveways) and local streets: the triangle shall be defined by drawing a line between two points that are 15 feet from the intersection along the lot lines (along alleys) or 15 from the intersection along the lot line and outer edge of the driveway.

iii. Larger clear vision triangles may be required where local streets enter arterial streets, major collector streets, or parkways.

EXCEPTION TO E.4.e. 'Clear vision triangles' need not be maintained at signed or signalized intersections in the community center. 'Clear vision triangles' may be also be waived at signed or signalized intersections in neighborhood centers.



### Clear Vision Triangle, Street Intersections

No structure may be placed in a clear vision triangle, nor may it be used for parking. Fences that do not obstruct vision and lawn and other ground covers less than two feet in height are permitted. Trees are also permitted, provided that all branches are pruned up to a height of at least seven feet.

### Clear Vision Triangle, Driveways

Larger clear vision areas may be required for commercial or industrial uses that generate substantial traffic.

ALLEY OR DRIVEWAY

Eagle Mountain Development Code

5. Driveways. Developments shall have access to public streets only via driveways that comply with this ordinance. There shall be no continuous curb cuts. See also Appendix B.

a. Driveways shall approach public streets at an angle of  $90 \pm 10$ .

b. The maximum grade in the 50 feet before the street shall be 8%.

c. The minimum curb radius for individual driveways and parking areas with fewer than four parking spaces shall be five feet. The curb radius for other private driveways shall be appropriate to the level of traffic generated, with a minimum of 10 feet.

6. Signs and Signals. Traffic control signs and signals shall be installed, at the developer's expense, as warranted. The Town may choose to share in the cost of installing signals in order to provide for future development. The developer shall also install approved street signs.

7. Street Lighting. Developers shall install street lighting as required by the master street lighting plan.

8. Drainage. See also VIII.D.

a. Streets shall be drained as provided by the master drainage plan for Eagle Mountain, which will ordinarily require curbs and gutters, but may permit swales in lower density areas. Rolled curbs will be permitted if no slope in a development exceed 5% and if such curbs are used throughout the development.

b. Bridges and culverts shall be installed as required by the master runoff and erosion management plan, the runoff and erosion management plan for the development, and the Town's standard public work specifications. The design of all bridges and culverts shall be approved by the Administrator or Town Engineer.

## APPENDIX F - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR DESIGN AND CONSTRUCTION OF SIDEWALKS AND TRAILS

**1. Sidewalks.** Construction of sidewalks is required to comply with IX.P. This appendix specifies the type of sidewalks required in different areas and sets basic geometric standards. Material and construction standards are provided in the Town's public works specifications.

a. Type of Walk. Sidewalks in residential and industrial areas shall be boulevard style, leaving a minimum six foot wide planting strip between the sidewalk and the street. Planting of street trees in this strip is required by IX.P. Sidewalks in commercial and mixed use areas may extend to the curb, with street trees being planted in wells containing a soil volume and type sufficient to ensure their health and longevity.

b. Geometry: Retail and Service Commercial and Mixed Use Areas, Including Community and Neighborhood Centers.

- i. Minimum Width: 10 feet.
- ii. Cross-Slope: Minimum 1%, Maximum 3%.
- iii. Grade: 5% maximum. The design of ramps (any walk with a grade over 5%) and stairs shall be approved by the Administrator.

c. Geometry: Other Areas.

- i. Minimum Sidewalk Width: 4 feet.
- ii. Cross-Slope: Minimum 1%, Maximum 3%.
- iii. Grade: 5% maximum. The design of ramps (any walk with a grade over 5%) and stairs shall be approved by the Administrator.

d. All sidewalk systems shall be fully accessible to the handicapped.

**2. Trails.** Construction of connecting trails may be required to comply with IX.S. This appendix specifies the type of trails required in different areas and sets basic geometric standards. Material and construction standards are provided in the Town's public works specifications.

a. Width: minimum 10 feet for pedestrian, bicycle trails. Where equestrian trails are provided there shall be a minimum of 20 feet in the trail corridor.

b. Cross-Slope: Minimum 1%, Maximum 3%.

c. Grade: 5% maximum, but grades of up to 10% may be accepted for stretches of 100 feet or less.

d. Centerline Curve Radius: minimum 100 feet. A radius of 250 feet should be attained wherever possible. Trails should be widened where minimum radius curves occur at the bottom of a grade.

e. Bollards or similar devices shall be installed wherever necessary to prevent motor vehicles from entering trails. The Administrator may require that bollards or similar devices be removable in order to permit access by emergency and maintenance vehicles.

**APPENDIX G - DETAILED ABSOLUTE STANDARDS  
PROTECTING AIRSPACE FOR EAGLE MOUNTAIN AIRFIELDS**

Reserved

## APPENDIX H - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR LANDSCAPED BUFFERS

**1. Purpose.** Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the community.

**2. Basic Buffer Width.** Table H-1 shows the basic buffer width that is the maximum width required (wider buffers may be provided voluntarily) where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees in each 100 lineal feet of buffer.

**3. Headlight Screen.** A "headlight screen" is an earth berm, fence, wall, or dense hedge at least 3.5 feet in height and capable of blocking headlight glare. Headlight screening may also be provided by buildings.

**4. Buffer Width Reduction: Berm, Fences, and Walls.** A buffer width reduction shall be permitted for the installation of an earth berm or a fence or wall as described here.

a. The maximum width requirement of Table H-1 may be reduced where an earth berm is included in the buffer. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be 20% of the basic buffer width. No berm shall have a slope of more than 2.5:1, except where it incorporates a retaining wall. Such walls may be used only on the interior side of a buffer.

b. The maximum width requirement of Table H-1 may be reduced 20% where an opaque wood fence or masonry wall of at least six feet in height is provided on the interior edge of the buffer.

c. Where both an earth berm and an opaque fence or wall are provided, a total buffer width reduction of 30% shall be permitted.

**5. Buffer Width Reduction: Additional Plantings.** The maximum buffer width requirement of Table H-1 may be reduced where a greater density and diversity of plantings is included in the buffer. The reductions permitted by this section are cumulative, and may result in a total width reduction of 30%. The buffer width reductions permitted by G.4., above, are cumulative with those permitted here, but only a maximum 50% reduction from the basic buffer width will be allowed.

a. Major Trees. The required buffer width shall be reduced 10% where five or more major trees are planted in each 100 lineal feet of buffer. Major trees will normally reach a height and spread of over 30 feet at maturity.

b. Understory Trees. The required buffer width shall be reduced 10% where five or more understory trees are planted in each 100 lineal feet of buffer. Understory trees will normally reach a height and spread of 15-30 feet at maturity.

c. Shrubs. The required buffer width shall be reduced 10% where 15 or more shrubs that will attain a height of at least two feet per hundred lineal feet are planted or retained.

**6. Minimum Buffer Width.** No required buffer shall be less than 10 feet wide, regardless of the reductions permitted by this appendix.

**7. Buffer Crossings/Inclusions.** Required buffers may be crossed by driveways, utility lines, sidewalks, and trails. Permitted freestanding signs may be based in required buffers. Outdoor sales, display, or storage shall not be permitted within a required buffer.



Eagle Mountain Development Code

Table H-1 - Landscaped Buffer Requirements

Buffers shall be provided by the development that necessitates them. An industrial project moving in next to a residential or mixed use neighborhood must provide a buffer. A residential or mixed use development must meet the same buffering requirement if it adjoins an existing industrial use. Combinations that are unlikely to occur are not shown.

<i>use</i>	<i>use</i>	<i>basic buffer width (feet)</i>	<i>headlight scree</i>
industrial	residential - park - open space	100	yes
industrial	mixed use, over 25% residential	100	yes
industrial	mixed use, under 25% residential	75	no
industrial	neighborhood center - community center	75	no
industrial	auto-oriented commercial	20	no
industrial	agricultural	none	--
industrial	public ways <sup>2</sup>	20	no
auto-oriented commercial	residential - park - open space	100	yes
auto-oriented commercial	mixed use, over 25% residential	100	yes
auto-oriented commercial	mixed use, under 25% residential	75	no
auto-oriented commercial	agricultural	20	no
auto-oriented commercial	public ways <sup>2</sup>	20	no
community center	residential	50	yes
community center	mixed use, over 25% residential	50	yes
community center	mixed use, under 25% residential	25	no
community center	public ways - see community center master plan	--	--
neighborhood center	residential	50	yes
neighborhood center	mixed use, over 25% residential	30	yes
neighborhood center	mixed use, under 25% residential	20	yes

Eagle Mountain Development Code

neighborhood center	agricultural	100	no
neighborhood center	public ways – street trees required	See Appendix D.14	--
mixed use, over 25%	residential	20'	yes
mixed use, over 25%	mixed use, under 25% residential	20'	yes
mixed use, over 25%	agricultural	100	no
mixed use, over 25%	public ways – street trees required	See Appendix D.14	--
mixed use, under 25%	residential	30	yes
mixed use, under 25%	agricultural	100	no
mixed use, under 25%	public ways – street trees required	See Appendix D.14	--
residential	Agricultural	100	--
residential	public ways – street trees required	See Appendix D.14	--

\* No buffer shall be required for public ways that circulate entirely within an industrial or auto-oriented commercial area. Parking lot landscaping will still be required by Appendix D. Neighborhood squares may be used as buffers between these uses, eliminating the need for a landscaped buffer.

**8. Plant Materials Specifications.** Plant materials installed in required buffers shall conform to the American Standard for Nursery Stock and meet the following specifications:

- a. all trees, major and understory, shall be containerized or bagged and burlapped stock with a caliper of at least 1.5 inch, measured one foot above grade, for deciduous trees and a height of at least six feet for coniferous trees; and
- b. all shrubs shall be minimum one gallon containerized stock.

**9. Care of Buffers.** This ordinance requires perpetual maintenance of required improvements, including landscaped buffers. See Chapter IV.

**10. Xeriscaping.** The use of landscaping techniques and materials that conserve water is encouraged by IX.E.

**8. Plant Materials Specifications.** Plant materials installed in required buffers shall conform to the American Standard for Nursery Stock and meet the following specifications:

- a. all trees, major and understory, shall be containerized or bagged and burlapped stock with a caliper of at least 1.5 inch, measured one foot above grade, for deciduous trees and a height of at least six feet for coniferous trees; and
- b. all shrubs shall be minimum one gallon containerized stock.

**9. Care of Buffers.** This ordinance requires perpetual maintenance of required improvements, including landscaped buffers. See Chapter IV.

**10. Xeriscaping.** The use of landscaping techniques and materials that conserve water is encouraged by IX.E.

5-28-98  
Was missing  
made copy  
from  
old code

## APPENDIX I - DETAILED CONDITIONAL USE PERFORMANCE STANDARDS FOR HOME BUSINESSES

- 1. Purpose.** Eagle Mountain encourages home-based enterprises as an appropriate form of local economic development. Home businesses are permitted in single-family dwellings, but only in compliance with the detailed performance standards established in this appendix for a conditional use.
- 2. Floor Area.** A home business may be located in any single family dwelling or an accessory building to such a dwelling, but shall not occupy a floor area larger than one-third of the floor area of the dwelling
- 3. Employees.** Home businesses shall have no on-premise employees who are not members of the resident family or household.
- 4. Parking.** Home businesses shall provide adequate off-street parking, as required by IX.I, IX.J and Appendix D. Vehicles used in the business, other than passenger cars without signage, may not be parked on site, unless enclosed parking is utilized to shield the vehicles from view.
- 5. Outdoor Storage.** Outdoor storage associated with a home business shall be subject to the same performance standards governing other outdoor storage on residential lots.
- 6. Outdoor Activity.** All home business activity, except passive storage, as permitted by Appendix I.5., shall take place within the home or an accessory building.
- 7. Signs.** No home businesses shall display a sign.
- 8. Hours of Operation.** Home businesses that receive customers, clients, or students shall operate only between 7:00 A.M. and 7:00 P.M., unless the operator of such a business provides evidence that all other residents living within 300 feet have no objection to modified hours. Approval for such hours may be rescinded by administrative action of the Mayor or Administrator if nearby property owners come to consider operation at such hours to constitute a nuisance.
- 9. Hazardous Materials.** No home business shall generate hazardous wastes that increase the danger of fire or cause fumes or odors that may be objectionable to neighboring residents. Home businesses are subject to inspection for compliance with the Uniform Fire Code.
- 10. Residential Character.** No home business shall alter the residential appearance and character of the neighborhood in which it is located.
- 11. Businesses Not Permitted as Home Businesses.** Kennels shall not be permitted as a home business.
- 12. Business License.** A business license will be required for all home businesses.

# TOWN OF EAGLE MOUNTAIN

130 WEST MAIN, SUITE H, LEHI, UTAH 84043

I, Janet Valentine, being the duly appointed Town Clerk for the Town of Eagle Mountain hereby certify that a Town Council Special Meeting Monday, March 30, 1998 where Ordinance #98-05; AN ORDINANCE ADOPTING A DEVELOPMENT CODE FOR THE TOWN OF EAGLE MOUNTAIN, UTAH was enacted and the agenda for that meeting was posted at the following locations on March 27, 1998: Town Office, 130 West Main, Lehi, Utah, Cedar Pass Ranch Bulletin Board, Eagle Mountain, Utah and Cedar Meadows Bulletin Board, Eagle Mountain, Utah. A copy of the Ordinance was posted on March 31, 1998 at the following locations: Eagle Mountain Town Office, 130 West Main, Lehi, Utah, Cedar Pass Ranch Subdivision Bulletin Board, Eagle Mountain, Utah and the Cedar Meadows Subdivision Bulletin Board, Eagle Mountain, Utah.

ATTEST:

Janet Valentine,  
Janet Valentine, Town Clerk

Dated: March 31, 1998

## ORDINANCE 98-13

### AN ORDINANCE AMENDING THE EAGLE MOUNTAIN DEVELOPMENT CODE AND ADOPTING CERTAIN CORRECTIONS.

**WHEREAS**, the Development Code of Eagle Mountain has been duly adopted to provide standards for development as related to architectural design, landscaping, street and alley design, trail construction and the provision of bonds or other guarantees to ensure the completion of such improvements; and

**WHEREAS**, the Town Council acknowledges the need for technical corrections and wording changes to more accurately reflect the intent of the Council in establishing such development standards; and

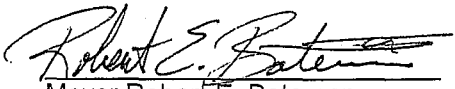
**WHEREAS**, the Town Council heard and approved the text change in prior meetings of the Town Council.

**NOW THEREFORE**, be it ordained by the Town Council of Eagle Mountain that:

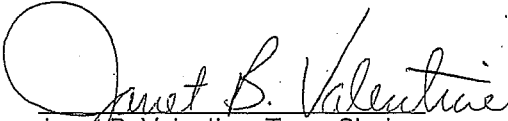
1. The attached text changes to Chapter IX and XII of the Development Code are hereby added to clarify landscaping, street design and bonding requirements.
2. The attached changes to Appendices E and F are hereby added to the Development Code to clarify trail and alley construction standards.
3. This ordinance will take effect immediately upon posting.

DATED THIS 10<sup>th</sup> day of November, 1998.

TOWN OF EAGLE MOUNTAIN

  
Mayor Robert E. Bateman

ATTEST:

  
Janet B. Valentine, Town Clerk



clustering or property ownership make them necessary. In no case shall a cul de sac street be longer than 400 feet, unless a variance is granted by the Town Council.

**EXCEPTION TO IX.M:** Dead-end streets may be used to minimize land disturbance and impervious cover on slopes over 15%. Where permitted, dead-end streets shall terminate in a turning circle that has a minimum radius of 60 feet or in a T- turnaround.

EXCEPTION TO IX.M: Dead end streets may be permitted on a temporary basis between phases of development where plans for future streets and street connections will eventually eliminate the dead end street(s). The Planning Commission or Town Council may require that a temporary turnaround be provided.

1. Developers are encouraged to use alleys as the access for garages. Lots with street frontage of 70 feet or less shall be required to use a system of alleys for garage access and garbage pick up, unless an acceptable alternative design is approved by the Planning Commission. The following incentives are offered to encourage developers to use alleys in traditional neighborhood developments:

a. Garages will be permitted on a zero lot line side yard setback.

b. Residential street paved area may be reduced from 28 feet to 24 feet in width.

#### **N. Efficient Traffic Flow on Arterial Streets.**

1. No lot shall have its primary access onto an arterial street, unless the Planning Commission determines that such access cannot be avoided due to terrain or other features that cannot be reasonably resolved..

2. Where residential developments adjoin an arterial street, reverse frontage, deep lots, screening, landscaped buffers, and similar techniques will be required to reduce potential conflict between homes and traffic. Screening fences or walls and landscaping may be utilized to meet this requirement.

#### **O. Planting Street Trees.**

1. Street trees shall be planted along all streets, in compliance with a plan submitted by the developer and approved by the Town.

a. In industrial, commercial, and higher density residential developments, street trees shall be installed by the developer, before a certificate of compliance is issued. The developer shall be required to post a bond for required street trees and related improvements. The bond may be used to replace required landscaping that fails to survive for a period of one year after all planting. The bond will be released after all required landscaping is in place and has survived in good condition for a period of one year after planting. To avoid damage, required landscaping shall be planted as project phases are completed and as early as appropriate based on seasonal requirements. Street trees shall be installed where there is a soil volume sufficient to support healthy trees and an irrigation system. Street trees are "required improvements," subject to the provisions of Chapter IV.

b. Planting a landscape along arterials and collectors shall be completed during the first phase of a subdivision.

2. Species selection, the spacing of street trees, and the use of planting strips or tree wells and grates shall be used under a plan approved by the Town to help create a distinct identity for the neighborhood and for special places (neighborhood center, neighborhood parks) within it.

3. In residential neighborhoods with typical lot frontages of 100 feet or less, deciduous trees that mature to heights of more than 40 feet shall be spaced approximately 40 feet apart, with at least one tree per lot. Smaller, faster maturing trees shall be spaced according to size at maturity so that mature crowns overlap slightly with adjacent trees.

4. At the time of planting, street trees shall have a trunk caliper of at least 1.5 inches at a location 18 inches above the soil line.

5. Street trees, landscape buffers and landscaped public spaces shall comply with the guidelines of the Eagle Mountain Development Standards or an equal alternative that the developer may negotiate with the Planning Commission.

**P. Building Walks and Trails.**

1. Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of Appendix F. Sidewalks are "required improvements," subject to the provisions of Chapter IV.

EXCEPTIONS TO IX.P.1. Sidewalks shall not be provided along alleys, as defined in Appendix E. Sidewalks, curbs, and gutters are not required in subdivisions in which 50% or more of the lots are one acre or more in size. Notwithstanding other provisions of this code, the Town Council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the Town Council may specify the completion of other public facilities in lieu of sidewalks. A development agreement may permit phased final platting, based on phased installation of the required improvements, as provided in Chapter IV.

2. Developments shall provide improved bicycle and/or horse trails connecting the development to the major trails established in the Town's master trails plan.. Connecting trails are "required improvements," subject to the provisions of Chapter IV. The design and construction of connecting trails shall comply with the detailed performance standards of Appendix F.

3. Lighting shall be installed where necessary to ensure the safety of sidewalk and trail users.

**Q. Providing Bicycle Parking.** Bicycle parking shall be provided as required by Table IX.1. Bicycle parking is a "required improvement," subject to the provisions of Chapter IV.

**Table IX.1. Bicycle Parking Requirements**

<b>Use</b>	<b>Minimum Number of Spaces</b>
Neighborhood squares	4 per square
Neighborhood parks	8 per acre
Neighborhood centers	distributed parking, 1 space per 7,500 sq ft of office or retail space
Community center	distributed parking, 1 space per 7,500 sq ft of office space plus 1 space for every 60 seats in each place of public assembly
Commercial uses outside centers	5% of vehicle parking spaces required by Appendix D.



**R. Protecting Airspace.** Development shall comply with the detailed performance standards of Appendix G, which protect aircraft pilots and passengers from possible safety hazards and protect the continuing utility of the Eagle Mountain airports.

**S. Neighborhood Parks and Squares.**

1. Neighborhood parks, shall be provided and improved, at the developer's expense, at a rate of 1 acre of park space for each 100 proposed dwelling units, OR a payment equal to the land and basic development cost of 1 acre of neighborhood park space for each 100 proposed dwelling units shall be made to the Town's dedicated park fund. Whether the park must be developed or a payment will be acceptable will be determined by the proposed development's plans for compliance with XII.D.4. or XII.F.2., whichever is applicable. Neighborhood parks are "required improvements," subject to the provisions of Chapter IV. The improvements to be completed for a public park space will be defined in the landscape and park improvement plan approved by the Planning Commission and will be consistent with the Town's Master Park Plan. The Town will specify, in some cases, improvements that may be suitable for community athletic facilities such as football or soccer fields, baseball diamonds, tennis or volleyball courts, etc. Parks and facilities constructed under this provision may be used to meet density bonus requirements in Chapters XIV and XV.

2. Neighborhood parks will be effectively integrated into residential developments and connected with homes, each other, neighborhood squares, neighborhood centers, community parks, and open space areas via sidewalks or trails. There shall be a neighborhood park of at least one acre in size within 1,320 feet of 90% or more of the proposed dwelling units.

a. Residential. Architecture utilizing different materials on different sides is discouraged. All elevations of the residence should be treated similarly, since a building is rarely viewed from the front only.

b. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24". All exterior wall materials to be considered by an architectural review board, or Planning Commission until appointed. No single residential structure should utilize more than three different wall materials (trims, fascias, etc. excluded).

c. Roofline profiles are important aspects of residential design. Tract homes especially, should avoid monotony in heights, colors and ridge orientation. Each residence should have a dominant gabled or hipped roof element. Shed roofs may be used for secondary roof elements only. Dome roofs, rock roofs, false dormers, and false chimneys are not acceptable. Metal fireplace flues shall be enclosed in chimneys. Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet. Wood shakes or shingles are allowed if certified as fire resistant. Cement tile and slate roofs are acceptable. Partial flat roofs on custom homes require specific approval. Roof vents to be behind ridge where possible. Evaporative coolers, heat pumps, and other roof mounted equipment shall be hidden from view.

d. Gable roofs shall have a minimum pitch of 6/12, 8/12 is preferred.

e. Accessory buildings shall be of similar style, color, and material selection as the residence served.

f. No unenclosed carports will be allowed on residential structures (exceptions may be made for multi-family units larger than a four-plex). Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line and the front of the garage is set back at least 15 feet from the portion of the front elevation nearest the driveway. ~~front of the dwelling.~~

g. Main entry doors shall face the street.

h. Propane tanks, satellite dishes, and other equipment shall be screened from view.

i. Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony.

j. Single family homes shall have front porches oriented to the street. Minimum porch depth to be 8 feet, minimum square footage for front porches shall be 100 square feet. Front porches are encouraged, but not required for houses set back 75 feet or more from the front property line.

## APPENDIX E - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR DESIGN AND CONSTRUCTION OF LOCAL STREETS AND ALLEYS

**1. Streets and Alleys.** Construction of local streets and, in certain cases, alleys is required by Chapter IX. This appendix sets basic geometric standards for local streets and alleys. Geometric standards for collector and arterial streets shall be as set by the Town engineer. Material and construction standards are provided in the Town's public works specifications. Alternate street sections generally consistent with the standards established below may be used in subdivision design with the approval of the Town Engineer and the Town Council.

**2. Basic Geometric Standards.** Table E-1 provides basic geometric standards for local streets and alleys.

**Table E-1 - Basic Geometric Standards for Local Streets and Alleys  
more stringent standards apply at intersections**

<i>Type of street</i>	<i>right-of-way width</i>	<i>cartway width</i>	<i>minimum cross-slope</i>	<i>maximum grade</i>	<i>RESERVED</i>
Grid Street	50 feet	28 feet	2%	5%	
Alley	20 feet	<del>18</del> 20 feet	2%	5%	
Lane*	40 feet	24 feet	2%	10%	

\*Lanes may be used on slopes over 15% only, to avoid excessive cuts and fills. No parking will be permitted on a lane. Dead-end lanes must comply with IX.P.

a. Residential. Architecture utilizing different materials on different sides is discouraged. All elevations of the residence should be treated similarly, since a building is rarely viewed from the front only.

b. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24". All exterior wall materials to be considered by an architectural review board, or Planning Commission until appointed. No single residential structure should utilize more than three different wall materials (trims, fascias, etc. excluded).

c. Roofline profiles are important aspects of residential design. Tract homes especially, should avoid monotony in heights, colors and ridge orientation. Each residence should have a dominant gabled or hipped roof element. Shed roofs may be used for secondary roof elements only. Dome roofs, rock roofs, false dormers, and false chimneys are not acceptable. Metal fireplace flues shall be enclosed in chimneys. Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet. Wood shakes or shingles are allowed if certified as fire resistant. Cement tile and slate roofs are acceptable. Partial flat roofs on custom homes require specific approval. Roof vents to be behind ridge where possible. Evaporative coolers, heat pumps, and other roof mounted equipment shall be hidden from view.

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f. No unenclosed carports will be allowed on residential structures (exceptions may be made for multi-family units larger than a four-plex). Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line and the front of the garage is set back at least 15 feet from the portion of the front elevation nearest the driveway. ~~front of the dwelling.~~

g. Main entry doors shall face the street.

h. Propane tanks, satellite dishes, and other equipment shall be screened from view.

i. Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony.

j. Single family homes shall have front porches oriented to the street. Minimum porch depth to be 8 feet, minimum square footage for front porches shall be 100 square feet. Front porches are encouraged, but not required for houses set back 75 feet or more from the front property line.

## APPENDIX F - DETAILED ABSOLUTE DEVELOPMENT STANDARDS FOR DESIGN AND CONSTRUCTION OF SIDEWALKS AND TRAILS

**1. Sidewalks.** Construction of sidewalks is required to comply with IX.P. This appendix specifies the type of sidewalks required in different areas and sets basic geometric standards. Material and construction standards are provided in the Town's public works specifications.

a. Type of Walk. Sidewalks in residential and industrial areas shall be boulevard style, leaving a minimum six foot wide planting strip between the sidewalk and the street. Planting of street trees in this strip is required by IX.P. Sidewalks in commercial and mixed use areas may extend to the curb, with street trees being planted in wells containing a soil volume and type sufficient to ensure their health and longevity.

b. Geometry: Retail and Service Commercial and Mixed Use Areas, Including Community and Neighborhood Centers.

- i. Minimum Width: 10 feet.
- ii. Cross-Slope: Minimum 1%, Maximum 3%.
- iii. Grade: 5% maximum. The design of ramps (any walk with a grade over 5%) and stairs shall be approved by the Administrator.

c. Geometry: Other Areas.

- i. Minimum Sidewalk Width: 4 feet.
- ii. Cross-Slope: Minimum 1%, Maximum 3%.
- iii. Grade: 5% maximum. The design of ramps (any walk with a grade over 5%) and stairs shall be approved by the Administrator.

d. All sidewalk systems shall be fully accessible to the handicapped.

**2. Trails.** Construction of connecting trails may be required to comply with IX.S. This appendix specifies the type of trails required in different areas and sets basic geometric standards. Material and construction standards are provided in the Town's public works specifications.

a. Width: minimum 10 feet for pedestrian and bicycle trails on major corridors and 8 feet between subdivisions. Where equestrian trails are provided there shall be a surface width of 12 feet and a minimum of 20 feet in the trail corridor.

b. Cross-Slope: Minimum 2%, Maximum 3%.

c. Grade: 5% maximum, but grades of up to 10% may be accepted for stretches of 100 feet or less.

d. Centerline Curve Radius: minimum 100 feet. A radius of 250 feet should be attained wherever possible. Trails should be widened where minimum radius curves occur at the bottom of a grade.

e. Bollards or similar devices shall be installed wherever necessary to prevent motor vehicles from entering trails. The Administrator may require that bollards or similar devices be removable in order to permit access by emergency and maintenance vehicles.

f. Composition: Bicycle or pedestrian trails of 10 foot width shall be constructed of 6 inches of roadbase with 2 inches of asphalt. Such trails of 8 feet in width shall be constructed of 6 inches of approved roadbase. Equestrian trails shall be of not less than 3 inches of shredded bark, blastic cinders or similar material approved by the Town Engineer.

***EXHIBIT 2***

**Town's Zoning and General Plan  
(Development Code)**

ORDINANCE NO. 98-02

AN ORDINANCE ADOPTING A GENERAL PLAN FOR  
THE TOWN OF EAGLE MOUNTAIN, UTAH

PREAMBLE

This ordinance is enacted under the provisions of the Utah Municipal Land Use Act to adopt a general plan for the Town of Eagle Mountain, Utah.

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

1. It is in the public interest for the Town of Eagle Mountain, Utah to enact and adopt a general plan to protect the public health, safety and welfare of the residents of the Town of Eagle Mountain and to promote the fair and orderly administration of land use, planning and growth within the Town.

2. The general plan of the Town of Eagle Mountain which is set forth in Exhibit 1 to this ordinance is hereby enacted and adopted as the general plan for the Town of Eagle Mountain.

3. This ordinance shall take effect upon execution by the Mayor at 12:01 A.M. January 28, 1998.

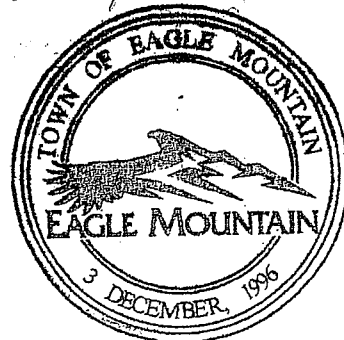
ADOPTED by the Town Council of the Town of Eagle Mountain, Utah, this 27<sup>TH</sup> day of January, 1998.

TOWN OF EAGLE MOUNTAIN, UTAH

ATTEST

Janet B. Valentine  
Town Clerk

Debbie Hooge  
Mayor Debbie Hooge



# TOWN OF EAGLE MOUNTAIN

130 WEST MAIN, SUITE H, LEHI, UTAH 84043

I, Janet Valentine, being the duly appointed Town Clerk for the Town of Eagle Mountain hereby certify that the Town Council Meeting held on Tuesday, January 27, 1998 where Ordinance # 98-02; AN ORDINANCE ADOPTING A GENERAL PLAN FOR THE TOWN OF EAGLE MOUNTAIN, UTAH was enacted that the agenda for that meeting was posted at the Town Offices, 130 West Main, Suite H, Lehi, Utah, Cedar Pass Ranch Trailer Bulletin Board and Cedar Meadows Subdivision Bulletin Board on January 12 - 27th. The agenda was also noticed in the Daily Herald Newspaper on Monday, January 12th and in the Lehi Free Press on Wednesday, January 14th and 21st, as well as a copy was faxed to the Lehi Free Press 24 hours prior to the meeting.

ATTEST: Janet Valentine, Dated: Jan 27, 1998  
Janet Valentine, Town Clerk



# Eagle Mountain General Plan

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## Executive Summary

**M**ost cities and towns produce general plans in an attempt to reverse certain negative trends. Perhaps the downtown is showing signs of decline, or maybe traffic congestion has become a problem due to the development of a shopping mall. Too often the need to do a new plan is due to the failure of the last plan to accommodate change, or maybe there was no planning. The unfortunate reality is that most town planning ends up being a reactive response to conditions that appear to be beyond local control.

Eagle Mountain is in the fortunate position of being able to construct a general plan that is not a reaction to unanticipated events. As a new town Eagle Mountain has a unique opportunity to shape a community to address the demands and conditions of today's society. Eagle Mountain can match infrastructure to anticipated needs. It can construct a community that is responsive to our culture, our recreational preferences, the changing workplace, and technological opportunities. We can design the community to meet anticipated needs without being confined to retrofitting tomorrow's solutions into yesterday's infrastructure.

The Eagle Mountain General Plan is based on a recognition of the need to build communities for people, with pedestrian convenience and human scale as the primary design criterium. The plan describes open space, neighborhood design, trail systems, parks and recreation as essential to the quality of life in Eagle Mountain. The downtown design is dictated by known patterns of pedestrian circulation. The automobile has not been allowed to dominate the orientation of buildings, streets, or circulation areas. Eagle Mountain is designed for people.

**As a new town Eagle Mountain has a unique opportunity to shape a community to address the demands and conditions of today's society.**

**The downtown design is dictated by known patterns of pedestrian circulation. The automobile has not been allowed to dominate the orientation of buildings, streets, or circulation areas.**

Eagle Mountain neighborhoods will include quality, affordable housing offering access to parks and open space. The New Urbanism approach to planning is based on the idea that cities and towns will not be communities unless they are designed for people. Hence, the Eagle Mountain General Plan will encourage neighborhood designs that allow more human

The New Urbanism approach to planning is based on the idea that cities and towns will not be communities unless they are designed for people. Hence, the Eagle Mountain General Plan will encourage neighborhood designs that allow more human interaction.

interaction. Compact single family residential developments will have street oriented front porches. There will be mixed residential and commercial uses that encourage walking to the store or neighborhood cafe. As part of the commitment to developing a quality community, the Eagle Mountain General Plan includes an Arts Element that describes programs and facilities for enriching the quality of life in Eagle Mountain.

As a new town, Eagle Mountain will be faced with the potentially disruptive influences of rapid growth. It will be challenging for Eagle Mountain decision makers to address the issues associated with the timing and intensity of growth. The

General Plan encourages the logical and orderly extension of utilities and services, the preservation of open space, and standards for the design and development of neighborhoods and commercial space. Although the General Plan attempts to describe the building of a quality community, no plan can be effective if it is not kept up-to-date in response to events

As a new town, Eagle Mountain will be faced with the potentially disruptive influences of rapid growth.

and shifts in public policy and community preferences. Therefore, it is in the community interest for the Eagle Mountain Planning Commission, the Town Council, staff, and residents to maintain the plan, to keep it current, and be responsive to emerging issues and opportunities.

## Introduction - Defining Eagle Mountain

**M**any Americans flee the cities, purchase a few acres in a rural area subdivision, and put up with the lack of city services in order to enjoy "country living". We consider the inconveniences associated with a more remote location as a small price to pay for leaving behind the traffic congestion, pollution, and chaos of the city.

Soon however, the rural subdivision builds out and the rural character we sought is gone. We discover that the rural subdivision lots are too small to farm and too large to maintain. Traditional large lot rural zoning consumes large amounts of land and fails to preserve the open space amenities we seek in the rural environment.

The high growth rate projected for Utah, and particularly for the Wasatch Front requires a reexamination of the sprawling land use patterns that have developed over the past several decades. Unless more compact forms of development are encouraged we will lose our agricultural lands and open space. We will have to tolerate increasing commuting time at ever increasing cost. Ever wonder why so many of us seem to dislike our cities? After all cities provide opportunities for economic choice, entertainment, art, music, and more. Think of the few cities or urban neighborhoods that are fun to visit. What characteristics make them stand out, what makes them work? Can we develop a new community without destroying the very qualities that attracted us in the first place? The residents of Eagle Mountain, its Planning Commission, Town Council, and staff believe we can.

**Can we develop a new community without destroying the very qualities that attracted us in the first place?**

We have the advantage of designing the community from a clean slate. Today's community planning does not have to be retrofitted to an existing infrastructure. During the past five or six years a few city planners have begun to challenge the city development pattern that has emerged over the past fifty years. Fully 80% of the buildings in America have been constructed in the time since World War II. During that time city planning was driven by the perceived need to accommodate the automobile. In the haste to make the cities automobile friendly they became unfriendly to the needs of people. Strip malls, huge parking lots, and overly wide streets have resulted in endless, uninteresting and pedestrian hostile urban space. Since Eagle Mountain has not inherited the problems associated with the sprawl style of development it can choose to preserve open space and build an environment designed to be enjoyed by human beings.

Eagle Mountain will be a complete community with a diversity of land uses tied together by efficient transportation corridors, continuous open space areas and design standards that promote a sense of common identity. Residential areas will include smaller multi-family units and relatively high density affordable single family homes in the city center. Homes on larger lots conducive to equestrian use or hobby agriculture will be located on the periphery. Crop farming and low intensity animal pasturing will be encouraged with transferable development rights and other incentives that reward dedication of property to perpetual agricultural use. Commercial activities will be encouraged in low density retailing and professional services areas located within easy walking distance of higher density residential clusters. Malls and other concentrated retailing centers will be discouraged. Light manufacturing and distribution facilities will be located so as to provide local employment while at the same time minimizing heavy truck traffic through the town center and avoiding intrusion on residential uses. Schools, churches and public recreational facilities will be dispersed throughout the community, but key public services will be located in the city center to facilitate common access. To the maximum extent possible, commercial and public facilities will be designed and located to facilitate pedestrian access, with tunnels provided under major thoroughfares. Any necessary parking associated with commercial uses will generally be located behind the structure or screened from view by appropriate landscaping.

The city will retain at least 40% of its area as public open space. This land will be continuous to facilitate access to all areas of the city via a public trail system suitable for pedestrian, bicycle and equestrian uses. Housing will generally be located in clusters and will be surrounded by open spaces that include trails between clusters. Such open spaces will also serve as buffers between different land uses. Greenbelts and visual screening shall be planted between residential clusters. Trees and other plant material should be chosen with regard to the need to conserve water. Trees will also be required along public streets and highways. To the maximum extent possible, open spaces will be used for agricultural activities if compatible with trail access and other public purposes. Each development will provide some type of public recreation facility in the open space area, such as football or soccer fields, tennis or volleyball courts, playgrounds or parks. Funding mechanisms will be developed to provide for sufficient water and necessary maintenance so that the City will not need to resort to sale of any of its open space to provide operating funds, although some open space will be designated in the general plan for eventual sale to church groups, school districts or other organizations providing services to the general public.



We don't have time to plan!  
We have to do stuff!  
Really important stuff!

Eagle Mountain will develop as part of its street system and public open space the capability to accommodate a low intensity in-town public transit system. Corridors will also be retained for eventual development of a mass transit system linking the city to other communities in the surrounding area.

## The Setting for Eagle Mountain

**E**agle Mountain is located in the northeastern part of Cedar Valley in Utah County, Utah. It is 42 miles from downtown Salt Lake City, about 27 miles from Provo around the north end of Utah Lake, and 12 miles from Lehi, the nearest existing shopping center.

Access to I-15 freeway is about 14 miles distant. The asphalt-paved highway to Cedar Fort, Utah Highway 73, traverses the north end of the city. Cedar Valley is mostly rural agriculture oriented, producing winter wheat, irrigated alfalfa, sod farms and grazing. Cedar Fort, an agricultural village of about 275 population, is about five miles west, where a grocery store and gasoline service station are located.

Eagle Mountain, along with adjacent lands, lies on the western foothills of Lake Mountain at an elevation of about 4850 to 5350 feet above sea level. It ranges from the very flat area in the valley to foothills on the bench area, which slope to the west. The average annual precipitation is approximately 13 inches and the frost-free period is about 140 days.

**Eagle Mountain, along with adjacent lands, lies on the western foothills of Lake Mountain at an elevation of about 4850 to 5350 feet above sea level.**

The south end of Cedar Valley, along with adjacent lands, lies on the eastern slopes of Gardison Ridge, Toplift Hill and the Thorpe Hills at an elevation of about 4950 to 5450 feet above sea level. It ranges from the very flat area in the valley to foothills on the bench area which slope to the east.

The northwest area of Cedar Valley, along with adjacent lands, lies on the eastern slopes of the Oquirrh Mountains, at an elevation of about 5100 to 5900 feet about sea level. It ranges from the very flat area in the valley to foothills on the bench area which slope to the east.

A 330 foot wide power transmission line corridor right-of-way, with two power transmission lines, runs north and south on the east side of the valley floor. In addition, a right-of-way for a major gas transmission line is west of the power line and directly adjacent to it.





## Cedar Valley & Eagle Mountain History

**T**he major historic elements of Cedar Valley are Camp Floyd, the Overland Stage Stop, and the Pony Express Station and each should be preserved, protected and enhanced as part of the historical and cultural heritage of Cedar Valley.

The Great Basin was perhaps the most isolated region of the United States when the Mormons settled here in 1847. Yet even that isolation was far from complete. A native American population of 10,000 to 20,000 was already in place when the Mormons arrived. The pioneers of their race had moved in some 600 years earlier. Mexican traders had established trading routes that covered much of the central and southern parts of the area, though they had established no colonies. Working out an accommodation between the old settlers and the new was difficult and costly, especially for the old settlers — the Indians. Just eleven years after the Mormons arrived the federal government founded Camp Floyd, the first federal military post in Utah.

In 1858 Federal troops were sent to Utah to put down the "Mormon Rebellion"

### The Utah War

In 1858 Federal troops were sent to Utah to put down the "Mormon Rebellion" in response to a strong negative reaction in the east to the Mormon practice of polygamy. The prevailing opinion among Mormons was that the "Rebellion" was manufactured in the east by inflammatory and often untrue accounts in the newspapers and on the floor of Congress. Recent research lends credence to the Utah War serving the interests of Southerners conspiring to remove Federal troops to the west to gain an advantage in their rebellion against the north. The Utah War became an excuse to send approximately one-third of the standing army of the United States far into the western wilderness.

Many believed that Johnston's army would not have been sent to Utah but for the plotting of the Secessionist leaders at Washington.

Many believed that Johnston's army would not have been sent to Utah but for the plotting of the Secessionist leaders at Washington. President Buchanan was not one of them. He denied the right of a State to secede. But the Secretary of War, John B. Floyd, was a rank Secessionist and became a Confederate general. As a member of the President's Cabinet, Floyd did all in his power to scatter the armed forces of the United States, in order to make it easy for the Southern States to withdraw from the Union and seize upon the government arsenals and public military stores within their borders.

May 26, 1857 President Buchanan gave the order for the gathering of Federal troops at Fort Leavenworth, Kansas and on July 18, 1858 three thousand troops under General William S. Harney started the long march to Utah. Angered by the success of the Mormon Militia in slowing the progress of the troops President Buchanan replaced General Harney with General Albert Sidney Johnston and the Mormons referred to this military force everafter as Johnston's Army.

Brigham Young planned to burn and abandon settlements and cities so that nothing would be left to sustain the enemy. When the Federal troops actually did arrive a compromise was worked out to have them encamped 40 miles southwest of Salt Lake City to keep the soldiers away from

The founding of Camp Floyd furnished employment to a large number of masons, carpenters, and builders, who erected the Government barracks in Cedar Valley; and it provided a near and ready market for the products of farm, ranch and dairy.

Mormon settlements. Camp Floyd was set up near present day Fairfield in Utah County and at one time was the second largest city in the Territory. At the high point there were 3500 troops and officers, 500 wagons, nearly 600 horses, 3000 mules plus merchants and camp followers that made up the community of the military post. Camp Floyd was not a walled fortification but instead relied on the number of troops for defense as it was the largest military post in the U.S. from 1858 to 1861. This fort was named for Secretary of War John B. Floyd and was renamed Camp Crittenden when he, along with many of the troops and officers, abandoned the U.S. Army to fight for the Confederacy.

#### The Camp Floyd Period (1858-1861)

Johnston's army proved both a benefit and a detriment to Utah. The founding of Camp Floyd furnished employment to a large number of masons, carpenters, and builders, who erected the Government barracks in Cedar Valley; and it provided a near and ready market for the products of farm, ranch and dairy.

The opportunity to profit by the presence of the troops was not lost sight of by enterprising settlers. Merchants especially were awake to the opportunity and took advantage of the commercial chance afforded.

Owing to the "war," the suspension of travel over the plains, and the consequent breaking up of local business houses, the people had been deprived of many comforts, which were now obtainable. In exchange for flour, grain, beef, butter, eggs, poultry, and dried fruits, they received cash, clothing, groceries, and other necessaries. The community was greatly benefitted in a material way.

On the other hand various evils were introduced—traceable mainly to the camp followers who came in the wake of the troops. Utah had bad men of her own, but now they were reinforced and multiplied. Rough

characters flocked in from all parts. Now and then a peaceable citizen fell a victim to the knife or bullet of the drunken desperado or midnight assassin; but as a rule it was the desperadoes who slew each other.

### **Camp Floyd Abandoned**

As early as March, 1860, General Johnston had left for Washington. Colonel Cooke then became the post commander. By his order (February, 1861) Camp Floyd changed its name to Fort Crittenden. Most of the troops had already been ordered to Arizona and New Mexico, and in July the remainder took up their march for the East. Before the post was evacuated, immense stores of provisions and army supplies were offered for sale by the military authorities and disposed of at an enormous sacrifice. Goods worth four million dollars were sold for one hundred thousand. Farsighted buyers made their fortunes. Great quantities of arms and ammunition that could not be transported were destroyed by direction of the War Department.

General Johnston did not visit Salt Lake City after passing through with his army in 1858. He and Brigham Young never met. The camp commanders accepted an invitation to call upon the Ex-Governor prior to their departure. They presented to him the flagstaff from which the Stars and Stripes had floated over Camp Floyd, and the interesting relic stood for many years on the brow of the hill, a little east of Eagle Gate, where it continued to hold aloft the National Banner.

**The Pony Express began in April of 1860 and nineteen months later ended in financial disaster when the telegraph line was completed from coast to coast.**

### **The Overland Stage and Pony Express Trail**

The Overland Stage and later the Pony Express trail entered Utah Territory from Wyoming, crossed the entire width and exited into Nevada. The Pony Express was organized to deliver mail by horseback from St. Joseph, Missouri to Sacramento, California because until that time it took three months to get mail from the east to the west coast.

At its peak there were 190 stations, 420 horses and 80 riders. Fresh horses were at stations every 10 to 12 miles and a rider went 75 to 125 miles before another rider took over and if the other rider wasn't waiting they had to go on.

The Pony Express began in April of 1860 and nineteen months later ended in financial disaster when the telegraph line was completed from coast to coast. For a short time the important link by the Pony Express filled a need and etched a lasting place in western history. To do their jobs, the Pony Express riders endured the hardship of 110 degree desert heat, bitter cold, 15 foot snow drifts, dust, outlaws, Indians, weariness and loneliness. Their effort and courage made them legend.

The founders of the Pony Express purchased several small mail express companies in 1860 and operated the Overland Mail Company until 1862. The stagecoaches that carried the mail also carried passengers. The journey for passengers was long and tough. The roads were rough and rutted, sometimes muddy, often dusty, the food was usually bad and water scarce. There was danger from Indians, outlaws, heat, cold, floods, lack of water and injury to the horses. Summer heat could reach 110 to 115 degrees and winter snow could drift 12 to 15 feet deep on mountain passes.

The teamsters were the backbone of the system and their skill was often the critical difference between a safe journey and a disaster. Freight, mail and stage services continued in the west desert of Utah until the 1920's but the period of highest use was from 1860 to 1869. When the Union Pacific and the Central Pacific railroads joined at Promontory Point, creating the transcontinental railroad, the need for freight wagons and stagecoaches declined. Prior to the completion of the railroad the Overland stage companies provided a needed and important transportation and communication link in the development of the west.

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national capital.

The Overland Stage Line was a mail and passenger stage line, owned by Mr. Ben Holliday, that ran between St. Joseph, Missouri, and Sacramento, California, with Salt Lake City as a station on the route. It had been established soon after the founding of Camp Floyd. The California gold fever was still raging, and travel to and from the mines was incessant and ever on the increase. To shorten the time required for bringing

news across the great plains, the Pony Express was started in the spring of 1860. Its aim—which became an achievement—was to carry dispatches and important letters between Missouri and California, supplying so far as possible the need of the electric telegraph. The rate for letters was one dollar to five dollars each. Written on the thinnest paper that could be procured, the messages were carried in saddle bags or in pouches on the person of the rider. Relays of saddle horses were kept at the overland mail stations, ready for instant use. One of the riders, coming into a station at full gallop, would jump from the back of his jaded steed, leave it in care of grooms waiting to receive it, and flinging himself across a fresh mount, be off with almost the swiftness of the wind, hugging closely the precious missives waited for along the line or at the remote extremity of the route. No one rider, of course, could make the through trip without sleep. At certain points fresh riders as well as fresh horses were supplied.

The Pony Express—otherwise known as the Pony Telegraph—brought Utah into six days' communication with the frontier, and within seven

days of the national capital. The first rider from the West reached Salt Lake City on the seventh of April; the first from the East, on the evening of the ninth. Two had set out on the night of the third, one from Sacramento, and the other from St. Joseph. The Pony Express did not originate in Utah, but the Territory furnished a full share of the riders. James E. Bromley, Howard Egan and H. J. Faust were among the prominent names connected with the enterprise in this region.

The Pony Express made two hundred and fifty miles in twenty-four hours, while the mail coach made one hundred or one hundred and twenty-five miles. There were eighty riders and four hundred horses, and eight messengers were kept constantly in the saddle. One of the most noted of the riders was "Buffalo Bill" (Colonel William F. Cody) who conducted in later years the celebrated "Wild West Show."

### The Pony Express Stations

Rockwell's Station was 11 miles from the Dugout Station in the SW1/4 NW1/4 section 15, Township 4S, Range 1W, Salt Lake Meridian, near point of the mountain, and was named after the operator Orin Porter Rockwell. Rockwell earlier served as Brigham Young's bodyguard (1830's) and was a Danite (member of the Mormon protection group, organized in Missouri to protect against terrorist activities). On September 9, 1850, Rockwell was appointed Territorial Marshall.

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The Dugout Station was in SW1/4 NE1/4 Section 30, Township 5S, Range 1W, Salt Lake Meridian, near Hidden Valley. In conjunction with the Express and stage operation, Joseph Dorton operated a small grocery store. Clients were generally the soldiers from Camp Floyd. He also built a two-room brick home and log barn and provided a dugout for an Indian boy helper. Besides well water, water was hauled from Utah Lake and sold for twenty-five cents per bucket. Use of the station after 1861 is unknown. It may have continued in use as a stage station.

Carson Inn/Camp Floyd Station was 8-1/4 miles from Dugout Station, in the NE1/4 NW1/4 Section 32, Township 6S, Range 2W, Salt Lake Meridian. The station was located within John Carson's Inn in Fairfield and saw use for both the Express and stage travel. The adobe building was built in 1858. It is still standing, has a wooden facade, and is open to the public as a Utah State Park. It was operated by the family until 1947. Such personages as Horace Greeley, Mark Twain, Sir Richard Burton, Porter Rockwell, Bill Hickman, and General (then Colonel) Albert Johnston stopped at the inn.

In 1885, John Carson and his brothers, along with John Williams, William Bearshall and John Clegg, established Fairfield and Cedar Fort. The latter was constructed as a private protective compound. It was adjacent to Fairfield that Camp Floyd, named for Secretary of War John B. Floyd, was established in November of 1858. Camp Floyd was the second military establishment in Utah and was commanded by Colonel Albert Johnston. (The first military reservation in Utah was established in Rush Valley, near present day Stockton, in 1853, by Colonel Steptoe.

Captain Simpson, Senior Engineering Officer at Camp Floyd, designed the overland stage route from Salt Lake City to San Francisco.

With a population of 7,000 — 3,000 of which were soldiers — Fairfield was the third largest city in the territory. Boasting 17 saloons, wild Fairfield catered to soldiers and the army payroll.

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The Pony Express is steeped in story and legend. Stories of the men who made it work are extant. To get an idea of what the life and times were like, a story that was uncovered from the National Archives about Camp Floyd is relevant:

On September 2, 1859, Second Lieutenant John Green of the Second Dragoons was ordered to take Post at or near Tyler Spring on Simpson's "new route" to California to intercept and apprehend deserters. Part of the orders read "It is rumored that there are Indians on this road who are robbing immigrants - be on your guard therefore against surprise from them."

On July 8, 1860, Lieutenant Green was ordered west to overtake a party of cattle thieves. This time the orders read, "On over hauling the party, should the thieves give Lieut. Green even a pretext, he will without fail, fire upon them. It is not advisable to take prisoners." The cattle were found and returned to Rush Valley and put in care of a civilian herder by the name of Kalapse on July 13, 1860. On July 18, 1860, another order was issued stating that the retrieved cattle were again stolen and possibly driven north toward Grantsville. The last sentence of this order says "Should the least resistance be offered you in the discharge of this duty, you will not hesitate to exterminate the rascals."

The human element was not always the only cause of danger for the Pony Express. Richard E. Egan, caught in a blizzard made his way to the Mill Creek bridge south of Salt Lake City where his horse slipped on ice and they plunged into the cold creek. After climbing out of the water, Egan caught his horse and rode the rest of the way into Salt Lake and delivered his mail.

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A bugle was used by some riders to warn of their approach to the station so their exchange mount would be ready upon their arrival. In Nebraska, William Campbell left his pistol and rifle at his home station to save weight as there were heavy snow drifts across the trail. As he traveled, he passed a pack of hungry wolves which gave chase. When a wolf would come too close, Campbell would lean from the saddle and blow the bugle into the wolf's face thus frightening them away temporarily until he was able to reach the next station.

The great epoch of the Pony Express is now over a hundred years old and unless every remaining thread of information is brought to light for other researchers, the full and true story may never be told.

## Recent Eagle Mountain History

In 1994, John Walden, a developer, purchased the Monte Vista Ranch from the Fitzgerald Estate which consisted of 8,000+ acres together with several thousand acre feet of water. The original thought was to sell the water rights and then sell the land for dry farming.

After meeting with Utah County planning officials and discovering there was zoned land in the 8,000 acres for residential development, another analysis was done to see what form of development might be possible. The first order of business was to hire a land planner to research the possibilities of development potential. Nick Berg, who told John Walden about the property in the first place, and project manager and sales consultant for four other "Walden Utah" projects was put in charge of securing the development team.

Berg introduced Walden to Ira Hodges and after a lengthy meeting where Hodges described a vision of open space and agriculture preservation, Walden gave the go ahead for Hodges to develop a plan. While the plan was being developed, numerous more meetings were held with Utah County. It was clear from the start that the philosophy of the County was not to service rural development areas, but to support development within incorporated areas.

During this period the development team met with the developers and land owners near Saratoga Springs and the Cedar Pass Ranch area; it was about this time that Mayor Hooge met John Walden and became part of the development team along with Berg and others. By the end of

...after a lengthy meeting where Hodges described a vision of open space and agriculture preservation, Walden gave the go ahead for Hodges to develop a plan.



1995, Bill Pepperoni, Gary Golightly, Sowby & Berg, MCM Engineering, Stith & Black, Robert Lynds, Rick Hafen, were brought on board. In 1996 the development team was expanded to include Gary Tassainer, Dave Conine, and Lee Nellis. Robert Lynds was named Project Manager in 1996, and Berg was Land Sales Director.

**The new town idea was fine, but the big problem was one of population minimums.**

The new town idea was fine, but the big problem was one of population minimums. In 1995 and 1996, there had been meetings between Walden and the Cedar Pass Ranch folks about the availability of water for Cedar Pass Ranch being made available. The development team asked Cedar Pass Ranch if they would be interested in joining their project with Waldens' to qualify for incorporation status - the answer was yes. Meetings were then held with Harvest Haven subdivision to see if they would want to be part of the new city or not; Harvest Haven said yes too.

It would be fair to say that during this period Utah County was getting tougher and tougher on new subdivisions being approved - water, fire, and other issues were not being resolved to the satisfaction of the County. In late 1996, when it was finally decided to go ahead with the incorporation process, Debbie Hooge volunteered to be Mayor. The County Commissioners said because of the huge financial investment for infrastructure, if the incorporators were successful in qualifying for status, the initiators could submit names of people for council positions. The present council staff is a result of that selection.

Shortly after incorporation, a law suit was filed by a Cedar Valley resident who felt since the Mayor didn't actually reside in the town at the time of incorporation, the city was not officially legal; Mayor Hooge had a home under construction and delays in the building of her home pushed back her occupancy date. After several months and lots of money, the courts agreed the law is based on "intent" and Mayor Hooge and the city were legal. The City was incorporated in December of 1996.

Since the beginning of 1997, the Planning Commission and Board of Adjustment members were appointed together with a Town Manager, Town Clerk and Recorder, a Building Inspector, and city engineers and legal counsel. The Town is contracting for police and fire services.

The first elections will be held in November of 1997, with the original appointees all running, plus several other local residents. The community process has started.

## Land Use Element

### Current Land Use

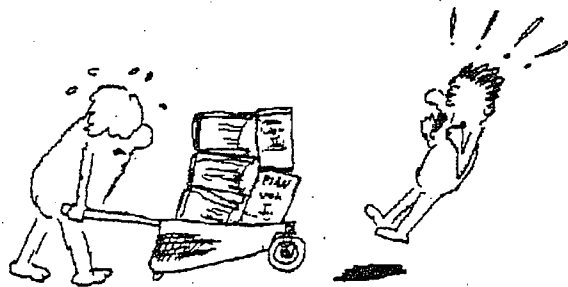
At the time of incorporation most of the land within the corporate limits was zoned as agricultural use, with large lot residential development allowed. Currently the largest land use remains agricultural. Irrigated cropland, dry farming, and livestock grazing are the major agricultural uses.

The northern portion of Eagle Mountain includes the large lot subdivision, Cedar Pass Ranch and Harvest Haven. Presently there are approximately fifty homes in these two subdivisions. There are also an additional half dozen home along the length of Lake Mountain Road.

Although most of the area now incorporated as the Town of Eagle Mountain was classified as agricultural under Utah County zoning, the level of development allowed by the County would have permitted low density residential sprawl that would severely limit future open space preservation options.

### Discussion

The decision to develop the Town of Eagle Mountain will profoundly change the existing patterns of land use. Developing the full range of the town's land uses, while preserving open space and agricultural uses has been identified by the public as an important issue. The transition from undeveloped land to a full service city will require a disciplined and orderly planning approach. Compact development patterns and carefully sequenced growth will allow "ag" land and open space preservation.



Present the plan carefully.

As Eagle Mountain enters the first stages of developing a full service community it will use performance standards to give preference to projects that offer planning solutions that enhance the goals of open space preservation, quality design, and functional pedestrian access and circulation. The logical, orderly sequence of growth is essential to the cost effective development of utilities and other capital facilities. Impact fees and developer participation in the cost of extending services will be balanced against increased taxation. Sharing of infrastructure cost and municipal utility ownership will help minimize property tax burdens while allowing Eagle Mountain to offer attractive development opportunities.

**T**he Eagle Mountain Land Use Element is the core element of the General Plan. The Land Use Element describes the opportunities and policy recommendations for preserving agricultural lands and natural environment open space. Perhaps no other factor in planning Eagle Mountain has as much potential impact on the ultimate character of the community as how effectively we preserve important environmental qualities. The transition from undeveloped open space to a full service community provides an opportunity to merge the built environment with the agricultural and natural character of Cedar Valley.

The trail system network and open space requirements of the Eagle Mountain Development Code will help assure the preservation of important environmental amenities. Additionally, Eagle Mountain should adopt conservation and preservation incentives that encourage the retention of irrigated cropland and quality open space.

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The character of the built environment is also essential to the creation of a quality community. The preservation of agricultural land and open space alone will not guarantee that we will develop a desirable community. The designation of allowable land uses and the standards for development are critical to integrating a people friendly infrastructure with Eagle Mountain's open space planning. The land use designations and the policy recommenda-

tions of the Eagle Mountain General Plan are designed to merge the natural environment and the built environment into a sustainable community.

The combination of a natural environment, careful planning to preserve natural amenities, and the addition of the usual development amenities provide a basis for the proper implementation of the goals and objectives of Eagle Mountain .

Eagle Mountain lies in one of the most beautiful agricultural valley areas in Utah. The entire town site is surrounded by prominent geological features, including Utah Lake, Lake Mountain, and the Tintic and Oquirrh Mountains. The lands within these major features have strong secondary geological formations, significant ridges, and natural drainages. These form boundaries for exterior spaces and relationships which must be allowed to shape development. This feeling of place in a large area is important in planning and helps to give a sense of scale, location and neighborhood. Preservation of these assets is very important to the "theme" of an environmentally planned community. Development in the area will be reflective of and enhanced by the colors, textures, lines and forms of the natural terrain as it is correlated with the proposed elements of the

Plan. To accomplish this with the quality and elegance proposed requires continued cooperation of all interested parties and dedicated planning for each detail of development.

The Land Use Element consists of two separate, equally important sub-elements, the Natural Environment Section and the Built Environment Section. The section on Natural Environment provides descriptions of existing environmental conditions and policy recommendations for the care and preservation of the environment of Eagle Mountain and Cedar Valley. The Built Environment Section includes a description of the land use designations of the Eagle Mountain Development Code (pages 27-31) as well as policy recommendations for developing the neighborhoods and infrastructure of Eagle Mountain.

### Intent

**W**ith the application of proper planning and development criteria, Eagle Mountain can create a delightful mixture of the built environment and the natural environment.

This will help protect Eagle Mountain by maintaining the integrity of the unique natural setting.

Protective ordinances, conditions, restrictions, goals and objectives will help maintain the natural assets and carefully correlate Eagle Mountain with the natural features. Preservation of natural assets is a most important criteria for the development of an aesthetically pleasing, functionally sound, and financially feasible municipality..

The challenges presented by the natural terrain features will give each developer the opportunity to obtain original solutions and show creativity and personal touches. For the purpose of preserving unique character, the dominant idea or central theme is the preservation of the environment along with management of the development placed upon it. This means certain limits being placed on styles, materials, colors, textures, scale and other design elements used in development. Eagle Mountain has set design motif and criteria, has established themes, influence, and stimulus for design and problem solution which sets an example of expected action. All development will require correlation with this theme, motif and the General Plan.

The Eagle Mountain planning criteria supports the goals and objectives of "The Satellite Greenbelt" form of county development where communities are surrounded by greenbelts of farms and open space. This will be the basic pattern of development for project proposals.

**Eagle Mountain has set design motif and criteria, has established themes, influence, and stimulus for design and problem solution which sets an example of expected action.**

The Eagle Mountain planning criteria supports conservation and protection of the natural environment by preserving the major natural washes and drainages as well as high ridges, slopes 25% and over and the sinks area. All these areas are natural extensions of the greenbelt areas and will be correlated together to provide community amenities in the form of preservation of land character and views, including preservation of farm lands by using conservation easements, especially agricultural easements. Various trail systems and other recreational aspects including golf facilities are part of expanding future recreational needs.

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As development takes place the goals and objectives of Eagle Mountain will require special efforts to retain farmlands and range lands as part of the community amenity. Conservation easements, especially agricultural easements, are basic requirements of environmental planning.

#### Power And Gas Transmission Lines

The right-of-way for these lines provide an opportunity to establish a greenbelt corridor which includes equestrian trails and agricultural lands.

This greenbelt area can extend into the Lake Mountain valleys and ridges.

The Eagle Mountain planning criteria supports conservation and protection of the natural environment by preserving the major natural washes and drainages as well as high ridges, slopes 25% and over and the sinks area.

At the approximate center of the corridor, the Lake Mountain ridges, Ivans Canyon, and Wildcat Canyon project westward from the high ridges of Lake Mountain and narrows the space between the mountain and the power lines. Also, at this point on the west side of the power lines, the sinks area is located and becomes a westward extension of the greenbelt corridor. This westward extension could continue west along major drainage to Big Spring, Stage Coach Inn State Historical Site, Camp Floyd State Historical Site and on to the Oquirrh Mountains which border Cedar Valley all along the west

side. The greenbelt corridors described above provide unlimited opportunities for riding and hiking trails.

The major portion of the project area east of the power lines has not been farmed. It supports a growth of sparse juniper trees but mostly sagebrush and native grasses.

West of the power lines about three-quarters of the land has been plowed and includes two sod farms. The major soil types are dominantly well-

drained and somewhat excessively drained, level to steep soils and dune land on lake plains, lake terraces and alluvial fans in a semiarid climate zone. On the east side are some soil types which are dominantly well-drained and somewhat excessively drained, sloping to very steep soils and rock outcrop on hillsides, ridges and mountains. The soil quality on the site is suitable for home construction.

### Topography, Slopes And Geological Features

A site analysis reveals the alignment of mountain peaks, cliffs, gorges, and ridges which borders Cedar Valley on all sides. These natural features provide the project with a sense of place and exclusiveness and is the Eagle Mountain Environmental Belt. A study of the natural features and the elements of the planning show the conscientious, sensitivity to and close correlation of proposed and natural features. The proposed elements fit with and preserve the natural features, the basic scenic resources, steep slopes, natural drainages, identifies water shed, preserves major open space, important wildlife habitat, and recreational amenities. The extent of the physical modifications will be minimized by careful planning and sensible development proposals.

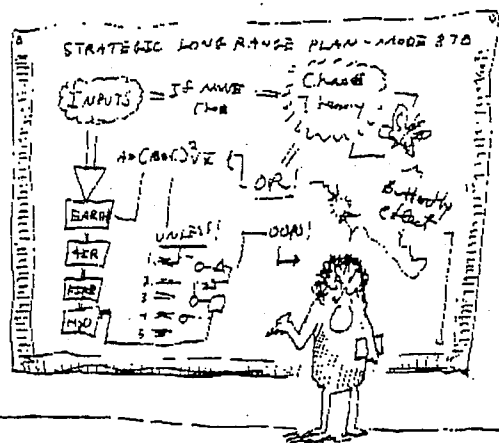
### Policies Regarding Topography

- Maintain natural slopes over 25%
- Minimize all cuts and fills
- Mitigate all cuts and fills with new construction and/or restore to native condition
- Maintain agricultural lands as much as possible with agricultural easements
- Elevation mapping for all of Cedar Valley is recommended.

Topography of Eagle Mountain is delineated as part of the General Plan (See EM-3 Elevations Map).

### Vegetation

The plant community in Cedar Valley is dominated by junipers and sagebrush along the upper bench areas overlooking the valley floor. The juniper areas extend down off the mountain to the bench area and onto the valley floor at the extreme north and south end of the Cedar Valley area. The major impact to existing vegetation communities will be the removal of some juniper for the construction of roads and home sites. Eagle Mountain emphasizes the goal to remove as few trees as possible.



As Planning Committee chair,  
I'd say—at this point in time—  
we're clueless.

The remaining area is primarily sagebrush-dominated grassland and cultivated areas.

The Cedar Valley Sinks was once a major surface water area, but has largely dried up with only seasonal surface water remaining. The City is promoting a drainage system that will have the secondary effect of enhancing the sinks area as an open space retention basin.

Deer, antelope and elk are common in the area and bald eagles and golden eagles survey the valley from mountain ledges.

#### Wildlife

Dominant wildlife along the upper bench area and in the Lake Mountain area immediately east of Eagle Mountain includes bobcat and coyote. The Kit Fox is found throughout the Cedar Valley area. The Chukar Partridge is found along the upper bench area and in the Lake Mountain area. The Ring-necked Pheasant is common in the Northwest corner and in the extreme southeast area of Cedar valley. Cottontail Rabbit and the countywide Jack Rabbit are found throughout Cedar Valley. No major water fowl nesting areas have been found in the area. However, various species of ducks were common in the Cedar Valley Sinks when there was water present in years past.

Deer, antelope and elk are common in the area and bald eagles and golden eagles survey the valley from mountain ledges.

While there are thirteen varieties of reptiles and amphibians listed countywide and 9 varieties are listed for the west desert area, many are common. While some common species of wildlife will be locally impacted by development, others including water fowl and song birds, may actually benefit from development.

#### Policies Regarding Vegetation and Wildlife

Eagle Mountain is committed to the preservation of greenbelt areas along steep slopes, drainage areas and also side-slopes, by minimizing and avoiding side-hill cuts. In addition to this, Eagle Mountain desires the preservation of the natural character of the bench area, and holds to principles of environmental planning that correlate project design with contours and land forms, minimizing grading, and the preservation of natural vegetation, especially the juniper, sagebrush and grasslands. All these represent community amenities and must be a part of the character of any project work. All these considerations will establish an environmental belt and leave large areas as open space with ample corridors for wildlife movement.

## Surface Drainage

The drainage basin impacting Eagle Mountain is essentially the west side of Lake Mountain. The mountain slopes and canyons washes flow east to west onto the valley floor which is so flat the flows disperse and major washes spread over the valley floor and eventually to the sinks area. The sinks are a 1,200 acre plus low area which could eventually be delineated, preserved and enhanced as a waterfowl area and open space amenity with potential for recreation, education and conservation programs.

There are three major washes off Lake Mountain: Wiley Canyon on the north, Wildcat Canyon toward the central area; and Mercer Canyon on the South. The drainage impacting the south end of Cedar Valley is essentially the east side of Gardison Ridge, Toplift Hill and the Thorpe Hills, and include the main washes off the mountains from Broad Canyon and off the East Tintic Mountains. The mountain slopes and canyon washes flow west to east onto the valley floor which is so flat the flows disperse and major washes spread over the valley floor and eventually to the sinks area.

The drainage at the north end of the Cedar Valley project area is essentially the east side of the Oquirrh Mountains between Spring Canyon and West Canyon. The mountain slopes and canyon washes flow west to east onto the valley floor which is so flat the flows disperse and major washes spread over the valley floor and eventually to the sinks area.

The main washes off the Oquirrh Mountains are major drainage ways for Spring Canyon, Broad Mount Canyon, Crafts Canyon, Three Mile Canyon, Four Mile Canyon and Five Mile Canyon, the left fork of West Canyon, and West Canyon. The major washes carrying the runoff of these mountains and canyons will be preserved with large greenbelts to protect flow lines, side slopes and protective cover. Other washes not correlated with the greenbelt areas can be handled in the drainage system for the subdivision within the street system and drainage rights-of-way and beltways. Surface water generated by development will be controlled on the project site by a series of detention basins.

All flows are intermittent and therefore, with the proper correlation of the project planning and detention basins with existing washes and greenbelt areas, all flash flood problems will be properly handled.

**The major washes carrying the runoff of these mountains and canyons will be preserved with large greenbelts to protect flow lines, side slopes and protective cover.**



### **Policies Regarding Surface Drainage**

Preserve natural drainages at least to valley floor and to the sinks, if practical. No increase in runoff downstream; use project site detention to maintain existing rate of flow. Direct runoff to drainage belt, open space corridors and to sinks area. Coordinate and correlate all drainage ways with elements of the Open Space Plan. The Drainage Plan is delineated as part of the Comprehensive Plan (See EM-2 Drainage Plan).

### **Fire Hazards**

Some fire hazards exist because most of the land has been farmed and years of drought can lead to dry vegetation which will readily burn. The bench area has cedar and sagebrush and could be dry during drought years. The greenbelt areas and street layouts will help mitigate dangers of brush fires. The area under and adjacent to the power transmission lines has been farmed for years and should present no major fire hazards.

### **Soils and Geologic Hazards**

Soil descriptions and soil data tables are from the Soil Survey of Fairfield-Nephi Area, Utah by Soil Conservation Service in cooperation with U.S. Department of Agriculture, Forest Service, U.S. Department of the Interior, Bureau of Land Management, and the Utah Agricultural Experiment State, dated June 1984. (See Appendix \_\_\_\_ and EM-4 Soils Map)

The review of these documents and field inspections to date show no anticipated geologic hazards, surface faults, landslides, rockfalls, liquefaction, shallow ground water (sinks area excepted), soil erosion, or expansive soils and subsidence.

For building site development (Soils Report Table 14), and sanitary facilities (Soils Report Table 11) the soil designations colored in reds and browns have predominantly slight restrictions while all remaining soil designations in color have predominantly moderate restrictions. Crosshatched soil designations have predominantly severe restrictions.

Soil limitations (restrictions) are indicated by the ratings slight, moderate, and severe. Slight means soil properties are generally favorable for the rated use, or, in other words, limitations that are minor and easily overcome. Moderate means that some soil properties are unfavorable but can be overcome or modified by special planning and design. Severe means soil properties are so unfavorable and so difficult to correct or overcome as to require major soil reclamation, special design or intensive maintenance. Soils mapping for all of Cedar Valley is recommended.

Soil descriptions and soil data tables are included as part of the General Plan. (See Appendix \_\_\_\_). In addition, a North Cedar Valley Geological,

Geothermal and Development Evaluation Report is included as Appendix \_\_\_\_\_. The review of these documents and field inspections to date show no anticipated geologic hazards, surface faults, landslides, rockfalls, liquefaction, shallow ground water (sinks area excepted), soil erosion, or expansive soils and subsidence. All steep or potentially unstable slopes will be avoided in the design of all development.

### **Policies: Agricultural Land Preservation**

Each year, more cropland across the state is converted to non-agricultural uses. With the long term population projections showing a steady increase each year, this trend is likely to continue. The boundaries of the incorporated cities in Utah County already contain or surround the majority of the current farm land, and the availability of municipal services to the farmland areas significantly increases their value for development.

Unless all municipalities involved collectively decide that our limited farmland has more value growing crops than growing houses and hobby farms, we will continue to promote loss, rather than protection, of our agricultural lands. The only effective way to reverse or halt this trend requires both Eagle Mountain and Utah County to adopt policies which clearly prioritize and effectively protect valuable agricultural lands. Agricultural lands must actually become a design element in the community

**Unless all municipalities involved collectively decide that our limited farmland has more value growing crops than growing houses and hobby farms, we will continue to promote loss, rather than protection, of our agricultural lands...Agricultural lands must actually become a design element in the community.**

For sound policy to be developed, a broad community dialog is needed — meetings that bring the people together to discuss the importance of productive agricultural lands in Cedar Valley. Farmers and landowners, developers and community leaders, economists and planners, all coming together on behalf of our community to discuss self-reliance; agriculture as a part of a diverse, balanced economy; quality of life; wildlife habitat; water resources; and open space.

The preservation of farmlands in Cedar Valley cannot be accomplished by farmers, or a land trust, or community planners acting alone. It can only be achieved through cooperation and consensus, so that agricultural lands and the farmers that tend them are given the protections necessary to allow them to survive in an urbanizing county. Productive farmlands need certain guarantees to remain viable in the future: adequate water supply, protection from nuisance complaints, convenient transportation to markets, and sufficient acreage. The most effective way to offer

these protections is through good community planning, including farming-friendly ordinances.

Failure to make a conscious choice to preserve these lands will result in a choice made by default. The trend of loss will continue, and agriculture — and a way of life — will be gone.

### Transfer Of Development Rights (TDRs)

One tool to help agriculture, conservation areas, historic features, etc., in addition to a Land Trust program is Transfer of Development Rights. This allows a municipality to designate special areas (such as agricultural, ecologically sensitive, historical and scenic areas) for protection by compensating landowners for restricting the use of their land. The right to develop is purchased from the landowner by a special "bank" which then sells the development right to an interested developer who transfers it to an area more appropriate for development.

TDR programs remove the financial burden from the public sector and use the open real estate market to compensate landowners for preserving the open space values of their land.

The municipality takes the lead by establishing an ordinance which sets up the program. The ordinance addresses whether the program is voluntary or mandatory, which areas are to be preserved and where appropriate areas are located for increased development. It additionally sets up the "bank" which buys the development rights as they become available.

TDR programs remove the financial burden from the public sector and use the open real estate market to compensate landowners for preserving the open space values of their land. TDR programs redirect growth to more appropriate locations. Land remains in private ownership and continues to provide income to the local tax rolls.

A program can be difficult to administer and involves intensive local record keeping. An active real estate market and TDR bank is needed to absorb the available development rights. It also represents a significant political change and requires a proactive public education campaign to address concerns.

- In Cedar Valley, TDR programs could be used to protect extensive agricultural areas, drainages, the sinks, and scenic hillsides.
- Establish a Heritage Village as an extension of the Historic Area
- Establish the Pony Express/Overland Stage Corridor with strong landscape and trail elements that double as a connector/open space element throughout the area.

The success and viability of the Historic District not only depends on the aesthetics and degree of creativity but on its use. The Historic District should be an invitation feature to Eagle Mountain. It should be a very real and natural theme centered around history, pedestrian scale, and landscape treatment.

Eagle Mountain has a built-in historic theme already established. This historic theme is real not only in "bricks and mortar" but socially, emotionally and economically. The Historic District can and will continue to grow and expand and weave its influence and theme throughout Eagle Mountain. The preservation of the historic sites and buildings makes a significant contribution toward the cultural and economic health of the community.

### **Land Trusts and Conservation Real Estate Sales**

Eagle Mountain should utilize an existing land trust organization, or form its own land trust to oversee the conditions and terms of conservation real estate transactions. A land trust may buy and sell property in order to advance its land preservation responsibilities.

An Eagle Mountain Land Trust could also buy, sell, and trade development rights with the goal of preserving critical lands. An experienced land trust organization can often structure a conservation land transaction in a manner that provides the seller with tax savings that can be a significant incentive for the preservation of agricultural land, environmentally sensitive land, and open space.

It is important that the land trust organization remain completely independent of the political process.

**An experienced land trust organization can often structure a conservation land transaction in a manner that provides the seller with tax savings that can be a significant incentive for the preservation of agricultural land, environmentally sensitive land, and open space.**

### **Equestrian Development**

The existing center pivot irrigation systems within Eagle Mountain could be incorporated into agricultural open space in proposed subdivisions offering equestrian facilities and residential lots that can accommodate the needs of horse owners. Lots located on the perimeter of the center pivot would be premium homesites oriented to the open space used to grow alfalfa. Homeowners in such an equestrian subdivision would be able to purchase feed from the owner/operator of the center pivot(s). The agricultural use of the center pivot system would remain as an economic use of open space since the market for feed would be the adjacent residential development.

The difference between the development value of the irrigated land and its value for the production of feed may provide the tax savings which can make preservation an economically attractive option for a land owner.

### Public Lands (BLM and State)

Eagle Mountain should evaluate land within the environmental belt that may have importance to the town for recreation or other public purposes. Recreational use and watershed protection are the most probable uses of the public land in the Eagle Mountain Environmental Belt. There should be ongoing communication and planning coordination with the agencies that manage these lands. Plans for fire suppression on the hillsides above Eagle Mountain should include the appropriate state and federal land management agencies.

### Annexation Policy

Development that occurs at the town's fringe can have a dramatic impact on the town's entry image and its identity. If Eagle Mountain wishes to preserve desirable open space along the entry corridors and on the hillsides surrounding the community, it should develop an annexation policy reflecting those goals.

If Eagle Mountain wishes to preserve desirable open space along the entry corridors and on the hillsides surrounding the community, it should develop an annexation policy reflecting those goals.

The annexation policy should require the orderly development and extension of municipal services. It should require owners of property proposing annexation to provide Eagle Mountain with water rights sufficient to provide for the proposed land uses in the annexed area. Eagle Mountain may initiate an annexation for the purposes of preserving open spaces, creating buffers, creating desirable gateways, and maintaining adequate public services and conditions that serve the best interests of the town while allowing development to occur.

Lands within the environmental belt are subject to the Eagle Mountain Annexation policies.

### Policy Recommendations

- Eagle Mountain should delineate the areas and conditions to be considered for managing the type, timing, and extent of urban development beyond the town limits. The annexation policies will emphasize the importance of joint planning in the areas adjacent to the town's boundaries to coordinate land use and the logical extension of public and private facilities and infrastructure.

- The town's annexation policies are not necessarily a commitment to annex any property petitioning. It gives the town the ability to negotiate and decide whether annexation is in the best interest of the community. The intent is not to induce growth, but rather to have better control over growth, by establishing new or revised guidelines and criteria by which to evaluate proposed annexations.
- Guidelines and criteria should be evaluated before annexation is considered. They should address at least the following items:
  - (1) Water rights and water service adequate to meet any anticipated water needs within the proposed annexation. Density bonuses may be considered for water rights or service exceeding the demand generated by the proposed development within the annexation.
  - (2) The establishment of a timing and phasing program for all annexations consistent with the Land Use Plan, or to achieve other town objectives.
  - (3) The establishment of classifications and priorities for various types of desired open space including, but not limited to, trails, meadows, golf courses, wildlife habitat, undisturbed hillsides, geographic landmarks, highly visible ridge lines, neighborhood and community parks, and active and passive recreational areas. There shall be a preference for public or private land that will be kept in open space in perpetuity. Density bonuses may be considered for open space dedications in excess of the established minimum amounts. However, it is not intended that yards less than five acres in size or driveways be calculated as required open space. Private open space on large lots greater than five acres or privately owned open space held in common ownership contiguous with other open space may be considered as part of an open space requirement if the land is restricted for open space use in perpetuity.
  - (4) An increase in residential density and other development when desirable community facilities, affordable housing, and other amenities are proposed in excess of the minimum requirement. Density bonuses should be considered for proposals that enhance the town's entry corridors, locate development in desired receiving areas, and reduce the cost of municipal services.

- (5) A requirement that rent- and price-controlled affordable, employee housing or alternatives to such housing, acceptable to the town, be provided as part of any residential or commercial development. The type, amount, and location of housing will be established at the time of annexation, based on the specific annexation proposal and the anticipated employee generation resulting from the project.
- Encourage and facilitate annexations that are primarily for open space, or where the landowner has limited development expectations. Exempt such annexations from those guidelines and criteria (cited above) that the town determines should not be applied. Consider annexing land beyond the annexation boundary to promote protection of open space and control over the design of recreational areas.
  - Depending on the location and the development proposal, require annexation petitions to present studies, acceptable to the town, assessing the impacts of the projects and proposed uses. Such impacts include, but are not limited to:
    - (a) fiscal impacts
    - (b) environmental impacts
    - (c) traffic and transit impacts
    - (d) visual impacts, and
    - (e) impacts on local neighborhood, community, and regional compatibility.

### Environmental and Open Space Policies

- Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space.
- Prohibit, or stringently regulate, development on slopes exceeding 25%.
- Preserve wetlands, drainage ways, and intermittent streams and incorporate them into developments as amenities, rather than as simply undevelopable land.
- Preserve as many large, cohesive, unbroken areas of land free of typical urban uses as possible through design, dedication, and acquisition, as development occurs.
- Preserve irrigated croplands through conservation incentives.
- Establish appropriate water conserving plant material list for public and private open space landscaping.
- Promote the principles of xeriscaping.
- Protect the views along Eagle Mountain's entry corridors by establishing design, setback, and landscape requirements.
- To decrease fire risk, develop criteria for decreasing wildfire potential by keeping development out of certain sensitive areas and carefully controlling development where wildfires are likely to occur.

## Land Use Designations

### Residential

The Residential land use designation allows development that conforms to the codes performance standards for residential development. Residential scale and character are the primary criteria for development in this zone. Residential developments may mix lot size and density, provided that a consistent neighborhood scale and character is established. Large lot subdivisions designed to maintain a rural character will be located further from the downtown and along the Lake Mountain benches. The residential development pattern will generally place higher densities near the Downtown Commercial Core and Satellite Commercial areas.

**Residential developments may mix lot size and density, provided that a consistent neighborhood scale and character is established.**

Residential project developers will be encouraged to provide a variety of housing cost and size in the design of neighborhoods. By providing a menu of housing prices within neighborhoods, Eagle Mountain can assure that quality housing choices are available for young people, families, and senior citizens. Single family houses should be provided in a range of sizes, prices, and styles. Unlike many suburban areas where large tracts of similar homes are erected by one builder, Eagle Mountain should encourage a more incremental form of development. Working within the guidelines of the town's architectural code, builders would construct residences on individual lots or in small clusters distributed throughout master planned areas. This strategy would result in an architectural diversity that is hard to achieve in large single-builder subdivisions.

**The Residential Zone allows limited commercial uses to be located within the zone designation. The neighborhood grocery (not convenience markets), coffee shops and restaurants are appropriate uses within this designation.**

The Residential Zone allows limited commercial uses to be located within the zone designation. The neighborhood grocery (not convenience markets), coffee shops and restaurants are appropriate uses within this designation. Other commercial uses could include professional offices, fitness centers, arts and crafts studios, galleries, and day care facilities. The mix of commercial and residential uses must maintain the scale and character of the neighboring residential uses.

All commercial uses shall be built in a style reflective of, and consistent with, the neighboring residential structures. Commercial uses will be



allowed signs to identify the business. Signs erected in the Residential Zone shall comply with the development code. Signs may be plaques mounted on the building at the primary entrance, or signs may be monument style. Monument style signs shall be part of the landscaping plan and shall be constructed of the same materials and utilizing the same color schemes as the adjacent buildings. Only external illumination is allowed. See Sign Code for specific details for commercial signage in the Residential Zone.

The goal of the open space requirement is to preserve a meaningful portion of each residential neighborhood as natural open space and/or public recreation areas that are conveniently accessible from every lot.

Parking lots associated with any commercial or business use in the Residential Zone area must be located behind buildings so as to be hidden from the street view. Parking lots shall be landscaped in accordance with the Landscape Standards of the Eagle Mountain Development Code. Where a corner, terrain, or other site characteristic would allow the parking to be highly visible from the street additional landscaping or walls shall be utilized for visual screening.

Each Residential Zone neighborhood, or master planned area, will be assigned a gross buildout density (such as four units per acre). A percentage of each Residential Zone neighborhood will be designated as permanent open space and the individual lots may be down sized or clustered to permit the number of units that would have been allowed under the gross buildout. The goal of the open space requirement is to preserve a meaningful portion of each residential neighborhood as natural open space and/or public recreation areas that are conveniently accessible from every lot. The unique characteristics of the topography, street layout, and design of each neighborhood shall also influence the area and amount of land to be held in open space.

### **Business Park**

The purpose of the Business Park designation is to establish a very high amenity environment for businesses, professional offices, research facilities, and other compatible uses.

The Business Park area is to be low density development. Due to the mix of building sizes likely to occur in this use designation the performance standards will establish a combination of floor area ratio and impervious surface percentage to determine the maximum utilization of a site.

The Business Park, while primarily a location for business, technology, and research facilities, can allow services such as restaurants, lodging,

and other uses able to meet the requirements of the performance standards.

Parking areas shall be visually screened by vegetation, berms, and walls. Parking lots shall include interior and perimeter landscaping. The number of required parking spaces and standards for parking area design shall be established by industry standards for each use and the landscape standards in the Eagle Mountain Development Code.

Signs erected within the Business Park area are primarily for identification, not advertising. Signs adjacent to streets are to be landscaped monuments using materials and colors relating to the buildings. The only illumination allowed shall be external lighting, neon and internally illuminated signs are prohibited. Monument signs, exclusive of the monument structure, cannot exceed 20 square feet per sign face for a single business. Monument signs for complexes containing several businesses may have a faces of up to 30 square feet. Monument signs located in landscaped areas, at a distance of more than 50 feet from the street and signs on buildings will be granted square footage on the basis of design review and the standards of the Signage Standards of the Eagle Mountain Development Code.

Projects in the Business Park area shall dedicate an amount equivalent to 1% of the building cost for public artwork to be located at or near the building(s), or within public areas of the Town of Eagle Mountain as approved by the Planning Commission and the Design Review Board.

### **Commercial Core The "Downtown"**

The purpose of the Commercial Core or Downtown designation is to lead to the creation of a pedestrian friendly commercial center for Eagle Mountain. The appropriate uses for the commercial core location are the usual downtown businesses, offices, governmental functions, restaurants, retail shops, professional services and entertainment. Downtown Commercial Core buildings shall be at least two stories. Upper levels of Commercial Core businesses may include any of the normally permitted uses of the Commercial Core use designation. Additionally, the upper levels may include residential use such as apartments and condominiums. Other uses can be allowed in the Commercial Core area by addressing the performance standards.

**Parking areas shall be visually screened by vegetation, berms, and walls. Parking lots shall include interior and perimeter landscaping.**

**The purpose of the Commercial Core or Downtown designation is to lead to the creation of a pedestrian friendly commercial center for Eagle Mountain.**

The downtown commercial core will develop around a town square, or a series of squares. Buildings will generally be constructed with no front setback. Side and rear setbacks will be determined on the basis of compatibility with adjacent uses and the proposed use of the space within the building setback. Because the downtown is essentially a public space, each building project will be required to provide certain public amenities. The public amenities can include mini parks and outdoor eating areas. Each building project will contribute a minimum of 1% of the project cost for public artworks at or near the site.

Parking for commercial core development shall be behind the buildings. In no case will a building be granted a front setback to accommodate parking. The downtown commercial core blocks will be large enough to

**The Landscaping Standards of the Eagle Mountain Development Code require trees, street furniture, and planting along the pedestrian space in front of, and adjacent to, buildings in the downtown commercial core.**

have a perimeter of buildings surrounding a interior block parking area. The block interior parking area shall be landscaped in accordance with the parking and landscape standards in the Eagle Mountain Development Code. The Landscaping Standards of the Eagle Mountain Development Code require trees, street furniture, and planting along the pedestrian space in front of, and adjacent to, buildings in the downtown commercial core.

The overriding emphasis of the commercial core development standard is that the downtown be built to a scale dedicated to the use by humans rather than being reserved almost exclusively for automobiles. The open town squares will be public space consisting of landscaping, playground equipment, sitting areas, and recreation areas. Some downtown streets may be reserved exclusively for pedestrian use.

Signs allowed in the downtown commercial core area can be mounted flush to the building front surface. Such building signs shall not exceed 10% of the front surface. Commercial core businesses may have externally lighted signs that overhang the building line up to a maximum of 4 feet. Neon signs may be placed inside business windows, such signs shall be no larger than 4 square feet. Neon lettering may be placed on building fronts, but shall be placed no higher than the floor line of the second story or a maximum height of 12 feet above the sidewalk. Such wall mounted neon signs may not exceed 18 vertical inches. Internally illuminated lettering will be allowed and shall follow the same general guidelines for signs described in the development code. Moving, flashing, and portable signs are prohibited. Internally illuminated awnings are prohibited.

### Satellite Commercial

Satellite Commercial planned development will include retail business, professional offices, various service business uses, and commercial uses that would not easily fit into the downtown commercial core such as automobile sales and service. Drive up windows for banks and other businesses may be allowed in the Satellite Commercial area if they do not conflict with parking and circulation design standards. Satellite commercial will also include supermarkets and other businesses that serve areas larger than a single neighborhood. By addressing the standards in the development code most uses could conceivably fit into the satellite commercial designation.

Like the downtown commercial core, the design standards for satellite commercial recommend that parking be located behind buildings and other visual barriers. The "strip mall" so common to most urban arterial streets is to be avoided. The design standard for satellite commercial areas will discourage the "big box" style of retailing architecture and will encourage the village or town center type of design with mixed use, multilevel buildings.

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### Airpark

The airpark design concept is to offer office and business locations with collocation of corporate workspace and aircraft hangars. Taxiway access for business aircraft is one of the advantages this area provides. In addition to the aviation related functions to be accommodated in the air park, the design/development standards will encourage a variety of uses to make the air park a functional business environment offering a diversity of aviation and non aviation services including the uses described in the Business Park area, light manufacturing, professional offices, restaurants, and lodging.

The development standards will specify landscaping, setbacks, and parking design requirements for the airpark. Setbacks and the physical requirements of taxiway corridors will dictate some of the design standards within the Airpark.

The airpark will also include an area(s) for residential development with the option of taxiway access. All building in the Airpark shall meet all

setback and height requirements of the FAA as described in the airport layout plan.

### Special Airport Protection Overlay

Large warehouse style retailing operations not allowed within the Downtown or Satellite Commercial areas could fit into the Industrial/manufacturing use area.

Public safety requires that certain restrictions be placed on development near the airport. The uses depicted on the Eagle Mountain Land Use Designation Map are allowed near the airport. However, height restrictions for objects constructed near the airport will be described in the Airport Protection Overlay and in the Development Code.

Most of the restrictions will be within the Airpark. However, no object shall be constructed within 10,000 feet of the runway that penetrates a plane that is 150 feet above the runway elevation. Additionally, there is a runway protection zone with height limits at each end of the runway.

### Industrial and Manufacturing

The industrial and manufacturing area allows heavy industrial uses that would require equipment and services that would not be acceptable in the other use designation areas. This designation can accommodate warehousing and other large buildings. Large warehouse style retailing operations not allowed within the Downtown or Satellite Commercial areas could fit into the Industrial/manufacturing use area.

Within the Industrial and Manufacturing Zone parking areas may be located between the building and the street. Parking lots shall have perimeter landscaping that shall include trees spaced no more than thirty feet apart. The number of parking spaces to be required shall be determined on the basis of standards established for each particular use or type of industry.

### Resort Commercial

The Resort Commercial designation is to accommodate the development of lodging facilities and the hospitality industry. Within this zone there will be hotels, restaurants, and commercial uses generally oriented toward tourism. Additionally, residential uses and condominium development will be allowed within the Resort Commercial designation. The design guidelines for this use designation shall include the parking lot and landscape guidelines of the downtown core area.

The resort Commercial Zone may include golf courses and golf facilities including transient lodging and residential uses. Resort areas are by nature places requiring high quality amenities. Since each resort area development has a strong economic incentive to meet high standards of design, resort commercial developers may choose to meet the Eagle Mountain Development Performance Code design standards, or negotiate a development agreement that specifies use, density, open space and design standards for the project.

### Recreation and Amenity Policies

- Incorporate pedestrian trail linkages and open space to allow movement between and through neighborhoods. Trails should link to other recreational and community facilities and provide a viable alternative to vehicular transportation. Trail and pedestrian linkages should be consistent with the Eagle Mountain Master Trail & Open Space Plan.

- Provide neighborhood recreation to serve residents of each distinct neighborhood. When appropriate, develop regional recreational facilities with adequate vehicular and trail access

### Community Design Policies

- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties.

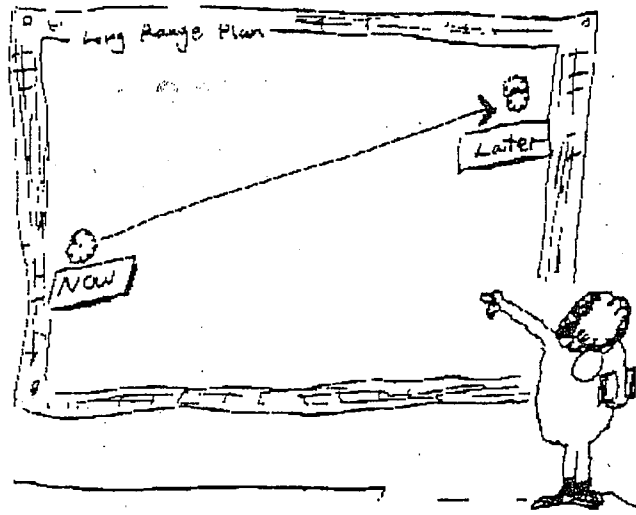
- Phasing plans for larger projects will be necessary to avoid the premature expansion of utilities and other public facilities.

- Encourage (require?) distinct neighborhoods surrounded by open space.

- Develop neighborhood-specific design guidelines to promote neighborhood cohesiveness.

- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.

- Encourage affordable housing in close proximity to public transportation, and such essential services as shopping, recreation, and medical services.













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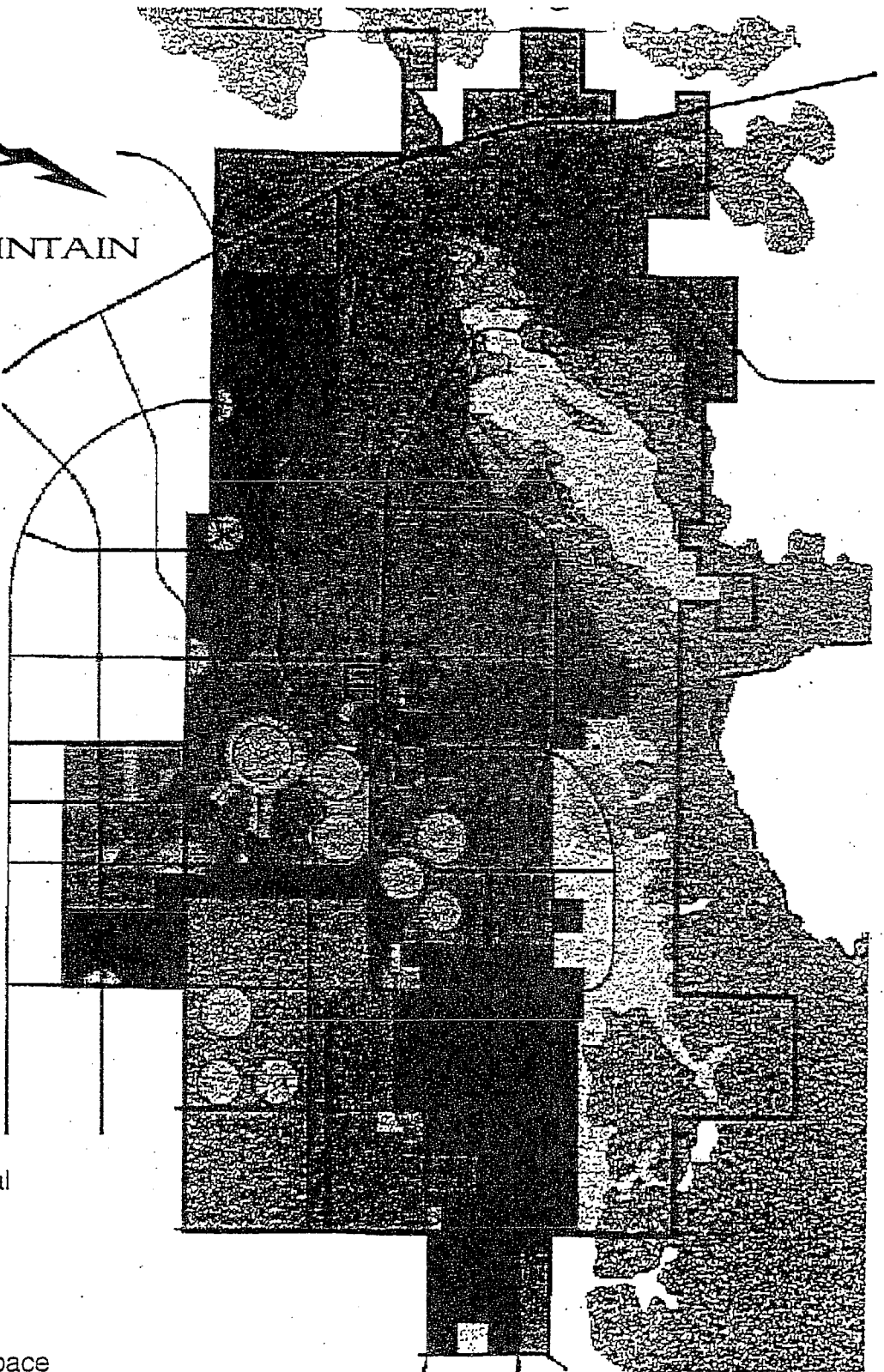
# LAND USE DESIGNATIONS



EAGLE MOUNTAIN



-  Residential
-  Industrial
-  Downtown Core
-  Airpark
-  Business Campus
-  Satellite Commercial
-  School Campus
-  Resort Commercial
-  Agriculture Open Space
-  Environmentally Sensitive (no building)



## Housing Element

### Current Conditions

At the time of incorporation Eagle Mountain included two large lot subdivisions, Cedar Pass Ranch and Harvest Haven. Both subdivisions are located in the northern portion of the town. The two subdivisions are new, both are expanding, and all the homes are new or under construction. Other existing homes include six houses located on Lake Mountain Road and several older farm houses in the Valley.

The largest current land use is agricultural, consisting of irrigated cropland, dry farming, and livestock grazing. The land within Eagle Mountain's corporate limit has been planned for residential and commercial development. Several neighborhoods planned near the Eagle Mountain downtown core will consist of small lots with single family homes. Residential use of the upper floors of the downtown core is being encouraged.

The zoning map for Eagle Mountain includes one residential use designation. Development density within the residential use area will be determined on the basis of performance standards and the character of neighboring uses. All residential development requires open space preservation and connectivity with the Eagle Mountain trail system.

### Issues

Eagle Mountain housing issues relate to assuring an adequate supply of affordable housing and creating quality neighborhoods in all price ranges. Eagle Mountain has a unique opportunity to plan a sustainable community and will encourage the development of environmentally responsible building techniques. Part of developing a sustainable community must include strategies to preserve neighborhood quality and avoid future housing problems.

The plans and policies for Eagle Mountain allow certain non residential uses within the residential zone. The Eagle Mountain Development Code establishes performance standards designed to assure that all uses allowed in the residential areas are compatible with the scale and character of the residential neighborhood. The Eagle Mountain Council and Planning Commission need to carefully monitor the performance standards with

**Development density within the residential use area will be determined on the basis of performance standards and the character of neighboring uses.**

**...developing a sustainable community must include strategies to preserve neighborhood quality and avoid future housing problems.**



regard to their effectiveness in allowing mixed use while maintaining the scale and character of the residential neighborhoods.

Owners of property within Eagle Mountain will be economically motivated to convert agricultural lands to higher value residential and commercial use. It is likely that land value speculation will place pressure on the town to allow development patterns and the extension of urban services based on project proposals rather than efficient patterns of expansion. To the maximum extent possible Eagle Mountain should encourage growth patterns which extend logically, radiating out from core development areas. The cost of extending services to new development will be recovered through developer fees.

It is anticipated that Eagle Mountain will experience a very high rate of growth. High growth rates can be disruptive and can easily void opportunities for establishing orderly growth patterns. Establishing planning goals and maintaining high standards for development will enable Eagle Mountain to implement its vision as a quality community for families and businesses.



## Discussion

Presently Eagle Mountain has pending approval for several subdivisions totaling approximately 1200 lots. The large lot subdivisions in the northern portion of Eagle Mountain will likely continue to develop at a moderate rate. Most of the homes being constructed in these subdivisions are custom homes with large setbacks. The design and development of homes in Cedar Pass Ranch (the largest of the two northern subdivisions) is subject to the covenants, conditions, and restrictions (CC&Rs) of the subdivision.

Eagle Mountain should encourage developers of large lot subdivisions and custom home neighborhoods to establish homeowners associations that oversee design and maintenance. Since homeowner associations sometimes have difficulty with enforcement issues, Eagle Mountain should treat certain design and maintenance standards of homeowners associations as a zoning map overlay that reflects the unique character and quality of the particular subdivision. This would provide the town with the ability to help enforce design and property maintenance standards that protect the town and the homeowners.

**Eagle Mountain should treat certain design and maintenance standards of homeowners associations as a zoning map overlay that reflects the unique character and quality of the particular subdivision.**

The tract developments planned near Eagle Mountain's downtown core should be subject to design standards adopted by the town. The standards will assist developers in producing residential areas that offer neighborhood qualities of consistent design, logical spatial utilization, landscape quality, and good pedestrian and vehicle circulation. The initial development near the Eagle Mountain downtown core area will consist of affordable homes on smaller lots. In these more compact subdivisions the relationship between individual buildings and the streetscape becomes an important design issue. Eagle Mountain has deliberately planned the standards for setbacks and housing design to develop neighborhoods that embrace the concepts known variously as "neo-traditional design" or "new urbanism."

Because Eagle Mountain is an all new community, it has a unique opportunity to adopt design and community building approaches that are free of the need to include retrofitting into an obsolete infrastructure and street plan. Eagle Mountain can incorporate the latest, state of the art community development standards in a new town that values and restores many of the traditions now absent from most of our cities and towns.

Eagle Mountain residential neighborhoods should be encouraged to include a mix of uses that offer residents access to goods and services without having to drive. Builders should be encouraged to utilize building techniques that are environmentally sound, based on energy consumption, life cycle cost, and the use of renewable resources and recycled materials. Eagle Mountain should adopt an incentive program to encourage environmentally sound approaches to building and community sustainability.



*Several Cities (Austin, TX & Tucson, AZ) have added certain environmentally sound building options to the Uniform Building Code. Austin Texas offers "Green Builder" status to contractors who meet certain standards for the use of recycled materials, renewable resources, and energy efficiency. Tucson has added code standards that describe approved methods of using straw bales as a building material. As a new town encouraging the use of better technologies, Eagle Mountain should offer incentives for the development of more environmentally friendly buildings.*

## Affordable Housing Strategy

*"Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area for households of the same size. Utah Code 10-9-307*

### Single Family Residential

Eagle Mountain's Residential Land Use Designation encourages the development of compact neighborhoods that permit the development of single family homes on small lots. The compact neighborhood design includes open space, landscape buffers, and is integrated into the Eagle Mountain trail system. The smaller lots and compact neighborhood development allow more efficient utility distribution and less land cost. The result will be the most affordable new homes in the Wasatch Front region.

The Eagle Mountain Land Use Code does not establish a minimum lot size for single family residential structures. The town can permit zero lot line designs as well as other techniques for reducing the land and utility cost. The Eagle Mountain Development Code allows a mix of lot sizes within a subdivision. Developers should be encouraged to blend a variety of lot sizes and housing choices to provide diversity in neighborhoods.

The development of low cost and subsidized housing should be blended invisibly into neighborhoods in order to avoid the creation of "low income ghettos."

### **Downtown Residential**

Eagle Mountain will encourage the development of apartments and condominiums on the upper floors of the downtown commercial buildings. It is anticipated that this mixed use approach in the downtown core will include housing choices ranging from very affordable to luxury.

Downtown residential use can be combined with offices, studio work space and shops that allow artisans and other professionals to have the convenience of combining living space and work space. Downtown residential use will help keep the downtown alive after normal business hours and on weekends. Apartments and condominiums in the Downtown encourages people to use the downtown and allows business owners to live over their shops. By encouraging artists to establish studio/living quarters and galleries the downtown can benefit from the well documented experience of communities that have found that artists and art related business bring business activity to the downtown.

**Apartments and condominiums in the Downtown encourages people to use the downtown and allows business owners to live over their shops.**

### **Multi-Family Housing**

Eagle Mountain's development code allows multifamily structures to be integrated into the mix of residential uses. The code is designed to help avoid the "ghettoization" often created by forcing multifamily housing to buffer single family units from nearby commercial uses. The town of Eagle Mountain will rely on its Development Code performance standards to blend the appropriate mix of multi family housing and other affordable housing options into the overall residential product mix.

### **Granny Flats**

Eagle Mountain should explore the options available for the creation of so called "granny flats", a form of low cost housing that can be integrated into traditional residential neighborhoods. Typical granny flats are apartments built onto or adjacent to single family units. Often detached garages in older neighborhoods allowing granny flats have been modified into small homes for senior citizens. Many California communities are allowing granny flats as a means for families to house elderly parents or grandparents. Some communities have removed the restriction limiting the use of granny flats to family members. Where those restrictions have been removed, the granny flats have proven to be first homes for young couples and also housing for students.



**Eagle Mountain should encourage developers to build energy efficient, low maintenance buildings.**

### **Building Life Cycle Cost Standards**

Housing affordability involves more than the initial cost of a home. Energy cost and future maintenance are major considerations affecting affordability. Energy and maintenance are of particular concern to those on a fixed income. Eagle Mountain should encourage developers to build energy efficient, low maintenance buildings. Durable building materials and energy performance standards can help keep the housing inventory affordable and will help preserve neighborhood quality. By designating builders or buildings as meeting energy and life cycle cost standards, Eagle Mountain could encourage better quality and more energy efficient housing.

## Design Element

**T**he very earliest Council and Planning Commission discussions regarding development in Eagle Mountain related to concerns about higher density and lower cost housing leading to the creation of slum conditions. The design concept which is supported in the Interim Development Code encourages the creation of neighborhoods with alleys, access to parks and open space, and a pedestrian orientation. Design guidelines shall be applied in a manner that encourages neighborhood design integrity. The standards will provide the level of aesthetic control necessary to protect community values, they will also offer an element of consumer protection.

Design guidelines accommodate a variety of preferences in building styles yet encourage the development of a neighborhood or community design theme. The design standards include room for flexibility. Ultimately a set of design guidelines can be developed to include a checklist with both absolute and relative standards similar to the development code.

Generally design standards do not need to result in increased cost of home ownership. The prohibition of certain less durable building materials may actually reduce the life cycle cost of the lower price homes.

Most modular or manufactured homes do not meet the intent of Eagle Mountain Design Guidelines. Rather than outright prohibition against all manufactured housing, the guidelines should specify standards for all housing not constructed on-site. Manufactured homes can be given a more "standard" appearance by being placed on foundation walls that are three feet above finish grade with steps constructed for each entry. Designated neighborhoods or areas within certain neighborhoods could be established for placement of modular or manufactured homes. Such designations would help maintain the design integrity of traditional neighborhoods without placing undue restrictions on people who prefer manufactured housing.

In order to assure that there are choices available to people who choose to live in Eagle Mountain, large lot subdivisions should be encouraged

**Design guidelines accommodate a variety of preferences in building styles yet encourage the development of a neighborhood or community design theme.**

**Rather than outright prohibition against all manufactured housing, the guidelines should specify standards for all housing not constructed on-site.**

to establish conditions, covenants, and restrictions (C,C, & Rs) that establish design and property maintenance standards. These could be adopted as an overlay to the zoning which would allow the town to assist the subdivision residents in the enforcement of their standards.

The development of affordable or entry level housing represents an important component of the total Eagle Mountain housing market. The design guidelines are to help assure that affordable housing does not lead to the creation of any substandard conditions in terms of neighborhood design, or amenities, or housing quality. The guidelines will protect the long term value of the tract development neighborhoods. The larger lot subdivisions with custom homes have design requirements

that differ from the more compact smaller lot subdivisions. The large lot neighborhoods should utilize their own C,C, & Rs to maintain design integrity and maintenance standards. The town staff can assist subdividers in drafting C,C, & Rs that reflect the interests of the community while enabling the developer to maintain the unique character of the subdivision.

**The design guidelines are to help assure that affordable housing does not lead to the creation of any substandard conditions in terms of neighborhood design, or amenities, or housing quality.**

The Town of Eagle Mountain is a planned community that will offer quality amenities and a high standard of commercial and residential design. The design standards are to protect homeowners' investments and create unified community appearance. Variety is encouraged, but certain standards are necessary to promote quality, protect and enhance property values, and establish a consistent sense of community.

## Gary Hack's Ten Commandments of Design Review

1. Design Review is not a quick fix and is not a substitute for rezoning. Design review works best when it deals with how to develop, not whether or what to develop. It is destined for failure if design issues are mixed with basic issues of use and scale.

2. Do not overreach. Don't try to regulate too much. Isolate the small number of critical aspects of design that can make a difference. Ask: "How few rules to set?"

3. Have standards: do not invent them as you go along. Inventing rules on the fly is a sure prescription for a crash landing. There must be precise rules available in advance of using the process.

4. Tell people in advance what you would like to see. You can only review what you get. Provide illustrations, give awards to projects that are sensitive to neighborhood concerns. Providing adequate information will help produce applications that approximate what is desired.

5. Design review inherently involves editorializing. Value judgements and choices must be made. Communities are diverse. Many places have no character or qualities that are desirable to reproduce, and in those cases decisions about the type of design that is desirable must be made.

6. Design review needs patronage, a core of supporters who stick with it over time. The support is necessary because in the process a lot of people will not be getting all they want. The supporters will help shore up the process when those who have not gotten what they want from it become frustrated. A review board of highly respected members can play this role, or there could be a group appointed to monitor and evaluate the process that also assumes this role.

7. Be prepared to break the rules. The best environments have landmarks, folly and divergence from the norm. This is especially true of public institutions, public locations or intersections.

8. Preserve the future as well as the past. Create some new things-things that are not there today. Remember the importance of diversity and have a vision of what the neighborhood ought to be like.

9. Design review is not about creating beautiful buildings. It is not taste making. It is about creating good street, good communities and protecting important symbols and about determining whether new development fits in.

10. Start by identifying the icons and the aliens in a neighborhood. Identify the buildings which give a neighborhood its unique character or serve as significant landmarks, as well as those styles of structure which does not belong. Establish the rules from there.



## Residential

The following design standards will allow a wide variety of design options and individual preference, while protecting the design integrity of the community. Facade architecture is discouraged. All elevations of the residence should be treated similarly, since a building is rarely viewed from the front only.

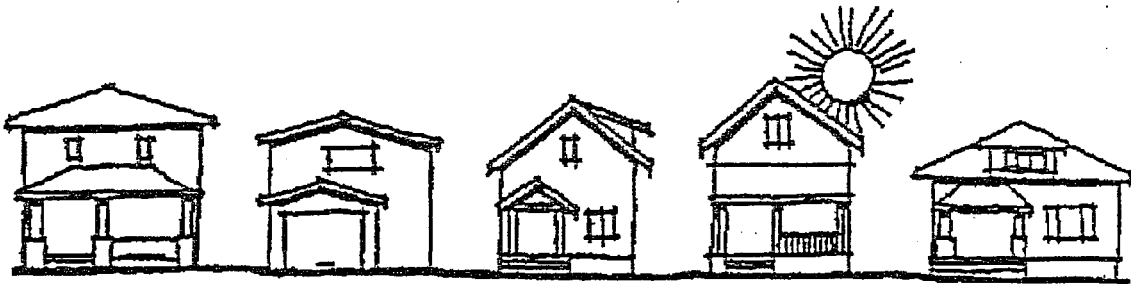
- Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front (outside) corner will not be allowed. Decorative corner pilasters must return a minimum of 24". All exterior wall materials to be considered by an architectural review board. No single residential structure should utilize more than three different wall materials (trims, fascias, etc. Excluded).
- Roofline profiles are an important aspects of residential design. Tract homes especially, should avoid monotony in heights, colors and ridge orientation. Each residence should have a dominant gabled or hipped roof element. Shed roofs may be used for secondary roof elements only. Dome roofs, rock roofs, false dormers, and mansard roofs are not acceptable. Metal fireplace flues shall be enclosed in chimneys. Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet. Wood shakes or shingles are generally discouraged because of fire and maintenance concerns. Cement tile and slate roofs are acceptable. Partial flat roofs on custom homes are require specific approval. Roof vents to be behind roof ridge lines where possible. Evaporative coolers, heat pumps, and other roof mounted equipment shall be hidden from view.
- Gable roofs should have a minimum pitch of 6/12, lower pitched roofs may be allowed under certain design review conditions.
- Accessory buildings shall be of similar style, color, and material selection as the residence served.
- No unenclosed carports allowed on residential structures (exceptions may be made for multifamily units larger than a four-plex). Garage doors shall not face the street unless the garage is set back 75 feet or more from the front property line.
- Propane tanks, satellite dishes, and other equipment shall be screened from view.
- Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony.
- Residential structures on smaller (6000 - 12000 square feet) lots shall be oriented toward the street. Main entrances shall face the street and all homes in tract developments shall have front porches. Front porches shall be no less 100 square feet in area, and no less than 8 feet deep, roofed, and enclosed with railings or low walls.

# Architectural Review Residential Design Guidelines

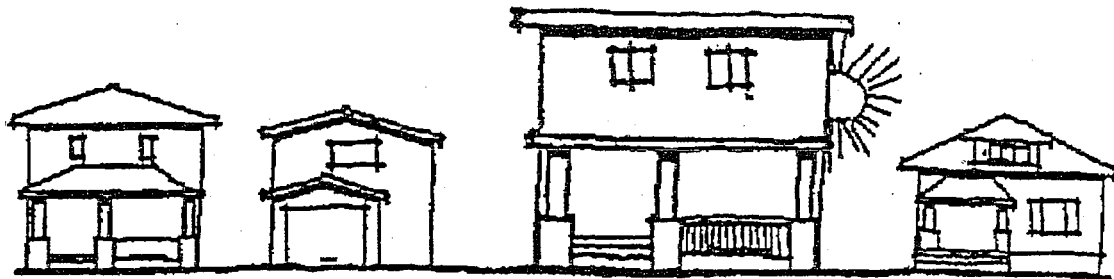
## Residential Neighborhood Design

The basic principle driving the Eagle Mountain Residential Design Guidelines is consistency. The scale (size, height, etc.) of houses within a neighborhood should be related. While architectural variety is encouraged, there should be a relationship between the building designs within a neighborhood. The following sketches illustrate the concept of design consistency.

### Scale

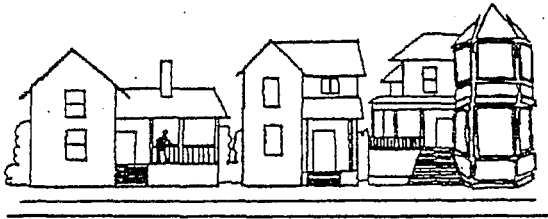


Recommended

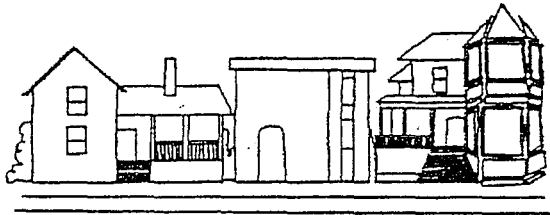


Avoid

### Facade Patterns

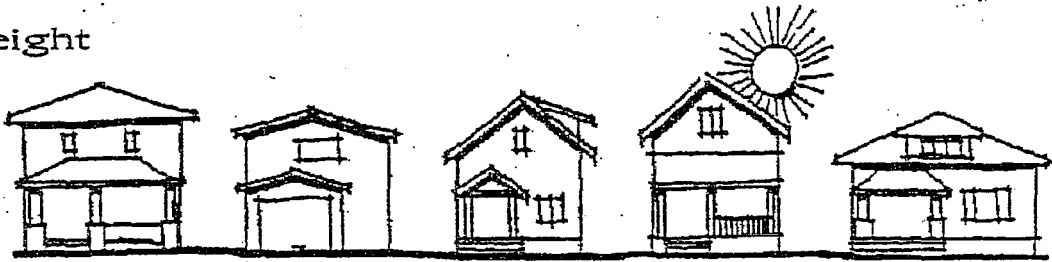


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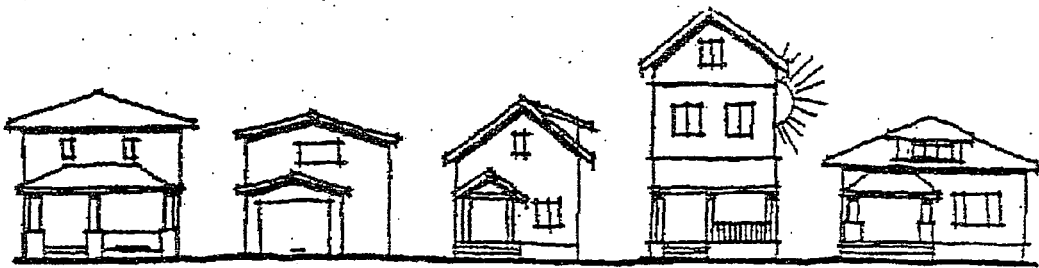


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### Height

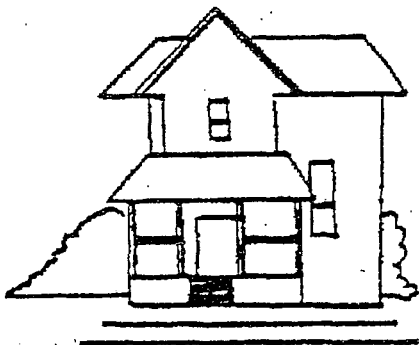


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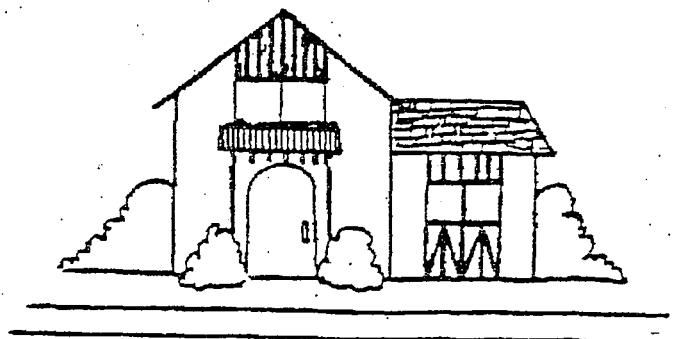


Avoid

### Authenticity vs. Imitation



Recommended



Avoid

### **Downtown**

Eagle Mountain offers a unique opportunity to create a functional, aesthetically pleasing downtown. If all new buildings follow the design guidelines, there will be no structures that fail to fit into the vision for the downtown design. Eagle Mountain's downtown core has been planned as a pedestrian oriented commercial space that will offer residents and visitors with a variety of interesting things to experience. The downtown's pedestrian spaces will allow hosting events such as farmers' markets, art festivals, concerts.



## Arts Element

### Issue Statement

If cities and towns are to be more than an accumulation of buildings, if they are to be communities, they must offer a nurturing environment for the human spirit. There must be informal gathering places, interesting activities, they must be aesthetically pleasing, and they must be comfortable places to work, play, and relax.

Urban planners and economic development planners have long recognized that artists and art activities inject vitality into communities. The decaying downtown fringe of many cities have evolved into trendy neighborhoods because artists have established studio space, living quarters and galleries. The artists "pioneer" resettlement of a rundown neighborhood, taking advantage of low rental cost, refurbishing buildings, and making the neighborhood attractive to new business development. Artists have helped turn around decaying neighborhoods because they create interesting activities that people enjoy. When a neighborhood becomes a popular destination, business can thrive. If artists and related businesses can lead the revitalization of an older community, an active arts program help make the new Eagle Mountain downtown core an attractive destination.

**If artists and related businesses can lead the revitalization of an older community, an active arts program help make the new Eagle Mountain downtown core an attractive destination.**

New communities are at risk of having a sterile environment. With new streets, buildings, and landscaping there are few opportunities for the serendipitous charm and aesthetic character resulting from the unplanned interactions of buildings and space that occur over time. New communities need the injection the artist's aesthetic independence. The same independence that allows artist to pioneer the redevelopment of a declining urban area can be utilized in Eagle Mountain to help establish vitality and visual character for the new downtown.

Recognition of the Arts Element as essential to a broad range of community building functions enables Eagle Mountain to take important steps in assuring a high quality of life in the community. By treating the arts as a fundamental component of the community building process Eagle Mountain will be more than just an assembly of houses and businesses, it will be a true community.

## Discussion

The Arts Element is part of Eagle Mountain's General Plan, which also includes the closely related Education and Recreation Elements. The Arts Element is also related to those Elements of the General Plan which define broad goals and policies regarding community participation, social concerns, and economic issues, such as the Socio-Economic, Public Safety, Public Facilities, and Open Space Elements.

The Recreation Element is a companion document to the Arts Element and contains goals and policies which focus attention specifically on the provision of a broad community based recreation program which includes the Arts. The Recreation Element provides overall policy direction with implications for provision of all Citywide recreation services while the Arts Element focuses on goals and policies specifically related to the performing arts, visual arts, and arts education in Eagle Mountain.

The Recreation Element contains goals and policies related to development, provision, and maintenance of open space and facilities for recreation and arts-related use and enjoyment. The Recreation Element goals encourage cooperation with school districts and governmental agencies to develop and provide access to open space and related facilities for the Arts.

**Good design is a major element in development of the City's environment, image and**

The Socio-Economic Element has policies which encourage the provision of services for all members of the community including older adults, programs to assist at-risk youth in obtaining an education and learning job skills, and programs and services that address special needs of individuals with disabilities. Each of these populations is addressed through arts programs and services, and is identified in the Goals, Policies and Action Statements of the Arts Element.

The Community Design Element is a unique Element in that it deals with many issues and qualities which are difficult to quantify, such as community identity, comfort, beauty and fun. Good design is a major element in development of the City's environment, image and identity. To this end, the arts are identified by the provision of art in public areas and private development. Additionally, an artistic approach is critical to the functional and aesthetic treatment of infrastructure elements. The importance of the arts in community design is identified in the text and the goals, policies and action statements of the Community Design Element. The Eagle Mountain Downtown Plan also clearly recognizes the importance of the Arts in

development and implementation of architectural designs and art-related aesthetic treatments which are both pleasing and functional. The Downtown plan will incorporate venues for art events including concerts, art festivals, farmers markets, and other events.

This Element is the basis for considering the provision of Arts Programs and Services in the economic and social development of the new town of Eagle Mountain. It creates strategies for the future which include new ways of doing business to ensure that the Arts remain a strong component in the provision of community services.

### **Social Value of the Arts**

People share their cultural differences and find common ground for interaction and communication through participation in the Arts. Social interaction fostered by the Arts breaks down unfamiliarity, isolation and racism when people of different generations, cultures and levels of ability come together through arts experiences and opportunities. Community support for the Arts develops citizenship, serves as an outlet for personal feelings, observations and perspectives and fosters leadership skills. The Arts bring "joie de vivre" to communities and provide fun, joy and beauty to our everyday lives.

**Eagle Mountain's economic development strategy recognizes that the arts are good for business and contribute to the quality of life the community can offer new residents.**

### **Value of the Arts in Education and Personal Development**

Through participation in the Arts, individuals develop a balanced and meaningful life by expanding skills, reducing stress and building a positive self-image. The Arts provide opportunities for positive lifestyle choices instead of self-destructive and antisocial behaviors. Participation in the Arts enhances educational development by encouraging problem solving, flexibility, creativity, cooperation, persistence and reasoning.

### **Economic Value of the Arts**

In addition to being a vital means of social enrichment, the Arts are an economically sound investment for communities of all sizes. The Arts represent an industry that generates jobs and supports the local economy. Presence of art programs and facilities is often acknowledged by Chambers of Commerce as a community asset and an attractive component when encouraging business to relocate or expand within the community. The Arts are a catalyst for tourism, and encourage growth and creativity in communication, entertainment



and technology. Eagle Mountain's economic development strategy recognizes that the arts are good for business and contribute to the quality of life the community can offer new residents.

### **Community Aesthetics, Identity and the Arts**

The cultural identity of a community is enhanced by the application of quality architectural design and inclusion of public art in physical boundaries, gateways, landmarks, open spaces and buildings. Public Art distinguishes communities from one another and adds human dimension to both outdoor and indoor environments by adding color and form while defining "a sense of place".

### **Physical Activity, Healing and the Arts**

The development of fine and gross motor skills are stimulated and improved through participation in the Arts. Various forms of dance build stamina, boost cardiovascular fitness and improve muscle tone through stretching, range of motion and strengthening activities. Eye-hand coordination is developed through activities such as painting, drawing and pottery. The Arts offer an opportunity to develop physical and mental balance while stimulating the intellect, enhancing learning processes and developing cognitive skills. The Arts' role in the healing process is widely recognized and provides individualized opportunities to express emotions and experiences. The Arts are a positive outlet for self-expression, serve as an effective intervention and build self-esteem and a sense of personal achievement.

**Public Art distinguishes communities from one another and adds human dimension to both outdoor and indoor environments by adding color and form while defining "a**

### **General Goals of the Eagle Mountain Arts Element**

- Encourage active citizen involvement in development and provision of arts programs, facilities, and services.
- Further a sense of community identity through the promotion of the Arts.
- Identify additional non-general fund revenue sources and obtain revenues for arts programs, services and facilities.
- Seek alternative funding sources, funding strategies and incentives to encourage the provision of art in public and private development.
- Create an aesthetically pleasing environment for Eagle Mountain through use of functional and decorative art.

- Provide and maintain arts facilities based on community needs and the town's ability to finance, construct, maintain and operate them.
- Cultivate a supportive environment that is receptive to the arts and welcomes the presence of art, resident performing arts companies, art services, performances, artists and performers in the community.
- Promote awareness, understanding and communication among the cultures and identified groups within the community through the use of the Arts.
- Implement arts and cultural programs that positively impact youth development through reduction of unsupervised time so as to minimize and deter future high risk behavior.

## Arts Element Implementation Strategies

### The Eagle Mountain Arts Council

Local arts councils are a well proven method of encouraging volunteer, public participation in the day to day management of arts programs. An Eagle Mountain Arts Council would work closely with town staff in program development, coordination of events, scheduling, and cultural planning. The Arts Council can assist in providing the Town's design review functions, since so much of the arts programming involves the design and aesthetic quality of Eagle Mountain's downtown and its neighborhoods. The Arts Council will work closely with the Park and Recreation staff to make certain that planned facilities and open space are developed in harmony with the identified goals for Eagle Mountain's arts programming. The Council's cooperative work with Parks and Recreation can include projects involving public participation in placing improvements in Parks and recreation facilities. An example could be residents designing and placing hand crafted tile for walkways and monuments in Eagle Mountain's parks and open space.

The Art Council's role is local advocacy for the arts. It will advise the Town Council and the Planning Commission on design and arts issues, it will seek funding for Eagle Mountain Art Events, it will cooperate with the school district in providing arts programs for young people, it will oversee the percent for art projects, art acquisitions, and art in public places programs.

The Art Council's role is local advocacy for the arts. It will advise the Town Council and the Planning Commission on design and arts issues,

### Arts Council Action Items

- Eagle Mountain will appoint an Arts Council to work with town staff and to advise the Council and Planning Commission.
- Eagle Mountain will utilize the advice of the Arts Council in its development review process, downtown and parks planning, and funding decisions related to recreation facilities, event planning, and art acquisitions.
- The Eagle Mountain Arts Council will be provided with sufficient resources to carry out its role of advocacy for cultural planning and the arts.

By recognizing the importance of the arts in making Eagle Mountain a community the town can take steps to assure that the arts remain as an integral part of the character of the community.

- Eagle Mountain will establish a budget line item to assist the Arts Council in carrying out its roles and responsibilities.

- Eagle Mountain will dedicate one percent of the cost of capital construction projects to the Arts Council for facility development, education programs, and art acquisition.

- Developers of business and commercial buildings will be required to dedicate an amount equal to one percent of the cost of construction to the acquisition of and display of public art. Floor area ratio bonuses or other incentives may be utilized to encourage additional business contribution to Eagle Mountain's art programs and facilities.

### Galleries and Studio Space

Salt Lake City's Artspace provides an excellent example of resettlement and revitalization led by artists seeking low cost living and working space. The Artspace project resulted in spin off development of galleries and restaurants as well as other new business. The "Artspace Neighborhood" is an interesting destination which attracts people to the area's shops and cafes. Some of the West's old mining towns have become art communities. Jerome and Bisbee, Arizona along with Telluride, Colorado and Anaconda, Montana were rescued by artists seeking low cost facilities. All are now tourist destinations with interesting galleries, shops, coffee houses and restaurants. Most artist led revitalization is so successful that artists are eventually priced out and have to move on to pioneer and revitalize elsewhere. By recognizing the importance of the arts in making Eagle Mountain a community the town can take steps to assure that the arts remain as an integral part of the character of the community.

The well documented economic benefit of the arts to a community should be considered as a spin-off benefit. The Economic benefits are derived from the fact that the arts offer diversity, they bring people together in the truest definition of community building. It is the community creating nature of the arts that will be the primary benefit to Eagle Mountain.

### Gallery and Studio Space Action Items

- Encourage the use of Downtown space by artists.
- Offer incentives to owners of commercial properties to include studio space and living quarters for artists and craftspersons. The incentives could include reduction of permit fees, some form of tax abatement, or increased floor area ratios.
- Develop a cooperative relationship with other arts organizations to find qualified artists to reside in the Downtown. Salt Lake City's Artspace has a waiting list of artists seeking space in its projects.

### Arts Festivals & Cultural Events

Concerts, art festivals, and farmers markets are all examples of the public events that allow people to gather in the downtown or a park for entertainment, education, and camaraderie. Beyond the obvious economic value to local business, such events are very important in building the community. They provide close to home activity, a chance for neighbors to get together, and an opportunity for new people to discover Eagle Mountain. By instilling pride in the community these public events help young people be involved.

An entirely new community, such as Eagle Mountain, begins only with the traditions of the region. It has no long standing history of its own. This lack of local tradition provides the opportunity to establish traditions tailored to a community being launched at the dawn of a new century. Although Eagle Mountain will be a twenty-first Century community, with accommodations for the life-styles of the new century, it will be a community that restores some of the important traditions of American communities of an earlier time. Design guidelines for residential areas and for the downtown will encourage pedestrian traffic and the creation of informal gathering places. At a larger scale Eagle Mountain will be designed to host cultural events, art festivals, farmers markets, concerts and other events in public space in parks and within the downtown. The events and festivals will provide activities for all age groups. They will help establish community, and they will be fun.

**Although Eagle Mountain will be a twenty-first Century community, ..., it will be a community that restores some of the important traditions of American communities of an earlier time.**

During the public hearings and Planning Commission discussion concerning the General Plan people offered a good variety of ideas and suggestions for Eagle Mountain arts and cultural events. Suggestions included Native American Pow-wows, historic rendezvous, storytelling, art shows, rodeos, hot air ballooning, and various other events. Since the Pony Express Trail runs through Eagle Mountain there were several suggestions for incorporating related themes into Eagle Mountain events.

### **Arts Festivals and Cultural Events Action Items**

- Eagle Mountain will build its traditions based on the values of a simpler time and the empowering technology of the future.
- Eagle Mountain will become a recognized host for top quality arts events, concerts, and farmers markets.
- Downtown open space shall be designed to accommodate display booths for outdoor art festivals and farmers markets.
- In or near the downtown Eagle Mountain will develop an outdoor music and performing arts facility.
- Eagle Mountain shall require developers of downtown commercial property to provide outdoor electric power sources and outdoor space that becomes part of the public venue during events.

### **Eagle Mountain Center for the Arts**

An Eagle Mountain Center for the Arts could house the arts related education and recreation programs. It would be a community center that could be used for traveling exhibits and the permanent display of the town's art acquisitions. Ultimately the Center could include equipped studio space for arts and crafts instruction; after school arts education, senior citizen programs, and a broad range of community arts programming. The Arts Center could include office and meeting space for the Arts Council and meeting space for other community functions.

Ultimately the Center could include equipped studio space for arts and crafts instruction, after school arts education, senior citizen programs, and a broad range of community arts programming.

Plans for the Eagle Mountain Center for the Arts will, by necessity, begin with modest, shared facilities. As programs and funding increase, the Center can expand to provide the residents with a comprehensive range of arts related services.

## Eagle Mountain Center for the Arts Action Items

- Eagle Mountain will develop an arts center.
- The arts center will be among the first recreational and cultural service priorities of the capital facilities plan.
- The Arts Council will be directed to establish a funding plan for an Eagle Mountain Arts Center.

## Downtown & Neighborhood Design

The Eagle Mountain commitment to developing a comprehensive arts program is based on the belief that the arts help pull people together to establish the town as a community. The aesthetic quality of the neighborhoods and the downtown and the way the public realm accommodates people are essential components in establishing a true community. Many of the concepts of New Urbanism are based on an understanding of the linkage between the design of the built environment and the ability of that environment to house a healthy community. In his recent book, *Rebuilding the Front Porch of America - Essays on the Art of Community Making*, Patrick Overton succinctly illustrates the linkage between design and community.

*We used to gather on the front porch - families, friends, neighbors. Not for any special reason, just to be together, to converse with each other. That was enough.*

*We had the time and we had the inclination.*

*We would sit while refreshing summer breezes blew across the veranda - some sitting on a swing, some rocking back and forth in white wicker chairs, some leaning on the porch rail or on the steps. This is where we shared news about our lives, talked about the events going on around us, and caught up with each other as family, friends, neighbors and community. This is how we shared life and how we made meaning. This was also how we made community. It was intentional. It was spontaneous. It was fun.*

*We are losing our front porch. We are losing our gathering place. It is being replaced with decks in the back yard and contemporary architecture dominated by the garage, showcasing the treasured symbol of our mobility and freedom - the automobile. We move fast and we move in a lot of different directions. We learn a lot and we learn it quickly - but we don't always know what to do with what it is we learn.*

**Many of the concepts of New Urbanism are based on an understanding of the linkage between the design of the built environment and the ability of that environment to house a healthy community.**

**Our surroundings affect our moods and temperaments: certain buildings, parks, plazas, and streets lift our spirits: others diminish them.**

Architecture is only one of the many forces affecting the environment, but it is one of the most important. No other art form so completely pervades our daily lives. We work, study, and play in our buildings. Our surroundings affect our moods and temperaments: certain buildings, parks, plazas, and streets lift our spirits: others diminish them. (Alan Sandler, 1989) Sandler goes on to say that many architects are increasingly involved with education as a means for promoting support for good design. This goal, he maintains, "requires a strong and pervasive educational effort to increase the public demand for environmental quality." He claims that "aware" citizens can make better choices. They require buildings designed to a human scale, streets designed for safety...classrooms designed for learning, parks designed for rest and recreation, and public buildings designed to express the values of the community'.

The Eagle Mountain Design Guidelines encourage building the spaces that will be hospitable to the human need to gather as members of a family, neighborhood, and community.

#### **Design Guidelines Action Items**

- Eagle Mountain will adopt design guidelines for residential neighborhoods, commercial areas, trails and open space, and the public realm.
- The town will provide a design manual with examples to assist developers in building our community.
- Eagle Mountain will use awards and other forms of recognition and positive publicity for projects that effectively respond to community concerns.
- The design guidelines shall value variety and diversity.
- The design guidelines are not about dictating taste, they are about creating good neighborhoods, a good community, and protecting Eagle Mountain's important qualities.
- Design review shall be flexible. Sometimes departure from rigid standards will lead to a better project - a more interesting street or neighborhood.

### Partnership with Education

A community environment that supports arts education encourages high achievement by offering models of excellence in performance arts and visual arts. People are made aware of the idea of quality as a key value. Students that take arts courses in high school, for example outperform students who don't on the Scholastic Aptitude Test (SAT), according to the College Entrance Examination Board. In 1995, SAT scores for students who studied the arts for four years scored 59 points higher on the verbal portion and 44 points higher on the mathematics portion than students with no arts coursework. A College Entrance Examination Board study recently reached the following conclusions:

- Work in the arts stimulates imagination.
- The process as a whole helps students understand themselves, others, and fundamental human issues.
- As performers, students must improve their ability to read scores or texts, to listen to instructions, and to learn from other performers, and they must learn to practice all these skills at the same time.
- Arts courses ask students to analyze, interpret, and evaluate artworks and to study the works history and cultural roots.

**In 1995, SAT scores for students who studied the arts for four years scored 59 points higher on the verbal portion and 44 points higher on the mathematics portion than students with no arts coursework.**

The Eagle Mountain Arts Council should make arts education programs an important program priority. The well documented educational and human development advantages offered by arts programs represent an obtainable and cost effective life-style benefit for residents of Eagle Mountain. The advantages of more arts education will follow our young people into the workplace.

According to former ARCO president and CEO William F. Kieschnick, "Those at home with the nuances and ambiguities of art forms are far more likely to persist in the quest to resolve ambiguity in the practical world." Arts education encourages nonalgorithmic reasoning, i.e., a path of thinking and action that is not specified in advance, a characteristic that often leads to novel solutions. Students are trained to use complex thinking skills in which the path from beginning to end is not always visible. Leading-edge companies, spend millions annually to spark imagination throughout their organizations.



Richard Gurin, President and CEO of Binney & Smith expressed a growing consensus among corporate leaders:

*After a long business career, I have become increasingly concerned that the basic problem gripping the American workplace is not interest rates or inflation; those come and go with the business cycle. More deeply rooted is ... The crisis of creativity. Ideas...are what built American business. And it is the arts that build ideas and nurture a place in the mind for them to grow...Arts education programs can help repair weaknesses in American education and better prepare workers for the twenty-first century.*

The arts also build and understanding of diversity and multi-cultural points of view. An involvement in the art projects teaches people how to work cooperatively, and how to work out conflicting points of view. John Kelsch, director of quality at Xerox states, "We want to hire students who are better prepared to work in team environments and we want them to understand work as a result of process."

The arts also build and understanding of diversity and multi-cultural points of view. An involvement in the art projects teaches people how to work cooperatively, and how to work out conflicting points of view.

Eagle Mountain's art education programs should augment the offerings available in the public school system. Programs should be made available for after school workshops and classes. Ultimately guest artists and artist in residence programs could add to the variety of instruction available to students. Student work may be able to be utilized in public art projects. Student made tile, for example, could be used as a decorative element in parks and other

public places. Students who invest their time into such community projects have pride and ownership in the community and are more respectful of the community environment.

#### Education Partnership Action Items

- The Eagle Mountain Arts Council will create a partnership with the public schools and the business community to implement a Community Art Education Program.
- The Arts Council will leverage corporate contributions toward education programs by using the contributions as matching funds in grant applications.
- Encourage collaborative development, cooperation and program implementation with schools, social services, private industry, and arts related resources.

- Positively impact the development of youth by providing a strong foundation in the arts that will provide opportunities for high quality community involvement.

### **Partnership with Business**

The most effective way for businesses and professionals to support the arts in their communities is to become directly involved in partnerships with local schools and arts organizations. Resources they provide must be expended locally. It is not the partnership's resources that make the projects culturally effective it is the projects and their impact on community that make the resources effective.

The Partnership with Education section above references several examples of corporate executives citing the value of arts education in the workplace. The creativity and problem solving benefits derived from background and training in the arts are definite motives for corporate contribution toward arts programs. At a more local level, business is likely to need a more tangible and immediate link to the benefits of contributing to arts and cultural programs.

Corporate sponsors for arts-related activities cite the following reasons for independent initiative: enhancement of a given space (whether for marketing advantage to attract and hold tenants, or for increased employee satisfaction and productivity); increased corporate visibility and the reinforcement of a progressive corporate image (either locally or elsewhere); and investment (on the assumption that the work of an established or promising artist will appreciate over time). When a corporation chooses an artist or an artwork, it may do so in one of two ways: by executive fiat, or with the assistance of an independent consultant or local arts institution.

**At a more local level, business is likely to need a more tangible and immediate link to the benefits of contributing to arts and cultural programs.**

### **Business Partnership Action Items**

- Eagle Mountain and the Eagle Mountain Arts Council will establish opportunities for corporate participation in local arts and culture programs and events.
- The Arts Council will seek corporate support for arts programs and events. Corporate support will be leveraged through an aggressive grant acquisition program.
- Corporate sponsors will be provided positive public recognition and publicity.

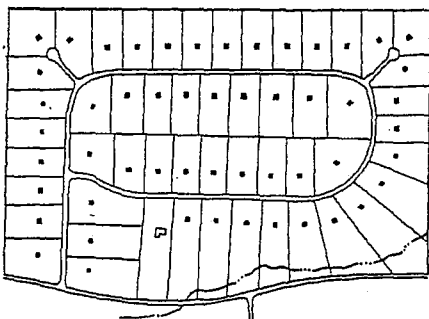


## Open Space

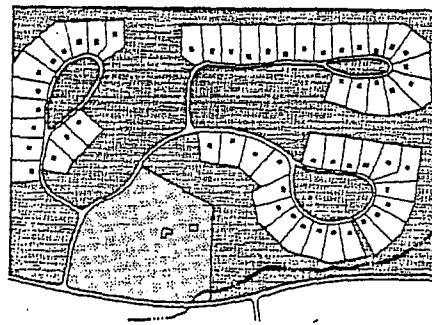
The Eagle Mountain Development Code and the performance standards contained within the code place an emphasis on the importance of open space in project design and development. The Land Use Element of the General Plan recommends a 40% minimum as the amount of land dedicated to public use open space. A strong consensus concerning open space has been evident throughout the planning process. Discussion regarding open space has identified some concern with ongoing maintenance and improvements costs.

The commitment to preserving open space needs to address the quality issues as well as the quantity concerns. The design and connectivity of open space areas needs to be an important aspect of the project review process. Eagle Mountain needs an open space plan that articulates the standards to be addressed by developers. The open space plan must include anticipated water requirements for proper landscaping, the plan shall establish the method of allocating ongoing maintenance responsibilities.

Open space planning should consider the differing requirements for large lot subdivisions and small lot tract developments. In the large lot subdivision some of the open space character is provided by the low density of housing development. In the higher density neighborhoods, the building envelopes occupy a higher percentage of the lots. Contiguous open space and open space connectivity is, therefore, more critical in defining the character of the more compact neighborhoods. Open space planning should encourage developers of large lot homesites to design the building envelope location so as to cluster the housing while providing abundant open space for use of the residents. Clustering the housing to conserve meaningful amount of open space will generally result in savings in the cost of utility extension and street construction. Some of the savings can be passed on to the developer as an incentive. Additionally, some density bonus or park impact fee reduction could be offered as incentives.



*Conventional Development 54 Lots*



*Open Space Development 54 Lots*

Examples from *Conservation Design for Subdivisions*; Randall G. Arendt

**ORDINANCE NO. 98-11**

**AN ORDINANCE OF THE GOVERNING BODY OF THE TOWN OF EAGLE MOUNTAIN AMENDING THE EAGLE MOUNTAIN GENERAL PLAN TO INCLUDE A PARKS AND RECREATION MASTER PLAN**

**WHEREAS**, a study has been undertaken by staff and consultants for the Town of Eagle Mountain for purposes of adopting a Parks and Recreation Master Plan; and

**WHEREAS**, a draft of the Parks and Recreation Master Plan has been reviewed by the Planning Commission and presented to the Eagle Mountain Town Council; and

**WHEREAS**, proper notice of the public hearing concerning the adoption of the Parks and Recreation Master Plan has been published and posted as required by law; and

**NOW, THEREFORE**, be it resolved by the governing body of the Town of Eagle Mountain as follows:

1. The General Plan of Eagle Mountain is amended to include as a part thereof the Parks and Recreation Master Plan hereby adopted. This amendment will include all elements of the Parks and Recreation Master Plan, including a Mission Statement, Summary of Goals, a Master Plan Document, a Community Plan, Guidelines for Open Space, Trees & Landscaping, Signage, Lighting & Trail Amenities, Planned & Development Amenities, Park Classifications, Park Acreage Standards, Recreation Facility Standards, Development Standards and Residential Design Concepts.
2. This ordinance shall take effect immediately upon posting.

ADOPTED by the Town Council of the Town of Eagle Mountain, Utah this 27<sup>TH</sup> Day of OCTOBER, 1998.



TOWN OF EAGLE MOUNTAIN, UTAH

*Robert E. Bateman*  
Mayor Robert E. Bateman

ATTEST:

*Janet B. Valentine*  
Janet B. Valentine, Town Clerk



# Recreation Master Plan

FINAL DRAFT

# Recreation Master Plan

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## Mission Statement

To provide direction and continuity to recreation planning the following mission statement may be considered as part of the Parks and Recreation Master Plan:



*The mission of the Eagle Mountain City Parks & Recreation Department is to enhance the quality of life of the residents of Eagle Mountain, by providing them with many diverse recreational opportunities throughout its parks facilities and recreation programs. The Parks and Recreation Department is dedicated to providing facilities and activities to meet the citizens needs for all ages, interests, and abilities.*

## Summary of Goals

For the mission to be realized, the Parks and Recreation Department has developed goals that provide direction and guidance to the city administrators in formulating policies and opportunities for the parks program:

- Continually strive to enhance, preserve and conserve the natural systems and landscapes in all park and trail development.
- Pursue an aggressive land acquisition program to secure properties for future open space development.
- Provide worthwhile and challenging recreational opportunities for people of all ages, interests, and abilities by encouraging and supporting recreation programs.

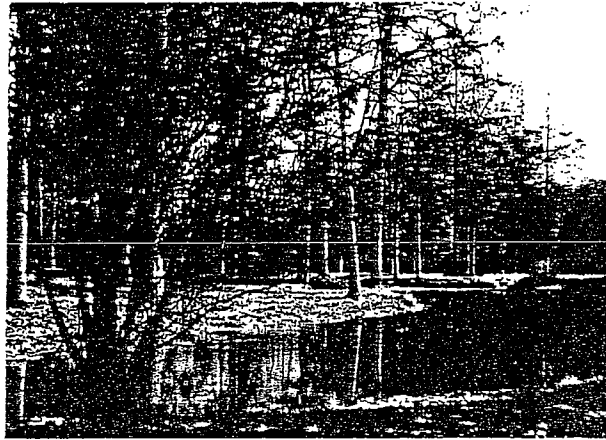






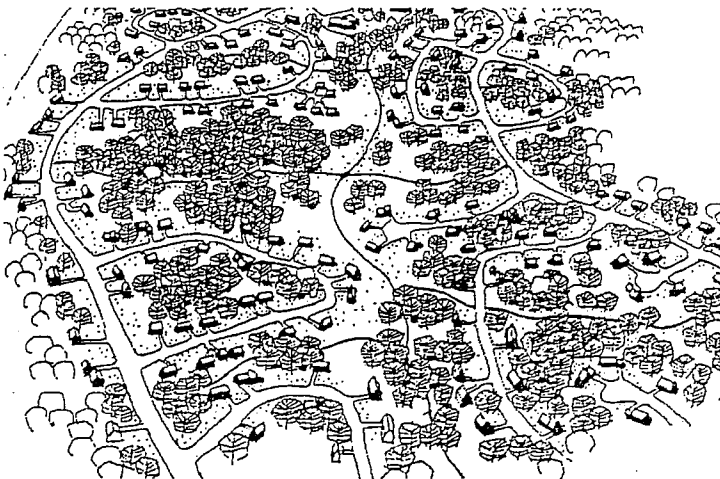
- Encourage city residents input and understanding for future parks and recreation program development while promoting the value and importance that parks and recreation play in each citizen's personal life, community vitality, and their potential for improving the quality of life in general.

- Continually seek to improve the quality of park design, management and implementation in the expansion, development and maintenance of community open space and trails areas.



## Master Plan Document

A comprehensive Recreation Master Plan has been prepared to assist the community in the realization of the established goals and objectives. The intent of the Parks and Recreation Master Plan is that it is to be "user friendly" and will serve the varied needs of the city engineers, developers, planners, citizens and community leaders. The master plan should become a tool to those with special interests as an instrument designed to effect change. Using this master plan as a catalyst to bring about meaningful change the goals of special interest groups, as well as those of the city, can be met simultaneously in an orderly fashion and on a reasonable time line.



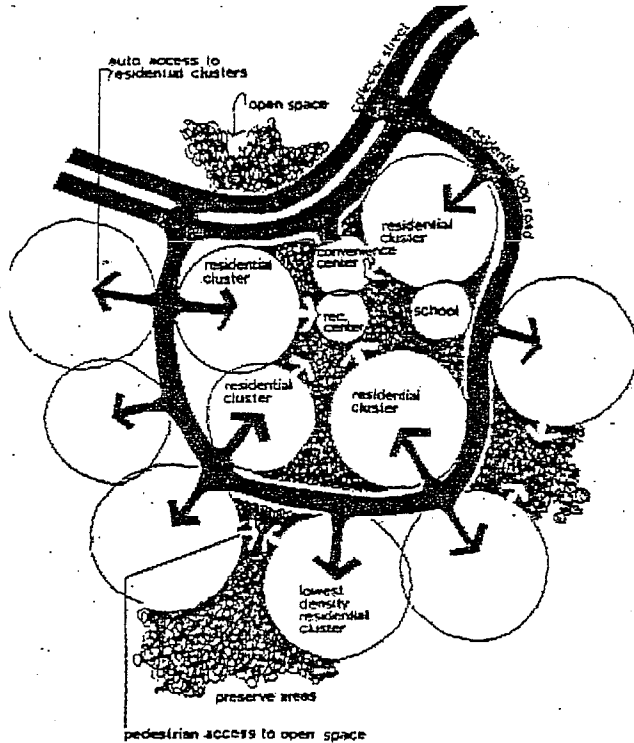
Developers and prospective home owners will find the information most helpful in determining the location of existing and proposed parks, schools, trails, and recreation open space within their planning area. It should act as a guide to city officials in determining the size, needs of recreation space within the city boundaries, and how to best plan for managed growth.

## Community Plan

The essence of the Eagle Mountain Community Plan is the sensitive and sensible approach to locating land uses, streets and rights of way, community facilities, public open space and recreation opportunities. The focus is on creating a walkable neighborhood mix of uses that encourage social interaction. The general plan contains a good mix of uses – homes

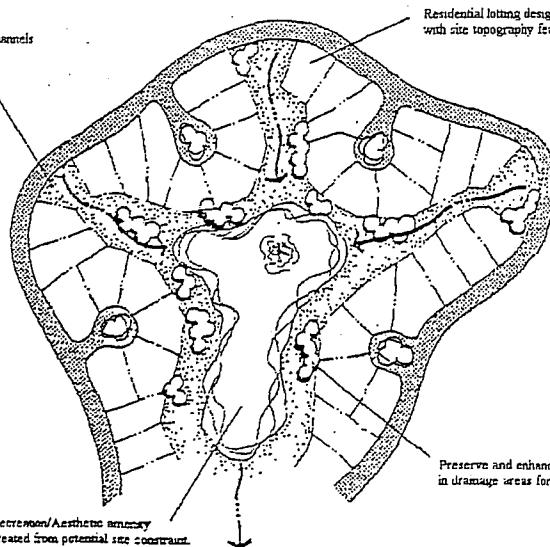


of varying sizes and shops, offices, schools, recreation facilities – all within walking distance of one another. “Walking distance” usually means a distance coverable within a 10-mile walk or with a radius of no more than ¼ mile.



Sidewalks, well-defined public spaces, and well-designed buildings that flank the streets are intended to encourage residents to walk rather than drive to their various destinations. Every effort should be made to de-emphasize the automobile, both visually and functionally. Such design criteria as requiring residential garages and commercial parking facilities to be placed in the rear of primary buildings, and streets being kept as narrow as possible will help to realize this goal.

Preserve natural drainage channels for open space connectors.



Residential lotting design to work with site topography features.

Preserve and enhance existing vegetation in drainage areas for erosion control.

Recreation/Aesthetic amenity created from potential site constraint.

## Open Space

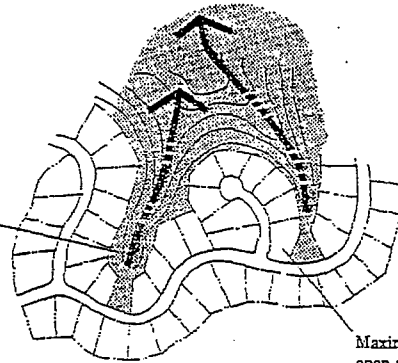


built environment.

Providing space within and around residential neighborhoods is essential for creating an attractive pleasing living environment. Well-designed open space becomes more important as residential density increases or home size decreases.

Maintain natural drainageways and enhance as open-space corridors.

The spatial relationships of the residential neighborhoods, the voids and spaces between land uses and buildings are what provide form to development patterns. The Recreation Master Plan illustrates the need for open space that is left undeveloped and available for recreational uses, preservation of natural features, or simply provide relief from the



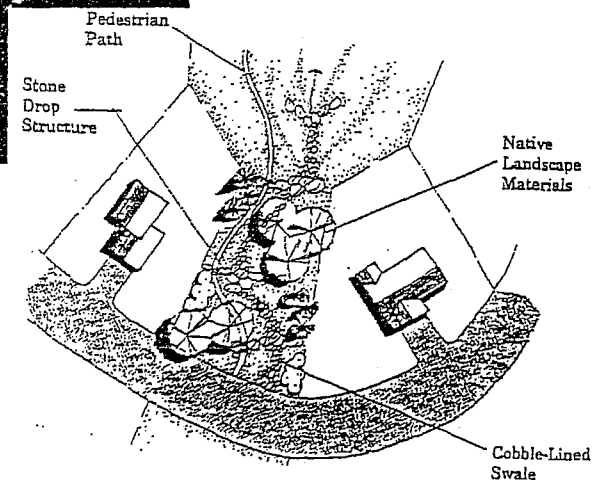
Maximize lots along open-space corridor.



The following are some of the principles, which assisted in the planning, and design of the open space represented on the plan:

- Open space should bring visual order and structure.

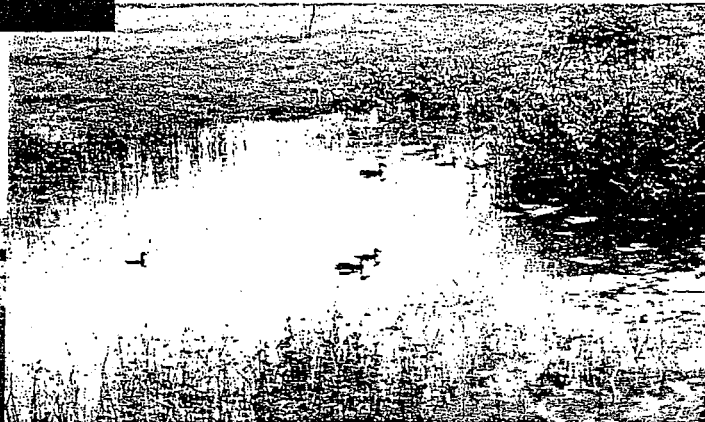
- Neighborhoods should be planned to include a hierarchy of open spaces. Open space should be considered the circulation system for pedestrians, water, wildlife, and air.





- Open spaces are especially well suited for safe pedestrian, bicycle and equestrian pathways.

- Open space should act as a visual and physical buffer in breaking large communities into intimately scaled neighborhoods.



- Open space increases the sense of privacy by diminishing the sense of over crowding.

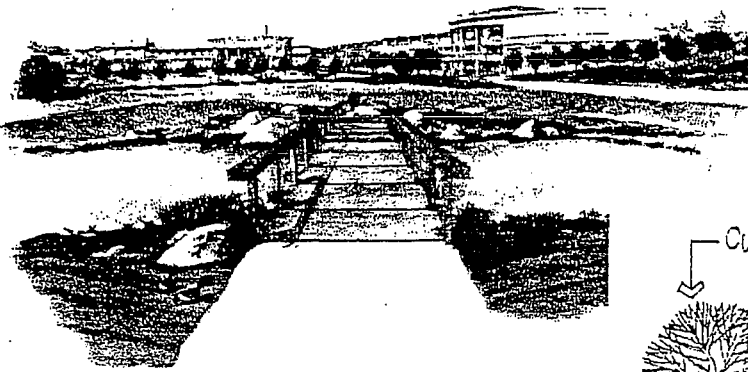
- Open space must preserve important or sensitive natural areas such as wetlands and marshes, steep and easily eroded slopes, or waterways.

- Open space systems will protect floodplains and act as natural stormwater storage and groundwater recharge areas. Protecting recharge areas helps maintain the groundwater levels that existing trees and vegetation need for survival.

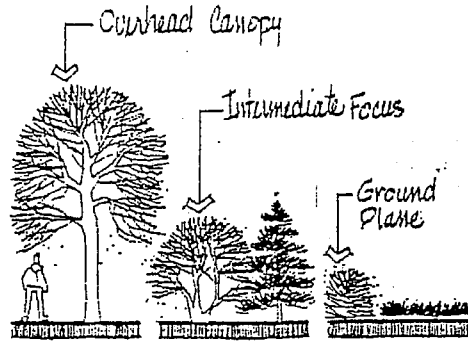
- Open space will be used for many forms of recreation. Most open space can be set aside as a public gathering space or a formal park. It is important that as density increases, careful design and detailing of open space be considered.



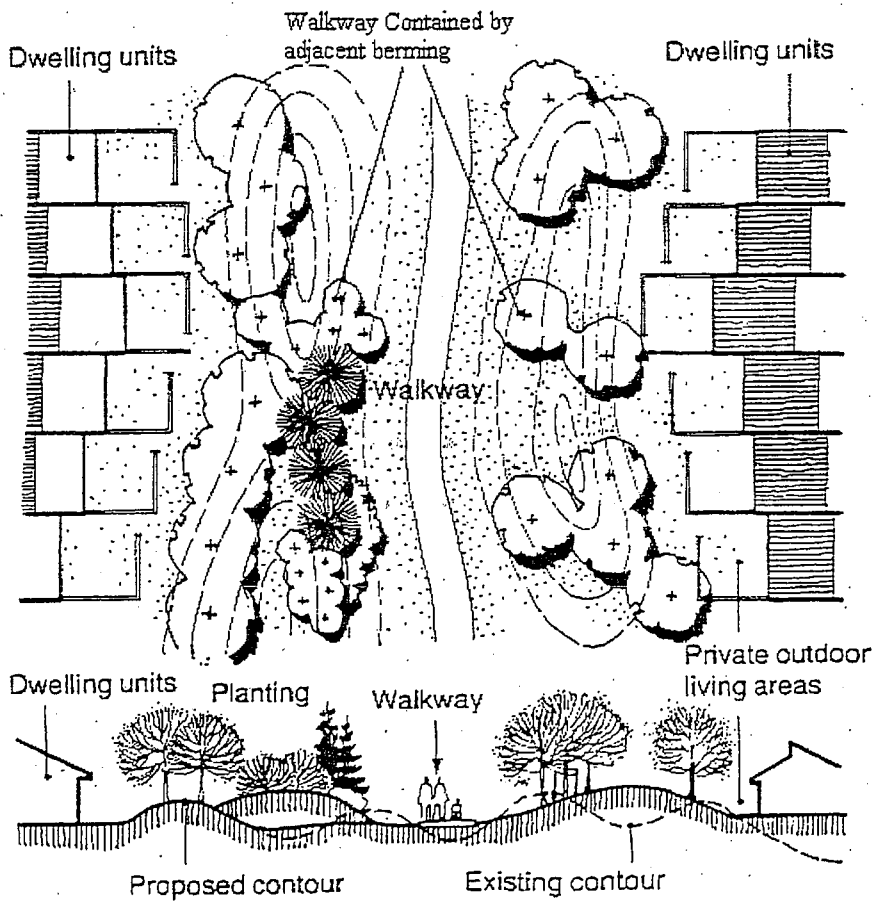
Connect Pedestrian Pathway to  
Important Features/Nodes

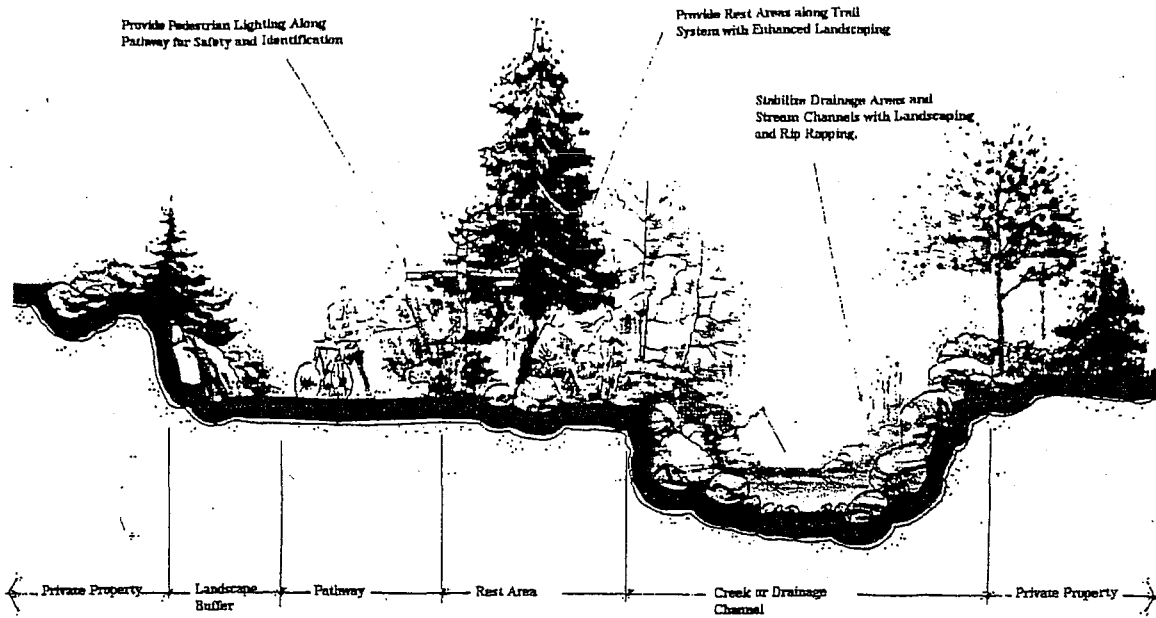


Pathway Connectivity to Major  
Nodes and Land Uses.

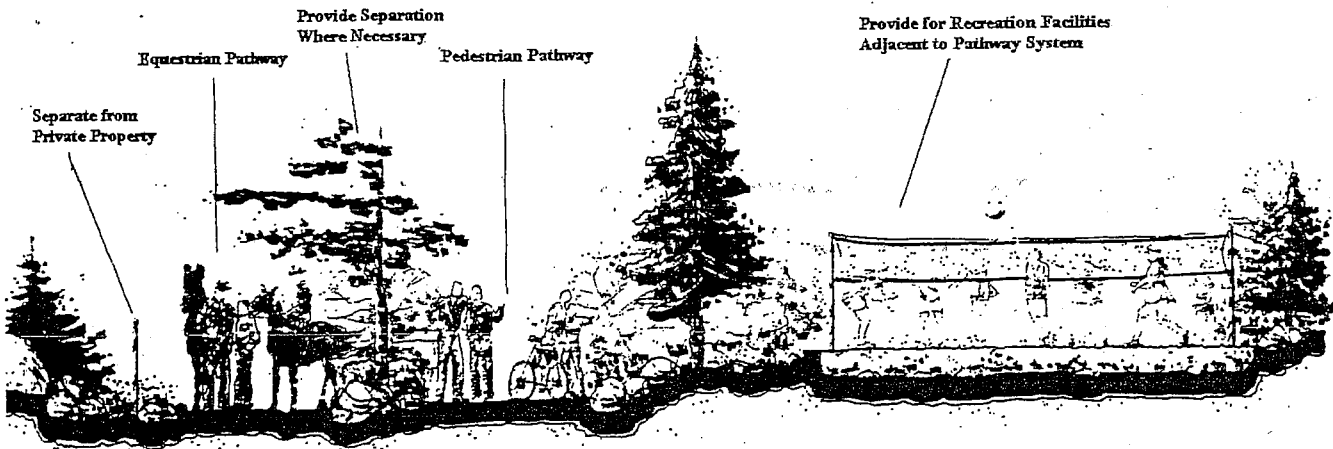


CATEGORIES OF PLANT MATERIAL





## Rest/View Area



## Bride/Pedestrian Path - Recreation Area

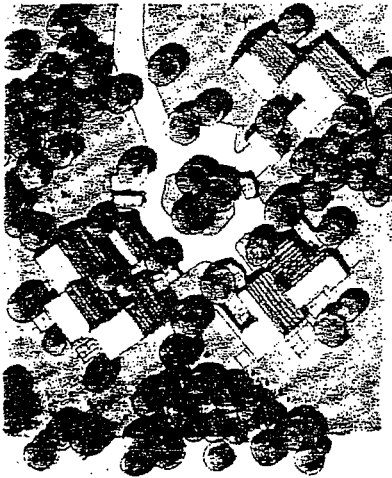
# Residential Design Concepts



Typical Flag Lot



Typical Wooded Lot



Private Drive w/Turn Around



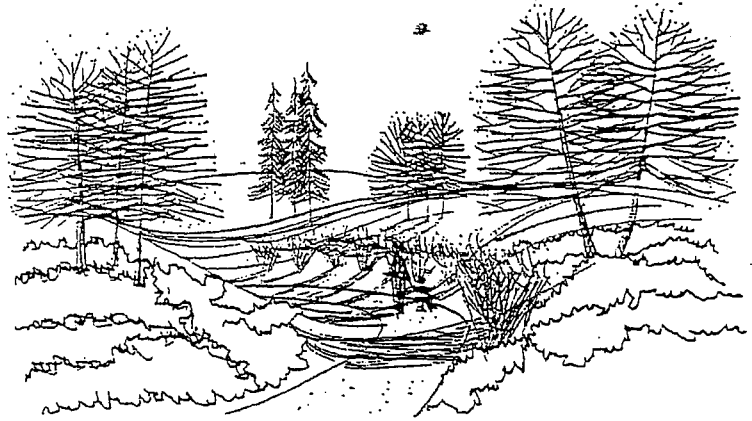
Typical Residential Street

## Trees & Landscaping

Probably no other site feature is more widely appreciated by the community than mature trees.

Trees improve the quality of a residential neighborhood and recreational space by:

- defining and organizing space;
- providing unity and scale;
- creating a sense of enclosure and privacy;
- serving as windbreaks;
- providing shade and cooling;
- creating benefits for wildlife;
- providing erosion control;
- softening the visual impact of undesirable elements; and
- adding seasonal interest.



Preserving existing trees whenever possible and planting of new trees should be considered a part of the recreational and residential development. Plantings may be formal, informal, or a combination of both.

Formal planting incorporates an ordering of trees and landscape elements that provide a sense of importance and grandeur in a particular setting. Both native and ornamental plant materials can be used to accomplish the design. The most effective formal treatments are those that are very simple in design.





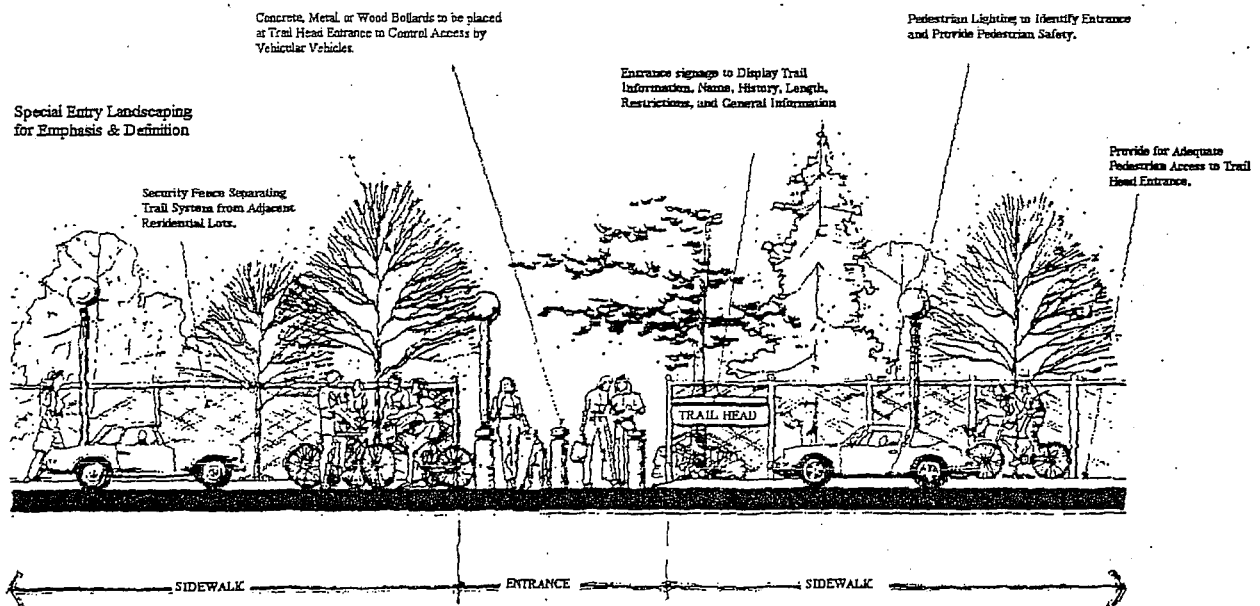
Informal planting incorporates trees and landscape elements as an extension of the natural landscape. Groves of native evergreen and deciduous trees can be planted to extend woodlands, while grasses and shrubs can extend and relate to natural wetland marshes.

In public areas and private yards, informal groupings of shrubs, and ground covers can create a pleasing natural effect. These plantings generally have lower maintenance requirements than formal plantings.

## Signage, Lighting and Trail Amenities

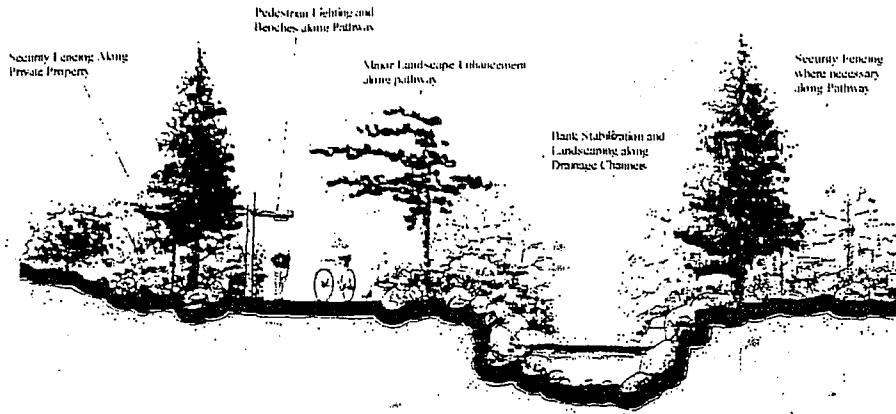
A well-designed and integrated open space and recreational sign & lighting system can help direct, orient, identify, and inform the public who will use the system. Generally, the following principles apply to a coordinated recreational sign and lighting program:

- Signs and lighting should complement the architecture; they should be constructed of high-quality material, and should meet local ordinances.



- Signs should display clear and concise messages. Directional signs should reinforce an efficient flow of vehicular and pedestrian traffic.
- Signs oriented to vehicular traffic should be legible to drivers.

- Neither signs nor lighting should obstruct driver or pedestrian sight lines.
- Directional signs should be located far enough in advance of decision points



## Typical Pathway Section

to allow time for appropriate maneuvers.

- Signs, lighting and other site furniture should be installed only where needed and should be kept to a minimum to avoid visual clutter.

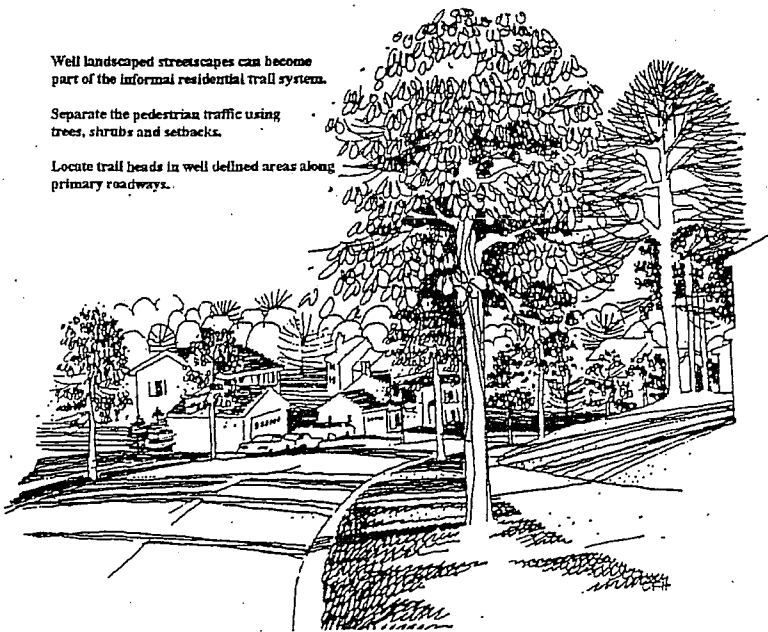
## Planned and Developed Amenities

Planned and developed amenities are added to the community during the development process and can generally be grouped into three categories: planning amenities, recreation amenities, and image amenities.

Well landscaped streetscapes can become part of the informal residential trail system.

Separate the pedestrian traffic using trees, shrubs and setbacks.

Locate trail heads in well defined areas along primary roadways.



*Planning amenities* should be introduced into the community through creative layout and design of the site. Clustering of homes, solar orientation, open space networks, and view corridors are examples of planning amenities.

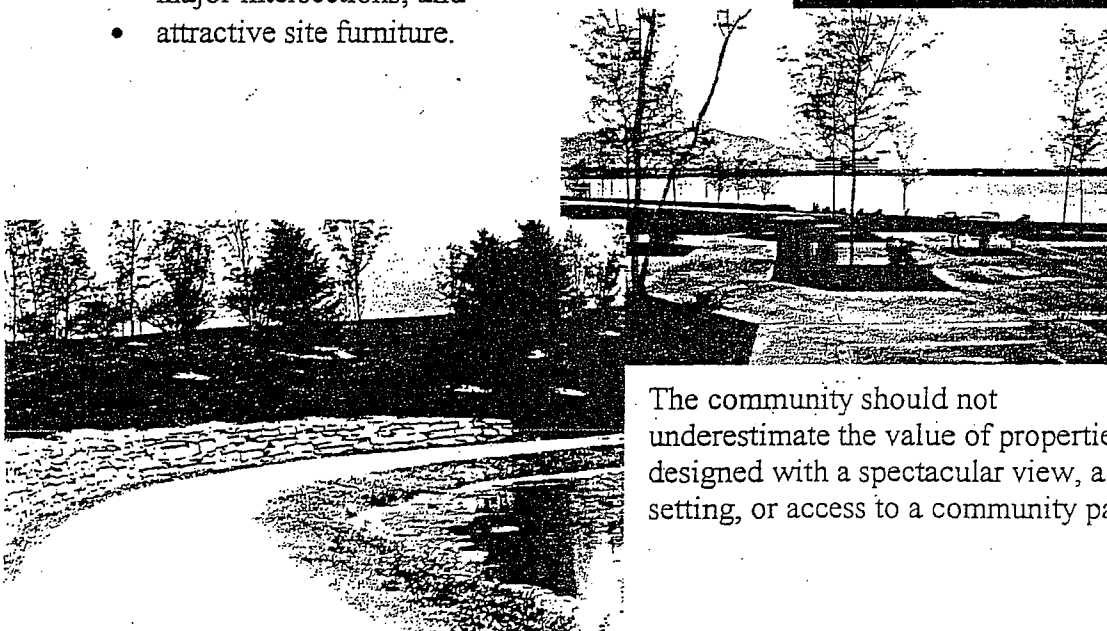
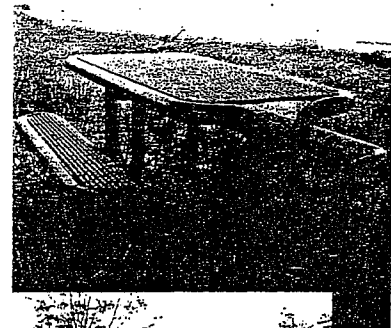


*Recreation amenities* are features that residents use during their leisure time. Most high-cost amenities – clubhouses or swimming pools, golf courses, tennis courts, baseball diamonds, soccer fields, etc. – fall into this category. But opportunities abound to create affordable recreation amenities as well. Children’s playgrounds, community garden plots, jogging or exercise trails, equestrian trails, picnic shelters, and barbecues can be provided at little cost and require minimal land area.

*Image amenities* provide for the opportunity to create a special community identity. Image amenities may seem less tangible than recreation

amenities, but they will set the community apart from the standard, run of the mill, development as a special place to live. Image amenities can include:

- entrance landscaping;
- graphic identity used on entrance signs and in marketing materials;
- roadway landscaping;
- special street lights and accent lighting;
- decorative fences at property perimeters and major intersections; and
- attractive site furniture.



The community should not underestimate the value of properties designed with a spectacular view, a setting, or access to a community park.



The open space and recreation amenities will:

- enhance a project's image;
- increase real estate values;
- provide city government added leverage needed for rezoning decisions;
- add market advantage;
- make use of most of the undevelopable land; and
- create a social focus for the entire community.

## Park Classification

It is mandatory in the Eagle Mountain Community for development to set aside a minimum of 20% open space and desirable that even a greater percentage be obtained by acquisition of land for open space, parks and facilities. The Recreation Master Plan identifies various types or classes of park development, based on size, use and particular community needs. Regional parks, as an example, are intended to service the entire Eagle Mountain Community, whereas Community and Neighborhood parks are designed to service an immediate neighborhood or a group of neighborhoods comprising an individual community. Development standards and park classes collectively offer a balanced approach to an adequate and fair distribution of parks and facilities, as they are made accessible to all citizens.

Included in the following document are various examples and descriptions of the major park classifications. The graphic examples are for reference as to the scale, type of amenities included in each park, and the relative organization of various recreation opportunities.

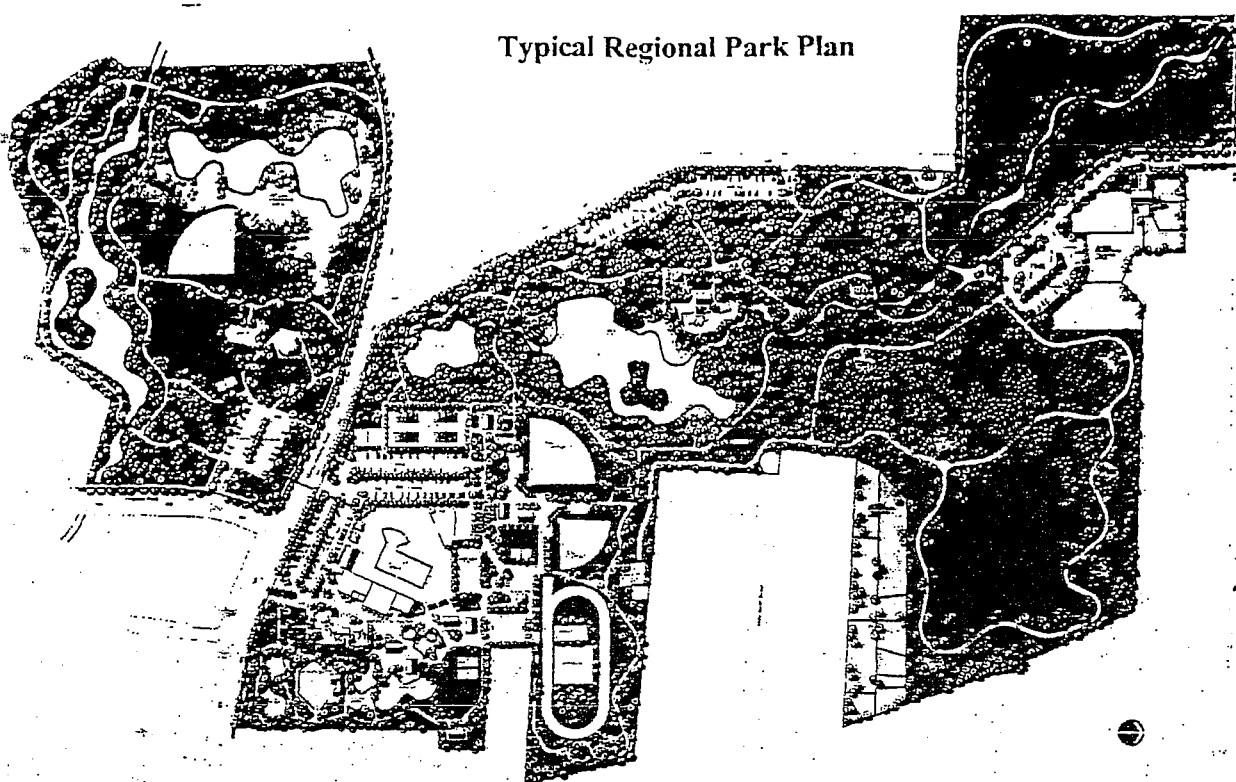
## Regional Parks



**Regional Park  
Symbol**

Parks that serve all of the Community of Eagle Mountain and its surrounding areas without preference to any specific neighborhood or planning area. It may include large natural open spaces or special theme parks.

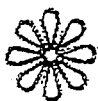
## Typical Regional Park Plan



They focus on a full range of passive and active recreational facilities that may or may not be generally provided in the more locally oriented neighborhood parks. They usually will provide group picnicking pavilions, swimming pools, community/recreation centers, baseball diamonds, softball complexes, tennis facilities and other major features. Parks in this class may include any combination of amenities also found in community or neighborhood parks. The public, to augment the open space amenities provided to the community, may also use high school grounds and facilities.

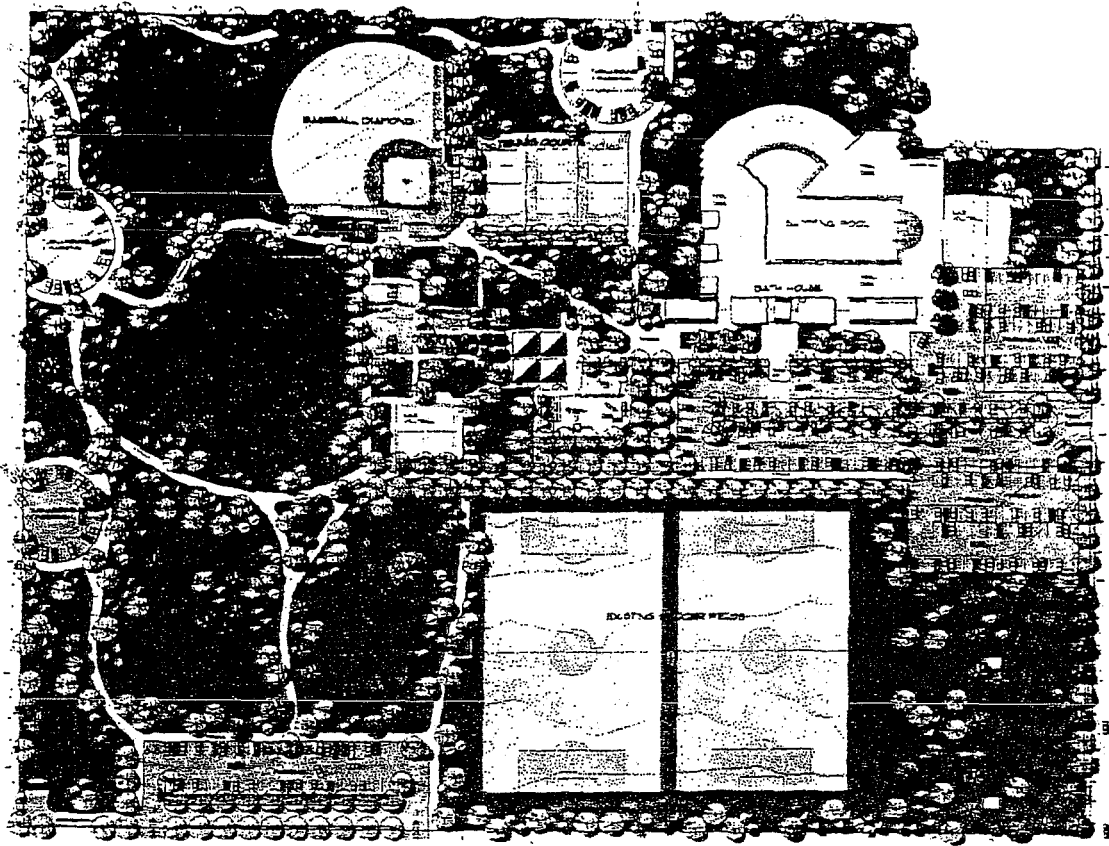
Typically a regional park a minimum of 20 acres.

## Community Parks



**Community Park  
Symbol**

Community Parks are typically intended to serve a segment of the community comprised of a group of neighborhood parks. They may include many of the facilities found in regional parks but at a smaller, less intensive scale. Larger picnic pavilions, playground areas, tennis courts, volleyball courts, basketball courts, formal and informal ball diamonds may be included. The public to augment the open space amenities provided to the neighborhood may also use High School, Junior High Schools and Elementary School grounds and facilities.



### Typical Community Park Plan

The standard desirable size is approximately 10 to 20 acres.

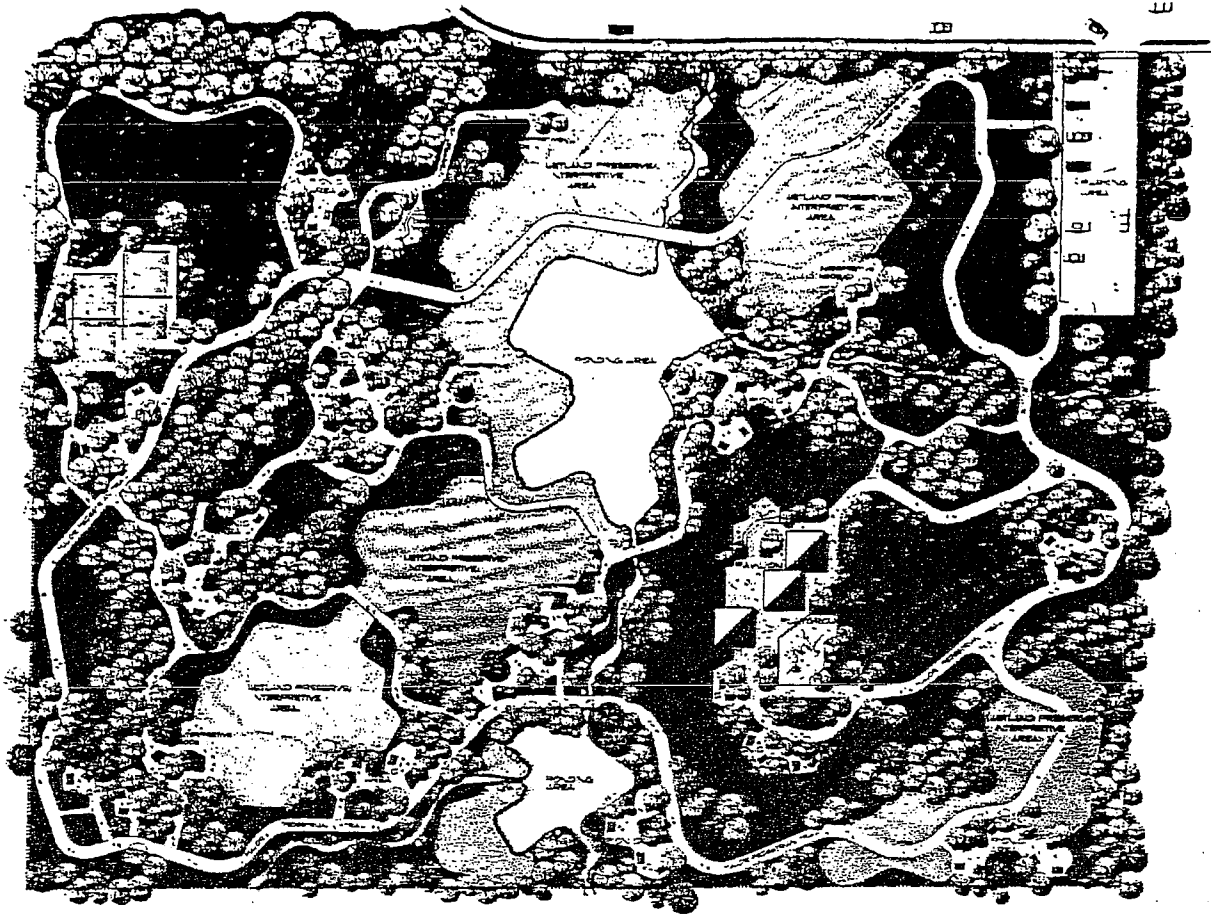
### Neighborhood Parks



**Neighborhood Park  
Symbol**

These parks should be designed and structured so that they accentuate an informal, casual atmosphere. They may include individual picnic tables and small group picnicking pavilions, play ground areas, tennis courts, volley ball courts, basketball courts, and informal ball diamonds. The public to augment the open space amenities provided to the neighborhood may also use Elementary and junior high school grounds and facilities.

The standard minimum size is approximately 5 to 10 acres.



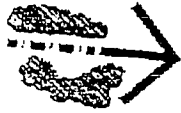
Typical Neighborhood Nature Park



### Mini-Parks

The neighborhood mini-park is the smallest park unit in the parks and recreation system. They are mainly single-purpose parks designed with benches, a small number of individual picnic tables, playground equipment, and more passive lawn space. Generally mini-parks, preferably 2 to 3 acres in size, will only be constructed where neighborhood conditions preclude development of more sizable parcels and no other alternatives are available. Individual lots  $\frac{1}{2}$  acre or less in size should not be considered for development. These parks are to be constructed by the individual developers and maintained by the homeowners Associations.

## Trails



### **Pedestrian/Equestrian Trail Symbol**

Trails in the Eagle Mountain region are developed for one or more modes of nonmotorized recreational travel, i.e., walking, jogging, hiking, biking, and

horseback riding. This may also include trails of regional and/or historical significance, where they transverse the valley. The standard desirable size is variable, determined by its location, use and length. Location of Trail Heads along the open space trail system is extremely important. Easy access and location near park nodes is preferred. Trail Heads may be designated by some historical marker, name or significance or by some other representative title that is important to the community it serves.



## Nature Areas

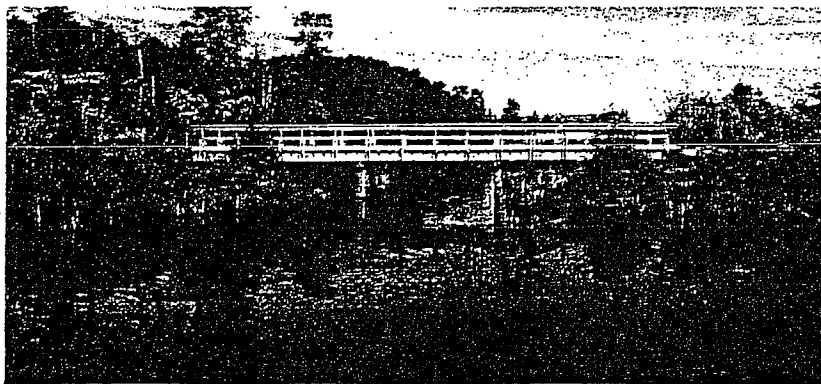


### **Park Related Open Space & Facility Symbol**

Tracts of land designated by the Eagle Mountain City Master Plan as nature areas that exhibit inherent landscape qualities (ecosystems, flora and fauna, aquatic

environment, topography, etc.) and have the appearance of being unaltered by mankind.

These areas are, by design, only minimally developed to promote the enjoyment of natural landscapes by the public. Nature areas serve the public's need for viewing and studying nature and wildlife habitats, and for recreational activities



such as picnicking, hiking, fishing, and boating. Other passive play areas may be offered on a limited and informal scale. The standard desirable size is variable determined by its location, environmental sensitivity, potential use, terrain and quality.



## Special-Use Parks



**Planned Golf Course  
Symbol**

Parks which evolve as a result of providing facilities for a single-purpose activity or function, often serving the special interest needs of equestrians, swimmers, golfers, etc.

They can include varied uses such as equestrian centers, race tracks, fairgrounds, golf courses, swimming pools, rodeo grounds, model airfields, ATV and motocross tracks, BMX tracks, skateboard parks, special needs parks, equestrian training facilities, polo fields, roller hockey facilities, amphitheaters, as well as many other uses.

The standard size is variable and depends upon the size and needs of each individual facility.

## Other Representative Land Uses

	Agriculture		Resort Commercial
	Residential		Business/Industrial
	Commercial		Parking/Service Access
	Business		Airport/Industrial
	Industrial		College Campus
			Sinks/Open Space

The final recreation master plan is not intended to be representative of a definitive or final land use plan or comprehensive general plan. The other land uses indicated by various colors and symbols are intended for reference to potential nodes, land uses, circulation and area designations.



**Future School  
Site Symbol**



**Future Church  
Site Symbol**



**Existing/Proposed  
Major Roadways**



**Community  
Boundary Line**

## Park Acreage Standards

The following standards should serve as a guide only in the planning of necessary park and recreation facilities. As the communities demographics and needs change through time, so also, will the standards and park class will change or grow with the community. Each neighborhood, community or region should be studied individually and sensitively, on an on going basis, flexible basis to determine what specific needs must be met.

Park Class	Minimum Standards
Regional Parks	5-10 acres per 1,000 population
Community Parks	Determined by Community Needs
Neighborhood Parks	1 acre per 1,000 population
Mini-Parks	Required in Most Subdivisions
Trails	Determined by Master Plan
Nature Areas	Determined by Existing Conditions
Special-Use Parks	Determined by Community Needs
Community Standards	2.5 acres/400 units

## Recreation Facility Standards

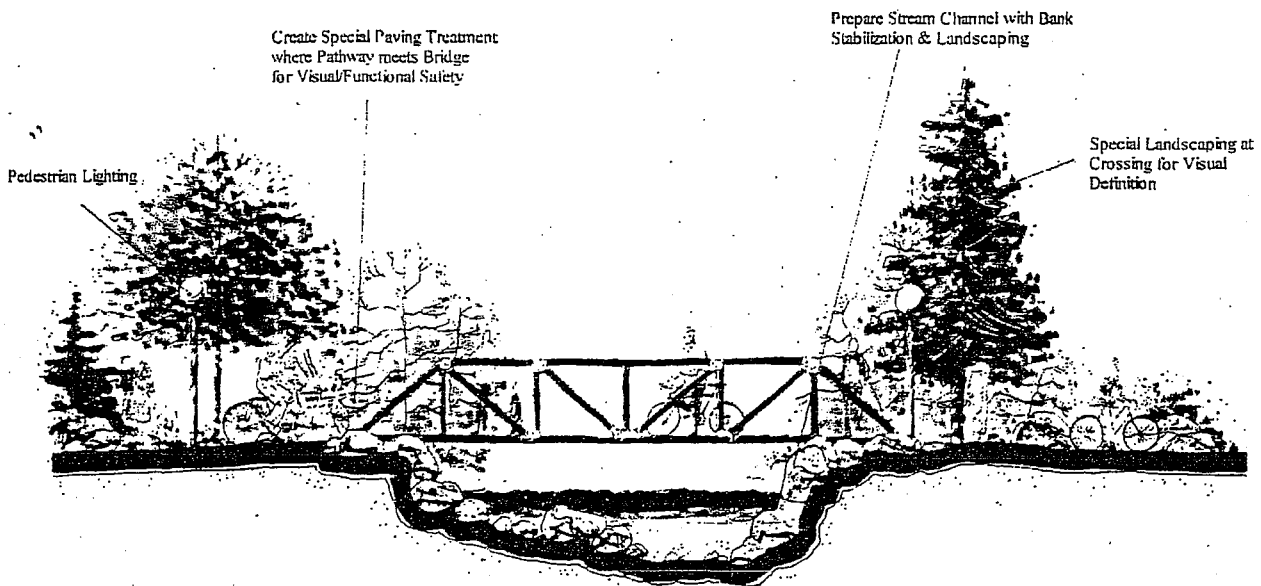
Park Class	Minimum Standards
Community/Regional Facilities	
• Golf Courses	as determined by community needs
• Swimming Pools	1 per 10,000 population
• Baseball Diamonds	1 per 5,000 population
• Softball Diamonds	1 per 5,000 population
• Soccer/Football Fields	1 per 5,000 population
• Handball/Racquetball Courts	1 per 20,000 population
• Gymnasiums	1 per 10,000 population
• Recreation Centers	1 per 10,000 population
• Ice Skating Rinks	1 per 100,000 population
• ¼ Mile Running Tracks	1 per 20,000 population
Neighborhood Facilities	
• Informal Ball Diamonds	1 per 5,000 population
• Tennis Courts	1 per 2,500 population
• Basketball Courts	1 per 5,000 population
• Outdoor Volleyball Courts	1 per 20,000 population
• Major Group Picnic Pavilion	1 per 5,000 population

It must be noted that the individual qualities of each park project (topography, vegetation, existing trees, water resources, etc.) markedly influence its layout and design. Subsequently the actual types and number of physical facilities to be placed on a site is predicated upon available acreage and the final configuration of the park development plan.

## Development Standards

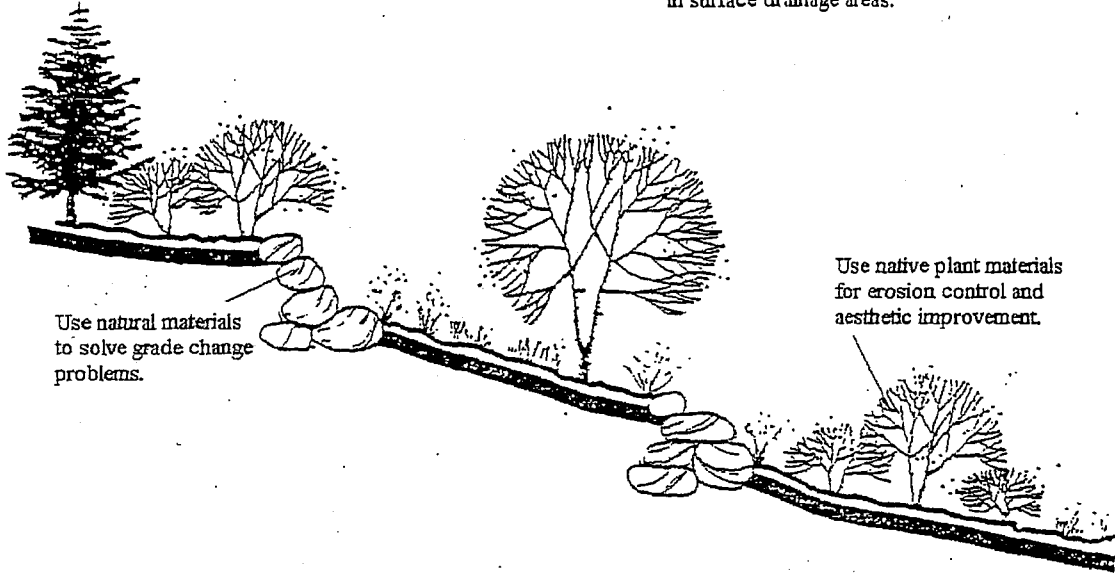
Detailed development standards for each type of park and park facility should be prepared by the City Administrators or Parks and Recreation Board. These standards will serve to guide developers and city officials in developing and maintaining consistent, high quality park facilities and systems throughout the community.

Following are a few graphic examples of areas that standards must be established and followed:



Bridge-Creek Crossing

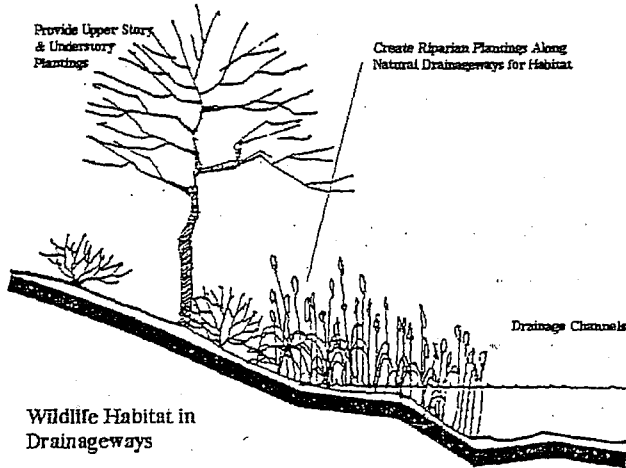
Create natural parklike amenities in surface drainage areas.



Use natural materials to solve grade change problems.

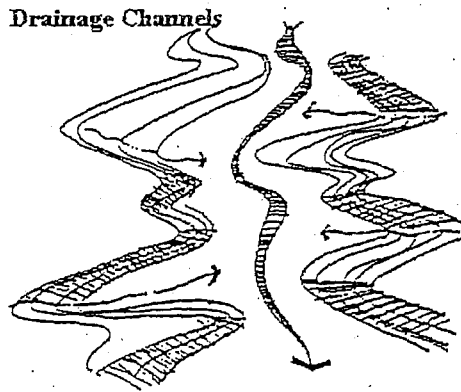
Use native plant materials for erosion control and aesthetic improvement.

### Grading & Drainage



Wildlife Habitat in Drainageways

Create riparian and wetland habitat areas in natural drainage, lowland areas. Plant with native, riparian landscaping.



Use natural drainage channels as a basis for the open space system throughout the community.

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***EXHIBIT 3***

**Town Capital Facilities Plan**

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TOWN OF EAGLE MOUNTAIN

FACILITY PLAN

1998 - 2003

Revised: June 1, 1998

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## INTRODUCTION

The Town of Eagle Mountain was created in 1997. Two primary areas comprise the growth within the Town. The areas are Eagle Mountain Properties, LC, which is developing the south side of Town, and the Ranches developing in the north side of the Town. A skeleton infrastructure has been planned, and portions have been designed and constructed for both areas. Many of these improvements have been or will be funded by revenue bond anticipation notes and/or by revenue generated from special improvement districts.

The purpose of this report is to identify the excess capacity in the existing infrastructure and determine the future capacity needs of the infrastructure system. For the purposes of this report, all the offsite improvements, oversized facilities, or projected improvements required to meet future development will be analyzed. Because the Town provides and operates all of its own infrastructure and utilities, this report will include a detailed analysis of all the following:

- Culinary water system
- Sanitary sewer system
- Storm water system
- Transportation system
- Gas system
- Electrical system
- Telecommunications system

In this study, three types of costs will be identified. These costs include hook-up fees, capacity buy in fees, and impact fees. In reality, capacity buy in and impact fees are one in the same. However, for the purposes of this report, the costs will be identified separately.

To assist in determining these fees, the actual costs of "hooking" an ERU (Equivalent Residential Unit) will be determined. The available capacity already designed into each of the above noted facilities will then be identified. Using the infrastructures excess capacity and future requirements, these capacities will be quantified in a monetary amount to be used in determining development fees. Finally, using the projected population over the next years, the needs of each of the respective systems will also be identified.

## HOOK UP FEES

Hook up fees are determined as the actual costs associated with connected a new ERU onto the municipal system. These costs include placing the actual meter and connecting the meter to the automated reading equipment. The following table identifies these associated costs. Some of the facilities are accurately shown with no associated hook up costs.

Item No.	Description	Hook up Fee
1	Culinary Water	\$350
2	Sanitary Sewer	NA
3	Storm Water	NA
4	Gas	\$275
5	Electrical	\$225
6	Telecommunications	\$50

## EXISTING FACILITIES

The Town is comprised of a framework layout of the required facilities needed to meet the demands of development. Capacity to meet some future growth has been built into the existing system. In this chapter, an analysis will include identifying the existing facilities that provide excess capacity for future development. In each of the utilities shown, excess capacity for future development is identified with its associated cost.

### Minimum Level of Service

The Town has set a minimum level of service for the utilities required of developers at the time of construction. The Town's Utility Ordinance allows the potential of repayment for any requirements above the minimum level of service. The repayment would include only the material cost of such over-sizing. Following is a table identifying the required minimum level of service:

Minimum Level of Service

Item No.	Description	Minimum Level of Service (Sizing Criteria)	Minimum Level of Service (Min Sizing)
1	Culinary Water	Peak Instantaneous Flow + Fire Flow	8 inch Water Main
2	Sewer System	Peak Hour Flow	8 inch Collector
3	Streets	Level of Service A under Peak Daily Traffic	Local Road
4	Storm Water		
	Detention	100 yr 24 hr with 10 yr 24 historical release	Dual Purpose Retention Basin
	Collection	10 yr 24 hr	15 inch piping
5	Gas System	Peak Hourly Demand	2 inch polyethylene gas main
6	Electrical	Peak Hourly Demand	#2 Aluminum single phase primary distribution
7	Communication	Peak Hourly Demand	2.5 pair per residential unit

Using the description's definition of a minimum level of service, the onsite over-sizing and the offsite improvement costs will be determined. These costs can potentially be repaid to the developer by special improvement districts, revenue bonds, or impact fees.

## Culinary Water

One Equivalent Residential Unit (ERU) is defined as a ¾" water lateral. The minimum sized water connection is ¾ inches. However, commercial and industrial areas may require larger connections. Each of these users will be evaluated independently, but the following table shows some general equivalencies.

Culinary Water - ERU Equivalency

Lateral Size (in)	ERU
0.75	1
1	2
1.25	4
1.5	6
1.75	9
2	13
2.25	18
2.5	24

Commercial and industrial units will be evaluated based on the following equations:

$$(\text{Peak Daily Flow}) / (62 \text{ gpm}) \quad \text{or} \quad (\text{Total Annual Flow}) / (0.9 \text{ Acre Feet})$$

Two service areas provide water to the Town of Eagle Mountain. These areas have been separated based on their respective costs and projected growth. The following Table shows the costs associated with the Eagle Mountain Properties, LC (EMPLC) service area. The improvements are then equated to the number of ERU's that the respective facility has capacity for. Using the cost of constructing the improvement and the total number of ERU's the facility can serve, the cost per ERU is calculated.

EMPLC Existing Culinary Water Facilities

Item No.	Description	Cost	Capacity (ERU)	Cost per ERU
1	RESERVOIR			
	1,000,000 Gallon Reservoir	\$882,134	820	\$1,076
	Land	\$6,000	820	\$7
	SUB-TOTAL	\$888,134		\$1,083
2	DISTRIBUTION PIPING			
	16 inch water line	\$304,000	2800	\$109
	12 inch water line	\$202,000	1600	\$126
	SUB-TOTAL	\$506,000		\$235
3	TOTAL	\$1,394,134		\$1,425

Based on the above table, a total of \$1,394,134 has been spent to provide excess capacity for future development. Using the number of ERU's each of the components can provide capacity to, the total cost per ERU is \$1,425.

The Ranches, LC (TRLIC) Service Area is located on the north side of the Town. The following table identifies the improvements that have been completed to provide excess capacity for this service area.

TRLC Existing Culinary Water Facilities

Item No.	Description	Cost	Capacity (ERU)	Cost per ERU
1	RESERVOIR			
	1,000,000 Gallon Reservoir	\$417,000	820	\$509
	SUB-TOTAL	\$417,000		\$509
2	DISTRIBUTION PIPING			
	20 inch water line	\$848,183	4400	\$193
	16 inch water line	\$112,526	2800	\$40
	12 inch water line	\$359,752	1600	\$225
	10 inch water line	\$190,000	1100	\$173
	SUB-TOTAL	\$1,510,461		\$631
3	TOTAL	\$1,927,461		\$1,139

Based on the above table, a total of 1,927,461 has been spent to provide excess capacity for future development. Using the number of ERU's each of the components can provide capacity to, the total cost per ERU is \$1,139.

### Sewer System

One Equivalent Residential Unit (ERU) is defined as a 4" sewer lateral. The minimum sized sewer connection is 4 inches. However, commercial and industrial areas may require larger connections. Each of these users will be evaluated independently, but the following table shows some general equivalencies.

Sewer - ERU Equivalen

Lateral Size (in)	ERU
4	1
6	3
8	6

Commercial and industrial units will be evaluated based on the following equations:

$$(\text{Peak Daily Indoor Water Use}) / (400 \text{ gallons per day})$$

The Town of Eagle Mountain has primarily two service areas that will serve the Town. The southern and westerly part of Town will be serviced by a wastewater treatment facility and collection system. The northeastern side of Town will discharge effluent directly into the Timpanogos Special Service District. Some individuals within the Town use county approved septic systems. The present Utility Code allows septic systems to be used if they meet County and State requirements. The Town's Utility Code also requires these developments to connect to the Town's sewer system when collection facilities are extended to within 300 feet of their property. To assist this potential conversion process, the Town will require community septic facilities as possible.

The southern and western service area are presently able to connect to the waste water treatment facility through the constructed piping. The treatment facilities consist of a packaged treatment facility, ponds, and an operation and maintenance building. The following table identifies the major lines and treatment facilities that are sized to handle future capacity.

Existing Sewer Facilities

Item No.	Description	Cost	Capacity (ERU)	Cost per ERU
1	EAGLE MOUNTAIN BOULEVARD SEWER LINES			
	12 inch PVC	\$66,000	1600	\$41
	24 inch PVC	\$986,728	2400	\$411
2	SWEETWATER ROAD SEWER LINE			
	24 inch PVC	\$354,032	2400	\$148
	SUB-TOTAL	\$1,406,760		\$600
3	TREATMENT FACILITY			
	Wastewater Treatment Plant	\$500,923	300	\$1,670
	Wastewater Treatment Plant Installation	\$804,592	300	\$2,682
	Wastewater O & M Building	\$79,879	700	\$114
	SUB-TOTAL	\$1,385,394		\$4,466
4	TOTAL	\$2,792,154		\$5,066

Based on the above table, a total of \$2,792,154 has been constructed within the system to handle future building. Equated to the equivalent connections cost, it is \$5,066 per ERU.

The northern service area of Cedar Pass service area has not yet constructed their outfall line. Therefore, their projected expenses are described in the next chapter.

### Storm Water System

One Equivalent Residential Unit (ERU) for storm water is defined as a 7000 to 8,999 square foot lot. The ERU equivalencies may be determined as shown in the following table:

Storm Water ERU Equivalency

Min Lot Size (SF)	Allowable Discharge per ERU	ERU
14,500	0.0033	2.1
10,000	0.0023	1.4
9,000	0.0021	1.3
7,000	0.0016	1.0
5,500	0.0013	0.8

Alternatively, commercial, industrial, and other developments may be evaluated with the following formula to determine ERU equivalency:

$$\text{Total Acreage} * .01 \text{ cfs per acre} / .0016 \text{ cfs}$$

A portion of the storm water system has been constructed in each of the subdivisions to date. There has also been some temporary retention facilities that have been constructed. Although these improvements provide temporary capacity, there is no significant facility presently in place that provides capacity for future growth.

## Transportation System

One Equivalent Residential Unit (ERU) for the transportation system is defined as 10 peak trips per day. Commercial, industrial, and other various developments will use the following formula to determine ERU equivalencies:

$$\text{Peak trips per day} / 10$$

A backbone street system has been constructed to provide access to the Town. Adequate rights of way have been obtained for the street system that should allow sufficient capacity for expansion and growth. The following table identifies the facilities that have been constructed to date that will meet the demands of the future growth.

Existing Transportation Facilities

ITEM NO.	DESCRIPTION	COST	CAPACITY (ERU)	COST PER ERU
1	Eagle Mountain Blvd.	\$889,650	2500	\$356
2	Golden Eagle Blvd.	\$910,931	2500	\$364
3	Sweet Water Road	\$110,912	2500	\$44
Total		\$1,911,493		\$765

Based on the improvements that have been constructed to date, a total of \$1,911,493 has been spent to provide capacity for existing and future capacity. Using the capacity of the constructed improvements, a total of \$765 per ERU has been spent.

## Gas System

One Gas Equivalent Residential Unit (ERU) is defined as peak hourly usage of 1.68 therms. Commercial and industrial users equivalency will be evaluated as:

Peak hourly usage/1.68 therms

The existing natural gas supply system is comprised of a Liquid Natural Gas (LNG) storage and vaporization system, 900 feet of 16" steel gas main, and 4200 feet of 8" polyethylene gas main. The system is located entirely in the southern part of the Town. Costs and capacities associated with the gas system are presented in the following table.

### Existing Gas Facilities

ITEM NO.	DESCRIPTION	COST	CAPACITY (ERU)	COST PER ERU
1	LNG FACILITY			
	25,000 Gallon Tank and Vaporizer	\$210,000	600	\$350
	Tank Installation and Site Work	\$40,000	600	\$67
	SUB-TOTAL	\$250,000		\$417
2	MAIN GAS LINES			
	16" Steel Gas Main	\$26,000	4000	\$7
	8" Polyethylene Gas Main	\$40,950	2000	\$20
	SUB-TOTAL	\$66,950		\$27
3	TOTAL	\$316,950		\$444

Based on the above table, \$316,950 has been expended to provide the existing facilities for natural gas capacity in the Town. Based on the anticipated capacity (ERU's), the total cost per ERU is \$444.

## Electrical System

One Electric Equivalent Residential Unit (ERU) is defined as peak hourly usage of 3kW. Commercial and industrial users equivalency will be evaluated as:

Peak hourly usage/3 kW

The existing electric system consists of two taps to the PacifiCorp 12.47kV distribution system, primary distribution conductors, sectionalizers and switchgear. The PacifiCorp feeder on which the taps were installed has limited capacity. The long-term requirements of the Town will be met through the installation of a high voltage transmission line. The interim capacity requirements will be met through the installation of distributed generation. Tap #1 provides electric power to the southern part of the Town. Tap #2 currently provides power only to the North Ranch subdivision. Costs and capacities associated with the electric system installed in the southern part of the Town are presented in the following table.

EMPLC Existing Electric Facilities

ITEM NO.	DESCRIPTION	COST	CAPACITY (ERU)	COST PER ERU
1	TAP #1			
	Tap and metering station	\$60,809	300	\$203
	SUB-TOTAL	\$60,809		\$203
2	Distribution			
	750kcmil on Eagle Mt. Blvd	\$234,036	3000	\$78
	750kcmil on Sweetwater Rd.	\$190,430	3000	\$63
	SUB-TOTAL	\$424,466		\$141
3	TOTAL	\$485,275		\$344

Based on the above table, \$485,275 has been spent to provide the existing electric capacity in the southern part of the Town. Based on the anticipated capacity (ERU's), the total cost per ERU in the southern system is \$344.

Costs and capacities associated with the electric system installed in the northern part of the Town are presented in the following table.

TRLC Existing Electric Facilities

ITEM NO.	DESCRIPTION	COST	CAPACITY (ERU)	COST PER ERU
1	TAP #2			
	Tap and metering station	\$70,000	300	\$233
	SUB-TOTAL	\$70,000		\$233
2	Distribution			
	#4/0 to Cedar Pass North	\$192,370	1300	\$148
	SUB-TOTAL	\$192,370		\$148
3	TOTAL	\$262,370		\$381

Based on the above table, \$262,370 has been spent to provide the existing electric capacity in the northern part of the Town. Based on the anticipated capacity (ERU's), the total cost per ERU in the northern system is \$381.



## Telecommunications System

The existing Telecommunications System consists of a Harris 20/20 MAP PBX installed in the central office which is in the fire station.; 7 miles of 24 strand fiber optic cable from the point of demarcation at the US West system to the central office; an Advanced Fiber Communications UMC1000 digital loop carrier 240 line remote subscriber cabinet and local exchange terminal to provide trunk lines to the central office and to allow subscriber service in the north area via the fiber optic cable.

### Existing Telecommunications Facilities

ITEM NO.	DESCRIPTION	COST	CAPACITY (ERU)	COST PER ERU
1	Central Office			
	Building	\$131,956	10000	\$13
	Harris 20/20 PBX	\$80,000	400	\$200
	Main distribution/protection	\$70,000	1200	\$58
	SUB-TOTAL	\$281,956		\$272
2	Fiber Optic Trunk Cable			
	24 Strand Fiber Optic Cable	\$468,103	10000	\$47
	SUB-TOTAL	\$468,103		\$47
3	Trunking Electronics			
	UMC1000 RST240 & LET	\$55,000	500	\$110
	SUB-TOTAL	\$55,000		\$110
4	TOTAL	\$805,059		\$428

Based on the above table, \$805,059 has been spent to provide the existing central office switching capacity and trunking capabilities in the Town. Based on the estimated capacity (ERU's), the total cost per ERU in the system is \$428.

# FACILITY PLAN

## Growth Projections

The Town of Eagle Mountain is expected to grow at a very aggressive rate. The following tables project the Town's growth through year 2003.

### EMPLC Growth Projections

Year	1998	1999	2000	2001	2002	2003
New ERUs , EMPLC	80	370	370	500	600	700
Total ERUs, EMPLC	80	450	820	1,320	1,920	2,620

### TRLC Growth Projections

Year	1998	1999	2000	2001	2002	2003
New ERUs by The Ranches, LC	20	100	225	350	450	550
Total ERUs by the Ranches, LC	20	120	345	695	1,145	1,695

### Total Growth Projections

Year	1998	1999	2000	2001	2002	2003
New ERUs	100	470	595	850	1,050	1,250
Total ERUs	100	570	1,165	2,015	3,065	4,315

Based upon the projected population, many improvements will need to be added to the respective systems. In this portion of the report, the capital improvement plans for the respective systems will be determined with their associated costs. Also attached in this section are figures identifying the anticipated improvements and estimates of the equivalent residential units served.

## Culinary Water System Five Year Facility Plan

### EAGLE MOUNTAIN PROPERTIES CULINARY WATER SERVICE AREA

(Costs include oversizing the actual material above the minimum level of service)

#### EMPLC Culinary Water System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	System Upgrades (State Criter	1	LS	\$ 50,000.00	\$ 50,000.00
	2	Booster Pump Upgrade	1	LS	\$ 200,000.00	\$ 200,000.00
	3	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2000	1	Reservoir	3,000,000	GAL	\$ 0.45	\$ 1,350,000.00
	2	20 inch pipe	1	LS	\$ 300,000.00	\$ 300,000.00
	3	12 inch water line upgrade	29,500	FT	\$ 9.00	\$ 265,500.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	12 inch water line upgrade	17,000	FT	\$ 9.00	\$ 153,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	12 inch water line upgrade	11,000	FT	\$ 9.00	\$ 99,000.00
	2	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2003	1	12 inch water line upgrade	14,000	FT	\$ 9.00	\$ 126,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
Total						\$2,566,000.00

### CEDAR PASS RANCH CULINARY WATER SERVICE AREA

(Costs include oversizing the actual material above the minimum level of service)

#### TRLC Culinary Water System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	16 inch water line	4860	LF	\$ 12.00	\$ 58,320.00
	2	12 inch water line	7790	LF	\$ 9.00	\$ 70,110.00
	3	10 inch water line	3400	LF	\$ 5.00	\$ 17,000.00
	4	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2000	1	12 inch water line	1,800	LF	\$ 9.00	\$ 16,200.00
	2	10 inch water line	2,000	LF	\$ 5.00	\$ 10,000.00
	3	Well	1	LS	\$ 1,096,000.00	\$ 1,096,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	12 inch water line	6,100	FT	\$ 9.00	\$ 54,900.00
	2	16 inch water line	5200	LF	\$ 12.00	\$ 62,400.00
	3	2,000,000 gallon Reservoir	1	LS	\$ 850,000.00	\$ 850,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	10 inch water line	3,500	FT	\$ 5.00	\$ 17,500.00
	2	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2003	1	16 inch water line	6,000	FT	\$ 12.00	\$ 72,000.00
	2	12 inch water line	10500	FT	\$ 9.00	\$ 94,500.00
	3	2,000,000 gallon Reservoir	1	LS	\$ 850,000.00	\$ 850,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
Total						\$ 3,291,430.00

## Sewer System Five Year Facility Plan

### EAGLE MOUNTAIN PROPERTIES SEWER SERVICE AREA

(Costs include oversizing the actual material above the minimum level of service)

#### EMPLC Sewer System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	Plant Expansion	1	EA	\$ 500,000.00	\$ 500,000.00
	2	24 inch sewer line upgrade	5,520	LF	\$ 45.00	\$ 248,400.00
	3	Sweetwater 24 inch sewer	3,500	LF	\$ 29.00	\$ 101,500.00
	4	Oversized EM East line	1	LS	\$ 300,000.00	\$ 300,000.00
	5	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2000	1	Treatment Facility	1	LS	\$ 5,000,000.00	\$ 5,000,000.00
	2	48 inch outfall line	18,000	LF	\$ 90.00	\$ 1,620,000.00
	3	12 inch sewer line upgrade	2,000	LF	\$ 8.00	\$ 16,000.00
	4	18 inch sewer line upgrade	5,000	LF	\$ 19.00	\$ 95,000.00
	5	24 inch sewer line upgrade	5,000	LF	\$ 29.00	\$ 145,000.00
	6	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	12 inch sewer line upgrade	4,000	LF	\$ 8.00	\$ 32,000.00
	2	18 inch sewer line upgrade	8,500	LF	\$ 19.00	\$ 161,500.00
	3	30 inch sewer line upgrade	8,000	LF	\$ 39.00	\$ 312,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	18 inch sewer line upgrade	8,000	LF	\$ 19.00	\$ 152,000.00
	2	Engineering and Planning	0.5	LS	\$ 15,000.00	\$ 7,500.00
2003	1	24 inch sewer line upgrade	12,000	LF	\$ 29.00	\$ 348,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
Total						\$ 9,053,900.00

**THE RANCHES SEWER SERVICE AREA**

(Costs include oversizing the actual material above the minimum level of service)

TRLC Sewer System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	Outfall Line	26,585	LF	\$ 83.00	\$ 2,206,555.00
	2	10 inch sewer line upgrade	3,700	LF	\$ 5.00	\$ 18,500.00
	3	12 inch sewer line upgrade	4,970	LF	\$ 9.00	\$ 44,730.00
	4	15 inch sewer line upgrade	4,030	LF	\$ 15.00	\$ 60,450.00
	5	21 inch sewer line upgrade	1,980	LF	\$ 26.00	\$ 51,480.00
	6	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2000	1	10 inch sewer line upgrade	3,200	LF	\$ 5.00	\$ 16,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	10 inch sewer line upgrade	7,200	LF	\$ 5.00	\$ 36,000.00
	2	12 inch sewer line upgrade	2,880	LF	\$ 9.00	\$ 25,920.00
	3	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	10 inch sewer line upgrade	2,080	LF	\$ 5.00	\$ 10,400.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2003	1	10 inch sewer line upgrade	3,600	LF	\$ 5.00	\$ 18,000.00
	2	12 inch sewer line upgrade	3,500	LF	\$ 9.00	\$ 31,500.00
<b>Total</b>						<b>\$ 2,529,535.00</b>

## Storm Water System Five Year Facility Plan

### EAGLE MOUNTAIN PROPERTIES STORM WATER SERVICE AREA

#### EMPLC Storm Water System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	EM Storm Drain	1	LS	\$ 1,500,000.00	\$ 1,500,000.00
	2	Regional Basin	1	LS	\$ 75,000.00	\$ 75,000.00
	3	EM Storm Drain Oversize	1	LS	\$ 130,000.00	\$ 130,000.00
	4	Capital Facility Plan	1	LS	\$ 15,000.00	\$ 15,000.00
	3	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2000	1	Regional Basin	2	EA	\$ 75,000.00	\$ 150,000.00
	2	Impact Fee Evaluation	1	LS	\$ 3,000.00	\$ 3,000.00
	3	Open Channel Drainage	1	LS	\$ 200,000.00	\$ 200,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2003	1	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
Total						\$ 2,085,500.00

### THE RANCH'S STORM WATER SYSTEM SERVICE AREA

#### TRLC Storm Water System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	Regional Basin	1	LS	\$ 75,000.00	\$ 75,000.00
	2	Piping/channel construction	1	LS	\$ 100,000.00	\$ 100,000.00
	3	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2000	1	Regional Basin	1	LS	\$ 75,000.00	\$ 75,000.00
	2	Piping/channel construction	1	LS	\$ 150,000.00	\$ 150,000.00
	3	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	Regional Basin	1	LS	\$ 50,000.00	\$ 50,000.00
	2	Piping/channel construction	1	LS	\$ 100,000.00	\$ 100,000.00
	3	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1					
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2003	1					
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
Total						\$ 562,500.00

## Transportation System Five Year Facility Plan

### EAGLE MOUNTAIN PROPERTIES TRANSPORTATION SERVICE AREA

(Costs include extra asphalt, base, granular fill, and right of way required above the development meeting their minimum level of service)

#### EMPLC Transportation System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	Sweetwater Road	12,000	LF	\$ 39.00	\$ 468,000.00
	2	Eagle Mountain Blvd.	32,000	LF	\$ 19.00	\$ 608,000.00
	3	Engineering and Planning	0.5	LS	\$ 10,000.00	\$ 5,000.00
2000	1	Sweetwater Road	15,000	LF	\$ 58.00	\$ 870,000.00
	2	Sweetwater Road	5,000	LF	\$ 26.00	\$ 130,000.00
	3	Pony Express Paving	8,500	LF	\$ 20.00	\$ 170,000.00
	4	Eagle Mountain Blvd.	12,000	LF	\$ 60.00	\$ 720,000.00
	5	Collector Road Widening	4,500	LF	\$ 39.00	\$ 175,500.00
	6	Airport Road Paving	12,000	LF	\$ 20.00	\$ 240,000.00
	7	Airport Road Paving (2/3 Cost)	4,000	LF	\$ 13.00	\$ 52,000.00
	8	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	Eagle Mountain Blvd.	20,000	LF	\$ 60.00	\$ 1,200,000.00
	2	3500 North Widening	14,000	LF	\$ 39.00	\$ 546,000.00
	3	Arterial Road Widening	6,000	LF	\$ 96.00	\$ 576,000.00
	4	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	Lake Mountain Road	16,000	LF	\$ 20.00	\$ 320,000.00
	2	Collector Road Widening	5,500	LF	\$ 39.00	\$ 214,500.00
	3	Engineering and Planning	0.5	LS	\$ 10,000.00	\$ 5,000.00
2003	1	Arterial Road Widening	13,000	LF	\$ 96.00	\$ 1,248,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
<b>Total</b>						<b>\$ 7,555,500.00</b>

**THE RANCHES TRANSPORTATION SERVICE AREA**

(Costs include extra asphalt, base, granular fill, and right of way required above the development meeting their minimum level of service)

TRLC Transportation System

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	Eagle Mountain Parkway	17,000	LF	\$ 96.00	\$ 1,632,000.00
	2	Engineering and Planning	0.5	LS	\$ 10,000.00	\$ 5,000.00
2000	1	Lehi/Fairfield Road	14,000	LF	\$ 20.00	\$ 280,000.00
	2	Interior Collector Streets	4,000	LF	\$ 39.00	\$ 156,000.00
	3	Sweetwater Collector (1/4 cost)	11,000	LF	\$ 10.00	\$ 110,000.00
	4	Airport Road Paving (1/3 cost)	4,000	LF	\$ 7.00	\$ 28,000.00
	5	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2001	1	Interior Collector Streets	6,000	LF	\$ 39.00	\$ 234,000.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
2002	1	Interior Collector Streets	2,600	LF	\$ 39.00	\$ 101,400.00
	2	Paving Existing Roads	7,000	LF	\$ 20.00	\$ 140,000.00
	3	Engineering and Planning	0.5	LS	\$ 10,000.00	\$ 5,000.00
2003	1	Interior Collector Streets	6,500	LF	\$ 39.00	\$ 253,500.00
	2	Engineering and Planning	0.5	LS	\$ 5,000.00	\$ 2,500.00
<b>Total</b>						<b>\$ 2,952,400.00</b>



## Gas System Five Year Facility Plan

### GAS SUPPLY

The gas supply system consists of the existing LNG system and the Kern River tap and regulation station.

#### LNG System, and Kern River Gas Tap

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	LNG System	1	LS	\$ 250,000.00	\$ 250,000.00
1998	1					
1999	1	Kern River Tap	1	LS	\$ 365,000.00	\$ 365,000.00
	2	Regulation Station #1	1	LS	\$ 35,000.00	\$ 35,000.00
	4	Relocate LNG System	1	LS	\$ 30,000.00	\$ 30,000.00
	3	Engineering and Planning	1	LS	\$ 43,000.00	\$ 43,000.00
2000	1					\$ -
2001	1	Upgrade Tap and Meter #1	1	LS	\$ 100,000.00	\$ 100,000.00
	2	Engineering and Planning	1	LS	\$ 10,000.00	\$ 10,000.00
	3					
Total						\$ 833,000.00

After the 2001 facilities are in place the gas supply system will be adequate for approximately 4300 ERUs at peak hour operation. A percentage of the installation costs will benefit a customer base larger than 4300 ERUs.

#### LNG System, and Kern River Gas Tap - Cost per ERU Analysis

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
Gas Supply System	85%	\$ 708,050.00	4,300	\$ 164.66
Provisions for expansion	15%	\$ 124,950.00	15,000	\$ 8.33
Totals	100%			\$ 172.99

**HIGH PRESSURE DISTRIBUTION**

The high pressure gas distribution system allows efficient distribution of gas to the major areas of growth.

High Pressure Gas Distribution

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	16 inch high pressure steel gas main	1	LS	\$ 26,000.00	\$ 26,000.00
1998	1					
1999	1	10 inch high pressure steel gas main	13,000	LF	\$ 22.00	\$ 286,000.00
	2	Engineering and Planning	1	LS	\$ 28,600.00	\$ 28,600.00
	3					
2000	1					\$ -
2001	1	8 inch high pressure steel gas main	25,000	LF	\$ 20.00	\$ 500,000.00
	2	Regulation Station #2	1	LS	\$ 35,000.00	\$ 35,000.00
	3	Engineering and Planning	1	LS	\$ 53,500.00	\$ 53,500.00
	4					
Total						\$ 929,100.00

After the 2001 facilities are in place the main high pressure gas line will provide high pressure distribution to the major areas of growth. The HP distribution system will be adequate to serve the projected population through 2010, approximately 15,000 ERUs.

High Pressure Gas Distribution - Cost per ERU Analysis

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
High pressure gas distribution	100%	\$ 929,100.00	15,000	\$ 61.94
Totals	100%			\$ 61.94

**EAGLE MOUNTAIN PROPERTIES GAS SYSTEM SERVICE AREA**

**EMPLC Gas Distribution System**

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	8" Polyethylene Gas Main	1	LS	\$ 40,950.00	\$ 40,950.00
1998	1	6" Polyethylene Gas Main	2,000	LF	\$ 8.00	\$ 16,000.00
1999	1	4 inch Polyethylene gas main	5,000	LF	\$ 4.50	\$ 22,500.00
	2	6 inch Polyethylene gas main	13,000	LF	\$ 8.00	\$ 104,000.00
	3	8 inch Polyethylene gas main	7,200	LF	\$ 10.00	\$ 72,000.00
	4	Engineering and Planning	1	LS	\$ 25,545.00	\$ 25,545.00
2000	1	4 inch Polyethylene gas main	17,000	LF	\$ 4.50	\$ 76,500.00
	2	Engineering and Planning	1	LS	\$ 7,650.00	\$ 7,650.00
2001	1	6 inch Polyethylene gas main	9,000	LF	\$ 8.00	\$ 72,000.00
	2	Engineering and Planning	1	LS	\$ 7,200.00	\$ 7,200.00
2002	1	6 inch Polyethylene gas main	10,500	LF	\$ 8.00	\$ 84,000.00
	2	Engineering and Planning	1	LS	\$ 8,400.00	\$ 8,400.00
2003	1	Gas Main Distribution	1	LS	\$ 200,000.00	\$ 200,000.00
	2	Engineering and Planning	1	LS	\$ 20,000.00	\$ 20,000.00
<b>Total</b>						<b>\$ 756,745.00</b>

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
IP gas supply to subdivisions	90%	\$ 681,070.50	2,620	\$ 259.95
Oversizing for future	10%	\$ 75,674.50	5,240	\$ 14.44
<b>Totals</b>	<b>100%</b>	<b>\$ 756,745.00</b>		<b>\$ 274.39</b>

**THE RANCHES GAS SYSTEM SERVICE AREA**

**TRLC Gas Distribution System**

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	4 inch Polyethylene gas main	5,000	LF	\$ 4.50	\$ 22,500.00
	2	6 inch Polyethylene gas main	12,000	LF	\$ 8.00	\$ 96,000.00
	3	Engineering and Planning	1	LS	\$ 11,850.00	\$ 11,850.00
2000	1	4 inch Polyethylene gas main	6,000	LF	\$ 4.50	\$ 27,000.00
	2	6 inch Polyethylene gas main	4,000	LF	\$ 8.00	\$ 32,000.00
	3	Engineering and Planning	1	LS	\$ 5,900.00	\$ 5,900.00
2001	1	4 inch Polyethylene gas main	6,000	LF	\$ 4.50	\$ 27,000.00
	2	Engineering and Planning	1	LS	\$ 2,700.00	\$ 2,700.00
2002	1	4 inch Polyethylene gas main	12,300	LF	\$ 4.50	\$ 55,350.00
	2	6 inch Polyethylene gas main	21,100	LF	\$ 8.00	\$ 168,800.00
	3	Engineering and Planning	1	LS	\$ 22,415.00	\$ 22,415.00
2003	1	Poly Gas Main Distribution	1	LS	\$ 100,000.00	\$ 100,000.00
	2	Engineering and Planning	1	LS	\$ 10,000.00	\$ 10,000.00
<b>Total</b>						<b>\$ 581,515.00</b>

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
Polyethylene Gas Mains	80%	\$ 465,212.00	1,695	\$ 274.46
Oversizing for future	20%	\$ 116,303.00	3,390	\$ 34.31
Totals	100%	\$ 581,515.00		\$ 308.77

The following table summarizes the Costs per ERU associated with the Gas System:

	EMPLC	TRLC
Gas Supply Systems	\$ 172.99	\$ 172.99
HP gas Distribution mains	\$ 61.94	\$ 61.94
IP gas Distribution mains	\$ 274.39	\$ 308.77
<b>Total Gas Facilities Cost per ERU</b>	<b>\$ 509.33</b>	<b>\$ 543.70</b>

## Electric System Five Year Facility Plan

### 138 KV TRANSMISSION AND DISTRIBUTED GENERATION

#### 138 kV Transmission Project and Distributed Generation

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1999	1	138 kV Transmission	35,000	LF	\$ 18.94	\$ 662,878.79
	2	12.47 kV Underbuild	35,000	LF	\$ 9.00	\$ 315,000.00
	3	2 - 750kW Generator Sets	1	LS	\$ 650,000.00	\$ 650,000.00
	4	Switchgear	1	LS	\$ 250,000.00	\$ 250,000.00
	5	Engineering and Planning	1	LS	\$ 187,787.88	\$ 187,787.88
2000	1	138 kV Transmission (r.o.w. acquisition)	1	LS	\$ 1,500,000.00	\$ 1,500,000.00
	2	Engineering and Planning	1	LS	\$ 150,000.00	\$ 150,000.00
2001	1	138 kV Transmission	1	LS	\$ 3,900,000.00	\$ 3,900,000.00
	2	Engineering and Planning	1	LS	\$ 390,000.00	\$ 390,000.00
<b>Total</b>						<b>\$ 8,005,666.67</b>

The transmission line will be capable of delivering up to 120 MW of power, giving it the capacity to serve approximately 40,000 ERUs (3kW per ERU); the initial substation will provide transformation capacity of 25MW. Generation will provide the direct benefit of increase capacity and will allow greater flexibility in provisioning resources through year 2010.

#### Power Source - Cost per ERU Analysis

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
High Voltage Power Delivery	80%	\$ 6,404,533.33	40,000	\$ 160.11
Generation Capacity	1%	\$ 45,000.00	500	\$ 90.00
Generation - non capacity benefits	11%	\$ 855,000.00	15,000	\$ 57.00
Transformation	9%	\$ 701,133.33	8,000	\$ 87.64
<b>Totals</b>	<b>100%</b>	<b>\$ 8,005,666.67</b>		<b>\$ 394.76</b>

**EAGLE MOUNTAIN PROPERTIES ELECTRIC SYSTEM SERVICE AREA**

**EMPLC Electric Distribution System**

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	Tap and Metering Station	1	LS	\$ 60,809.00	\$ 60,809.00
	2	3-750 kcmil Al., 15 kV buried distribution	1	LS	\$ 424,466.00	\$ 424,466.00
1999	1	3-750 kcmil Al., 15 kV buried distribution	12,000	LF	\$ 20.75	\$ 249,000.00
	2	3-4/0 AWG Al., 15 kV buried distribution	1,300	LF	\$ 15.00	\$ 19,500.00
	3	Engineering and Planning	1	LS	\$ 26,850.00	\$ 26,850.00
2000	1	3-4/0 AWG Al., 15 kV buried distribution	4,500	LF	\$ 15.00	\$ 67,500.00
	2	Engineering and Planning	1	LS	\$ 6,750.00	\$ 6,750.00
2001	1	15 kV Power Distribution	500	Lots	\$ 300.00	\$ 150,000.00
	2	Engineering and Planning	1	LS	\$ 15,000.00	\$ 15,000.00
2002	1	15 kV Power Distribution	600	Lots	\$ 300.00	\$ 180,000.00
	2	Engineering and Planning	1	LS	\$ 18,000.00	\$ 18,000.00
2003	1	15 kV Power Distribution	700	Lots	\$ 300.00	\$ 210,000.00
	2	Engineering and Planning	1	LS	\$ 21,000.00	\$ 21,000.00
<b>Total</b>						<b>\$1,448,875</b>

Systems projected for installation through 2003 will provide distribution for subdivisions projected for construction through 2003. Additionally, distribution lines have been oversized to accommodate expansion for the next areas of growth.

**EMPLC Power distribution cost per ERU analysis**

Benefit	% Total Cost	Cost	ERUs Benefitted	Cost/ERU
Power distribution	70%	\$ 1,014,212.50	2,620	\$ 387.10
Oversizing for future development	30%	\$ 434,662.50	5,240	\$ 82.95
<b>Totals</b>	<b>100%</b>			<b>\$ 470.05</b>

**THE RANCHES ELECTRIC SYSTEM SERVICE AREA**

**TRLC Electric Distribution System**

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1998	1	Tap and Meter Station	1	LS	\$ 70,000.00	\$ 70,000.00
	2	3-4/0 AWG Al., 15 kV buried distribution	1	LS	\$ 192,370.00	\$ 192,370.00
1999	1	3-750 kcmil Al., 15 kV buried distribution	13,000	LF	\$ 20.75	\$ 269,750.00
	2	3-4/0 AWG Al., 15 kV buried distribution	1,400	LF	\$ 15.00	\$ 21,000.00
	3	Engineering and Planning	1	LS	\$ 29,075.00	\$ 29,075.00
2000	1	3-4/0 AWG Al., 15 kV buried distribution	10,000	LF	\$ 15.00	\$ 150,000.00
	2	Engineering and Planning	1	LS	\$ 15,000.00	\$ 15,000.00
2001	1	3-750 kcmil Al., 15 kV buried distribution	4,000	LF	\$ 20.75	\$ 83,000.00
	2	Engineering and Planning	1	LS	\$ 8,300.00	\$ 8,300.00
2002	1	15 kV Power Distribution	450	Lots	\$ 300.00	\$ 135,000.00
	2	Engineering and Planning	1	LS	\$ 13,500.00	\$ 13,500.00
2003	1	15 kV Power Distribution	550	Lots	\$ 300.00	\$ 165,000.00
	2	Engineering and Planning	1	LS	\$ 16,500.00	\$ 16,500.00
<b>Total</b>						<b>\$ 1,168,495.00</b>

Systems projected for installation through 2003 will provide distribution for subdivisions projected for construction through 2003. Additionally, distribution lines have been oversized to accommodate expansion for the next areas of growth.

**TRLC Power distribution cost per ERU analysis**

Benefit	% Total Cost	Cost	ERUs Benifitted	Cost/ERU
Power distribution	70%	\$ 817,946.50	1,675	\$ 488.33
Oversizing for future development	30%	\$ 350,548.50	3,350	\$ 104.64
Totals	100%	\$ 1,168,495.00		\$ 592.97

The following table summarizes the Costs per ERU associated with the Electric System:

**Electric Facilities cost per ERU summary**

	EMPLC	TRLC
Power Transmission, generation, transformation	\$ 394.76	\$ 394.76
Power Distribution	\$ 470.05	\$ 592.97
<b>Total Electric Facilities Cost per ERU</b>	<b>\$ 864.81</b>	<b>\$ 987.72</b>

# Telecommunications System Five Year Facility Plan

## CENTRAL OFFICE BUILDING AND TRUNKING

### Telecommunications Central Office - Initial installation

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	CO Building	1	LS	\$ 131,956.00	\$ 131,956.00
	2	MDF, Protection, CO equipment	1	LS	\$ 70,000.00	\$ 70,000.00
	3	Fiber Optic Trunk Cable	1	LS	\$ 468,103.00	\$ 468,103.00
	4	Trunking Electronics	1	LS	\$ 55,000.00	\$ 55,000.00
1998	1	Duct Bank	1	LS	\$ 112,000.00	\$ 112,000.00
1999	1	12 strand buried fiber optic (completes loop)	11,000	LF	\$ 8.00	\$ 88,000.00
Total						\$ 925,059.00

### Initial CO Installation - Cost per ERU Analysis

Benefit	% Total Cost	Cost	ERUs Benifitted	Cost/ERU
CO Building	14%	\$ 131,956.00	10,000	\$ 13.20
MDF, Protection, CO equip	8%	\$ 70,000.00	1,200	\$ 58.33
Fiber Optic Trunk	51%	\$ 468,103.00	10,000	\$ 46.81
Fiber Optic looped Trunk	10%	\$ 88,000.00	10,000	\$ 8.80
Trunking Electronics	6%	\$ 55,000.00	500	\$ 110.00
Duct Bank	12%	\$ 112,000.00	8,000	\$ 14.00
Totals	100%	\$ 925,059.00		\$ 251.14



**EAGLE MOUNTAIN PROPERTIES TELECOMMUNICATIONS SYSTEM SERVICE AREA**

**EMPLC Telecommunications System**

Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	CO Switch	0.6	LS	\$ 80,000.00	\$ 48,000.00
1999	1	CO Switch expansion	0.6	LS	\$ 60,000.00	\$ 36,000.00
	2	12 strand buried fiber optic to Airport	12,000	LF	\$ 8.00	\$ 96,000.00
	3	Copper Plant Expansion (900 pair)	5,000	LF	\$ 10.00	\$ 50,000.00
	4	Analog Card Expansion	33	EA	\$ 2,000.00	\$ 66,000.00
	5	Trunk Card Expansion	3	EA	\$ 3,200.00	\$ 9,600.00
	6	Engineering and Planning	1	LS	\$ 25,760.00	\$ 25,760.00
2000	1	Central Office Expansion	0.6	LS	\$ 60,000.00	\$ 36,000.00
	2	Coper Plant Expansion (900 pair)	10,000	LF	\$ 10.00	\$ 100,000.00
	3	Analog Card Expansion	33	EA	\$ 2,000.00	\$ 66,000.00
	4	Trunk Card Expansion	3	EA	\$ 3,200.00	\$ 9,600.00
	5	Engineering and Planning	1	LS	\$ 21,160.00	\$ 21,160.00
2001	1	Central Office Expansion	0.6	LS	\$ 120,000.00	\$ 72,000.00
	2	Coper Plant Expansion (900 pair)	10,000	LF	\$ 10.00	\$ 100,000.00
	3	Analog Card Expansion	44	EA	\$ 2,000.00	\$ 88,000.00
	4	Trunk Card Expansion	4	EA	\$ 3,200.00	\$ 12,800.00
	5	Engineering and Planning	1	LS	\$ 27,280.00	\$ 27,280.00
2002	1	Central Office Expansion	0.6	LS	\$ 120,000.00	\$ 72,000.00
	2	Coper Plant Expansion (1200 pair)	12,000	LF	\$ 12.00	\$ 144,000.00
	3	Analog Card Expansion	53	EA	\$ 2,000.00	\$ 106,000.00
	4	Trunk Card Expansion	5	EA	\$ 3,200.00	\$ 16,000.00
	5	Engineering and Planning	1	LS	\$ 33,800.00	\$ 33,800.00
2003	1	Coper Plant Expansion (1200 pair)	14,000	LF	\$ 12.00	\$ 168,000.00
	2	Analog Card Expansion	62	EA	\$ 2,000.00	\$ 124,000.00
	3	Trunk Card Expansion	6	EA	\$ 3,200.00	\$ 19,200.00
	4	Engineering and Planning	1	LS	\$ 31,120.00	\$ 31,120.00
<b>Total</b>						<b>\$ 1,530,320.00</b>

**EMPLC Telecommunications - Cost per ERU Analysis**

Benefit	% Total Cost	Cost	ERUs Benifitted	Cost/ERU
New line plant and electronics	100%	\$ 1,530,320.00	2,620	\$ 584.09
Totals	100%	\$ 1,530,320.00		\$ 584.09

**THE RANCHES TELECOMMUNICATIONS SYSTEM SERVICE AREA**

**TRLC Telecommunications System**

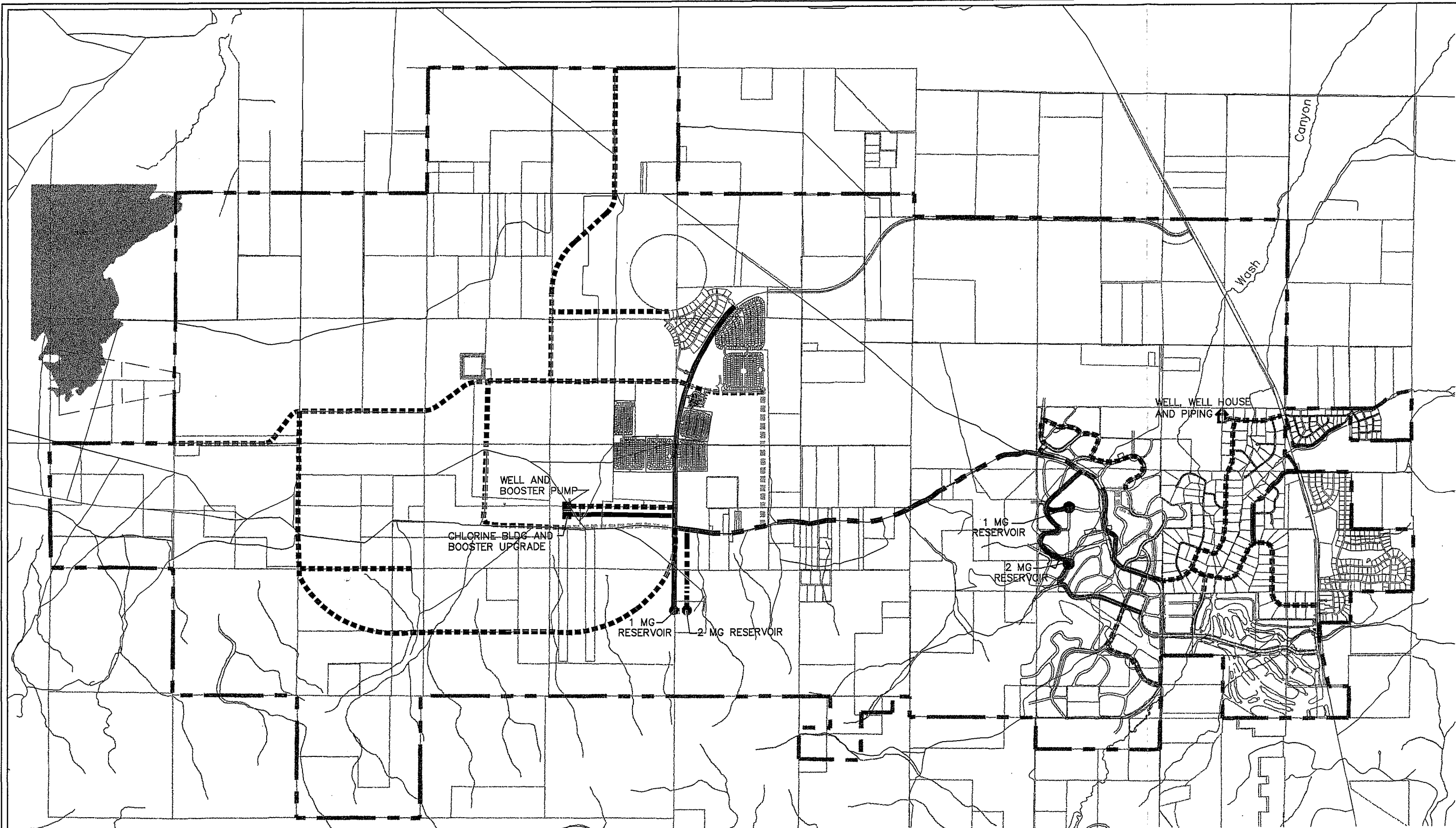
Year	Item	Description	Quantity	Units	Unit Cost	Total Cost
1997	1	CO Switch	0.4	LS	\$ 80,000.00	\$ 32,000.00
1999	1	Central Office Expansion	0.4	LS	\$ 60,000.00	\$ 24,000.00
	2	240 pair Fiber DLC Cabinet	1	EA	\$ 65,000.00	\$ 65,000.00
	3	Analog Card Expansion	9	EA	\$ 2,000.00	\$ 18,000.00
	4	Trunk Card Expansion	1	EA	\$ 3,200.00	\$ 3,200.00
	5	Engineering and Planning	1	LS	\$ 11,020.00	\$ 11,020.00
2000	1	Central Office Expansion	0.4	LS	\$ 60,000.00	\$ 24,000.00
	2	240 pair Fiber DLC Cabinet	1	EA	\$ 65,000.00	\$ 65,000.00
	3	Analog Card Expansion	20	EA	\$ 2,000.00	\$ 40,000.00
	4	Trunk Card Expansion	2	EA	\$ 3,200.00	\$ 6,400.00
	5	Engineering and Planning	1	LS	\$ 13,540.00	\$ 13,540.00
2001	1	Central Office Expansion	0.4	LS	\$ 120,000.00	\$ 48,000.00
	2	240 pair Fiber DLC Cabinet	2	EA	\$ 65,000.00	\$ 130,000.00
	3	Analog Card Expansion	31	EA	\$ 2,000.00	\$ 62,000.00
	4	Trunk Card Expansion	3	EA	\$ 3,200.00	\$ 9,600.00
	5	Engineering and Planning	1	LS	\$ 24,960.00	\$ 24,960.00
2002	1	Central Office Expansion	0.4	LS	\$ 120,000.00	\$ 48,000.00
	2	240 pair Fiber DLC Cabinet	2	EA	\$ 65,000.00	\$ 130,000.00
	3	Analog Card Expansion	40	EA	\$ 2,000.00	\$ 80,000.00
	4	Trunk Card Expansion	4	EA	\$ 3,200.00	\$ 12,800.00
	5	Engineering and Planning	1	LS	\$ 27,080.00	\$ 27,080.00
2003	1	240 pair Fiber DLC Cabinet	2	EA	\$ 65,000.00	\$ 130,000.00
	2	Analog Card Expansion	49	EA	\$ 2,000.00	\$ 98,000.00
	3	Trunk Card Expansion	5	EA	\$ 3,200.00	\$ 16,000.00
	4	Engineering and Planning	1	LS	\$ 24,400.00	\$ 24,400.00
<b>Total</b>						<b>\$ 1,111,000.00</b>

**TRLC Telecommunications - Cost per ERU Analysis**

Benefit	% Total Cost	Cost	ERUs Beniftted	Cost/ERU
New line plant and electronics	100%	\$ 1,111,000.00	1,695	\$ 655.46
Totals	100%	\$ 1,111,000.00		\$ 655.46

**Telecommunicaitons Facilities - Cost per ERU Sumary**

	EMPLC	TRLC
Initial CO, Fiber Trunk, Fiber Loop, Trunking Equipment	\$ 251.14	\$ 251.14
Analog and Trunking Cards and OSP	\$ 584.09	\$ 655.46
<b>Total Electric Facilities Cost per ERU</b>	<b>\$ 835.23</b>	<b>\$ 906.60</b>



DESIGNER	REVISED	DATE
QUANTITY CHECK	PROJECT NO.	
REVISION	DWG. REVISION	
APPROVED	SHEET	

FACILITY PLAN  
**CULINARY WATER SYSTEM**  
 TOWN OF EAGLE MOUNTAIN  
 C:\Data\Corporation\Design\www-water01.dwg 05/17/04 djd UTAH


**TOWN OF EAGLE MOUNTAIN**

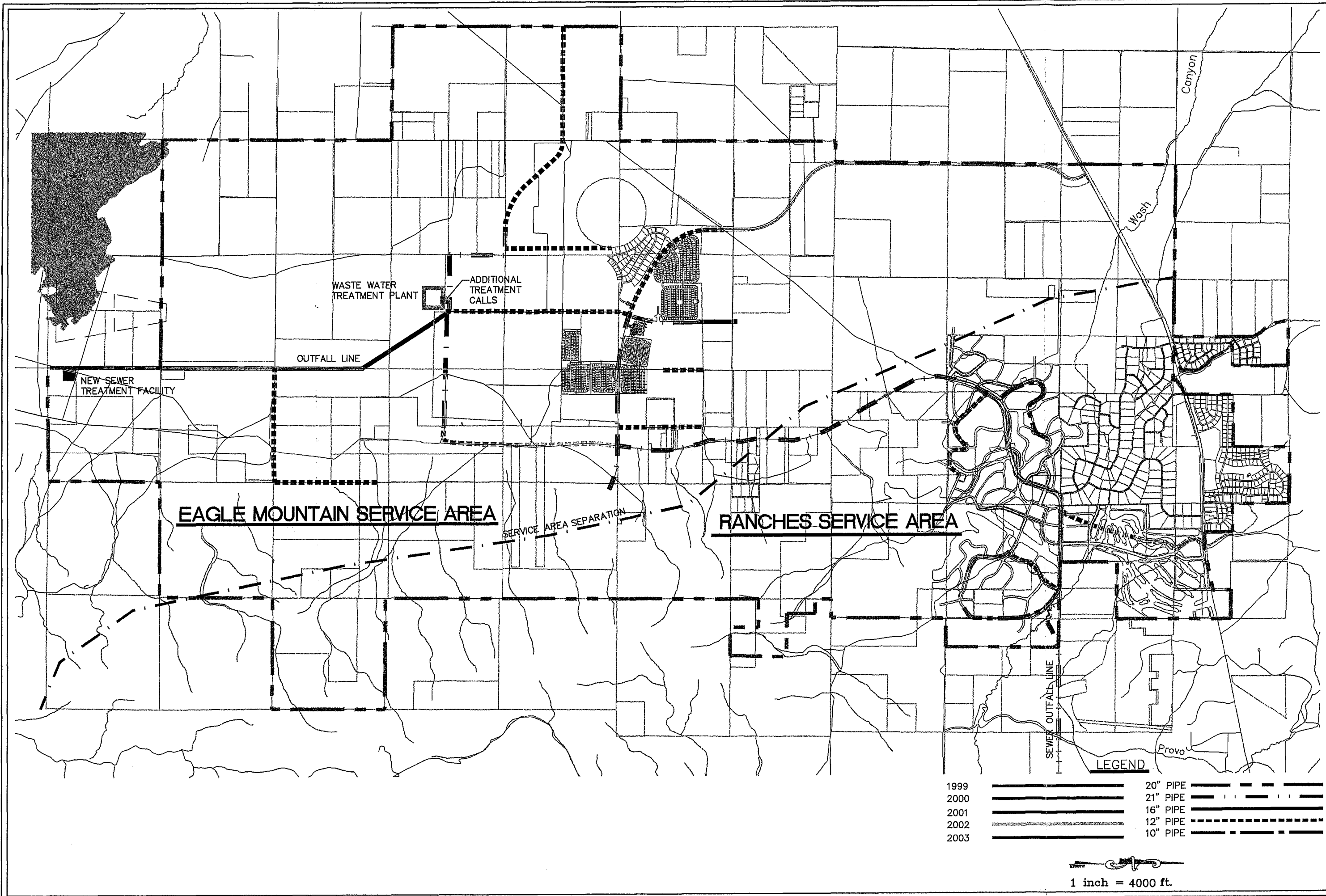
**Epic Engineering, P.C.**  
 855 SOUTH 600 WEST, SUITE #105  
 HEBER CITY, UTAH 84032  
 (435) 854-6600

NO.	DATE	REV. BY	ISSUE

**LEGEND**

1999	—————	20" PIPE	—————
2000	=====	16" PIPE	=====
2001	—————	12" PIPE	—————
2002	—————	10" PIPE	—————
2003	—————		

  
 1 inch = 4000 ft.



NO.	DATE	REV. BY	ISSUE	

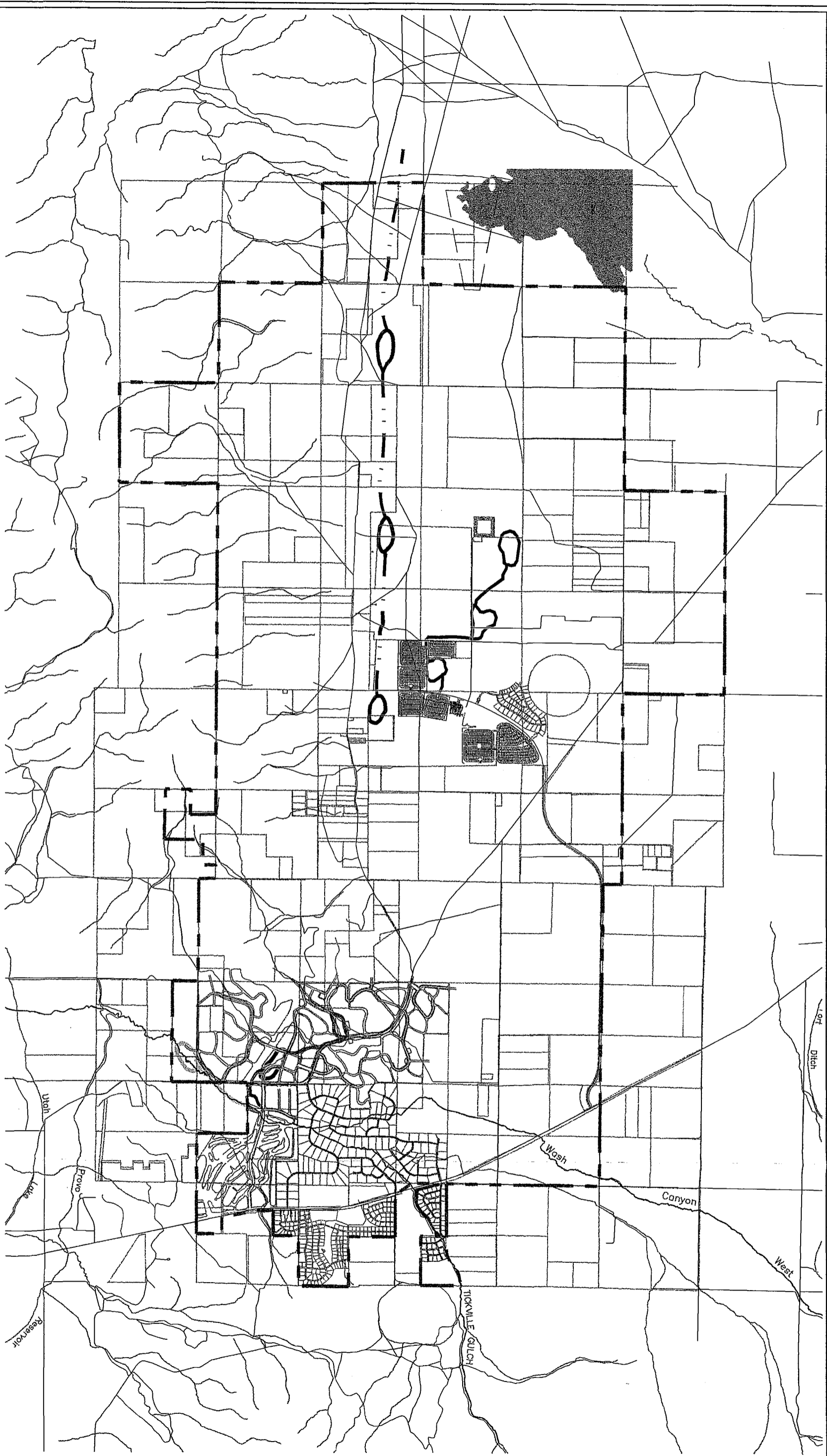
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X	X	X	X	
X	X	X	X	

<b>TOWN OF</b> <b>EAGLE MOUNTAIN</b>	<b>FACILITY PLAN</b> <b>WASTE WATER FACILITIES</b>
TOWN OF EAGLE MOUNTAIN C:\Users\Environmental\Design\www\wast001.dwg 05/12/03 dtd	

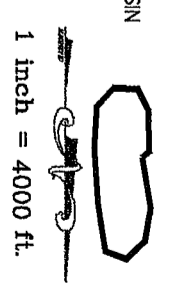
  

<b>E<sup>2</sup></b> <b>Epic Engineering, P.C.</b> 855 SOUTH 600 WEST, SUITE #105 HEBER CITY, UTAH 84032 (435) 854-6600	
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**LEGEND**

1999	OPEN CHANNEL
2000	PIPING
2001	REGIONAL BASIN
2002	
2003	



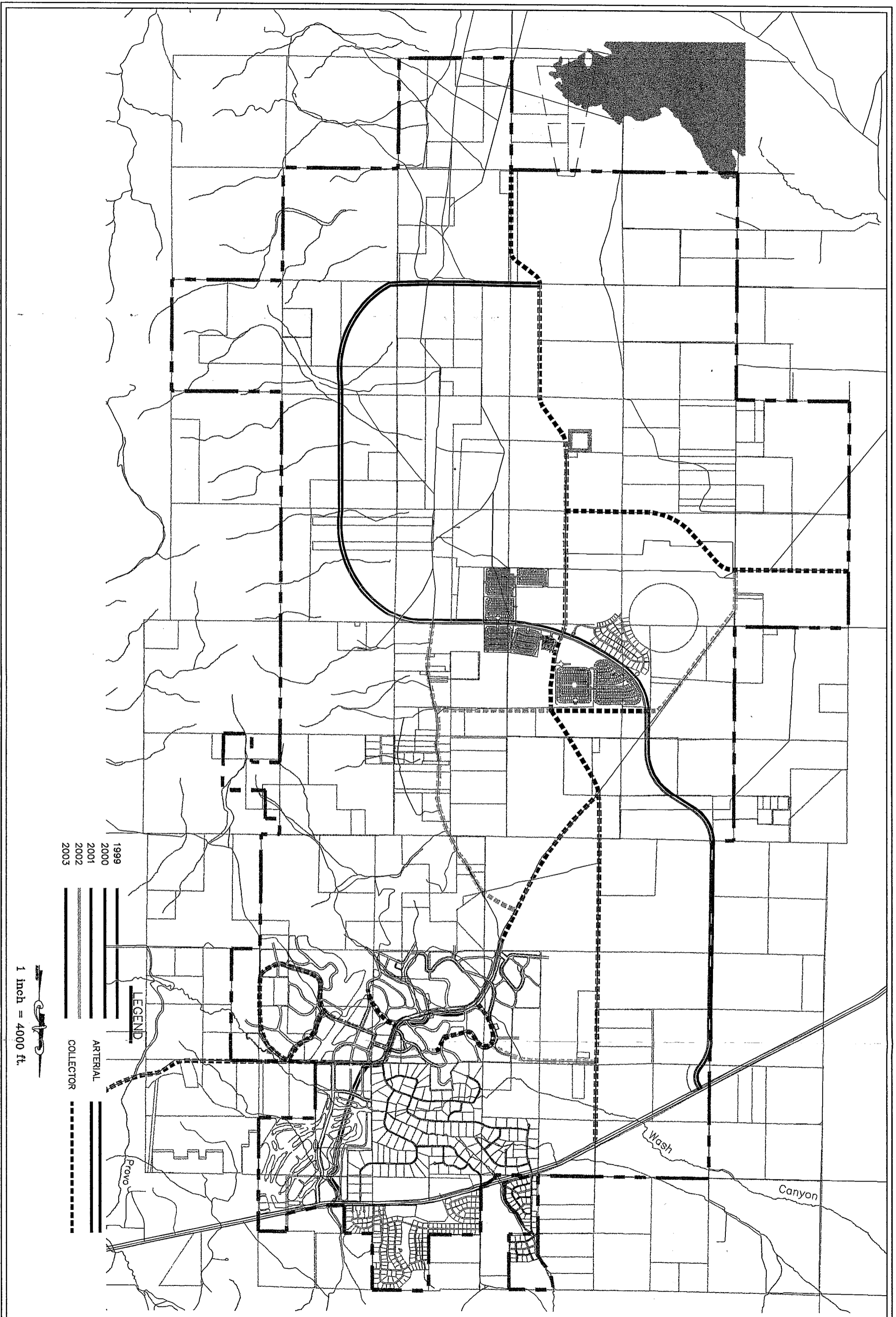
REVISION			
NO	DATE	REV. BY	ISSUE

**E<sup>2</sup> Epic Engineering, P.C.**  
 855 SOUTH 600 WEST, SUITE #105  
 HEBER CITY, UTAH 84032  
 (435) 654-6600

**TOWN OF  
 EAGLE MOUNTAIN**

FACILITY PLAN  
**STORM WATER SYSTEM**  
 TOWN OF EAGLE MOUNTAIN UTAH  
 c:\Epic\EagleMountain\Design\en-storm-01.dwg 05/12/98 dcd

DESIGNER	X	CAD	X
QUANTITY CHECK	X	PROJECT NO	X
REVIEWED	X	DWG REFERENCE	X
APPROVED	X	SHEET	X OF X



1999  
2000  
2001  
2002  
2003

**LEGEND**



1 inch = 4000 ft.

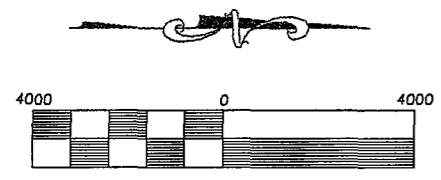
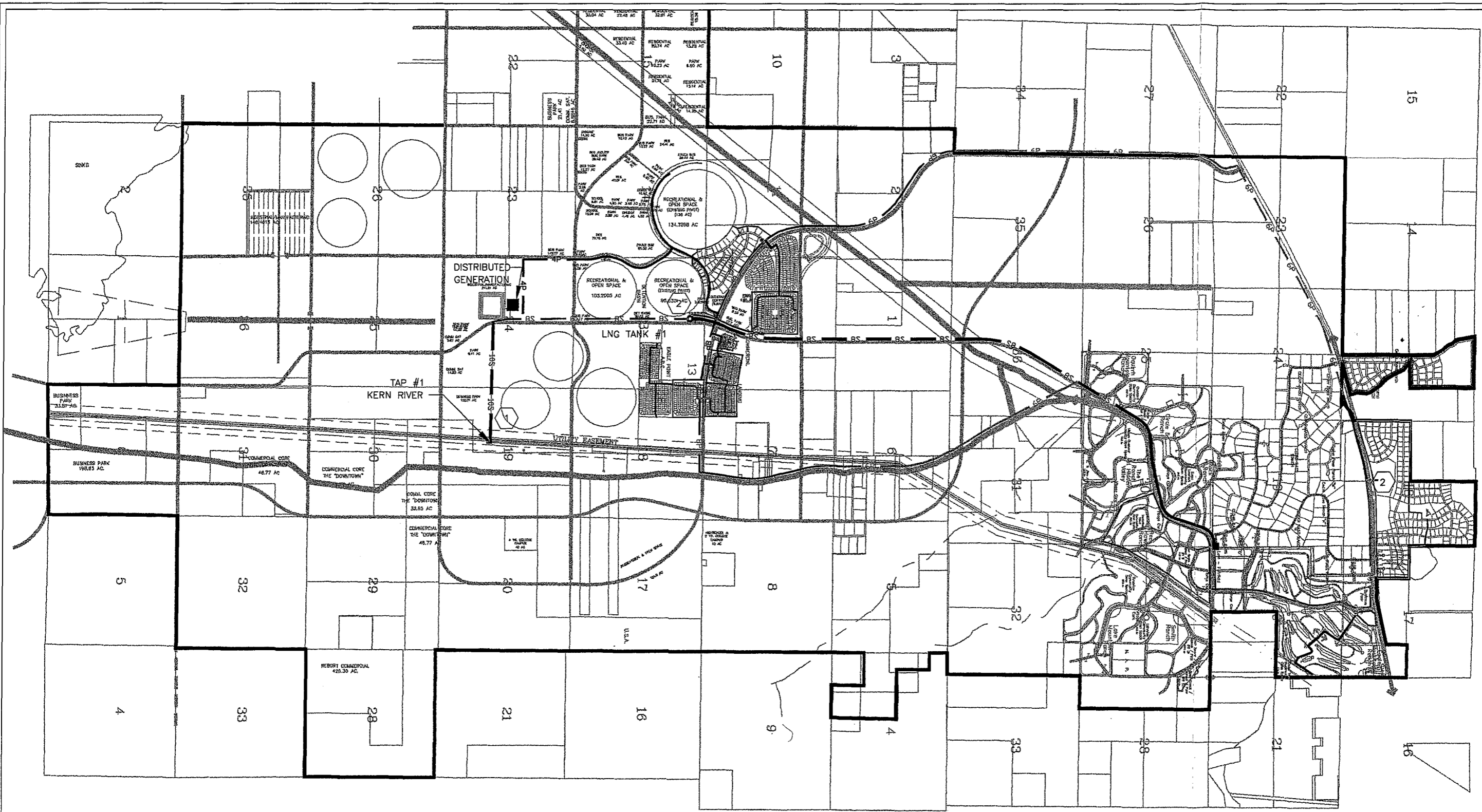
REVISION			
NO	DATE	REV. BY	ISSUE

**E<sup>2</sup> Epic Engineering, P.C.**  
 855 SOUTH 600 WEST, SUITE #105  
 HEBER CITY, UTAH 84032  
 (435) 654-8600

**TOWN OF  
EAGLE MOUNTAIN**

FACILITY PLAN  
**STREET SYSTEM**  
 TOWN OF EAGLE MOUNTAIN UTAH  
C:\Epic\EagleMountain\Design\em-streets-01.dwg 05/12/98 did

QUANTITY CHECK	X	PROJECT NO	X
REVIEWED	X	DWG REFERENCE	X
APPROVED	X	SHEET	X of X



Scale 1" = 4000 ft

**FLAG NOTES**

- 1 KERN RIVER TAP #1 TO BE MADE IN OCTOBER 1998 TO ACCOMMODATE DISTRIBUTED GENERATION.
- 2 LNG TANK #1 TO BE MOVED TO THE NORTH AREA IN NOVEMBER 1998 TO SERVE CUSTOMER BASE THROUGH 1998, 1999, AND 2000.

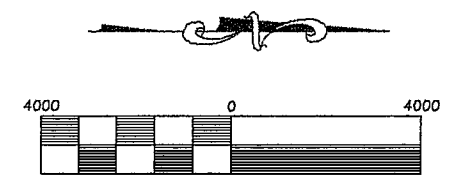
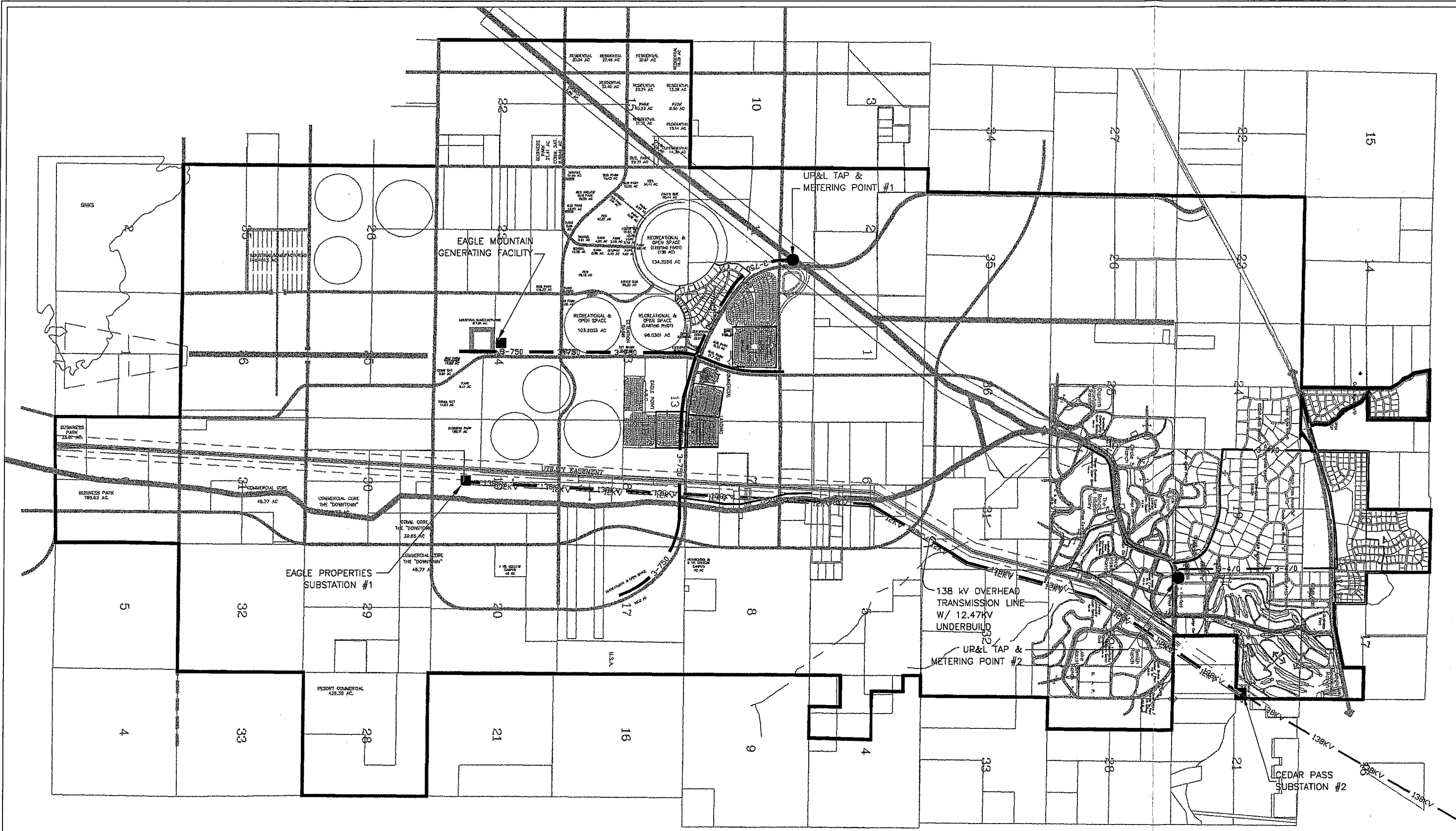
**LINE COLOR LEGEND**

- 1997
- 1998
- 1999
- 2000
- 2001
- 2002
- 2003

**LINE TYPE LEGEND**

- 2P 2" INTERMEDIATE PRESSURE POLYETHYLENE DISTRIBUTION MAIN
- 4P 4" INTERMEDIATE PRESSURE POLYETHYLENE DISTRIBUTION MAIN
- 6P 6" INTERMEDIATE PRESSURE POLYETHYLENE DISTRIBUTION MAIN
- 8P 8" INTERMEDIATE PRESSURE POLYETHYLENE DISTRIBUTION MAIN
- 6S 6" HIGH PRESSURE STEEL GAS MAIN
- 8S 8" HIGH PRESSURE STEEL GAS MAIN
- 10S 10" HIGH PRESSURE STEEL GAS MAIN
- 12S 12" HIGH PRESSURE STEEL GAS MAIN
- 16S 16" HIGH PRESSURE STEEL GAS MAIN

NO.	DATE	REV. BY	REVISION	ISSUE	
<p><b>TASCO ENGINEERING INC.</b>          887 NORTH 100 EAST, SUITE 4 • LEHI, UTAH 84043 • (801)766-9900</p>					
<p><b>TOWN OF EAGLE MOUNTAIN</b></p>					
<p><b>FACILITY PLAN</b>  <b>GAS DISTRIBUTION</b>          TOWN OF EAGLE MOUNTAIN</p>					
DESIGNER	LIDY	QUANTITY CHECK	LIDY	PROJECT NO.	1
CHECKED	LIDY	REVIEWED	LIDY	DATE	1
APPROVED	LIDY	APPROVED	LIDY	SHEET	1
UTAH					



Scale 1" = 4000 ft

**LINE COLOR LEGEND**

[Thick solid line]	1997
[Medium solid line]	1998
[Thin solid line]	1999
[Dashed line]	2000
[Dotted line]	2001
[Dash-dot line]	2002
[Thin solid line]	2003

**LINE TYPE LEGEND**

[Line with #2 symbol]	#2 AL., 15KV CONDUCTOR
[Line with 3-#2 symbol]	3-#2 AL., 15KV CONDUCTORS
[Line with 3-4/0 symbol]	3-4/0 AL., 15KV CONDUCTORS
[Line with 3-750 symbol]	3-750 kcmil, 15KV CONDUCTORS
[Thick solid line]	138KV OVERHEAD TRANSMISSION LINE, 3-12,000 kcmil ACSR
[Thin solid line]	12KV UNDERBUILD ON 138KV STRUCTURES, 3-477kcmil

REVISION NO. DATE REV. BY ISSUE	TASCOC LDV QUANTITY CHECK LDV REVIEWED DATE APPROVED SHEET 1 OF 1	FACILITY PLAN <b>POWER DISTRIBUTION</b> TOWN OF EAGLE MOUNTAIN UTAH	TASCOC <b>TASCOC</b> <b>ENGINEERING INC.</b> <small>887 NORTH 100 EAST, SUITE 4 • LEHI, UTAH 84043 • (801)768-9500</small>
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***EXHIBIT 4.1***

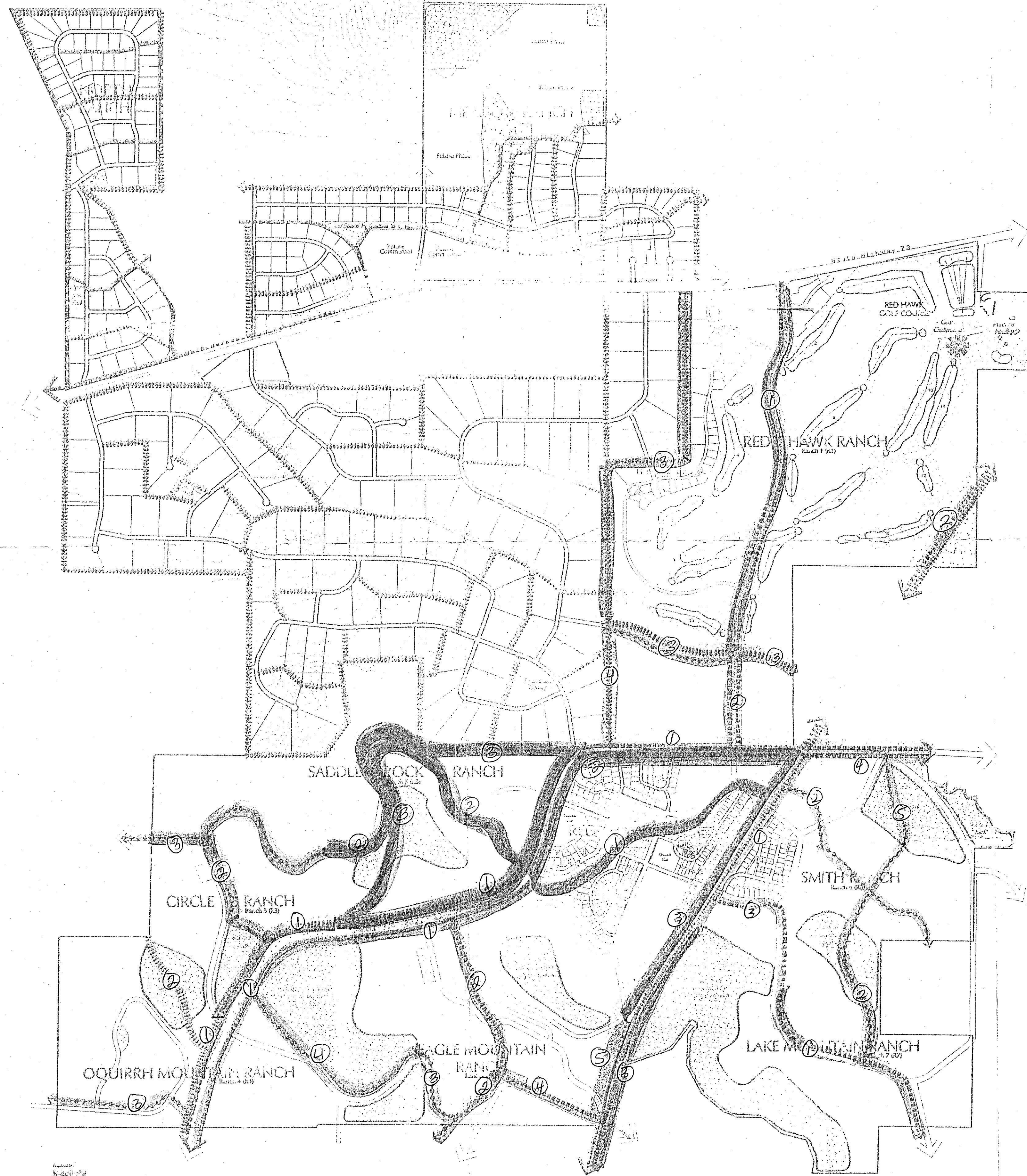
**Master Trails Plan Map**

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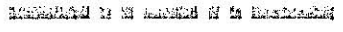
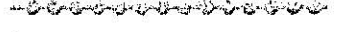

# The Ranches

## Trails Master Plan

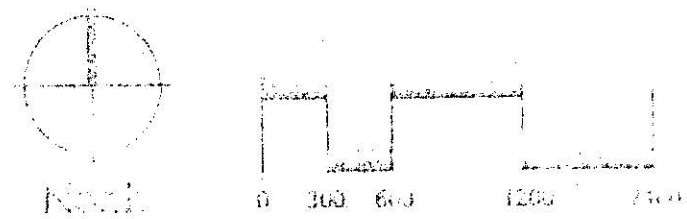
# THE RANCHES



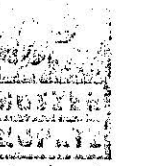
### LEGEND

-  EQUESTRIAN TRAIL
-  5-8' BICYCLE/EQUESTRIAN TRAIL
-  5' PEDESTRIAN/BICYCLE TRAIL
-  10' PEDESTRIAN/BICYCLE TRAIL

The Ranches  
Master Development Agreement  
Master Trails Plan Map  
Exhibit "4.1"



**LEGEND**  
 EQUESTRIAN TRAIL  
 5-8' BICYCLE/EQUESTRIAN TRAIL  
 5' PEDESTRIAN/BICYCLE TRAIL  
 10' PEDESTRIAN/BICYCLE TRAIL



***EXHIBIT 4.2***

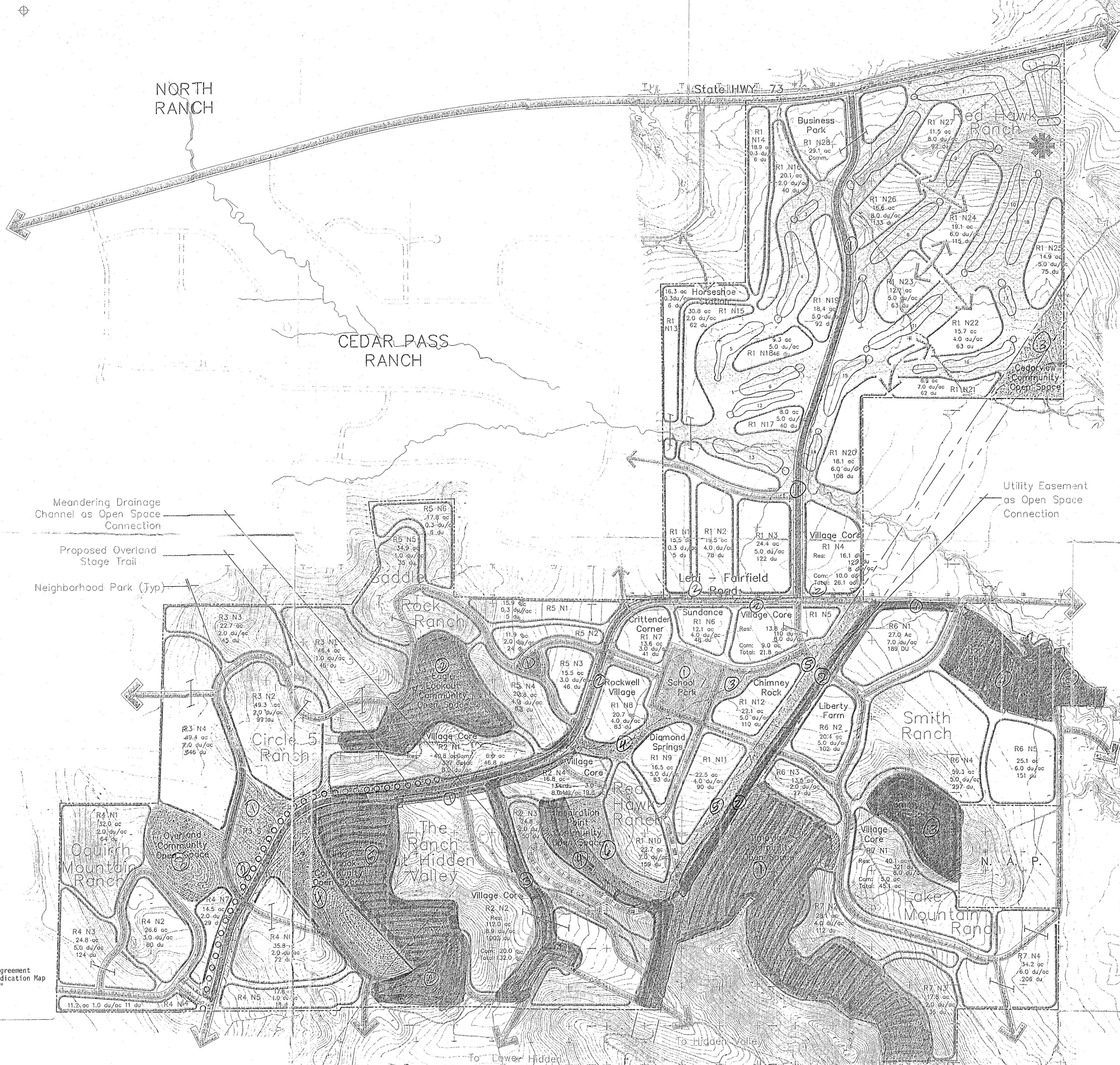
**Park & Open Space Dedication  
Map**

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# THE RANCHES @ EAGLE MOUNTAIN

A MASTER PLANNED COMMUNITY  
Eagle Mountain, Utah

## Concept Master Plan for The Ranches, L.C.



**Land Use Summary**

Ranch / Neighborhood	Zoning	Acres	Density/Acre	Dwelling Units	Total R1 Acres	Total R1 DU's
<b>RED HAWK RANCH - RANCH 1</b>						
R1 N1	CR	15.5	0.3	5		
R1 N2	TCR	19.5	4.0	78		
R1 N3	TCR	24.4	3.0	122		
R1 N4	CR	16.1	8.0	129		
R1 N5	TCR	13.8	8.0	110		
R1 N6	TCR	22.1	4.0	48		
R1 N7	TCR	12.6	3.0	41		
R1 N8	TCR	20.7	4.0	83		
R1 N9	TCR	16.5	5.0	83		
R1 N10	TCR	22.7	7.0	159		
R1 N11	TCR	16.5	4.0	60		
R1 N12	TCR	22.1	5.0	110		
R1 N13 (R1 N1)	TCR	22.5	10.3	128		
R1 N14 (R1 N2)	CR	18.9	18.9	18.9		
R1 N15 (R1 N3)	CR	30.8	30.8	30.8		
R1 N16 (R1 N4)	CR	20.1	20.1	20.1		
R1 N17 (R1 N5)	TCR	8.0	8.0	8.0		
R1 N18 (R1 N6)	TCR	9.5	9.5	9.5		
R1 N19 (R1 N7)	TCR	18.4	18.4	18.4		
R1 N20 (R1 N8)	TCR	18.1	18.1	18.1		
R1 N21 (R1 N9)	TCR	8.8	8.8	8.8		
R1 N22 (R1 N10)	TCR	15.7	15.7	15.7		
R1 N23 (R1 N11)	TCR	12.7	12.7	12.7		
R1 N24 (R1 N12)	TCR	19.1	19.1	19.1		
R1 N25 (R1 N13)	TCR	14.9	14.9	14.9		
R1 N26 (R1 N14)	TCR	16.6	16.6	16.6		
R1 N27 (R1 N15)	TCR	11.5	11.5	11.5		
<b>Subtotal</b>					219.5	1059
<b>THE RANCH AT HIDDEN VALLEY - RANCH 2</b>						
R2 N1	VC	34.8	8.0	278		
R2 N2	VC	110.0	8.0	1002		
R2 N3	CR	24.8	2.0	50		
R2 N4	VC	16.8	8.0	134		
<b>Subtotal</b>					166.4	1424
<b>CIRCLE 5 RANCH - RANCH 3</b>						
R3 N1	CR	46.4	1.0	46		
R3 N2	CR	43.3	2.0	87		
R3 N3	CR	22.7	2.0	45		
R3 N4	TCR	48.4	2.0	97		
<b>Subtotal</b>					167.8	536
<b>GOVERN MOUNTAIN RANCH - RANCH 4</b>						
R4 N1	CR	32.0	2.0	64		
R4 N2	TCR	26.6	3.0	80		
R4 N3	TCR	24.8	5.0	124		
R4 N4	CR	11.2	1.0	11		
R4 N5	CR	17.9	1.0	18		
R4 N6	CR	35.8	2.0	72		
R4 N7	CR	14.5	2.0	29		
<b>Subtotal</b>					162.7	304
<b>SADDLE ROCK RANCH - RANCH 5</b>						
R5 N1	CR	15.9	0.3	5		
R5 N2	CR	12.9	2.0	24		
R5 N3	TCR	15.5	3.0	46		
R5 N4	CR	20.6	4.0	83		
R5 N5	CR	34.9	1.0	35		
R5 N6	CR	12.8	0.3	6		
<b>Subtotal</b>					116.6	199
<b>SMITH RANCH - RANCH 6</b>						
R6 N1	TCR	27.0	7.0	189		
R6 N2	TCR	25.4	8.0	122		
R6 N3	CR	11.5	2.0	23		
R6 N4	TCR	59.3	5.0	297		
R6 N5	TCR	25.1	6.0	151		
<b>Subtotal</b>					136.3	768
<b>LAKE MOUNTAIN - RANCH 7</b>						
R7 N1	VC	40.1	8.0	321		
R7 N2	CR	28.1	4.0	112		
R7 N3	CR	17.8	2.0	36		
R7 N4	TCR	34.2	6.0	205		
<b>Subtotal</b>					100.2	675
<b>TOTAL FOR RESIDENTIAL</b>					1361.8 ac	6134 du
<b>COMMERCIAL</b>						
R1 N28	CR	9.6				
R1 N29	VC	29.1				
R1 N30	CR	6.0				
R1 N31	CR	2.0				
R1 N32	CR	1.0				
R1 N33	CR	5.0				
<b>TOTAL FOR COMMERCIAL</b>					62.1 ac	
<b>COMMUNITY OPEN SPACE</b>						
Eagle Landing		21.3				
Mountain Point		23.3				
Liberty		96.8				
Liberty		24.9				
Village Overlook		14.5				
Overland		8.5				
Overland		29.2				
<b>Subtotal</b>						281.3 ac
<b>OPEN SPACE/SCHOOLS/PARKS</b>						
R1 S		14.3				
R2 S		11.3				
R3 S		17.6				
R4 S		34.5				
R5 S		11.2				
<b>Subtotal</b>						92.9 ac
<b>GOLF COURSE OPEN SPACE</b>						
Liberty		214.74 ac				
<b>Subtotal</b>						214.74 ac
<b>UTILITY OPEN SPACE</b>						
Utility		48.1				
<b>Subtotal</b>						48.1 ac
<b>LENI-FAIRFIELD ROAD OPEN SPACE</b>						
Leni-Fairfield Road		28.7				
<b>Subtotal</b>						28.7 ac
<b>TOTAL FOR OPEN SPACE</b>						689.8 ac
<b>GRAND TOTAL</b>						2151.7 ac 6134 du
<b>Residential Density Summary</b>						
Density	Acres	Dwelling Units				
0.5/ac	85.4	43				
1.0/ac	78.4	75				
2.0/ac	326.1	652				
3.0/ac	56.0	167				
4.0/ac	122.5	494				
5.0/ac	226.1	1130				
6.0/ac	116.9	702				
7.0/ac	108.0	756				
8.0/ac	112.7	902				
9.0/ac	112.0	1008				
<b>TOTAL FOR OPEN SPACE</b>	1361.8 ac	6134 du				

The Ranches  
Master Development Agreement  
Park & Open Space Dedication Map  
Exhibit "4.2"

***EXHIBIT 4.3***

**Developed Park Location Map**

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***EXHIBIT 4***

**Schedule of  
Required Improvements**

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## EXHIBIT 4

### SCHEDULE OF REQUIRED IMPROVEMENTS

Year	Category	Description	Cost
2000			
	Culinary Water		<b>\$2,020,900</b>
		Culinary water well and Offsite Distribution	\$1,096,000
		2 MG Reservoir	\$850,000
		16 inch water line	\$62,400
		12 inch water line	\$10,000
		Engineering and Planning	\$2,500
	Sewer System		<b>\$16,000</b>
		10 inch sewer line	\$16,000
	Storm Water		<b>\$227,500</b>
		Regional Basin	\$75,000
		Piping/Channel Construction	\$150,000
		Engineering and Planning	\$2,500
	Streets		<b>\$576,500</b>
		Lehi Fairfield Road	\$280,000
		Interior Collector Streets	\$156,000
		Sweetwater Collector	\$110,000
		Airport Road	\$28,000
		Engineering and Planning	\$2,500
	Gas System		<b>\$118,000</b>
		4 inch Poly Gas	\$27,000
		6 inch Poly Gas	\$32,000
		Engineering and Planning	\$59,000
	Electrical System		<b>\$321,000</b>
		3 - 750 kcmil Al	\$270,000
		3 - 4/0 AWG Al	\$21,000
		Engineering and Planning	\$30,000
	Telecommunication		<b>\$149,400</b>
		Central Office Expansion	\$24,000
		240 Pair Fiber DLC	\$65,000
		Analog Card Expansion	\$40,000
		Trunk Card Expansion	\$6,400
		Engineering and Planning	\$14,000
	<b>TOTAL</b>		<b>\$3,429,300</b>
2001			
	Culinary Water		<b>\$20,000</b>
		10 inch water line	\$17,500
		Engineering and Planning	\$2,500

Sewer System	<b>\$64,500</b>
10 inch sewer line	\$36,000
12 inch sewer line	\$26,000
Engineering and Planning	\$2,500
Storm Water	<b>\$152,500</b>
Regional Basin	\$50,000
Piping/Channel Construction	\$100,000
Engineering and Planning	\$2,500
Streets	<b>\$234,000</b>
Interior Collector Streets	\$234,000
Gas System	<b>\$29,700</b>
4 inch Poly Gas	\$27,000
Engineering and Planning	\$2,700
Electrical System	<b>\$158,300</b>
3 - 4/0 AWG AI	\$150,000
Engineering and Planning	\$8,300
Telecommunication	<b>\$274,600</b>
Central Office Expansion	\$48,000
240 Pair Fiber DLC	\$130,000
Analog Card Expansion	\$62,000
Trunk Card Expansion	\$9,600
Engineering and Planning	\$25,000
<b>TOTAL</b>	<b>\$933,600</b>

2002

Culinary Water	<b>\$97,500</b>
12 inch water line	\$95,000
Engineering and Planning	\$2,500
Sewer System	<b>\$11,000</b>
10 inch sewer line	\$11,000
Storm Water	<b>\$2,500</b>
Engineering and Planning	\$2,500
Streets	<b>\$244,500</b>
Interior Collector Streets	\$102,000
Paving Existing Roads	\$140,000
Engineering and Planning	\$2,500
Gas System	<b>\$247,000</b>
4 inch Poly Gas	\$55,000
6 inch Poly Gas	\$169,000
Engineering and Planning	\$23,000
Electrical System	<b>\$148,500</b>
15 kv Power Distribution	\$135,000
Engineering and Planning	\$13,500
Telecommunication	<b>\$297,800</b>
Central Office Expansion	\$48,000
240 Pair Fiber DLC	\$130,000
Analog Card Expansion	\$80,000
Trunk Card Expansion	\$12,800

	Engineering and Planning	\$27,000
<b>TOTAL</b>		<b>\$1,048,800</b>
<b>2003</b>		
Culinary Water		<b>\$924,500</b>
2 MG Reservoir		\$850,000
Offsite Distribution		\$72,000
Engineering and Planning		\$2,500
Sewer System		<b>\$50,000</b>
10 inch sewer line		\$18,000
12 inch sewer line		\$32,000
Storm Water		<b>\$2,500</b>
Engineering and Planning		\$2,500
Streets		<b>\$256,000</b>
Interior Collector Streets		\$253,500
Engineering and Planning		\$2,500
Gas System		<b>\$110,000</b>
Poly Gas Distribution		\$100,000
Engineering and Planning		\$10,000
Electrical System		<b>\$181,500</b>
15 kv Power Distribution		\$165,000
Engineering and Planning		\$16,500
Telecommunication		<b>\$268,400</b>
240 Pair Fiber DLC		\$130,000
Analog Card Expansion		\$98,000
Trunk Card Expansion		\$16,000
Engineering and Planning		\$24,400
<b>TOTAL</b>		<b>\$1,792,900</b>

***EXHIBIT 5***

**Open Space Dedication Schedule  
for Parks and Open Space**

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# EXHIBIT "5"

## OPEN SPACE DEDICATION SCHEDULE FOR PARKS AND OPEN SPACE

1. Parks and open space depicted on the Master Development Plan map shall be dedicated to the Town concurrent with the start of subdivision platting in each "Ranch Area" in the sequence defined below. Subdivision plats will not be recorded until the concurrent dedication is complete.

### Lower Red Hawk Ranch

1. (Park already dedicated, R-1S)
2. Pony Express Parkway's Open Space Corridor
3. Redhawk Ranch Drainage Basin
4. Redhawk Ranch Drainage Basin
5. ½ of lower Redhawk Utility Corridor
6. Inspiration Point Open Space

### Smith Ranch

1. Balance of Pony Express Corridor
2. ½ of Lower Redhawk Utility Corridor
3. Lake View Community Open Space
4. Smith Ranch R-6, S-1
5. Smith Ranch R-6, S-2

### Saddle Rock Ranch

1. Triangle Park
2. Eagle Lookout Community Open Space
3. Balance of Pony Express Parkway

Circle 5 Ranch

1. R-3S
2. Continuation of Pony Express Parkway Corridor
3. Overland Community Open Space
4. 40% of Village Overlook Community Open Space

Oquirrh Ranch

1. Balance of Continuation of Pony Express Parkway

Eagle Mountain Ranch  
(the Ranch at Hidden Valley)

1. Balance of Pony Express Corridor
2. R-2S Open Space
3. Hidden Valley Drainage Basin
4. Balance of Inspiration Park
5. Balance of Village Overlook Community Open Space

Upper Redhawk Ranch

1. Redhawk Parkway Open Space Corridors
2. Pony Express Corridor
3. Cedar View Community Open Space

***EXHIBIT 6***

**Special Conditions**

T H E  
**RANCHES**

**FINANCIAL PLAN**  
**31-Jan-99**

The following represents the amount to be spent by The Ranches for the creation of the infrastructure set forth in the Town of Eagle Mountain Capital Facilities Plan as outlined in Town of Eagle Mountain 1998 Notes and The Ranches, L.C. SID prepared by Gary Tassainer and adopted as the payment schedule for the Town.

	Ranches Portion Contracts	Ranches Portion Town Contract Requirement	Balance of Town Requirement	Paid to Date Contractor	Paid to Date Town	Ranches Balance Owed to Contractor	Ranches Total Owed to Town
Electrical ( Tasco)	\$770,484	\$112,124	\$192,602	0	0	\$770,484	\$304,726
Telecommunications ( Tasco)	\$154,074	\$106,926	\$17,252	0	0	\$154,074	\$124,178
Gas (Fugal)	\$201,210	\$216,188	\$99,510	0	0	\$201,210	\$315,698
Sewer Off-site (Condie)	\$2,023,921	\$5,900	\$5,900	\$298,000	0	\$1,725,921	\$5,900
Roads, Water, Sewer	\$3,027,628	0	0	\$1,650,000	0	\$1,277,628	0
Water Off-site	<u>\$1,446,200</u>	<u>\$36,979</u>	<u>\$36,979</u>	<u>\$1,446,200</u>	<u>0</u>	<u>0</u>	<u>\$36,979</u>
<b>TOTAL</b>	<b>\$7,623,517.00</b>	<b>\$478,117.00</b>	<b>\$352,243.00</b>	<b>\$3,394,200.00</b>	<b>0</b>	<b>\$4,129,317.00</b>	<b>\$787,481.00</b>

**Combined Total owed by The Ranches, L.C. for entire Capital Facilities Work:      \$4,916,798**



Based on the above schedule, the following alternatives for payment are set forth below:

1) SID Financing

After meeting with Laura Lewis, Town Financial Advisor; Blaine Carlton, Town Bond Attorney; Gerald Kinghorn, Town Legal Counsel; Mayor Robert Bateman; John Newman, Town Manager; and other Town Personnel, the proposed term sheet was revised to allow for the payment of the SID in the years 1999-2002 and is attached as Exhibit A. The Town RBAN portion of \$787,481 can be reimbursed out of our \$3,394,200 already expended. This would allow for immediate payment and escrowing of the funds prior to the work involved being complete.

This obviously is our preferred method of financing. We would hope that the SID could be closed within the next 90 to 120 days with the possibility of Warrants being funded within the next 30 days.

2) Borrowing Against Land Equity

Though it is an expensive way to proceed, we do have the following described parcels of land which we could close on in the next 45 days. The schedule below sets forth the valuation of property which we currently have under contract.

While we have borrowed against much of the land which we own, none of the parcels listed below are encumbered. Valuations are from current MAI appraisals and substantially reflect those values supported in the SID appraisal.

	Parcel A	Parcel B	Parcel C	Parcel D
<b>Acreage</b>	174	80	100	675
<b>MAI Value</b>	\$5,220,000.00	\$2,600,000.00	\$3,250,000.00	\$18,562,000.00
<b>Purchase Price</b>	<u>1,044,000.00</u>	<u>960,000.00</u>	<u>600,000.00</u>	<u>4,050,000.00</u>
<b>Balance of Value</b>	\$3,156,000.00	\$1,640,000.00	\$2,650,000.00	\$14,512,000.00
<b>Loan at 40%</b>	\$1,262,400.00	\$656,000.00	\$1,060,000.00	\$5,804,000.00
<b>Total Loan Amount:</b>				
Parcel A		1,262,400		
Parcel B		656,000		
Parcel C		1,060,000		
Parcel D		<u>5,804,000</u>		
<b>Total Available Capital Through Loans</b>				<b>\$8,782,400</b>

Loan Costs @ 4%	351,296
Loan Interest Reserve @ 12% for 1 Year	<u>\$1,053,888</u>
<b>Total Loan Cost</b>	<b>\$1,405,184</b>

**Net Cash Available** **\$7,377,216**

3) Sale of Land and Lot Parcels

As noted in Exhibit B, the proposed 1999 SID payoff totaled \$3,432,846 and in the year 2,000, totaled \$2,464,302 as applied under this premise. This will release lots and acreage on a different basis. In the event that we exceeded the scheduled payoff shown in Exhibit C by \$5,200 per acre in 1999 an increase of \$1,439,880 would occur. We could also increase lot releases by \$1,750 per lot totaling \$71,750. Combined with the \$3,432,846 projected payment, we would total \$4,944,476 which would exceed our financial obligations shown on the opening page.

4) Sale of Equity Interests

We have been approached by several firms and individuals to sell equity interests within the project. Equity interests can take 25% to 50% of the projected profits and usually give the investor a decision making role in the company. As a last resort we could do this, but it would definitely be our last choice.

As you will note from page one of this document, we have funded \$3,394,200. We anticipate funding by January 31<sup>st</sup> to CIC, an additional \$125,000 and to Condie Construction, an additional \$286,000 making a total of \$3,805,200. These additional funds will be from our own sources and do not involve any of the above methods of financing. The schedule of monthly cash requirements (Exhibit C) sets forth the funds required monthly to retire the balance of the SID/RBAN debt.

Again, the SID is preferable but we do have sufficient resources as set forth above to meet the monthly and total demand.

# **EXHIBIT "6"**

## **SPECIAL CONDITIONS ADDENDUM**

The parcels of land described in this Addendum are defined on the Map Exhibit "1" and may be sold and conveyed for subdivision purposes without further approval or formal subdivision by the Town.

**EXHIBIT "6"**  
**SPECIAL CONDITIONS ADDENDUM**

The following represent equivalent zoning classifications not in place when the MDP was adopted on March 10, 1998. These classifications are in conformity with the June 23, 1998 Development Code.

Neighborhood	Classification	Neighborhood	Classification
<b>Ranch 1</b>		<b>Ranch 3</b>	
1	CR	1	CR
2	VC	2	TCR
3	VC	3	CR
4	VC	4	VC
5	VC		
6	TCR	<b>Ranch 4</b>	
7	TCR	1	TCR
8	TCR	2	TCR
9	TCR	3	TCR
10	TCR	4	TCR
11	TCR	5	TCR
12	TCR	6	TCR
13	CR	7	TCR
14	CR		
15	TCR	<b>Ranch 5</b>	
16	TCR	1	CR
17	TCR	2	TCR
18	TCR	3	VC
19	TCR	4	TCR
20	VC	5	CR
21	VC	6	CR
22	TCR		
23	TCR	<b>Ranch 6</b>	
24	TCR	1	VC
25	VC	2	TCR
26	TCR	3	TCR
27	TCR	4	TCR
		5	TCR
<b>Ranch 2</b>		<b>Ranch 7</b>	
1	VC	1	VC
2	VC	2	VC
3	VC	3	TCR
4	VC	4	TCR

# **EXHIBIT "6"**

## **SPECIAL CONDITIONS ADDENDUM**

### Central Utility Costs and Payments

**RANCHES L.C.**  
Estimated RBAN and SID Payments

**Distribution of Development**

	TRLC
Equivalent Residential Units, ERU	8,000
Percent of Total ERUs	21.4%

**Allocated Utility Construction**

		TRLC SID
<b>Electric System Construction</b>		
Distributed Generation (contract + 10%)	196,402	
10kV Breaker, power supply, and relay (Labor only)	1,071	
PacifiCorp Interconnect - Contingency	1,071	
Transmission	10,714	
PacifiCorp Transmission Study	6,429	
PacifiCorp Inventory Study	2,143	
Distribution Line to Proposed Substation	16,226	
AMR	5,036	
Pro rata share of Utility Building	10,714	
Meter Upgrade	2,143	
Firestation Overage (at one fifth of \$138,000)	5,914	
Projected Professional Fees	30,216	
Projected Construction Contingency	18,331	
<i>Subtotal</i>		\$ 305,411
<b>Natural Gas System Construction</b>		
Kern River Gas Tap	85,714	
High Pressure Gas Main/Regulation	149,464	
Right of Way	8,036	
AMR	5,036	
Pro rata share of Utility Building	10,714	
Firestation Overage (at one fifth of \$138,000)	5,914	
Projected Professional Fees	38,792	
Projected Contingency	12,842	
<i>Subtotal</i>		\$ 316,429
<b>Water System</b>		
Wells and Pumping Capacity - Southern Area	10,714	
AMR	5,036	
Pro rata share of Utility Building	10,714	
Firestation Overage (at one fifth of \$138,000)	5,914	
Projected Professional Fees	1,607	
Projected Contingency	3,075	
<i>Subtotal</i>		\$ 37,060
<b>Wastewater</b>		
Firestation Overage (at one fifth of \$138,000)	5,914	
<i>Subtotal</i>		\$ 5,914
<b>Telecommunications</b>		
Cedar Pass North Fiber and DLC	-	
Central Office Expansion	12,857	
Complete Trunking Loop	10,714	
Fiber to ELL Regen Site	8,417	
ELL Fiber Termination	2,143	
Duct Bank	24,000	
Analog Cards	18,875	
Trunking Cards	4,886	
Firestation Overage (at one fifth of \$138,000)	5,914	
Projected Professional Fees	12,686	
Projected Contingency	6,185	
<i>Subtotal</i>		\$ 103,677
<b>Total Allocated Utility Construction</b>		<b>\$ 768,485</b>

Constr. Project / Time Frame
Generation Project
15kV Electric Feed
-Nov-
-2 months-
-Nov-
-Nov-
-2 months-
-Nov-
-Nov-
-2 months-
-Nov-
-Nov-
-Over Const. Period-
18kV Electric Feed
6" Steel Gas Line
-Nov-
-Nov-
-Nov-
-Nov-
-Nov-
-Over Const. Period-
- Early Summer-
-Nov-
-Nov-
-Nov-
-Nov-
-Over Const. Period-
-Nov-
-Nov-
-3 months-
-Nov-
-Nov-
-Nov-
-Nov-
-Nov-
-Nov-
-Over Const. Period-

Ranches SID Costs							
	February	March	April	May	June	July	August
Generation Project	65,134	65,124	65,124				
15kV Electric Feed	586	536					
-Nov-	1,071						
-2 months-			5,367	5,367			
-Nov-	6,429						
-Nov-	2,143						
-2 months-			8,113	8,113			
-Nov-	5,036						
-Nov-	10,714						
-2 months-			1,071	1,071			
-Nov-	5,914						
-Nov-	30,216						
-Nov-	3,686	3,686	3,686	3,686	3,686		
<i>Subtotal</i>	\$ 130,859	\$ 89,336	\$ 83,842	\$ 18,208	\$ 3,686		
18kV Electric Feed	42857	42857					
6" Steel Gas Line	149464						
-Nov-	8036						
-Nov-	5036						
-Nov-	10714						
-Nov-	5914						
-Nov-	38702						
-Over Const. Period-	6421	8,421					
<i>Subtotal</i>	\$ 287,144	\$ 49,278					
- Early Summer-					3671	3671	3671
-Nov-	5036						
-Nov-	10714						
-Nov-	5914						
-Nov-	1607						
-Over Const. Period-	769				769	769	769
<i>Subtotal</i>	\$ 24,040				\$ 4,340	\$ 4,340	\$ 4,340
-Nov-	5914						
<i>Subtotal</i>	\$ 5,914						
-Nov-			12857				
-Nov-							
-3 months-							
-Nov-			8417				
-Nov-			2143				
-Nov-			24000				
-Nov-			16875				
-Nov-			4886				
-Nov-			5914				
-Nov-			12686				
-Over Const. Period-			1296		1,296	1,296	1,296
<i>Subtotal</i>	\$ 89,074		\$ 4,888	\$ 4,868	\$ 4,868		
<b>Total</b>	\$ 517,032	\$ 118,614	\$ 83,342	\$ 23,076	\$ 12,874	\$ 9,208	\$ 4,340

**RANCHES L.C.**  
Estimated RBAN and SID Payments

**TRLC Non-allocated Utility Construction**

	TRLC SID	
Electric Distribution System Expansion	\$	577,885
Natural Gas Distribution	\$	101,700
Water Storage Capacity Expansion - Northern Area	\$	-
Water Distribution - Northern Area	\$	-
Wastewater Outfall Line	\$	2,006,110
Wastewater Collection System Expansion	\$	-
Fiber In new alignment	\$	48,220
DLC Cabinet	\$	50,000
Projected Professional Fees	\$	100,000
Projected Contingency	\$	262,369
	\$	3,145,284

Constr. Project/ Time Frame
(1) Electric/Telecommun
(2) 4" Low Pressure Gas
(2) Ranches
(2) Ranches
(2) TSSD Sewer Outfall
-2 months-
-Now-
-Now-
-Oral Const. Period-

Ranches SID Costs						
February	March	April	May	June	July	August
200000	150000	150000	77885			
	33900	38900	38900			
2805110						
		24110	24110			
100000	50800					
65892	65892	65892	65892			
\$ 2,370,702	\$ 299,492	\$ 273,602	\$ 201,487			

**Utility Finance**

	TRLC SID	
Total TEWA Allocated Utility Construction	\$	789,485
Total TRLC Non-allocated Utility Construction	\$	3,145,284
Total EMPLC Non-allocated Utility Construction	\$	-
Operating Capital		
Capitalized Interest		
Debt Service Reserve Fund	At funding	
Underwriter's Discount	At funding	
Other Costs of Issuance	At funding	
<b>Total Utility Finance</b>	\$	3,913,769

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517032	118614	83342	23075	12874	9208	4340
2370702	299492	273802	201487			
\$ 2,887,734	\$ 418,107	\$ 356,944	\$ 224,562	\$ 12,874	\$ 9,208	\$ 4,340

**Total Utility Portion of TRLC SID \$ 3,913,769**

**Monthly Subtotals**

\$ 2,887,734	\$ 418,107	\$ 356,944	\$ 224,562	\$ 12,874	\$ 9,208	\$ 4,340
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(1) Reimbursement of \$262,370 for power tap #2 and extension of power to Cedar Pass North  
 (2) Reimbursement for water storage and distribution installed for the Ranches in 1997

**RANCHES L.C.**  
Estimated RBAJ and SID Payments

		Constr. Project / Time Frame	Ranches SID Costs								
			February	March	April	May	June	July	August		
<b>Non-Utility Construction</b>											
	TRLC SID										
Roads	\$ 1,137,029	Ranches Parkway -Summer-	210,000	127,029	200,000	600,000				341,702	341,702
Parks and Landscaping	\$ 683,406										
Storm Water	\$ -										
Town Center Improvements	\$ -										
<b>Total Non-Utility Construction</b>			\$ 210,000	\$ 127,029	\$ 200,000	\$ 600,000	\$ -	\$ -	\$ 341,702	\$ 341,702	\$ 341,702
<b>Non-Utility Finance</b>											
	TRLC SID										
Total Non-Utility Construction	\$ 1,820,434		\$ 210,000	\$ 127,029	\$ 200,000	\$ 600,000	\$ -	\$ -	\$ 341,702	\$ 341,702	\$ 341,702
Debt Service Reserve Fund	10%										
Cost of Insurance	5%										
<b>Total Non-Utility Finance</b>			\$ 210,000	\$ 127,029	\$ 200,000	\$ 600,000	\$ -	\$ -	\$ 341,702	\$ 341,702	\$ 341,702
<b>Utility Finance + Non-Utility Finance</b>											
	\$ 5,724,203										
<b>Total Utility + Non-Utility Portion of TRLC SID</b>											
	\$ 5,734,203										
		<b>Monthly Breakdown Totals</b>	\$ 3,087,734	\$ 545,135	\$ 556,944	\$ 824,562	\$ 12,874	\$ 350,910	\$ 346,043		

*Note: The Contract with CIC for Ranches Parkway is to be completed April 8, 1999.  
The Contract with Condie Construction for TSSD Sewer Outfall Line is to be completed February 20, 1999.  
The Contract with CSI for the 6" Steel Gas Line is to be completed February 12, 1999.  
The Contract with Tasco Engineering for the Generation Project is to be completed April 14, 1999.*

*Note: The above payments are estimates based on budgets. The actual payment will be based on approved amounts.  
Estimated payments are shown as being available by the end of each month. Actual contracted project payments will be required as per contract.*



***EXHIBIT 7***

**Density Transfer Map**

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## **Exhibit "7"**

Requires Approval by the Planning Commission and  
Town Council

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# THE RANCHES @ EAGLE MOUNTAIN

A MASTER PLANNED COMMUNITY  
Eagle Mountain, Utah

## Concept Master Plan for The Ranches, L.C.

### Land Use Summary

Ranch / Neighborhood	Zoning	Acres	Density/Acre	Dwelling Units	Total R1 Acres	Total R1 DU's
<b>RANCH 1</b>						
R1 N1	CR	15.5	0.3	5		
R1 N2	TCR	10.5	4.0	78		
R1 N3	VC	24.4	5.0	122		
R1 N4	VC	16.1	6.0	122		
R1 N5	VC	13.8	8.0	40		
R1 N6	TCR	12.1	4.0	48		
R1 N7	TCR	13.6	3.0	41		
R1 N8	TCR	20.7	4.0	83		
R1 N9	TCR	16.5	5.0	83		
R1 N10	TCR	22.7	7.0	159		
R1 N11	TCR	22.5	4.0	90		
R1 N12	TCR	22.1	5.0	110		
R1 N13 (R1 N1)	TCR	18.3	10.3	183		
R1 N14 (R1 N2)	CR	18.9	18.9	18.9		
R1 N15 (R1 N3)	CR	30.8	30.8	30.8		
R1 N16 (R1 N4)	CR	20.1	20.1	20.1		
R1 N17 (R1 N5)	TCR	6.0	6.0	6.0		
R1 N18 (R1 N6)	TCR	6.2	9.3	9.3		
R1 N19 (R1 N7)	TCR	18.4	18.4	18.4		
R1 N20 (R1 N8)	TCR	18.1	18.1	18.1		
R1 N21 (R1 N9)	TCR	6.9	6.9	6.9		
R1 N22 (R1 N10)	TCR	15.7	15.7	15.7		
R1 N23 (R1 N11)	TCR	12.7	12.7	12.7		
R1 N24 (R1 N12)	TCR	19.1	19.1	19.1		
R1 N25 (R1 N13)	TCR	14.9	14.9	14.9		
R1 N26 (R1 N14)	TCR	16.6	16.6	16.6		
R1 N27 (R1 N15)	TCR	11.5	11.5	11.5		
<b>Subtotal</b>					<b>219.5</b>	<b>1659</b>
<b>RANCH 2</b>						
R2 N1	VC	31.0	8.0	270		
R2 N2	VC	112.0	8.0	1052		
R2 N3	CR	24.8	2.0	50		
R2 N4	VC	16.8	9.0	151		
<b>Subtotal</b>					<b>188.4</b>	<b>1454</b>
<b>RANCH 3</b>						
R3 N1	CR	46.4	1.0	46		
R3 N2	CR	49.3	2.0	99		
R3 N3	CR	22.7	2.0	45		
R3 N4	TCR	49.4	7.0	346		
<b>Subtotal</b>					<b>187.8</b>	<b>536</b>
<b>RANCH 4</b>						
R4 N1	CR	32.0	2.0	64		
R4 N2	TCR	26.8	3.0	80		
R4 N3	TCR	24.8	5.0	124		
R4 N4	CR	11.2	1.0	11		
R4 N5	CR	17.8	1.0	18		
R4 N6	CR	25.8	2.0	52		
R4 N7	CR	14.5	2.0	29		
<b>Subtotal</b>					<b>182.7</b>	<b>396</b>
<b>RANCH 5</b>						
R5 N1	CR	15.0	0.3	5		
R5 N2	CR	11.9	2.0	24		
R5 N3	TCR	15.5	3.0	46		
R5 N4	TCR	20.6	4.0	82		
R5 N5	CR	34.9	1.0	35		
R5 N6	CR	17.8	0.3	6		
<b>Subtotal</b>					<b>116.6</b>	<b>199</b>
<b>RANCH 6</b>						
R6 N1	TCR	27.0	7.0	189		
R6 N2	TCR	20.4	6.0	122		
R6 N3	CR	14.5	2.0	29		
R6 N4	TCR	59.3	5.0	297		
R6 N5	TCR	25.1	6.0	151		
<b>Subtotal</b>					<b>146.3</b>	<b>768</b>
<b>RANCH 7</b>						
R7 N1	VC	40.1	8.0	321		
R7 N2	TCR	28.1	4.0	112		
R7 N3	CR	17.8	2.0	36		
R7 N4	TCR	34.2	6.0	205		
<b>Subtotal</b>					<b>120.2</b>	<b>675</b>
<b>TOTAL FOR RESIDENTIAL</b>					<b>1301.8 ac</b>	<b>6134 du</b>
<b>COMMERCIAL</b>						
R1 N16	CR	9.0				
R1 N17	CR	10.0				
R1 N28	CR	29.1				
R1 N29	CR	6.0				
R2 N1	CR	20.0				
R2 N2	CR	3.0				
R2 N3	CR	2.0				
R2 N4	CR	2.0				
R2 N5	CR	2.0				
<b>TOTAL FOR COMMERCIAL</b>					<b>82.1 ac</b>	
<b>COMMUNITY OPEN SPACE</b>						
Eagle Lookout		31.3				
Inspiration Point		23.1				
Timberline		96.8				
Lockview		24.9				
Village Overlook		74.5				
Overland		22.2				
<b>Subtotal</b>					<b>281.3 ac</b>	
<b>OPEN SPACE/SCHOOLS/PARKS</b>						
R1 N1		14.3				
R1 N2		11.1				
R1 N3		17.6				
R1 N4		34.5				
R1 N5		13.2				
<b>Subtotal</b>					<b>92.9 ac</b>	
<b>GOLF COURSE/OPEN SPACE</b>						
Subtotal		214.79 ac				
<b>TOTAL FOR OPEN SPACE</b>					<b>214.79 ac</b>	
<b>UTILITY OPEN SPACE</b>						
Subtotal		48.1				
<b>TOTAL FOR UTILITY OPEN SPACE</b>					<b>48.1 ac</b>	
<b>LEASING/PAVED ROAD OPEN SPACE</b>						
Subtotal		26.7				
<b>TOTAL FOR PAVED ROAD OPEN SPACE</b>					<b>26.7 ac</b>	
<b>TOTAL FOR OPEN SPACE</b>					<b>688.8 ac</b>	
<b>GRAND TOTAL</b>					<b>1301.8 ac</b>	<b>6134 du</b>

Density	Acres	Dwelling Units
0.5/acre	85.4	43
1.0/acre	75.4	75
2.0/acre	308.1	616
3.0/acre	56.0	167
4.0/acre	122.5	494
5.0/acre	226.1	1130
6.0/acre	116.9	700
7.0/acre	108.0	756
8.0/acre	149.7	1197
9.0/acre	112.0	1008
<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

Density	Acres	Dwelling Units
0.5/acre	85.4	43
1.0/acre	75.4	75
2.0/acre	308.1	616
3.0/acre	56.0	167
4.0/acre	122.5	494
5.0/acre	226.1	1130
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<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

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<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

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9.0/acre	112.0	1008
<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

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1.0/acre	75.4	75
2.0/acre	308.1	616
3.0/acre	56.0	167
4.0/acre	122.5	494
5.0/acre	226.1	1130
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9.0/acre	112.0	1008
<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

Density	Acres	Dwelling Units
0.5/acre	85.4	43
1.0/acre	75.4	75
2.0/acre	308.1	616
3.0/acre	56.0	167
4.0/acre	122.5	494
5.0/acre	226.1	1130
6.0/acre	116.9	700
7.0/acre	108.0	756
8.0/acre	149.7	1197
9.0/acre	112.0	1008
<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

Density	Acres	Dwelling Units
0.5/acre	85.4	43
1.0/acre	75.4	75
2.0/acre	308.1	616
3.0/acre	56.0	167
4.0/acre	122.5	494
5.0/acre	226.1	1130
6.0/acre	116.9	700
7.0/acre	108.0	756
8.0/acre	149.7	1197
9.0/acre	112.0	1008
<b>TOTAL FOR OPEN SPACE</b>	<b>1301.8 ac</b>	<b>6134 du</b>

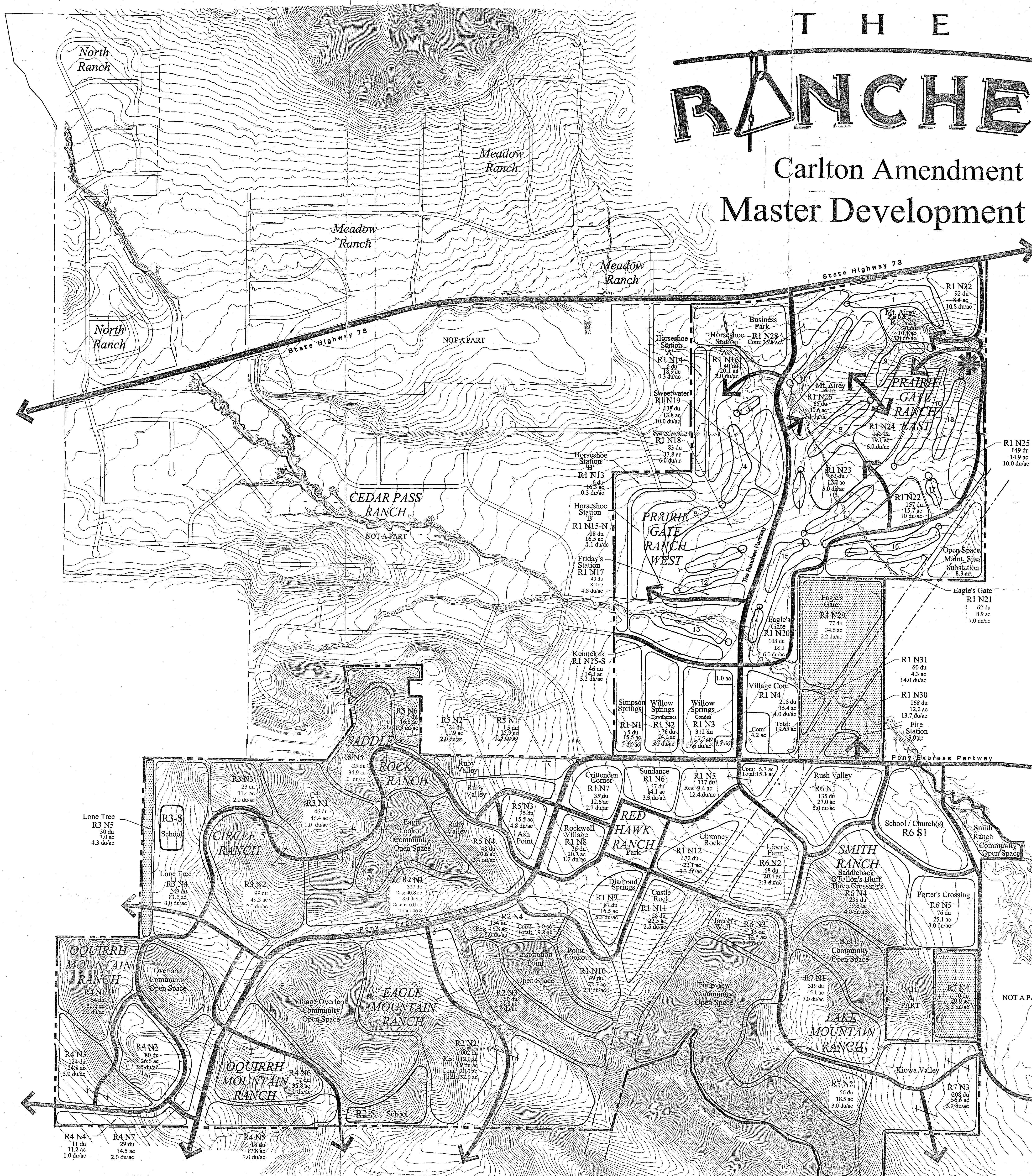
**DENSITY LOSS**  
**DENSITY GAIN**



The Ranches  
Master Development Agreement  
Density Transfer Map  
Exhibit "7"

# THE RANCHES

## Carlton Amendment Master Development Plan



### LAND USE SUMMARY

#### COMMERCIAL

Neighborhood	Zoning	Acres
R1 N3		2.3
R1 N4		4.2
R1 N5		5.7
R1 N28		35.8
R2 N1		6.0
R2 N2		20.0
R2 N4		3.0
GRAND TOTAL FOR COMMERCIAL		77.0

#### RESIDENTIAL

Neighborhood	Zoning	Dwelling Units	Acres	Density
R1 N3	VC	117	9.4	12.4
R1 N5	TCR	47	14.1	3.3
R1 N7	TCR	35	12.6	2.7
R1 N8	TCR	36	20.7	1.7
R1 N9	TCR	87	16.5	5.3
R1 N10	TCR	49	22.7	2.1
R1 N11	TCR	58	22.5	2.5
R1 N12	TCR	72	22.1	3.3
SUBTOTAL		501	146.6	

#### OPEN SPACE

Neighborhood	Zoning	Dwelling Units	Acres	Density
R1 N1*	CR	5	15.5	.3
R1 N2*	TCR	76	24.0	3.1
R1 N3*	VC	312	17.7	17.6
R1 N4*	VC	216	15.4	14.0**
R1 N13	CR	6	16.3	0.3**
R1 N14	CR	6	18.9	0.3**
R1 N15-N	CR	18	16.5	1.1**
R1 N15-S	CR	46	14.3	3.2**
R1 N16	CR	40	20.1	2.0**
R1 N17	TCR	37	8.3	4.4**
R1 N18	TCR	83	13.8	6.0**
R1 N19	VC	138	18.1	10.0**
R1 N20	TCR	181	18.1	10.0**
R1 N21	TCR	189	8.9	10.0**
R1 N22	VC	157	15.7	10.0**
R1 N23	TCR	63	12.7	5.0**
R1 N24	TCR	115	19.1	6.0**
R1 N25	VC	149	14.9	10.0**
R1 N26	TCR	65	36.5	2.1**
R1 N27	TCR	30	10.1	3.0**
R1 N29	VC	250	34.6	7.2**
R1 N30	VC	168	12.2	13.7
R1 N31	VC	60	4.3	14.0
R1 N32	VC	92	8.5	10.8
SUBTOTAL		2,502	384.3	

#### SCHOOL OPEN SPACE

Neighborhood	Zoning	Acres
R2 S1		13.3
R3 S1		10.7
R6 S1		34.5
SUBTOTAL		58.5

#### GOLF COURSE OPEN SPACE

Neighborhood	Zoning	Acres
R2 N1		220
R2 N2		1,002
R2 N3		50
R2 N4		134
SUBTOTAL		1,406

#### UTILITY OPEN SPACE

Neighborhood	Zoning	Acres
Utility		68.1
SUBTOTAL		68.1

#### PONY EXPRESS PARKWAY OPEN SPACE

Neighborhood	Zoning	Acres
Pony Express Parkway		149 du
SUBTOTAL		26.7

#### GRAND TOTAL FOR OPEN SPACE

Acres	692.1
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#### PRAIRIE GATE RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R1 N1*	CR	5	15.5	.3
R1 N2*	TCR	76	24.0	3.1
R1 N3*	VC	312	17.7	17.6
R1 N4*	VC	216	15.4	14.0**
R1 N13	CR	6	16.3	0.3**
R1 N14	CR	6	18.9	0.3**
R1 N15-N	CR	18	16.5	1.1**
R1 N15-S	CR	46	14.3	3.2**
R1 N16	CR	40	20.1	2.0**
R1 N17	TCR	37	8.3	4.4**
R1 N18	TCR	83	13.8	6.0**
R1 N19	VC	138	18.1	10.0**
R1 N20	TCR	181	18.1	10.0**
R1 N21	TCR	189	8.9	10.0**
R1 N22	VC	157	15.7	10.0**
R1 N23	TCR	63	12.7	5.0**
R1 N24	TCR	115	19.1	6.0**
R1 N25	VC	149	14.9	10.0**
R1 N26	TCR	65	36.5	2.1**
R1 N27	TCR	30	10.1	3.0**
R1 N29	VC	250	34.6	7.2**
R1 N30	VC	168	12.2	13.7
R1 N31	VC	60	4.3	14.0
R1 N32	VC	92	8.5	10.8
SUBTOTAL		2,502	384.3	

#### EAGLE MOUNTAIN RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R2 N1	TCR	220	40.8	5.4
R2 N2	VC	1,002	11.0	91.0**
R2 N3	CR	50	24.8	2.0
R2 N4	VC	134	16.8	8.0
SUBTOTAL		1,406	194.4	

#### CIRCLE 5 RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R3 N1	CR	20	46.4	0.4
R3 N2	CR	12	27.9	0.4
R3 N3	CR	5	11.4	0.4
R3 N4	TCR	249	81.6	3.0
R3 N5	CR	60	7.0	8.3
SUBTOTAL		316	174.3	

#### OQUIRRH MOUNTAIN RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R4 N1	CR	64	32.0	2.0
R4 N2	TCR	80	26.6	3.0
R4 N3	TCR	124	24.8	5.0
R4 N4	CR	11	11.2	1.0
R4 N5	CR	18	17.8	1.0
R4 N6	CR	72	35.8	2.0
R4 N7	CR	29	14.5	2.0
SUBTOTAL		398	162.7	

#### SADDLE ROCK RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R5 N1	CR	5	15.9	0.3
R5 N2	CR	24	11.9	2.0
R5 N3	TCR	75	15.5	4.8
R5 N4	TCR	48	20.6	2.4
R5 N5	CR	14	34.9	0.4
R5 N6	CR	5	16.8	0.3
SUBTOTAL		171	115.6	

#### SMITH RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R6 N1	TCR	135	27.0	5.0
R6 N2	TCR	68	20.4	3.3
R6 N3	CR	33	13.5	2.4
R6 N4	TCR	238	59.3	4.0
R6 N5	TCR	76	25.1	3.0
SUBTOTAL		550	145.3	

#### LAKE MOUNTAIN RANCH

Neighborhood	Zoning	Dwelling Units	Acres	Density
R7 N1	TCR	227	45.1	5.0
R7 N2	CR	37	18.5	2.0
R7 N3	CR	208	56.6	3.7
R7 N4	TCR	70	20.0	3.5
SUBTOTAL		542	140.2	

#### GRAND TOTAL FOR RESIDENTIAL

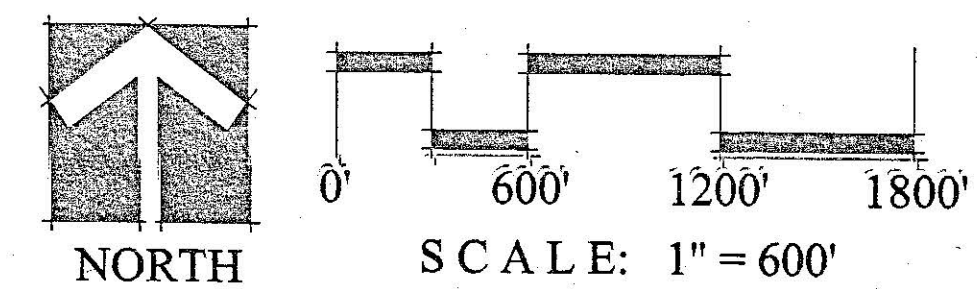
Dwelling Units	6,386
Acres	1,457.4

### DENSITY TRANSFER MAP

- DENSITY GAIN

Legend:  
 Land to be Annexed to the master plan.

APR - 4 - 2002  
 \*Neighborhood originally listed as part of Red Hawk Ranch  
 \*\*Original plan has dwelling units listed incorrectly, but hatched correctly.



THE RANCHES  
 Master Development Plan Amendment  
 Eagle Mountain, Utah  
 February 12, 2002

**NUSZER KOPATZ**  
 urban design associates  
 1117 CHEROKEE STREET  
 DENVER, COLORADO 80204  
 303.534.3881  
 303.534.3884 (FAX)

***EXHIBIT 8***

**Amendment to the MDP  
(Application Form)**

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**Application to Amend  
an Existing Master Development Plan or  
Master Development Plan Agreement**

This application is required in order to amend any part of an approved master development plan, master development plan agreement, or any exhibit attached thereto, or land use plan pertinent to a master development plan or agreement. Code. This application must be reviewed by the Town's Development Review Committee (DRC) and the Town Planning Commission and reviewed and approved by the Town Council.

**Applicant & Project Information**

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicant/Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Planner: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Landscape Architect \_\_\_\_\_ Phone: \_\_\_\_\_

Please describe the specific amendments being sought (attach more sheets or information if necessary):

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## **APPLICATION SUBMITAL REQUIREMENTS:**

To assist the DRC, Planning Commission and Town Council review and evaluate your application, please submit information that addresses the following questions as they may be relevant to your specific application:

### **Infrastructure**

- 1) Please explain and document the capacity of existing or infrastructure including potable water, irrigation water, wastewater, transportation, drainage, fire protection, solid waste and parks and recreation to accommodate the proposed amendment.
- 2) Please explain the financial impacts, if any, that your proposed amendment may have on existing or future infrastructure and the mechanisms for completing improvements to the existing infrastructure if additional capacity is needed because of the proposed amendment.

### **Site Analysis**

Where applicable to your proposed amendment, please explain the following:

1. How the slope of each area designated for a particular use or density is suitable for that use or density. The proposed densities should vary with the slope, as provided by Chapter 7 of the Eagle Mountain Development Code.
2. How the proposed land uses will be established without hazard of slope failure.
3. How the proposed land uses and densities will be compatible with natural channels see Chapter 8 of the Eagle Mountain Development Code.
4. How the proposed development will be reasonable safe from flooding including alluvial fan flooding.
5. How the soil in each area designated for a particular use or density generally suitable for that use or density. Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitable tables found in the Soil Survey of Farfield-Nephi Area Utah, Parts of Juab, Sanpete, and Utah Counties issued by the USDA-Soil Conservation Service in June 1984 may be used in answering this question.

### **Compatibility**

Explain how the proposed amendment will be compatible with the existing land uses and densities. Additionally, explain how the proposed land uses and densities will be compatible with other land uses and densities within the master development. Where potential problems may exist, please describe how conflicts in compatibility will be mitigated through buffers, landscaping and screening. Review and reference Chapter 11, Absolute Development Standards Ensuring Land Use Compatibility, Eagle Mountain Development Code, in completing this section.

### **Open Space & Design**

Please explain how the proposed amendment will meet the open space requirements detailed in Chapter 9, Absolute Development Standards Ensuring Adequate Public Facilities, and the requirement to provide neighborhood parks and squares.

### **Environmental Impact**

If the original Master Development Plan and/or the area proposed to be amended is over 160 acres, an environmental impact analysis of the potential impacts of proposed land uses and densities on the existing vegetation and wildlife, watercourses, sources of water, and the proposed development's generation of waste and noise must be provided.

### **Fiscal Impact Analysis**

A fiscal analysis of the proposed amendment shall be submitted identifying the benefits and impacts to the fiscal resources of the Town, including the recognition of long-term operation and

maintenance costs anticipated to be incurred by the City for the provision of required community services.

**Maps Required**

An overall land use plan map, as applicable to the proposed amendment, shall be submitted that contains the proposed land uses and their respective residential densities and a phasing plan. Such a map will also contain a general vicinity map and indicate surrounding property owners. The land use plan map will show generally how the proposed amendment ties into major and minor street systems and adjacent utilities systems. Maps containing specific design layouts are recommended for submittal, but are not absolutely required.

**APPLICANT CERTIFICATION:**

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that The Town of Eagle Mountain may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Eagle Mountain Development Code and that items contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I also agree to allow the Staff, Planning Commission, or Town Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

By signing below, I also acknowledge and agree to the following policies related to the Town of Eagle Mountain Development Fees.

It is the policy of the Town of Eagle Mountain that land use development fees should be calculated on the basis of actual costs for review. All land use development projects shall be subject to these minimum fees. Each developer or applicant shall be responsible to reimburse the Town of Eagle Mountain for all charges above the base fees that are incurred by the Town of Eagle Mountain in the review and processing of any development application and in reviewing utility and other infrastructure requirements for the development covered by this application.

Developer/applicants must also remain in good standing with all amounts due and payable to the Town as such amounts become due. Developers or master developers, who are delinquent in payment of reimbursable fees and charges to the Town, or other charges to the Town, are deemed to be in default. In such cases, the processing of all applications, including building permits, before the Town staff, Planning Commission or Town Council shall be tabled until the developer/applicant's default is cured by the payment of all fees and charges. Town staff are specifically instructed to verify that each master developer or developer/applicant is in good standing with respect to all fees and charges owed to the Town before presenting applications to the Planning Commission agenda or to the Town Council agenda, and, specifically prior to recordation of plats or final signing and approval of site-plans, building permits or other development approval applications.

Signature \_\_\_\_\_ Date \_\_\_\_\_