

17.49.010 Purpose and objectives

This chapter ~~establishes the land use regulations and protections for the~~ allows for the creation of wildlife overlay zones within Eagle Mountain City and sets forth regulations and protections from development that may adversely impact wildlife and their habitat. This is a key strategy identified in the Eagle Mountain general plan and parks, trails, and open space master plan. This chapter ~~provides a means to reduce the continuing loss and fragmentation of habitat and migration routes for native and migrating species while simultaneously accommodating development~~ is created to set forth criteria to establish and manage wildlife overlay zones within the City. This chapter does not change the underlying zone but establishes standards, requirements, and procedures for areas where an existing zone and the wildlife overlay zone overlap.

~~Wildlife corridors preserve natural habitat areas or undeveloped lands that can facilitate movement, migration, foraging, breeding, and dispersal of animals, birds, insects, and reptiles. These areas of land permit wildlife such as raptors, deer, pronghorn, and other fauna to move from one area of their range to another. Habitat fragmented by subdivision and development, such as roads and structures, prevents wildlife from accessing their full home range and often leads to human-wildlife conflict. It is important that animals be able to move for food, access thermal and hiding cover, and to preserve genetic diversity of the species. These corridors also help provide contiguous habitat for plants, invertebrates that are essential pollinators, and other wildlife. Preservation of these corridors, along with fencing and safe crossings, will also help to reduce vehicle-animal collisions.~~

~~Primarily supporting wildlife in the region, wildlife corridors may also provide for recreation opportunities, open space preservation, potential tourism, and education for students and the general public.~~

Additionally, this chapter provides a means to reduce loss and fragmentation of wildlife habitat while simultaneously accommodating appropriate improvements to these areas. Although wildlife overlay zones primarily support flora and fauna within the City, they also can provide recreation opportunities, open space preservation, tourism, and outreach education opportunities. The preservation of these wildlife overlay zones, along with fencing and safe crossings, will help to reduce human wildlife conflict.

These areas function to preserve and connect wildlife habitats allowing for movement, migration, foraging, breeding, dispersal of flora and fauna, and connectivity of habitats. Fragmentation and loss of habitat from development and other anthropogenic disturbances, such as roads, structures, excessive noise, and/or excessive movements can alter wildlife from their daily movement patterns, which often leads to human-wildlife conflict. All fauna species need to be able to move about their home range to access forage, thermal cover, shelter, and escape cover to preserve species diversity and localized populations. These habitats and open spaces also help provide areas for flora to persist and are essential for pollinators and food production. [Ord. [O-06-2021](#) § 2 (Exh. A)].

17.49.015 Definitions

Agriculture activities refers to an activity within a wildlife overlay zone involving farming (raising crops) or ranching (raising livestock).

Anthropogenic refers to things that have been caused or produced by human activities.

Critical mule deer migration corridor refers to the mule deer migration corridor within Eagle Mountain City. This migration route was established in 2021 by City Council with science and data provided by the Utah Division of Wildlife Resources. The minimum width of this corridor shall be 330 feet.

Connectivity of habitats refers to how and to what degree distinct patches of habitat are connected to each other, which can influence species preservation.

Conservation nonprofit organization refers to a private organization operating under Section 501(c)(3) of the U.S. Internal Revenue Code with the primary purpose of preserving and protecting land in its natural, scenic, historical, recreational, or open space condition.

Coverage refers to a raster over vector layer in a geographic information system (GIS) database that may contain objects such as points, lines, polygons.

Development refers to any practice within a wildlife overlay zone, excluding normal agricultural activities, which changes the basic character and/or function of the landscape including but not limited to construction, reconstruction, conversion, installation, structural alteration, relocation, mining, excavation, landfill, or land disturbance.

Fauna refers to all the animal life present in a particular region and/or during a specific time. The words “wildlife” and “fauna” are interchangeable in this chapter.

Flora refers to all the plant life present in a particular region and/or during a specific time.

Fragmentation refers to the process where large and contiguous habitats are divided into smaller, isolated ones. This process directly impacts all flora/fauna species, community structure, and the overall ecosystem within those isolated fragments.

Home range refers to the geographic area where fauna spend their lifetime, including where all their resources needed to survive and reproduce are readily available.

Landscape refers to the relationships between ecological processes in the environment and a particular ecosystem across a given area and time.

Motorized machine refers to any machine, vehicle, or equipment that uses or is activated by any power source.

Mule deer migration season refers to the time of year the mule deer migrate between their winter and summer ranges through the critical mule deer migration corridor. This season is defined by the Utah Division of Wildlife Resources based on the best available science. ~~The~~ Mule deer typically migrate through Eagle Mountain City bi-annually between March 15th and April 30th and December 1st and January 15th. ~~annually~~

Natural arroyo or wash refers to a dry creek bed where water can flow upon sufficient moisture through the creek. These often have narrow and steep sides marking the course of a fast-moving stream. Washes typically have flowing water during normal spring runoff and/or rainstorms.

Natural surface trails refer to trails where the predominant surface is the native substrate, and the trail is designed and managed for ground-based travel.

~~“Native vegetation” refers to all plant species that occur naturally in a particular habitat and provide essential habitat for native insects and animals. These plants have evolved together over time to~~

~~form communities that are well-suited to the specific combination of soil, temperature, nutrients, and rainfall of their region. Native species are naturally resilient because they adapt to local conditions.~~

Nesting season refers to the period of the year in which birds, both raptors and songbirds are building nests and raising their young. The term includes any nesting period for documented bird species within a wildlife overlay zone and generally take place from March 15th through July 31st.

Riparian refers to semiterrestrial/semiaquatic transition areas that are influenced by fresh water. These usually extend from the edges of water bodies to the edges of upland communities.

“Sensitive areas” refers to areas that include nesting grounds/boxes, natural wash, recently planted seedlings, and other regions deemed sensitive by Eagle Mountain City, Utah Division of Wildlife Resources (DWR), or other public agency.

Sensitive areas refer to areas that include migration routes, nesting grounds/boxes, natural washes, recently planted seedlings/habitat improvements, and other areas deemed sensitive by Eagle Mountain City, ~~Utah Division of Wildlife Resources (DWR)~~, or other public agencies who have holdings within Eagle Mountain City.

Special use permit refers to a legal document such as a permit, term permit, lease, or easement, which allows occupancy, use, rights, or privileges of land. Authorization is granted for a specific use of the land for a specific time.

Species of concern is an informal term given by The Utah Division of Wildlife Resources to a species that needs proactive protection, but for which insufficient information is available to indicate a need to list the species as endangered.

~~“Wildlife” refers to wild animals and vegetation, especially animals living in a natural, undomesticated state.~~

Wildlife corridor refers to areas designed to move wildlife safely across the landscape. These are often referred to as habitat corridors, migration routes, or green corridors. These are areas of habitat connecting wildlife populations.

Wildlife crossing structure refers to a structure such as a culvert, bridge, or underpass which could contain features that enhance its suitability for use by wildlife to safely cross human-made barriers such as roads or highways. Examples of such features include the presence of vegetation providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. ~~The term does not include cattle guards.~~

Wildlife habitat refers to the combination of food, water, shelter, and space arranged to meet the needs of wildlife.

Wildlife impermeable fencing refers to an eight-foot fence or wall, other than a retaining wall, which prevents various species of wildlife from freely passing through with little or no interference.

Wildlife migration route refers to the geographic path along which wildlife customarily migrate.

Wildlife overlay zone refers to an area(s) approved by the city council, which has been designated primarily for wildlife and wildlife habitat preservation and/or connection to other habitats.

Wildlife impermeable fencing refers to an eight-foot fence or wall, other than a retaining wall, which prevents various species of wildlife from freely passing through. [Ord. O-06-2021 § 2 (Exh. A)]. ~~with little or no interference. Except for gates and associated gate support components, a fence or wall that includes the following design features is considered wildlife impermeable fencing: 1. Any~~

~~fence or wall that is higher than eight feet above grade, inclusive of any wire strands placed above a top rail of a fence or wall.~~

Wildlife permeable fencing refers to a wildlife-friendly fence visible to ungulates and birds, allows wildlife to jump safely over or crawl under, and provides wildlife access to essential habitats and travel corridors. ~~1. Uses a rail, high-visibility wire, flagging, or other visual markers for the top. 2. Smooth wire or rounded rail for the top and bottom. 3. Height of top rail or wire should be 42 inches or less from grade. 4. At least 12 inches or more between the top two wires. 5. At least 16 inches between the bottom wire or rail and grade. 6. Posts at a minimum of 16-foot intervals. 7. Gates, dropdowns, removable fence sections, or other passages where animals congregate and cross.~~

[Ord. O-06-2021 § 2 (Exh. A)].

17.49.020 Area(s) of designation

~~Wildlife corridors shall include and be characterized by one or more of the following:~~

~~A. Wildlife corridors and landscape linkages.~~

~~B. Areas with one of the following attributes: significant seasonal ranges for wildlife and/or wildlife migration corridors, and continuous habitat appropriate for wildlife. These may be identified using scientific data by city, county, state, and/or federal agencies.~~

~~C. Species that are unique, rare, threatened, endangered, or otherwise deemed to be of significance to Eagle Mountain City. Species shall be those on the federal listed species and sensitive species lists as provided by the U.S. Forest Service and Bureau of Land Management, as well as those deemed as such by city, county, state, and/or federal agencies. [Ord. O-06-2021 § 2 (Exh. A)].~~

Areas approved by the city council and identified as wildlife overlay zones shall be digitized in a Geographical Information System (GIS), housed on a server by or for Eagle Mountain City as both a .pdf map and as a GIS coverage, and be continuously maintained by city staff. Wildlife overlay zone GIS data shall be made available to the public. A new or amended wildlife overlay zone may be approved by the city council through a public hearing process. After approval of a new or amended wildlife overlay zone, the city shall update its zone coverage. A new or amended wildlife overlay zone must meet one more of the following criteria:

- A. An area or areas identified by the U.S. Fish and Wildlife Services as designated 'critical habitat' for a threatened or endangered species.
- B. Essential wildlife corridors, wildlife habitat, and/or landscape linkages (e.g., critical mule deer migration corridor).

- C. Areas of significant seasonal habitat use within the home range of an individual species (Figure 1, A map showing crucial winter and summer range of mule deer in city boundaries (*Odocoileus hemionus*), [Utah SGID](#)).

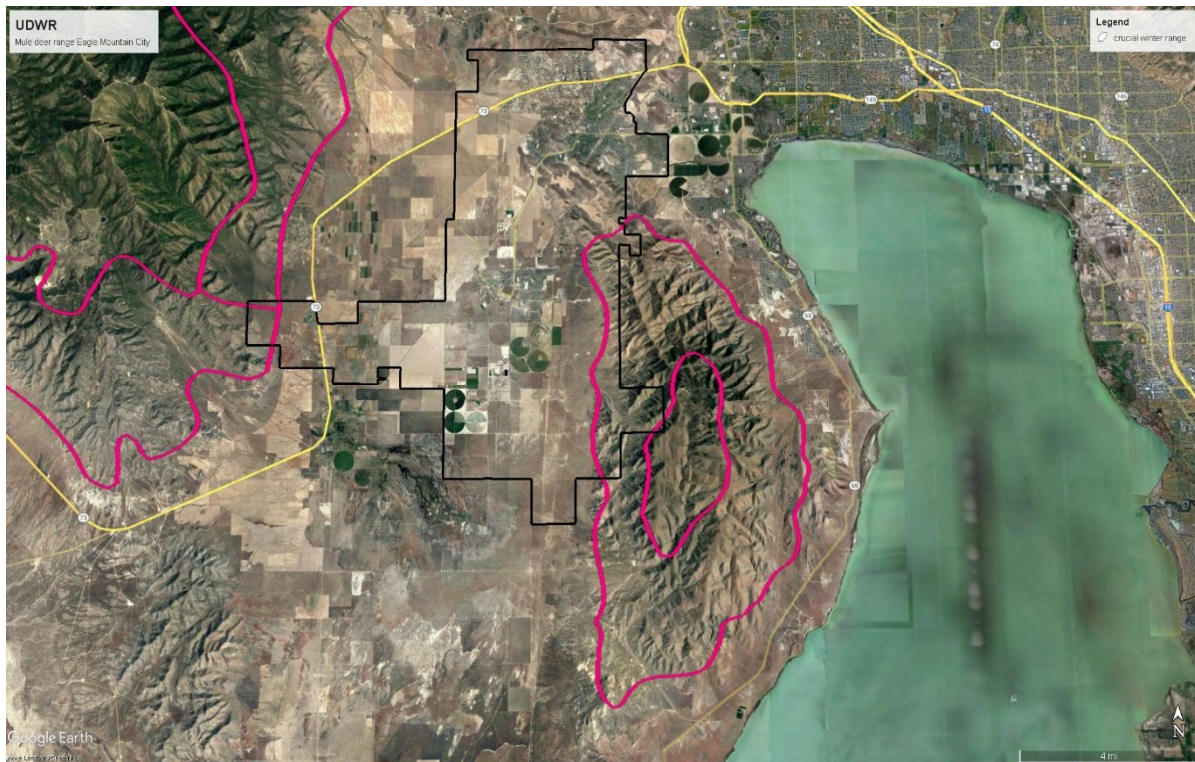


Figure 1. Map showing crucial winter and summer range of mule deer in the city boundary (show in fuchsia). Data from Utah Division of Wildlife Resources. [Utah SGID](#)

- D. Areas where data and or research using the best available science/methods show a significant use of a particular geographic location by species of concern (e.g., critical mule deer migration corridor).
- E. Natural geographic or topological areas such as gulches, washes, riparian areas, drainages, ridge tops or other significant habitats used to connect/link and/or safeguard habitats. These may include watering areas and/or micro habitats such as natural riparian areas or traditional/historic nesting locations. (e.g., Tickville Gulch)
- F. Areas of wildlife habitat that are unique, and or of intrinsic value to the city, State of Utah, Division of Wildlife Resources (UDWR), State Institutional Trust Lands (SITLA), Bureau of Land Management (BLM), or other governmental agencies who have holdings within the city [Ord. [O-06-2021](#) § 2 (Exh. A)].

17.49.030 Applicability

1. Partial Coverage. If ~~only~~ a portion of a ~~property is located within the~~ development plat is located within a wildlife overlay zone, the standards, requirements, and procedures of this chapter shall only apply to the portion of the property that is located inside such wildlife overlay zone.

2. Corridor Width. The recommended minimum width for ~~the a~~ wildlife corridor which is used by large mammals (mule deer or bigger) is 330 feet wide (USDA). ~~The United States Department of Agriculture (USDA), U.S. Forest Service, and other research studies have determined this minimum width based on the various species and size of animals that utilize migratory corridors.~~ Road crossings and other constrained areas may require a reduced width for short distances.
3. Natural washes. When applying ~~the overlay zone, any natural wash within the corridor should include a 50-foot area on both sides of the wash within the overlay zone. This additional area is measured from the top of the bank of the natural wash. This adds a buffer to minimize erosion; stabilize the wash banks; prevent pollution; protect sensitive animals, plants, and riparian habitat; and protect property owners from building on highly collapsible soil.~~ a wildlife overlay zone to any linear features such as washes, streams, gulches, or creeks, a 75-foot buffer on both sides of the wash shall be required. This 75-foot buffer shall be determined by measuring/surveying out from the top of the bank perpendicular to the bank. Existing mater development agreements (MDA) and parcels are excluded from this requirement. This setback adds an additional layer of protection to; 1) minimize erosion, 2) prevent property loss, 3) discouraging property owner from building in highly erodible soils, 4) help with bank stabilization, 5) prevent or minimize water pollution, and 6) protect sensitive flora, fauna, and sensitive habitat (Figure 2). [Ord. O-06-2021 § 2 (Exh. A)].



Figure 2. Map showing the wildlife overlay corridor through West Canyon, wash (highlighted in red) and the 75' wash setback in blue. Eagle Mountain City, Utah 2022 image.

~~17.49.040 Definitions.~~

17.49.050040 Land use regulations

The land use regulations shall be those of the underlying zoning, unless modified by a requirement within this chapter. [Ord. [O-06-2021](#) § 2 (Exh. A)].

17.49.060050 Conflict regulations

Where any provision of federal, state, county, or city statutes, codes, or laws conflict with any provision of this chapter, the more restrictive shall govern unless enforcement will result in a violation of federal, state, county, or city statutes, codes, or laws. [Ord. [O-06-2021](#) § 2 (Exh. A)]

17.49.070060 Development standards and regulations

In areas where development within a wildlife overlay zone is deemed necessary and, in the public's best interest, the following development standards are designed to ensure the resources comprising a wildlife overlay zone are impacted to the least possible extent. These standards ensure the landscape will remain connected and the resources can function in their natural state. In the public's best interest, the following development standards are designed to ensure the resources comprising a wildlife overlay zone are impacted to the least possible extent. These standards ensure the landscape will remain connected and the resources can function in their natural state.

A. Open space credit/density transfer. To ensure development, construction, or disturbances will not adversely impact flora or fauna or their habitat, or impede the migration or nesting of animals, development or disturbances within any wildlife overlay zone shall be prohibited unless all of the following applicable criteria are met:

1. Planning Commission shall make the final decision on any proposed development within a wildlife corridor, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available.
2. Developer may be awarded amenity points toward the requirements of EMMC [16.35.105](#) for public trails, observation structures, and other passive recreation improvements built within the overlay zone as approved by the city.
3. Developer may be granted credit towards density transfer for improved open space area for significant buildable property made unbuildable by this overlay zone as approved on a case-by-case basis by the city council.
4. All applicable development and building permits are obtained by developer.
5. The city may utilize other tools to aid in the application of the overlay zone on property, as approved on a case-by-case basis by the city council.
6. Developers, contractors, and others who alter, disturb, or destroy wildlife habitat due to development activities shall restore such habitat.
7. Safety measures for safe interactions for wildlife and/or pedestrians, as determined by the Planning Commission after receiving a recommendation from the city's wildlife biologist, or

biologist from the Utah Division of Wildlife Resources if the city's biologist is not available, shall be installed in the disturbed habit area.

8. Any existing trails or public amenities within a wildlife overlay zone, which have been disturbed, damaged, or destroyed through development activities, shall be restored to pre-development condition or better.
9. If a public amenity is proposed within a wildlife corridor, the Planning Commission shall determine, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available, whether installing the public amenity is in the best public interest.

B. Fragmentation. To avoid fragmentation of a wildlife overlay zone, development shall be designed and planned to maintain ecological functions, connection of habitat to ~~and~~ protect critical resources, and species preservation. ~~Gaps~~ Obstructions within a ~~the corridor~~ wildlife overlay zone created by development, other than city council approved roadways, public amenities, or underground utility lines are not permitted. These obstructions include, but are not limited to, non-utility lines, buildings and other structures, and wildlife-impermeable fencing, unless allowed by EMMC17.49.060.

C. Construction period during mule deer migration and nesting bird season. To avoid disturbance of mule deer migration and bird nesting season, no construction or development within 90 feet of a wildlife overlay zone shall occur during mule deer migration or bird nesting seasons. The Planning Commission shall consider requests for a variance to the distance requirement listed in this subsection. Prior to making a final decision on a requested variance, the Planning Commission shall obtain a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available. ~~Permitted construction within the overlay zone shall only occur outside the mule deer migration season and nesting season. Construction may only be permitted during the mule deer migration season and nesting season when certification from DWR is provided stating that the construction area will not impede migration or nesting during the proposed construction period.~~

D. Re-vegetation of a wildlife overlay zone. ~~Native vegetation shall be retained and protected wherever possible. The DWR, city, volunteer groups, developers, and other organizations should work together to replant native vegetation where it has been previously removed or destroyed. Native, drought-tolerant vegetation is permitted.~~

1. An approved seed mix list shall be maintained by the Parks and Recreation Director and used to re-vegetate any disturbed area within a wildlife overlay zone. A georeferenced coverage of the proposed disturbed footprint of the disturbed area must be submitted as part of the development or building application process.
2. Development adjacent to the overlay zone is encouraged to integrate native vegetation into their landscape plan.
3. Property used for any agriculture activity purposes are exempt from this requirement unless the landowner grants the city or other entity permission to restore the land to its natural habitat.

E. Underground Utility Construction. The construction of underground utility lines involving installation, maintenance, or repair shall be subject to the following criteria:

1. Trenches of no more than half the width of the corridor ~~at~~in the construction area are to be opened at one time.
 - i. Be no more than half the width of a wildlife overlay zone. Not to exceed 165 feet; and
 - ii. Not remain open more than 48 hours.
2. During periods when active construction is not occurring, trenches shall be:
 - iii. Covered to prevent wildlife access
 - iv. Surrounded by temporary fencing; or
 - v. Include escape ramps with slopes of 45% or less at either end of the trench.
3. Where consistent with safety and space consideration, excavated material is to be placed on the uphill side of trenches.
4. Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.
5. Disturbed areas are to be replanted with native vegetation to resemble their native state prior to construction.

F. Fencing and Walls. The following fencing and wall requirements apply within a wildlife overlay zone:

1. ~~Overlay zone perimeter fencing– Wildlife-impermeable to discourage or hinder wildlife from exiting the corridor into developed, urban areas of the city~~ fencing is not permitted within the wildlife overlay zone.
2. Wildlife permeable fencing for agricultural purposes that permit wildlife movement through the corridor are allowed. These fences or walls are prohibited unless approved by the Planning Commission, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available.
3. All other fences or walls are prohibited unless otherwise approved by the planning commission or city council.
4. In areas where wildlife-impermeable fencing is deemed necessary by #3, to exclude fauna from certain areas for public safety purposes, the following criteria shall be followed:
 - a. A fence or wall greater than or equal to eight feet above grade shall be installed. The wildlife-impermeable fencing should safely and effectively prohibit fauna from traversing the landscape on the other side of the fence. Depending on the type of targeted species, some areas shall require wire to be buried below grade.

5. Wildlife-permeable fencing for agricultural purposes that permit wildlife movement through a wildlife overlay zone is allowed.
 - a. Where wildlife-permeable fencing is deemed necessary to allow wildlife to move through the area, the following fencing criteria shall be followed:
 1. NRCS wildlife friendly fencing recommendations.
 2. Existing fencing currently used for agricultural purposes is exempt from the above requirements.
6. All other fences or walls are prohibited unless approved by the Planning Commission, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available.

G. ~~Trials~~ Natural surface trails.

- a. Natural surface trails are permitted within a wildlife overlay zone to provide public use, access, and outreach education but must mitigate as best as possible any negative impact ~~on or restrictions of the needs of~~ to wildlife and wildlife habitat.
- b. In addition to ~~These~~ trails, trail facilities in a wildlife overlay zone may include the trail itself, trailheads, trailhead parking, restrooms, and pavilions so long as these features do not ~~cut off the migration route within the corridor nor deter wildlife from utilizing the area of breeding or feeding~~. Impede wildlife movements or disturb, obstruct, or fragment habitat.
- c. The Planning Commission, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available, shall make the final decision on all trails and amenities located within a wildlife overlay zone. If a trail is approved within the 330-foot critical mule deer migration corridor, the trail must be located along its perimeter. A trail may bisect the critical mule deer migration corridor only to connect to existing trails.

H. Wildlife Crossing Structures. To aid in wildlife access and movement through the corridor, wildlife crossing structures are permitted and encouraged over and under roads and highways. Wildlife crossing structures ensure habitat connectivity and minimize wildlife-vehicle collisions. Public use of these structures may be permitted and may include trails or paths for the public if it does not negatively impact the wildlife from using the crossing. Public uses may be seasonally restricted seasonally due to migrating fauna and to avoid human-wildlife conflicts.

1. Feasibility. In situations where a wildlife crossing structure over or under a road is not possible, an alternative at-grade wildlife crossing is required.
2. The preferred at-grade wildlife crossing is a combination of impermeable wildlife fencing on both sides of the crossing opening and an advanced animal detecting system located in the wildlife crossing, alerting drivers of potential animal crossings. At a minimum, wildlife impermeable fencing or an advanced animal detecting system

shall be installed per the Federal Highway Administrations guidelines. [See highway wildlife crossing handbook.](#) [Ord. [O-06-2021](#) § 2 (Exh. A)].

~~a. Avoid creating pooled water in the right-of-way;~~

~~b. Incorporate unpalatable plant species or no vegetation;~~

~~c. Avoid crossing rip-rap;~~

~~d. Provide a pull-out location for maintenance;~~

~~e. Locate the crossing on flat terrain;~~

~~f. Ensure long lengths of wildlife impermeable fencing includes escape opportunities from the right-of-way; and~~

~~g. Install wildlife warning signs.~~

3. When installing any wildlife crossings structures devices, technologies, minimum standards from the Federal Highway Administration wildlife crossing hand book need to be followed: [See highway wildlife crossing handbook.](#)
- I. **Light Pollution.** Lighting is prohibited within a wildlife overlay zone unless approved by the Planning Commission for safety reasons, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available.
 1. If the Planning Commission deems lighting is necessary for safety reasons, the following requirements must be met in addition to complying with EMMC [17.56](#) , Outdoor Lighting Standards:
 2. Any outdoor lighting used in a wildlife overlay zone shall limit the effects on wildlife and be designed to not attract insects by limiting the color temperature and brightness:
 - a. Color temperature should not exceed 3,000 Kelvin.
 - b. Light output of individual fixtures should not exceed 850 lumens.
 3. Lighting for outdoor recreational facilities shall not be mounted any higher than 15 feet above the ground.
 4. The following items are exempt from the above requirements:
 - a. Lighting is permissible during active construction hours but shall be turned off from 10:00 pm through 6:00 am.
 - b. Lighting should not exceed the minimum requirements established by the Federal Aviation Administration. [Ord. [O-06-2021](#) § 2 (Exh. A)].

17.49.080070 Development standards and regulations adjacent to the wildlife overlay zone

Land adjacent to the wildlife overlay ~~district~~ zone is encouraged to be developed with the following considerations:

A. Consultation. Property owners and developers of land adjacent to the overlay zone are encouraged to consult with the local wildlife habitat biologist at the UDWR or other qualified wildlife biologist for guidance on appropriate development adjacent to the wildlife corridor.

B. Light Pollution. In addition to compliance with Chapter 17.56 EMMC, Outdoor Lighting Standards, property adjacent to the overlay zone is encouraged to consider the following:

1. Color and Brightness. Outdoor lighting should use lighting that does not affect wildlife or attract insects by limiting the color temperature and brightness:

- a. Color temperature should not exceed 3,000 Kelvin.
- b. Light output of individual fixtures should not exceed 850 lumens.

2. Outdoor Recreation Lighting. Lighting for outdoor recreational facilities directly adjacent to the overlay zone is recommended to be mounted no higher than 15 feet above the ground.

3. Exceptions. The following items are exempt from these recommendations:

- a. Temporary lighting for construction. Permissible during construction hours but shall be turned off otherwise.
- b. Temporary emergency lighting.
- c. Wireless communication facilities. Lighting should not exceed the minimum requirements established by the Federal Aviation Administration. [Ord. O-06-2021 § 2 (Exh. A)].

17.49.090080 Wildlife corridor protection

A. Conservation and Stewardship. Land within a wildlife overlay zone may receive further protected status using any of the three methods listed here:

1. **Dedication for public use.** The land may be dedicated to ~~the city or to another public agency. This is the preferred method.~~ a well-established third-party land conservation organization or land trust or to Eagle Mountain City.
2. **Private land conservation easement.** Any private land, whole or a portion of, may apply for a conservation easement on that land. The easement may be held by Eagle Mountain City, another public agency, or a qualified conservation nonprofit organization.
3. **Homeowners' association.** Every preliminary plan that includes natural or improved open space within a development shall be accompanied by:

- a. ~~and proposed articles of incorporation and covenants for a homeowners' association in which all lot owners shall be members, and which is responsible for the maintenance and preservation of natural and improved open space required by this chapter. These documents shall be recorded with the final plat, upon their approval.~~ a conservation easement, which protects that portion of the development as open space; and
- b. covenants, conditions, and restrictions for a homeowners' association in which all lot owners shall be members, and which establishes requirements for the maintenance monitoring of the easement, and preservation of natural and improved open space required as required within this chapter.

These documents shall be recorded on the final plat, upon their approval.

B. Sensitive Areas. Sensitive areas within the overlay zone shall be protected from human activity by minimizing access into or through the sensitive areas.

C. Recreational Vehicles. No recreational vehicles, such as off-highway vehicles (OHVs), shall be allowed in the corridor during the mule deer migration season, except for corridor maintenance and private landowner use. No new off-road vehicle trails will be constructed where the corridor is at its minimum width to minimize recreational vehicles' negative impacts. Recreational vehicles are permitted to cross the corridor on established trails year-round. [Ord. [O-06-2021](#) § 2 (Exh. A)].

D. New roads. Unless a road is annotated on the Transportation Master Plan (2022), no new roads shall be constructed in a wildlife overlay zone.

E. Off-highway vehicle trails. No new off-road vehicle trails are allowed in the critical mule deer migration corridor.

F. Seasonal closures and/or limited hours. To ensure the success of a wildlife overlay zone, and minimize human-wildlife conflicts, the city may temporarily close or limit the hours of operation of any public amenity including roads and trails. [Ord. [O-06-2021](#)]

G. Domesticated animals. To ensure there are minimal conflicts with wildlife in areas where domesticated animals (livestock, pets) are kept within a wildlife overlay zone, homeowners and/or landowners must obtain a special use permit from the city, which outlines uses of these areas of potential conflict. These restrictions are to be determined by city staff and the homeowner/landowner and must clearly articulate what these restricted use(s) will be. These may include seasonal restrictions, densities of animals per area, or other restrictions of domesticated animal use.

17.49.090 Noncompliance with a wildlife overlay zone.

Any person or entity violating this chapter's rules, regulations, or ordinances shall, upon notice by a representative of the city, shall immediately cease all activities on the parcel until the violation has been resolved and the disturbed area has been restored to an acceptable natural state as approved by the Planning Commission, after receiving a recommendation from the city's wildlife biologist, or biologist from the Utah Division of Wildlife Resources if the city's biologist is not available.

The violating person or entity shall consult with the city's wildlife biologist, and city engineer to develop and submit a plan to bring about successful remediation and restore the disturbance or area of violation to an acceptable natural state.

If a responsible person or entity fails to submit a detailed remediation plan to the city for approval by the City Council to bring a violation into compliance as determined by EMC's wildlife biologist/environmental planner and City Council and complete the remediation work within *10 (ten)* business days of service of the notice of violation, civil penalties shall be owed to the City at a rate of \$5,000 per day but not more than \$25,000 per day for each day of violation. Each day of violation shall constitute a separate violation. These fines shall be exclusively used for conservation and land stewardship purposes.

A. **Measuring Civil Penalties.** In assessing any monetary penalty, the city may consider:

1. The harm done to the public health or the environment.
2. Whether the penalty imposed will be a substantial economic deterrent to the illegal activity.
3. The economic benefit gained by the violator.
4. The amount of effort put forth by the violator to remedy this violation.
5. Any unusual or extraordinary enforcement costs incurred by the municipality.
6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

B. **Recovery of Damages and Costs.** In addition to the civil penalty above, the municipality may recover all damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this chapter or any other actual damages caused by the violation.

C. **Other Remedies.** The municipality may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

D. **Remedies Cumulative.** The remedies outlined in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies