



PLANNING COMMISSION AGENDA

Thursday, September 16, 2021

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at
5355 W HERRIMAN MAIN STREET, HERRIMAN, UTAH

PUBLIC HEARINGS FOR THIS MEETING WILL BE CONDUCTED BOTH IN PERSON AND ELECTRONICALLY. ANY PERSON INTERESTED IN ADDRESSING THE COMMISSION MAY SUBMIT A COMMENT BY EMAILING RECORDER@HERRIMAN.ORG OR BY VISITING HERRIMAN.ORG/PC-AGENDA-MINUTES/ WHERE THERE WILL BE A PUBLIC COMMENT FORM BUTTON. YOUR STATEMENT WILL BE READ INTO THE PUBLIC RECORD. ALL COMMENTS MUST INCLUDE THE RESPONDENT'S NAME AND THE PUBLIC HEARING FILE NUMBER.

1. **6:00 PM - Work Meeting (Fort Herriman Conference Room)**
 - 1.1. **Review of City Council Decisions - Michael Maloy, City Planner**
 - 1.2. **Review of Agenda Items**
 - 1.3. **Goodboro Development Discussion - Michael Maloy, Planning Director**
2. **7:00 PM - Regular Planning Commission Meeting**
Call to Order

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(801) 446-5323 office • herriman.org



Herriman City

2.1. Invocation, Thought, Reading and/or Pledge of Allegiance

2.2. Roll Call

2.3. Conflicts of Interest

3. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.

3.1. Request: Approval of a Conditional Use of a Comprehensive Sign Plan for Academy Village Located Generally at 4002 W Real Vista Drive.

Applicant: Yesco Signs, LLC/ Charlie Taylor (agent)

Zone: VMU Overlay, C-2 Commercial, and MU-2 Mixed Use

Acre: 43.83

File: C2021-083

[C2021-083_Staff Report.pdf](#)

[C2021-083 Attachments.pdf](#)

[Item 3.1 - Village Mixed Use Signs.pdf](#)

3.2. Request: Approval of a Conditional Use for The Smarty Pants Preschool Located at 4736 W. Plainfield Rd.

Applicant: Angie Fugate

Zone: R-2-10 (Residential)

Acres: 0.16

File Number: C2021-097

[Item 3.2 C2021-097_Staff_Report.pdf](#)

[C2021-097 Staff Report Attachments.pdf](#)

[Item 3.2 - Preschool.pdf](#)

3.3. Request: Approval for the Lot Line Adjustment at 6412 W. and 6408 W. 13100 S.

Applicant: Brandon Ames (Legal Representative)

Zone: R-1-15 (Residential)

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Acres: 0.80

File Number: S2021-081

[Item 3.3 S2021-081_Staff_Report.pdf](#)

[S2021-081 Staff Report Attachments.pdf](#)

[Item 3.3 - Lot Line Adjustment.pdf](#)

4. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

4.1. Request: Recommendation to amend the Herriman City Zoning Map for ± 939.3 acres located approximately at 12600 South 6800 West from the P-C Planned Community Zone to the MPC Large Project Master Planned Community Zone for Olympia Land, LLC. (Public Hearing)

Applicant: Olympia Land, LLC

File Number: Z2021-103

[Item 4.1 Z2021-103_Staff_Report.pdf](#)

[Olympia MDA Draft \(2021-09-02\).pdf](#)

[Olympia Design Standards 2021 v11.pdf](#)

[Olympia MDA Maps.pdf](#)

[Large Project Master Planned Community Ordinance.pdf](#)

[Item 4.1 - Olympia MPC Zoning Map Amendment.pdf](#)

4.2. Request: Recommendation of Approval to Amend 10-29 Regarding Provisions for Use of Shipping Containers. (Public Hearing)

Applicant: Herriman City

File Number: Z2021-045

[Item 4.2 Z2021-045_Shipping_Containers_Staff_Report.doc \(1\).pdf](#)

[Item 4.2 Shipping_Container_Draft_09072021.pdf](#)

[Item 4.2 - Shipping Containers.pdf](#)

5. Chair and Commission Comments

6. Future Meetings

Wednesday, September 22, 2021 - City Council Meeting

Wednesday, September 29, 2021 - Special City Council Meeting

Wednesday, September 29, 2021 - Joint City Council / Planning Commission Meeting

CANCELLED

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Thursday, October 7, 2021 - Planning Commission Meeting

7. Adjournment

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the Planning Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT AND POLICY PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy Recorder. In general, the chair will allow an individual two minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.utah.gov/pmn/index.html and on Herriman City's website www.herriman.org

Posted and dated this 9th day of September, 2021

Wendy Thorpe,
Deputy Recorder

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Herriman City



STAFF REPORT

DATE: August 18, 2021

TO: Planning Commission

FROM: Sheldon Howa, Planner II

SUBJECT: **Conditional Use Approval for the Village Mixed Use Overlay Zone comprehensive sign plan.**
Applicant: Charlie Taylor/Yesco Signs, LLC (agent)
Address: 4002 W Real Vista Drive
Zone: C-2 Commercial, MU-2 Mixed Use
Acres: 43.8 ±
File Number: C2021-083

RECOMMENDATION:

Staff recommends the Commission approve the following findings:

- The proposed use complies with the Conditional Use standards.
- The proposed use complies with the Village Mixed Use Overlay Zone.
- The proposed use complies with all other zoning ordinance requirements.

Staff recommends **approval** of a Conditional Use for a comprehensive sign plan for the Village Mixed Use Overlay Zone located at approximately 4002 W Real Vista Drive with the following requirements:

1. Receive and agree to recommendation from other agencies.
2. No signs shall be located on public property or within the clear view of a drive approach or street intersection.
3. Planned center signs shall not exceed fifty (50) feet in height from sign base and forty-five (45) feet above MVC average grade.
4. Any signage not part of this approval shall go back to Planning Commission for review and approval.
5. Building permits shall be submitted for all sign installations.

ISSUE BEFORE COMMISSION:

Based on staff's findings, should the Planning Commission approve the proposed Conditional Use with Staff's required conditions?

If approved by the Planning Commission with any required conditions, the applicant will continue working with Staff to make all necessary corrections before any permits are issued.

BACKGROUND/SUMMARY:

The applicant is requesting the review and approval of a comprehensive sign plan which consists of two (2) planned center signs, six (6) monument signs, and six (6) ground (directional) signs. These proposed signs are to be located in PODs 35 and 39 of the Academy Village development. This development is within the Village Mixed Use (VMU) Overlay Zone, which entitles the properties located in this overlay zone certain rights pertaining to the quantity, design, and installation of on-premises signage (see Attachment C). Per this agreement, all comprehensive signs plans, or amendments, shall be forwarded to the Planning Commission for review and approval.

DISCUSSION:

Conditional Use Issues: (From 10-5-11.E.1)

The suitability of the specific property for the proposed use

Staff Findings:

The signage proposed in this request will be located in a large commercial and mixed-use development that has frontage along the Mountain View corridor. The proposed planned center signs are well suited for this highly traveled corridor, which will help establish recognition to the site as well as attract vehicular commuters. The proposed monument and way-finding signs are indicative to commercial uses and provide additional advertising opportunities for tenants and visual cues for directing traffic throughout the site.

The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity

Staff Findings:

The site of the proposed signs is bounded to the north by a mixed-use development known as Saddle Brook and the future site of one of the Juniper Crest Tailheads. To the south is a multi-family development known as the Village at The Boulders. Mountain View Corridor is on its western border and the future site of the SLCC campus, as well as an undeveloped parcel, zoned MU-2 Mixed-Use, is to its east.

The proposed use will work harmoniously with the surrounding future and existing uses, as it will help define commercial spaces and provide a point of reference for other uses in the area.

Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity

Staff Findings:

No negative effects are anticipated with the proposed use on the existing or future developments in the vicinity.

The economic impact of the proposed facility or use on the surrounding area

Staff Findings:

The proposed use is expected to produce a positive impact on the surrounding area by providing areas for tenant advertisement to draw consumers to this retail center.

The aesthetic impact of the proposed facility or use on the surrounding area

Staff Findings:

The design and location of proposed sign are regulated by the underlying zoning and the VMU overlay. Designs submitted meet these requirements and reflect the feel and design of the Academy Village development. The signs proposed will be located on-premises and are expected to have no impact on surrounding uses of the area.

The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area

Staff Findings:

With the proposed use being located in a recently approved commercial development, infrastructure required to support this use are already in place.

The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use

Staff Findings:

The VMU overlay zone and 10-27-7 of City code regulate the size, placement, and features of permanent signage. Through regulation, nuisances such as light wash, brightness, and transition of digital sign copy will be mitigated. Signs equipped with digital sign copy have been located in areas that are not directly adjacent to residential uses, to help reduce the impact on neighboring properties.

The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area

Staff Findings:

This use is not anticipated to create any negative impacts which may affect the health, welfare, and safety to the City or persons associated with the property. All signage, as submitted, will meet clear-view regulations, as well as the standards outlined in 10-27-7 of the City code and the VMU Overlay Zone.

Zoning Ordinance Issues:

Issue 1 – Village Mixed Use Overlay Zone

Staff Findings:

This site is subject to Ordinance No. 2020-33 (file# Z2020-044), a zoning overlay which grants additional entitlements for signage placed on properties contained within the overlay (see Attachment – B). Regulations not governed under the overlay shall conform to the applicable

requirements of 10-27 of City code. Below, staff has listed the standards for each sign type indicated in the comprehensive sign plan (see Attachment D):

Planned Center Signs:

Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
2	Within 100' of MVC and 150' from any existing or proposed residential use.	Maximum height 50' from base, but not to exceed 45' above the average elevation of traveled way of the MVC corridor.	Active display – 500 SF per sign face; Inactive Display – 700 SF per sign face; Total display area not to exceed 800 SF per sign face.

Monument signs:

Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
7	More than 1 sign per lot if no more than 1 sign per 300' of the development frontage is not exceeded.	75 square feet.	Each sign may have two faces with no more than 75 SF per face.

Ground Signs (directional):

Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
No more than 6 signs per building.	Anywhere on lot, including along pedestrian and vehicular pathways and traffic circulation routes	No more than 10' in height.	Maximum 30 SF per sign face.

The applicant has submitted the following signs for review:

Two (2) planned center signs with one active display per face not exceeding five hundred (500) square feet. Both planned center signs are sixty (60) feet tall, with one sign exceeding the forty-five (45) feet maximum above average grade. The sign faces on either sign exceed the eight hundred (800) square feet. Currently, no existing or proposed residential use is within one hundred fifty (150) feet of either sign location.

Per the VMU overlay zone, the planned center signs shall not exceed fifty (50) feet from the base of the sign. The proposed planned center signs are sixty (60) feet from the base to the top of the sign, exceeding the fifty (50) foot height maximum. Additionally, one of the proposed signs are six (6) feet over the forty-five (45) foot above average grade maximum.

Six (6) monument signs, of which two (2) having active displays and four (4) with inactive displays. The four (4) inactive display signs have a height of six (6) feet, an internally illuminated sign copy of twenty-two (22) square feet, with a total sign face of forty-four (44) square feet. The remaining two (2) active display signs have a height of six (6) feet, a digital display of twenty-four (24) square feet, with a total sign face of forty-four (44) square feet. All monument signs proposed are no greater than six (6) feet in height.

Six (6) ground (directional) signs which are internally illuminated, six (6) feet in height, with a sign face of less than twelve (12) square feet.

All signs proposed are consistent in design and meet the architectural design standards outlined in the VMU Overlay Zone.

Issue 2 – Underlying Zoning Regulations

Staff Findings:

The underlying zones captured within the VMU Overlay Zone are C-2 Commercial and MU-2 Mixed Use. Both underlying zones have provisions allowing all sign types submitted in the comprehensive sign plan. Per the VMU Overlay Zone, regulations not set within the overlay agreement shall conform with all applicable requirement of 10-27 of City code (see Attachment E). Staff has reviewed the applicant's submittals and have found they are in compliance with all applicable sign standards listed 10-27 of City code.

Staff has determined the applicant's request is consistent with the findings required for approval and recommends approval to the Planning Commission.

ALTERNATIVES:

Action from the Planning Commission may include the following:

1. Continuing the item to future meeting (with or without a certain date)
 - a. Specify reasons for continuing and required information necessary from the applicant and/or Staff.
2. Deny the item
 - a. Specify reasons for denial which would include why any expected/anticipated impact cannot be reasonably mitigated.
3. Approve the item with other, or amended, conditions the Commission feels necessary to mitigate impacts from this development.

ATTACHMENTS:

- A. Application
- B. Vicinity Maps
- C. Village Mixed Use Overlay Zone
- D. Comprehensive Site Plan
- E. City Ordinance 10-27
- F. Presentation

Attachment - A
Application



Conditional Use Application

PROPERTY INFORMATION			
Property Address: 4002 W Real Vista Drive			
Parcel Numbers: 33074280020000; 3308301020000			
Acres: 43.83			
Request: Comprehensive Sign Plan			
APPLICANT INFORMATION			
Name of Applicant: YESCO LLC attn: Charlie Taylor			
Address of Applicant: 1605 Gramercy Road, Salt Lake City, UT 84104			
Email of Applicant: ctaylor@yesco.com		Phone: 801-464-6468	
Applicants Affiliation with the Subject Property:			
<input type="checkbox"/> Owner <input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input checked="" type="checkbox"/> Other			
Engineer: (if not listed above) YESCO LLC			
Email of Engineer: ben.jones@yesco.com		Phone of Engineer: 801-464-6442	
Architect: (if applicable)			
Email of Architect		Phone of Architect:	
Property Owner: (if not listed above) Wasatch Commercial Management 299 S Main St. #2450, Salt Lake City, UT 84111			
Email of Owner: adahlstrom@wasatchcommercial.com		Phone: 801-961-1010	
OFFICE USE ONLY			
Date Received:	Received By:	File Number:	Fee:
Zone:	Assigned Planner:		Receipt #

APPLICANT'S AFFIDAVIT

State of Utah)
City of Herriman)

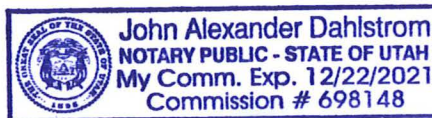
I (we), ALEX DAHLSTROM, being duly sworn, depose and say that I (we) am (are) the owner(s) or authorized agent(s) of owner, of property involved in the attached application and that the statements and answers contained herein in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application requested herewith and that the foregoing statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed _____

STATE OF UTAH)
§
COUNTY OF SALT LAKE)

On this 8th of April, in the year 2021, before me Alex Dahlstrom, personally appeared _____, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding document in my presence.

[Signature]
Notary Signature



*May be owner of record, contract owner, party to valid earnest money agreement, option holder or have other legal control of the property.

AGENT AUTHORIZATION

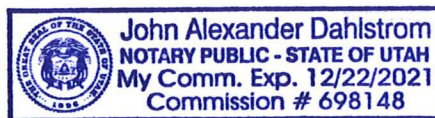
I (we), ALEX DAHLSTROM, the owner(s) of the real property at 4002 W Real Vista Drive, Herriman, Utah, do hereby appoint YESCO LLC as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Jeff Krantz &/or Charlie Taylor to appear on my (our) behalf before any City Boards considering this application.

Signed _____

STATE OF UTAH)
§
COUNTY OF SALT LAKE)

On this 8th of April, in the year 2021, before me Alex Dahlstrom, personally appeared _____, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding document in my presence.

[Signature]
Notary Signature





Conditional Use Checklist		City Use Only	
Applicant Submitted	All information should be submitted electronically to planning@herriman.org	Accepted	N/A Initials
Initial <u>CT</u>	Conditional Use Application, including a description of the proposed use and the appropriate fee		
Initial <u>CT</u>	A statement by the applicant demonstrating how the conditional use permit request meets the approval standards (See attached)		
	Site Plan submittal information (Land Development Code 10-5-12), which includes:		
Site plan showing the following:			
Initial <u>CT</u>	All infrastructure and development facilities related to the project located within two hundred fifty feet (250') of the site boundary		
Initial <u>CT</u>	Layout, dimensions, and names of existing and future road rights-of-way		
Initial _____	Project name, north arrow, and tie to a section monument		
Initial _____	The boundary lines of the project site with bearings and distances		
Initial _____	Layout and dimensions of proposed streets, buildings, parking areas, and landscape areas		
Initial _____	Location, dimensions, and labeling of other features such as bicycle racks, dumpsters, trash cans, fences, signage, and mechanical equipment		
Initial _____	Location of man-made features including irrigation facilities, bridges, railroad tracks, and buildings		
Initial _____	A tabulation table, showing total gross acreage, square footage of street rights-of-way, square footage of building footprint, square footage of total building floor area, square footage of landscaping, number of parking spaces, and if any, the number and type of dwellings, and the percentage devoted to each dwelling type and overall dwelling unit density		
Initial _____	Identification of property, if any, not proposed for development		
Grading and drainage plan showing the following:			
Initial _____	North arrow, scale, and site plan underlay		
Initial _____	Topography contours at two foot (2') intervals		
Initial _____	Areas of substantial earth moving with an erosion control plan		
Initial _____	Location of existing water courses, canals, ditches, springs, wells, culverts, and storm drains, and proposed method of dealing with all irrigation and waste water		
Initial _____	Location of any designated FEMA floodplain and/or wetland boundaries;		
Initial _____	Direction of stormwater flows, catch basins, inlets, outlets, waterways, culverts, detention basins, orifice plates, outlets to off-site facilities, and off-site drainage facilities when necessary based on adopted City standards and specifications; and		



Utility plan showing the following:			
Initial _____	North arrow, scale, and site plan underlay		
Initial _____	All existing and proposed utilities including, but not limited to, sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communications lines, cable television lines, and street lights		
Initial _____	Minimum fire flow required by the Building Code for the proposed structures, and fire flow calculations at all hydrant locations		
Initial _____	Location and dimensions of all utility easements		
Initial _____	A letter from each utility provider, other than the City, addressing the feasibility and their requirements to serve the project;		
Initial <u>CT</u>	Landscaping plan, consistent with the requirements of chapter 23 of this title		
Building elevations for all buildings showing the following:			
Initial _____	Accurate front, rear, and side elevations drawn to scale		
Initial _____	Exterior surfacing materials and colors, including roofing material and color		
Initial _____	Outdoor lighting, furnishings, and architectural accents		
Initial <u>CT</u>	Location and dimensions of proposed signs		
Initial _____	Where one or more conditions of unusual soil, vegetation, geology, or slope exist, resulting in increased fire, flood, or erosion hazards, traffic circulation problems, sewage disposal problems, or potential property damage from extensive soil slippage and subsidence, an applicant shall, upon request of the Planning Commission or City Engineer, provide contour and drainage plans, cut and fill specifications, and soil and geologic reports. The required details of such reports and plans may vary depending on the severity of the unusual conditions, but in any event such plans and reports shall be reviewed and approved by the City prior to final approval of a site plan;		
The following documents:			
Initial _____	Any agreements with adjacent property owners regarding development of the site		
Initial _____	Evidence of compliance with applicable Federal, State, and local laws and regulations, if requested by the Planning Commission or Community Development Director		
Initial _____	A traffic impact analysis, if requested by the Planning Commission or City Engineer		
Initial _____	Warranty deed and preliminary title report or other document showing the applicant has control of the property		
Initial _____	Parcel maps from the County Recorder's Office showing the subject property and all property located within four hundred feet (400') thereof.		

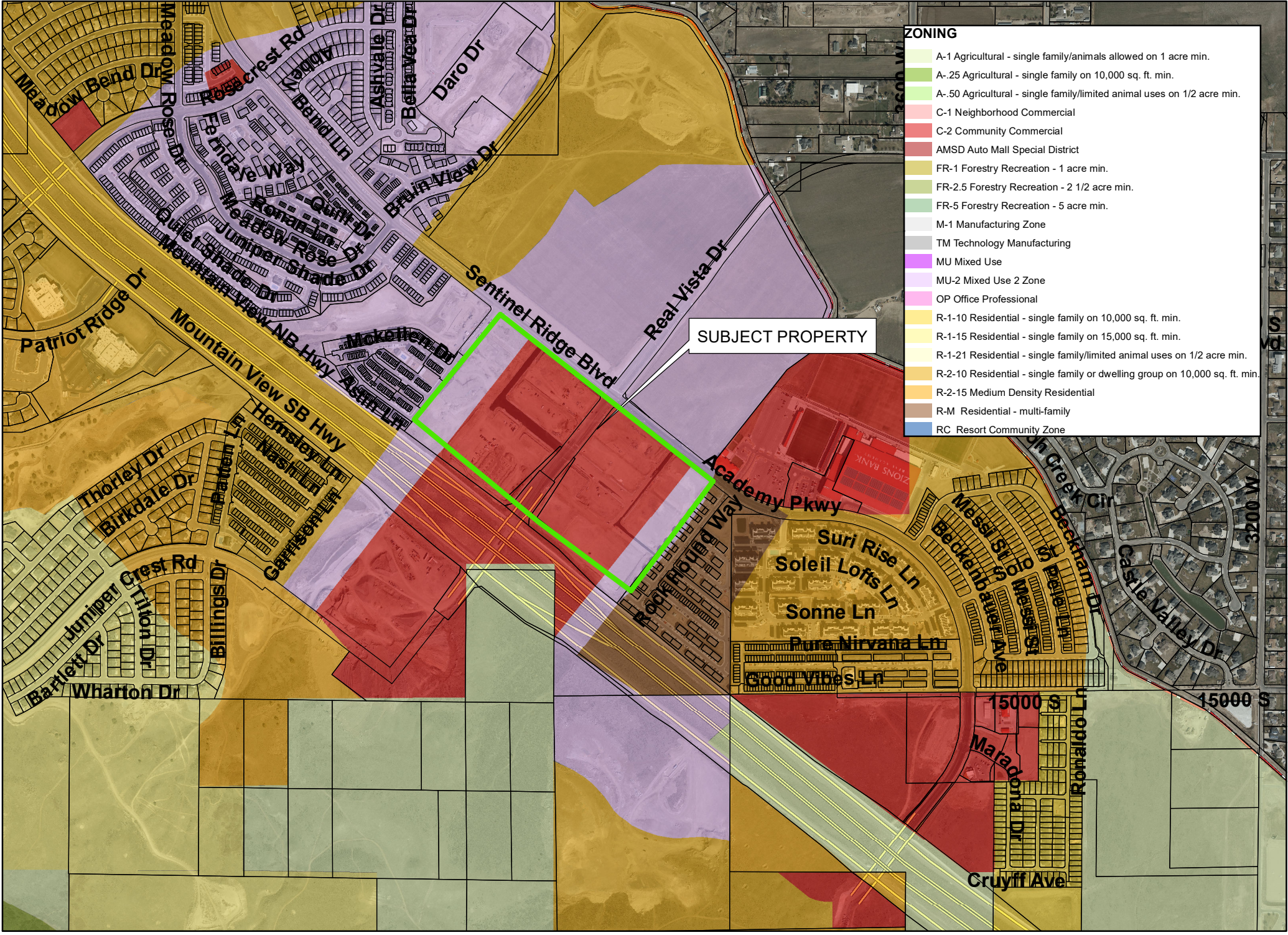


Conditional Use Standards

In considering an application for a conditional use permit, the decision-making body or official may analyze any of the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed conditional use meets the standards set forth in subsection 10-5-11(E)(2) of the Land Development Code.

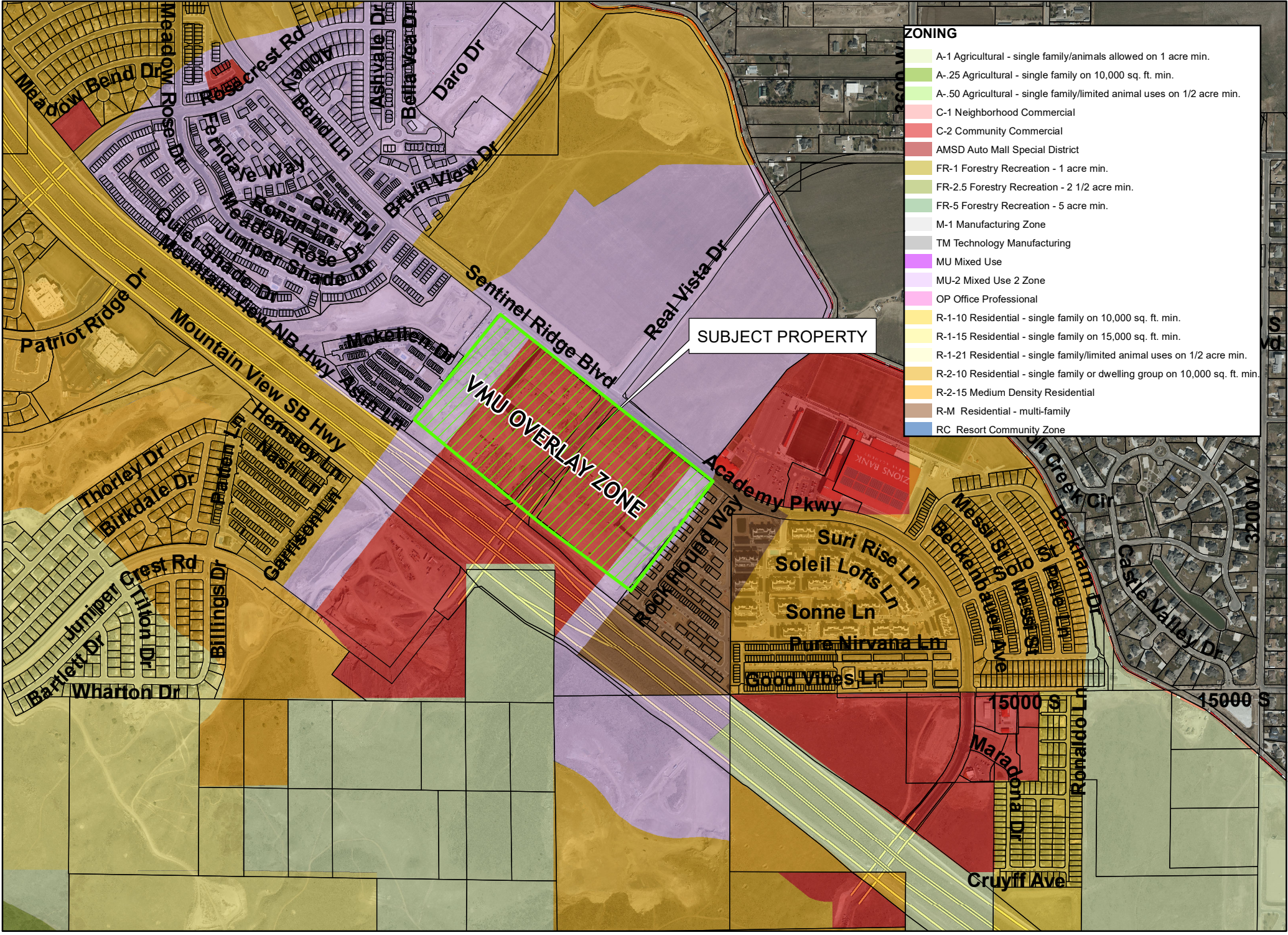
- a. The suitability of the specific property for the proposed use;
The development or lack of development adjacent to the proposed site and the harmony of the
- b. proposed use with existing uses in the vicinity;
Whether or not the proposed use or facility may be injurious to potential or existing development in
- c. the vicinity;
- d. The economic impact of the proposed facility or use on the surrounding area;
- e. The aesthetic impact of the proposed facility or use on the surrounding area;
The present and future requirements for transportation, traffic, water, sewer, and other utilities for
- f. the proposed site and surrounding area;
The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian
- g. and vehicular circulation;
- h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
- i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
The impact of the proposed facility or use on the health, safety, and welfare of the city, the area,
- j. and persons owning or leasing property in the area.

Attachment - B
Vicinity Maps



ZONING	
	A-1 Agricultural - single family/animals allowed on 1 acre min.
	A-.25 Agricultural - single family on 10,000 sq. ft. min.
	A-.50 Agricultural - single family/limited animal uses on 1/2 acre min.
	C-1 Neighborhood Commercial
	C-2 Community Commercial
	AMSD Auto Mall Special District
	FR-1 Forestry Recreation - 1 acre min.
	FR-2.5 Forestry Recreation - 2 1/2 acre min.
	FR-5 Forestry Recreation - 5 acre min.
	M-1 Manufacturing Zone
	TM Technology Manufacturing
	MU Mixed Use
	MU-2 Mixed Use 2 Zone
	OP Office Professional
	R-1-10 Residential - single family on 10,000 sq. ft. min.
	R-1-15 Residential - single family on 15,000 sq. ft. min.
	R-1-21 Residential - single family/limited animal uses on 1/2 acre min.
	R-2-10 Residential - single family or dwelling group on 10,000 sq. ft. min.
	R-2-15 Medium Density Residential
	R-M Residential - multi-family
	RC Resort Community Zone





- ZONING**
- A-1 Agricultural - single family/animals allowed on 1 acre min.
 - A-.25 Agricultural - single family on 10,000 sq. ft. min.
 - A-.50 Agricultural - single family/limited animal uses on 1/2 acre min.
 - C-1 Neighborhood Commercial
 - C-2 Community Commercial
 - AMSD Auto Mall Special District
 - FR-1 Forestry Recreation - 1 acre min.
 - FR-2.5 Forestry Recreation - 2 1/2 acre min.
 - FR-5 Forestry Recreation - 5 acre min.
 - M-1 Manufacturing Zone
 - TM Technology Manufacturing
 - MU Mixed Use
 - MU-2 Mixed Use 2 Zone
 - OP Office Professional
 - R-1-10 Residential - single family on 10,000 sq. ft. min.
 - R-1-15 Residential - single family on 15,000 sq. ft. min.
 - R-1-21 Residential - single family/limited animal uses on 1/2 acre min.
 - R-2-10 Residential - single family or dwelling group on 10,000 sq. ft. min.
 - R-2-15 Medium Density Residential
 - R-M Residential - multi-family
 - RC Resort Community Zone



Attachment - C
Village Mixed Use Overlay Zone

HERRIMAN, UTAH
ORDINANCE NO. 2020-33

**Z2020-044 – LAND DEVELOPMENT CODE AMENDMENT TO
CREATE A VILLAGE MIXED USE OVERLAY ZONE**

WHEREAS, the City of Herriman, pursuant to state law, may adopt an ordinance to establish land development regulations, otherwise known as “zoning,” for land uses; and

WHEREAS, pursuant to Utah State Code, the Planning Commission shall prepare and recommend to the City Council any Land Development Code amendment; and

WHEREAS, pursuant to the City of Herriman Land Development Code, the Planning Commission shall hold a public hearing and provide reasonable notice at least ten (10) days prior to the said public hearing to prepare and recommend to the City Council the Land Development Code amendment; and

WHEREAS, a notice of a Planning Commission public hearing on the Land Development Code amendment was published in a local newspaper of general circulation on September 21, 2020, for a meeting to be held on October 1, 2020, at 7:00 p.m.; and

WHEREAS, the Planning Commission made a recommendation on the Land Development Code amendment in a public meeting held on September 21, 2020, at 7:00 p.m. in the City Council Chamber; and

WHEREAS, pursuant to Herriman City Code, it is the responsibility of the City Council to consider the Land Development Code amendment and Planning Commission recommendation in a public meeting; and

WHEREAS, a City Council public meeting was held on November 18, 2020, at 7:00 p.m. to discuss the Land Development Code amendment; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Herriman City to adopt the Land Development Code amendment, which was recommended by the Planning Commission and documented in City File number Z2020-044;

NOW, THEREFORE, be it ordained by the Herriman City Council that the Land Development Code amendment shall be adopted as described herein:

The following text is an excerpt from Herriman City Code, which has been selected to provide context for the amendment. Only the underlined portions of the text are amended by this Ordinance. All other regulations contained within Title 10 Land Development Code shall remain in effect.

CHAPTER 15 OVERLAY ZONES

ARTICLE F. VILLAGE MIXED USE OVERLAY ZONE

10-15F-1 Purpose

10-15F-2 Applicability

10-15F-3 Definitions

10-15F-4 Uses

10-15F-5 Development Approval

10-15F-6 Development Standards

10-15F-7 Signage

10-15F-8 Sign Development Standards

10-15F-9 Sign Development Process

10-15F-1: PURPOSE:

The purpose of the Village Mixed Use (VMU) Overlay Zone is to facilitate development of a mixed use master planned area for retail, restaurant, grocery, professional services, office, multi-family residential, and hotel uses and other compatible mixed uses.

10-15F-2: APPLICABILITY:

The provisions of this article shall apply to all land located within the VMU Overlay Zone as shown on the official zoning map.

10-15F-3: DEFINITIONS:

Certain words and phrases in this article are defined in chapter 3 of this title.

10-15F-4: USES:

The uses allowed on land in the VMU Overlay Zone shall include all uses allowed in the underlying zone as set forth in this title.

10-15F-5: DEVELOPMENT APPROVAL:

A development project in the VMU Overlay Zone shall be considered and approved in the same manner required for development in the underlying zone as set forth in this title.

10-15F-6: DEVELOPMENT STANDARDS:

A. Generally: The development standards for land located in the VMU Overlay Zone shall be the same as the development standards located in the underlying zone as set forth in this title, except as modified by this article.

- B. Minimum Area: Each contiguous land area located within the VMU Overlay Zone shall contain at least forty (40) acres, including any intervening public roads. The VMU Overlay Zone need not be wholly contiguous so long as the minimum contiguous land area described in the preceding sentence is satisfied.

10-15F-7: SIGNAGE:

Signage shall be allowed on land located in the VMU Overlay Zone to the same extent authorized in the underlying zone, or zones, as set forth in chapter 27 of this title, except additional signage as set forth in section 10-15F-8 of this article shall be allowed for one mixed use development project area within the VMU Overlay Zone where the underlying zone is C-2, R-M, or MU-2. To the extent that the sign development standards set forth in section 10-15F-8 of this article conflict or are inconsistent with other applicable regulations, the sign development standards set forth in section 10-15F-8 of this article shall control.

10-15F-8: SIGN DEVELOPMENT STANDARDS:

- A. All permitted signs within the Village Mixed Use Overlay Zone shall be regulated as on-premise signage and limited to promoting land uses within the overlay.
- B. Planned Center Signs: One mixed use development project in the VMU Overlay Zone, where the underlying zone is C-2, R-M, or MU-2, may have up to two (2) planned center signs, which shall conform to applicable requirements of chapter 27 of this title, all applicable Federal and State law, and the requirements below. Each planned center sign shall be owned and operated by the owner of the mixed use development, an association created by the owner to manage the development, or its affiliate.
1. Each planned center sign shall be located within one hundred feet (100') of Mountain View Corridor right-of-way and within the boundaries of the VMU Overlay Zone.
 2. Each planned center sign shall not be located within one hundred fifty feet (150') of a planned or existing residential dwelling.
 3. The maximum height of each planned center sign shall not exceed fifty feet (50') from the base of the sign and forty-five feet (45') above the average elevation of the traveled way of Mountain View Corridor located within one hundred feet (100') from the base of the sign.
 4. Each planned center sign may have two (2) display faces with an active display area not to exceed five hundred (500) square feet each face, and an inactive display area of not to exceed seven hundred (700) square feet each face. However, in no event shall the total display area per planned center sign exceed eight hundred (800) square feet per sign face.
 5. Each planned center sign face shall be oriented towards the traveled way of the adjacent Mountain View Corridor.
 6. Each planned center sign, including the supporting structure, shall be architecturally consistent with

surrounding development and shall include decorative material such as stone, brick, decorative steel, or similar materials.

7. If a proposed planned center sign has an active electronic display, an application for such planned center sign shall include a photometric plan for the sign along with a statement from the electronic display manufacturer certifying that each display will allow for automatic dimming based on night and day time and ambient light conditions based on industry best practices, and an acknowledgment from the sign owner that the sign will be operated in accordance with the following criteria:

- a. An electronic display may allow for a change of messages, but the interval between displayed messages shall not be more frequent than the greater of:

- (1) Eight (8) seconds; or

- (2) Any interval imposed by applicable State or Federal law.

- (3) The actual message rotation, or change, shall be accomplished in one-quarter ($\frac{1}{4}$) second or less.

- b. An electronic display face shall not contain or be illuminated by any flashing, intermittent, full-motion video, scrolling, strobing, racing, blinking, changes in color, fade-in, or fade out or any other imitation of movement or motion, or any other means not providing constant illumination for each message.

- c. The text, images, and graphics of an electronic display face shall be static and complete within themselves, without continuation in content to the next image or message, or to any other sign.

- C. Monument Signs: One mixed use development project in the VMU Overlay Zone, where the underlying zone is C-2, R-M, or MU-2, may have up to seven (7) monument signs, which shall conform to applicable requirements of chapter 27 of this title, all applicable Federal and State law, and the requirements below. Each monument sign shall be owned and operated by the owner of the mixed use development, an association created by the owner to manage the development, or its affiliate.

1. Each monument sign may have two (2) display faces, each not to exceed seventy-five (75) square feet per face.
 2. More than one (1) monument sign per lot is allowed so long as there is no more than one (1) sign per three hundred feet (300') of frontage measured over the total length of the mixed use development project.
 3. Each monument sign, including the supporting structure, shall be architecturally consistent with surrounding development and shall include decorative material such as stone, brick, decorative steel, or similar materials.

- D. Other Signage: Projecting, ground, flat, and wall signs are allowed for one mixed use development project in the VMU Overlay Zone where the underlying zone is C-2, R-M, or MU-2 subject to the regulations shown in chart 10-15F-8.

CHART 10-15F-8

<u>VMU OVERLAY ZONE</u>				
<u>Sign Type</u>	<u>Maximum Size per Sign Face</u>	<u>Maximum Height</u>	<u>Location</u>	<u>Other Requirements</u>
<u>Projecting</u>	<u>60 sq. ft.</u>	<u>None</u>	<u>5' maximum projection from building.</u>	<u>7' minimum clearance from ground.</u>
<u>Ground</u>	<u>30 sq. ft.</u>	<u>10'</u>	<u>Anywhere on lot, including along pedestrian and vehicular pathways and traffic circulation routes.</u>	<u>Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property, in which case it may be allowed with conditional use approval (properties divided by a right of way are not adjacent). Ground signage may be permitted on lots used for residential purposes with conditional use approval. Limited to 6 signs per building.</u>
<u>Flat or Wall</u>	<u>Greater of 20% of wall area and 120 sq. ft. per retail storefront, 220 sq. ft. per office building elevation</u>	<u>None</u>	<u>Building wall</u>	<u>Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval (properties divided by a right of way are not adjacent). A maximum of two wall signs per office building elevation is allowed.</u>

10-15F-9: Sign Development Process:

Approval of a comprehensive sign plan is required before any permanent signs may be permitted and constructed within the Village Mixed Use Overlay Zone. The owner of the development, or authorized agent, shall prepare and submit a comprehensive sign plan to the city for review as described in section 10-5-13 of this title, with the following exception:

- A. All comprehensive sign plans, or amendments, shall be forwarded to the Planning Commission for review and decision based on the applicable standards set forth in this title or other provisions of this Code.

Chapter 8 ZONES, MAPS, AND ZONE BOUNDARIES

10-8-1 ZONES ESTABLISHED:

In order to accomplish the purposes of the Herriman General Plan and this title, the following zones, along with their accompanying zoning map designations, are hereby established as follows:

G. Overlay Zones:

EC Environmental Contamination Overlay Zone

H Hillside Overlay Zone

PD Planned Development Overlay Zone

W Wind Overlay Zone

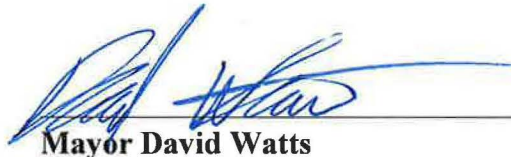
Sports and Entertainment Mixed Use Overlay Zone

VMU Village Mixed Use Overlay Zone

This Ordinance, assigned Ordinance No. 2020-33 shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

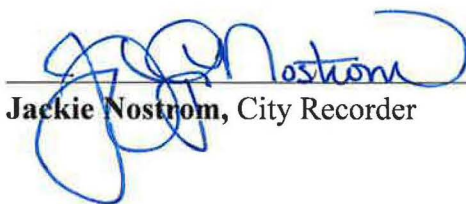
PASSED AND APPROVED this 18th day of November 2020.

HERRIMAN



Mayor David Watts

ATTEST:



Jackie Nostrom, City Recorder



Herriman City

ORDINANCE NUMBER: **2020-33**

SHORT TITLE: Z2020-044-AN ORDINANCE OF THE HERRIMAN CITY APPROVING A
LAND DEVELOPMENT CODE AMENDMENT TO CREATE A VILLAGE MIXED USE
OVERLAY ZONE.

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
David Watts			X		
Clint Smith		X	X		
Jared Henderson			X		
Sherie Ohrn	X		X		
Steven Shields			X		
	TOTALS		<i>5</i>		

This ordinance was passed by the City Council of Herriman City, Utah on the 18th day of
November, 2020, on a roll call vote as described above.

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS		ACCOUNT NUMBER
HERRIMAN CITY, JACKIE NOSTROM 5355 W HERRIMAN MAIN ST		9001353644
HERRIMAN UT 84096		DATE 11/28/2020
ACCOUNT NAME HERRIMAN CITY,		
TELEPHONE	ORDER # / INVOICE NUMBER	
8014465323	0001304359 /	
PUBLICATION SCHEDULE		
START 11/24/2020 END 11/24/2020		
CUSTOMER REFERENCE NUMBER 2020-33-ORD		
CAPTION PUBLIC NOTICE The Herriman City Council hereby gives notice of the adoption of an Ordinance		
SIZE		
23 LINES	1 COLUMN(S)	
TIMES	TOTAL COST	
3	43.64	

PUBLIC NOTICE
The Herriman City Council hereby gives notice of the adoption of an Ordinance at the meeting held on November 18, 2020 at 7:00 p.m. in the City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah, as follows: Ordinance No. 2020-33 Land Development Code Amendment to create a Village Mixed Use Overlay Zone. A copy is available to interested persons by contacting the City Recorder's Office during regular business hours. /s/ Jackie Nostrom, City Recorder. 1304359 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE The Herriman City Council hereby gives notice of the adoption of an Ordinance at the meeting held on November 18, 2020 at 7:00 p.m. in the City H** FOR **HERRIMAN CITY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 11/24/2020 End 11/24/2020

DATE 11/28/2020

SIGNATURE 


STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 28TH DAY OF NOVEMBER IN THE YEAR 2020

BY LORAIN GUDMUNDSON.




NOTARY PUBLIC SIGNATURE

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

HERRIMAN CITY,
JACKIE NOSTROM
5355 W HERRIMAN MAIN ST

ACCOUNT NUMBER

9001353644

DATE

11/28/2020

ACCOUNT NAME

HERRIMAN CITY,

TELEPHONE

8014465323

ORDER # / INVOICE NUMBER

0001304359 /

PUBLICATION SCHEDULE

START 11/24/2020 END 11/24/2020

CUSTOMER REFERENCE NUMBER

2020-33-ORD

CAPTION

PUBLIC NOTICE The Herriman City Council hereby gives notice of the adoption of an Ordinance

SIZE

23 LINES 1 COLUMN(S)

TIMES

3

TOTAL COST

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PUBLISHED ON Start 11/24/2020 End 11/24/2020

DATE 11/28/2020

SIGNATURE

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 28TH DAY OF NOVEMBER IN THE YEAR 2020

BY LORAIN GUDMUNDSON.



NOTARY PUBLIC SIGNATURE

Attachment - D
Comprehensive Site Plan



Academy Village CONDITIONAL USE PLANS

Presented By



Salt Lake Region

Salt Lake Office
1605 South Gramercy Road
Salt Lake City, UT 84104
801-487-8481


1a **1b** **Two D/F Internally Illum. Planed Center Displays** **Scale 1/8"=1'-0"**
Total 328.62 Sq. Ft.



Day View



Night View

**YESCO**[®]

DESIGN

1605 South Gramercy Rd.
Salt Lake City, UT 84104
801.487.8481

www.yesco.com

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Revisions

No.	Date / Description
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Approval

Client Sign / Date

Landlord Sign / Date

Wasatch Property Mgt.
Academy Village

Acct. Exec: Jeff Krantz
Designer: Christian

Orig: 0.00.2021

scale: as noted

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Academy Village**

Acct. Exec: Jeff Krantz

Designer: Christian

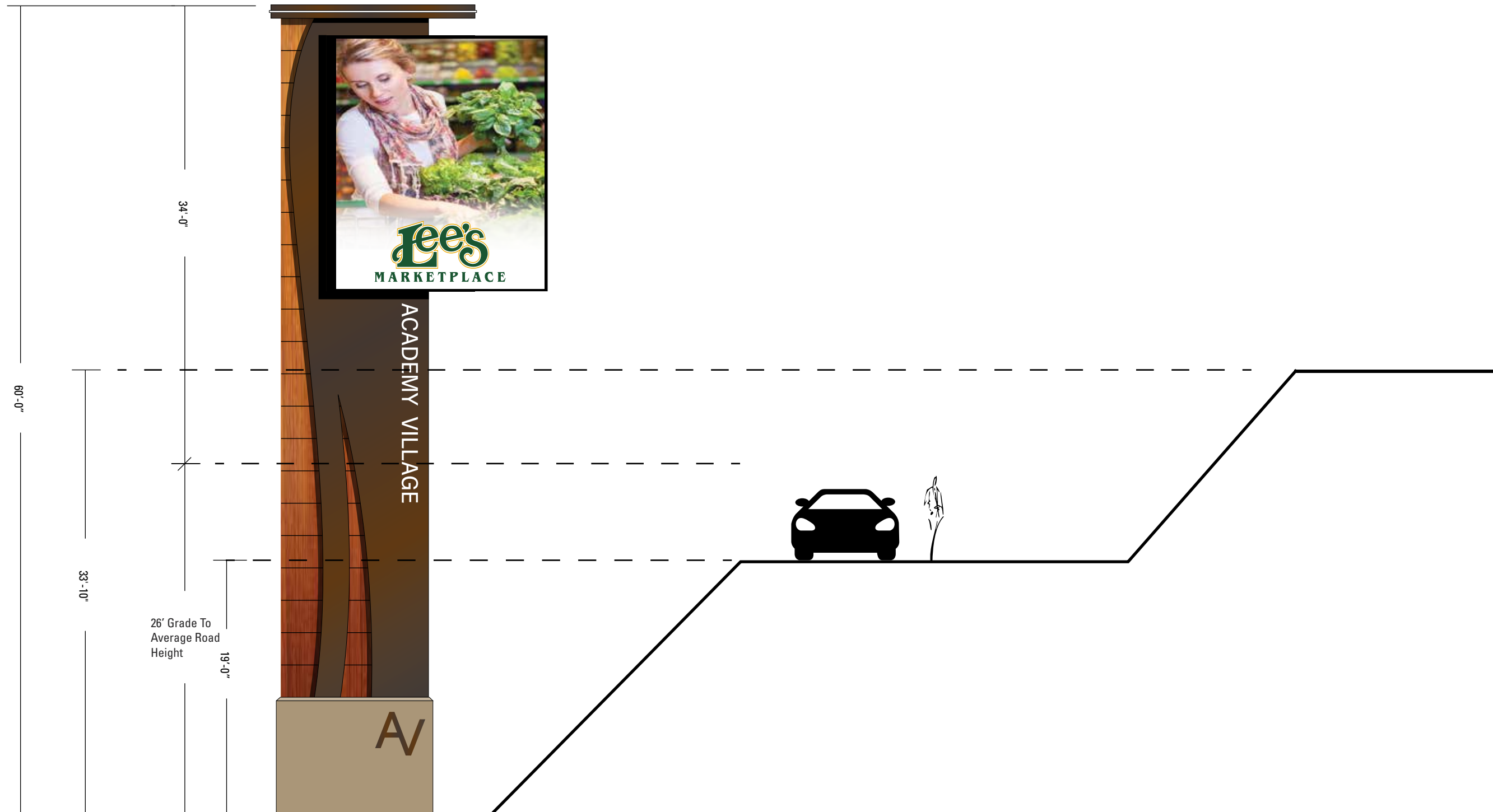
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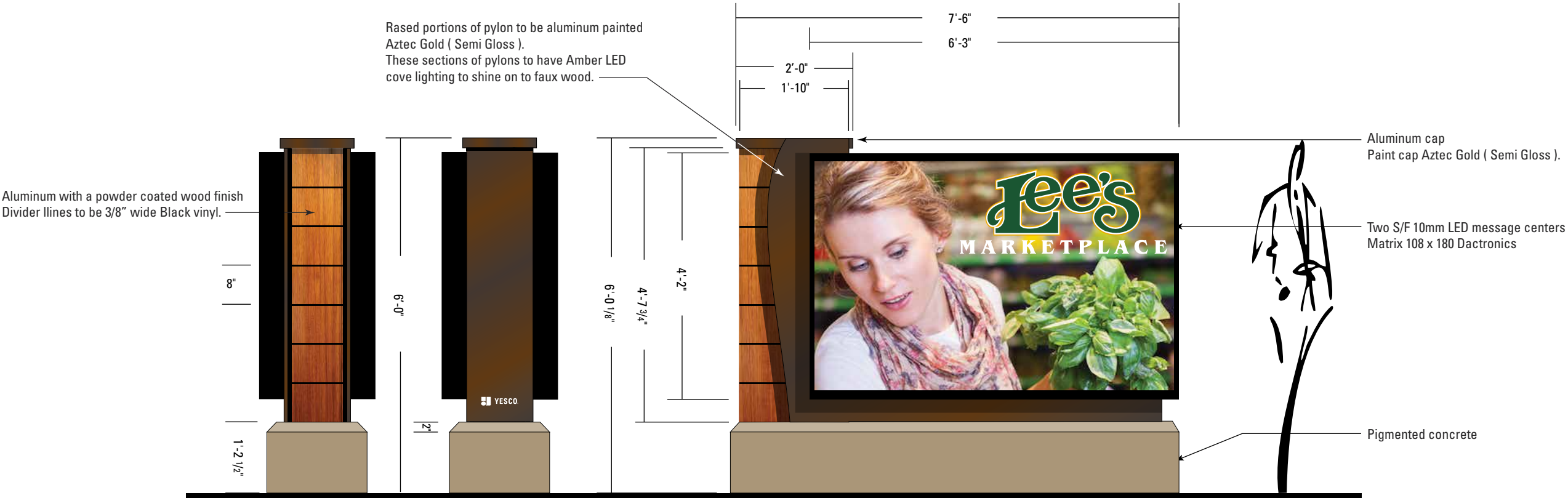
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Scope of work:
Yesco to manufacture and install two D/F internally
illum. monument displays with message centers



2a 2f Two D/F Monument Displays w/ Message Center Scale 1/2"=1'-0"

Cabinet 24 Sq. Ft.



Day View



Night View



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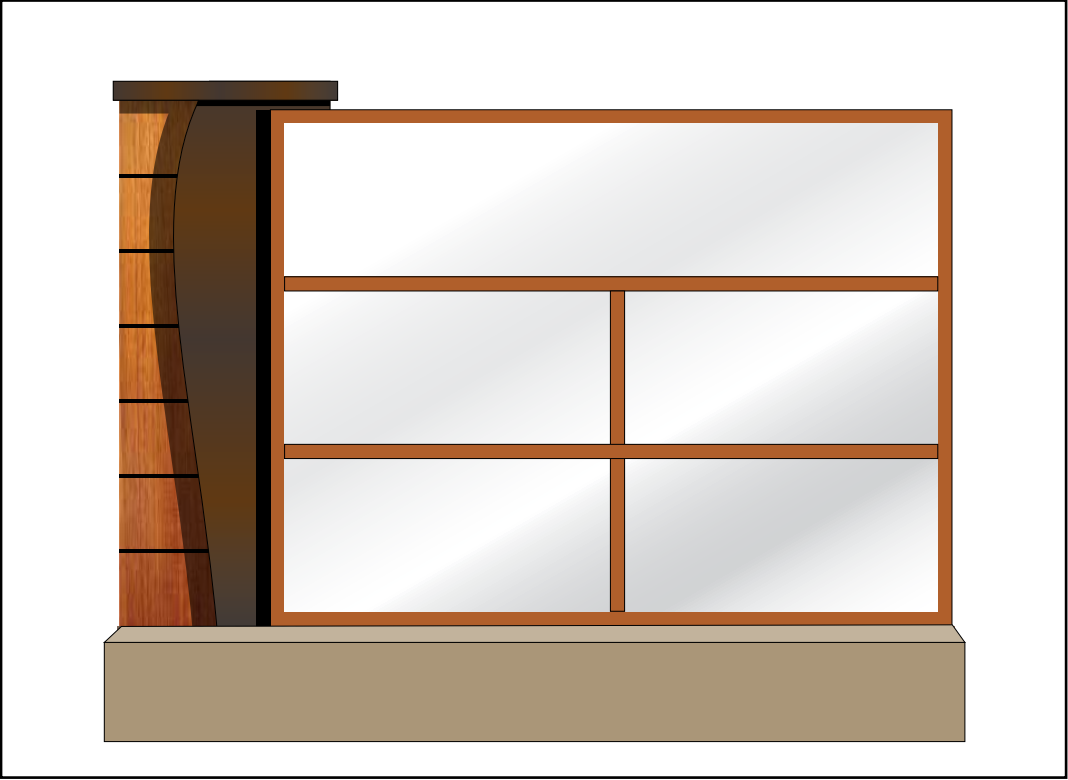
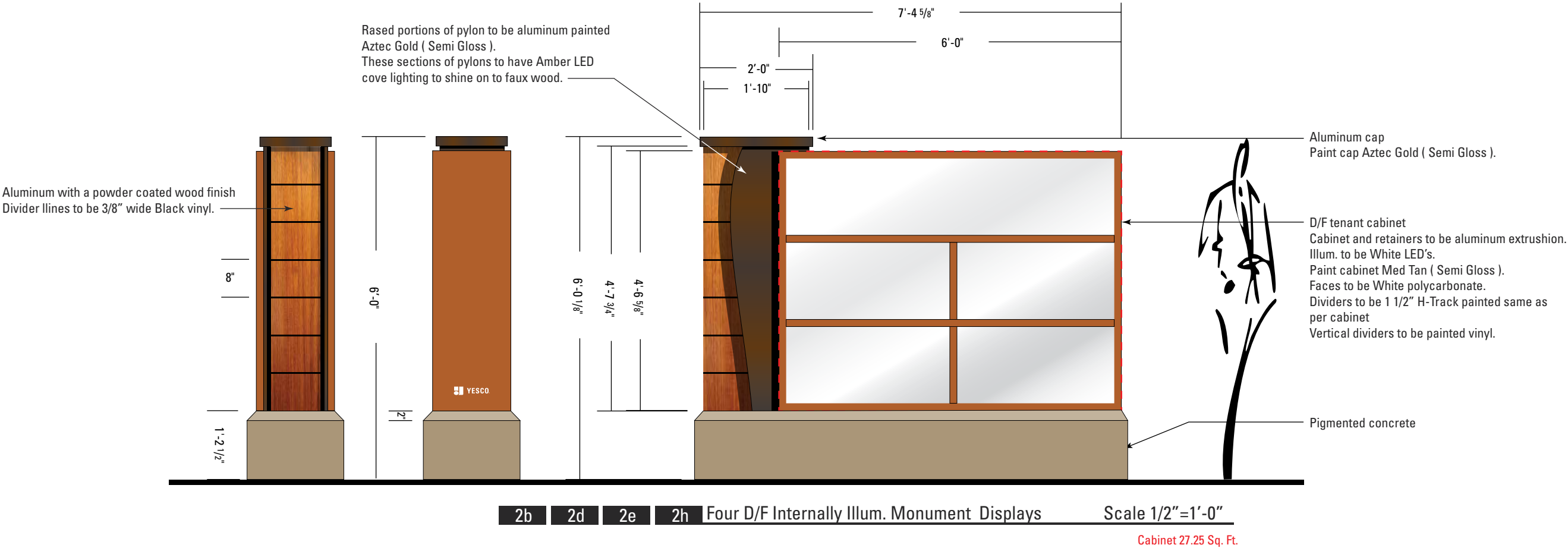
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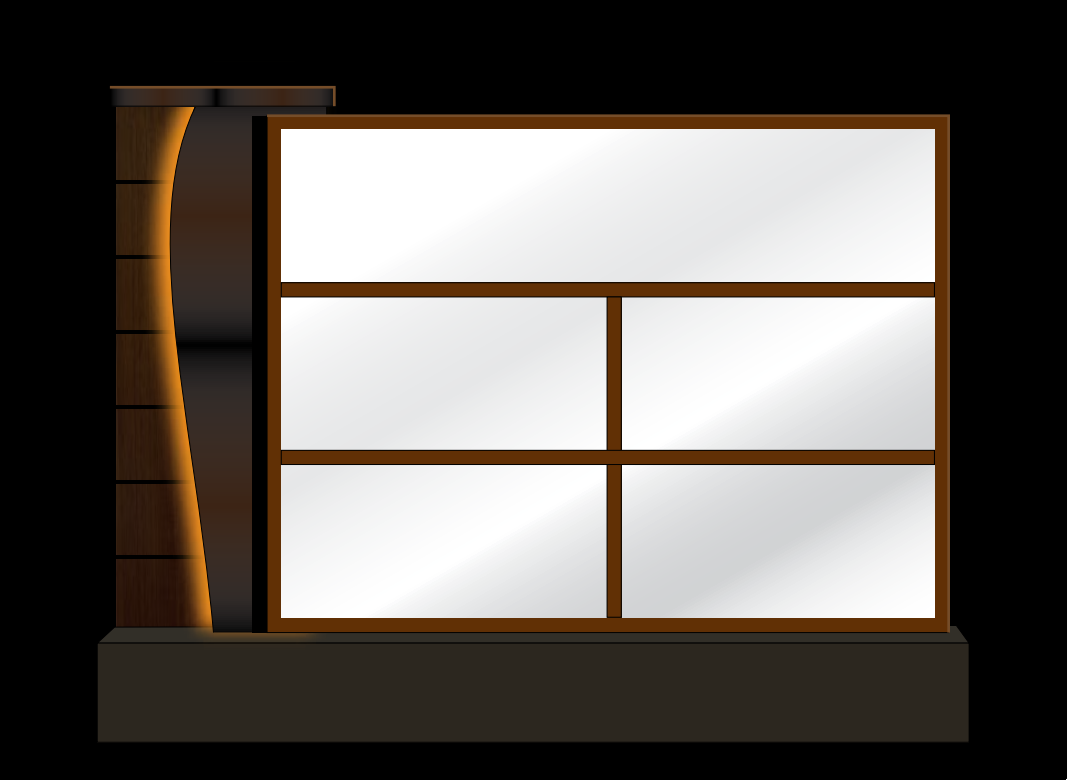
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Scope of work:
Yesco to manufacture and install four D/F internally illum. monument displays.



Day View



Night View



DESIGN

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Academy Village

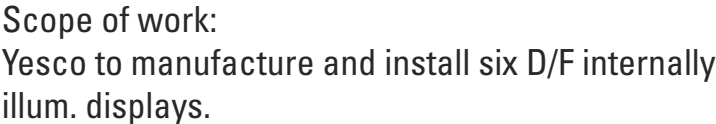
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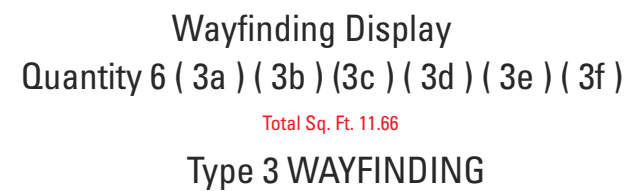
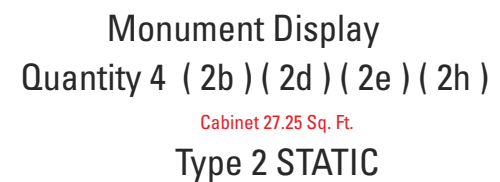
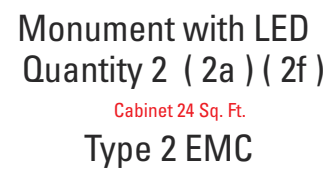
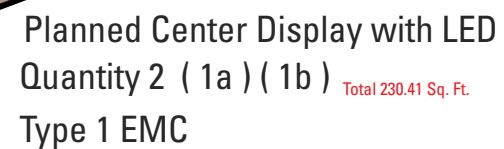
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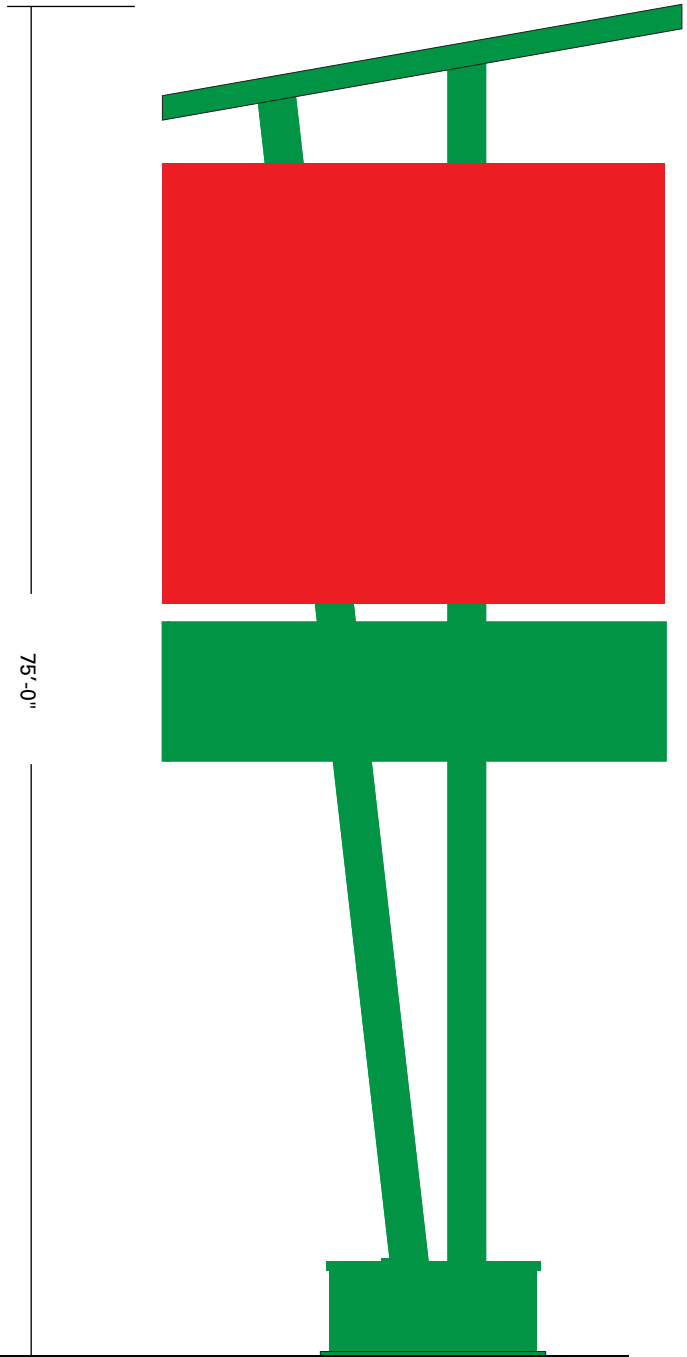
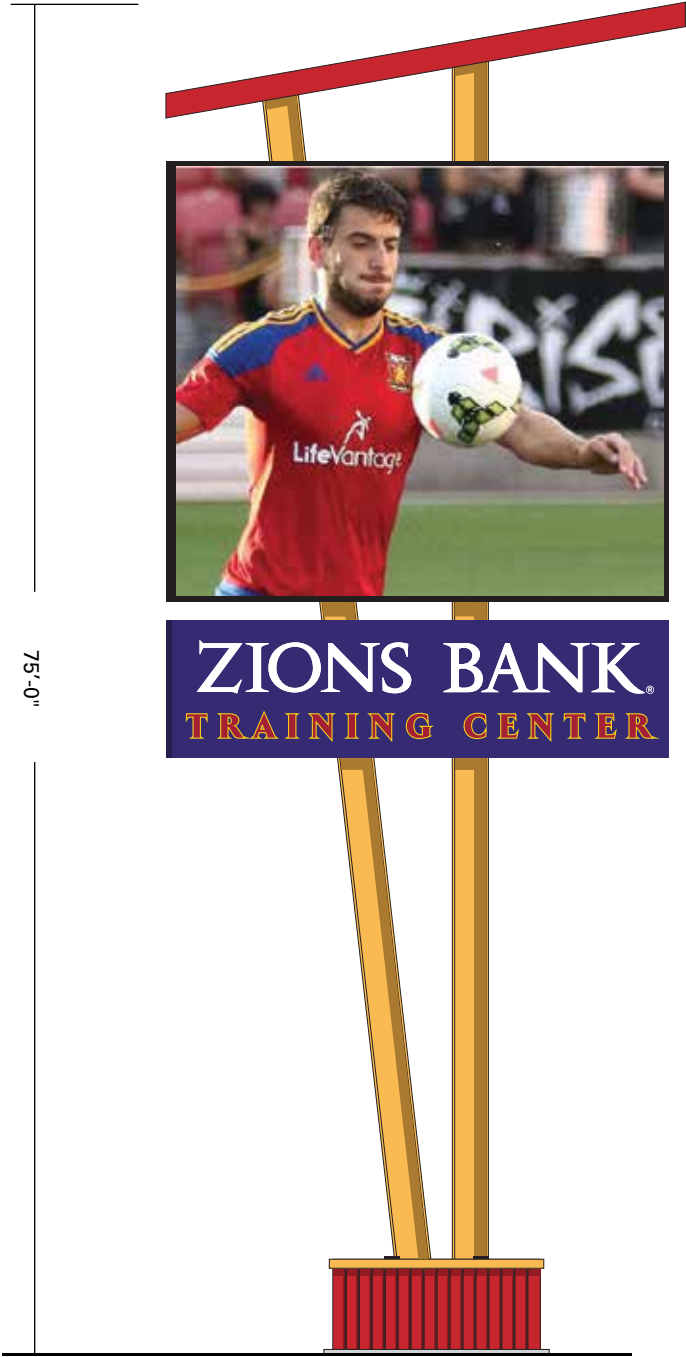
**Wasatch Property Mgt.
Academy Village**

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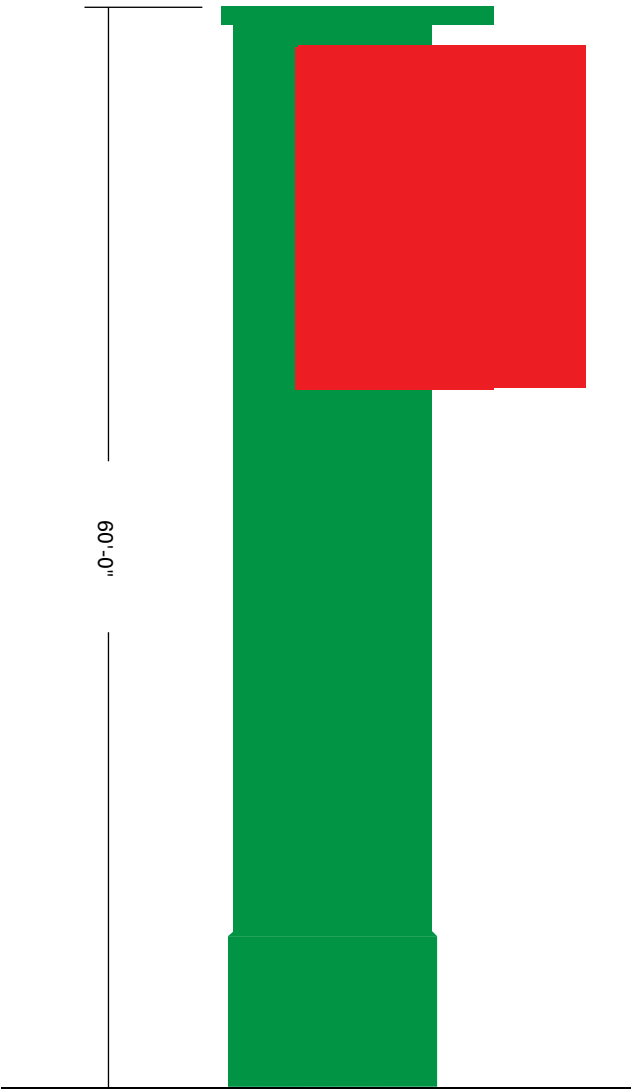
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SQ. Ft. 384.75



M/C SQ. Ft. 311.21
SQ. Ft. 520.68



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Approval

Client Sign / Date

Landlord Sign / Date

Wasatch Property Mgt.
Academy Village

Acct. Exec: Jeff Krantz
Designer: Christian

Orig: 0.00.2021

scale: as noted

ART

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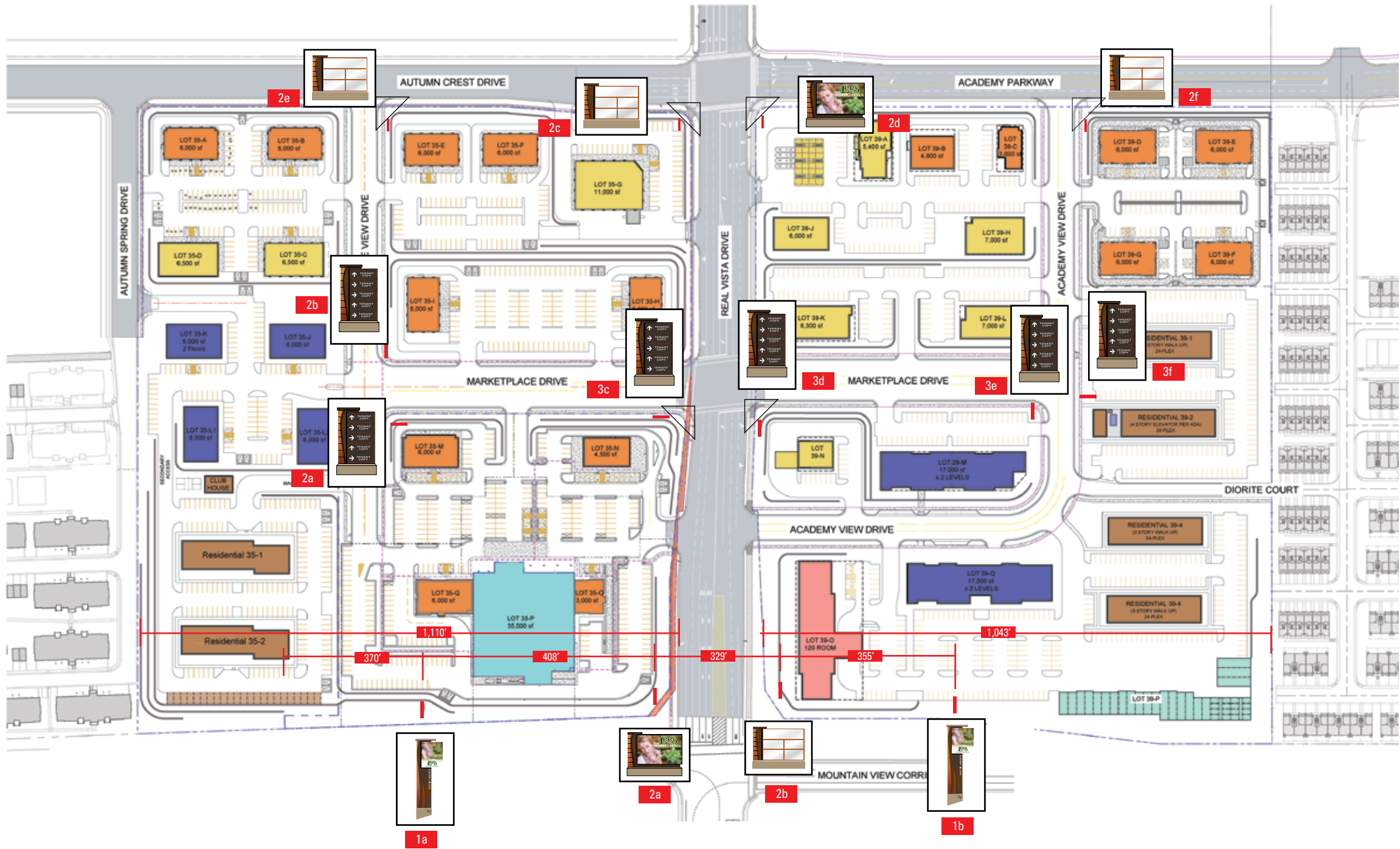
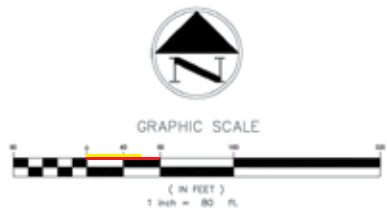
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LEGEND

- RETAIL PAD
- RESTAURANT PAD
- PROFESSIONAL SERVICES PAD
- OFFICE PAD
- GROCERY PAD
- RESIDENTIAL PAD
- SPORTS PAD

POD 35/39 - COMBINED SITE CONCEPT



LOOKING NORTH



LOOKING NORTH at REAL VISTA



LOOKING SOUTH



LOOKING SOUTH at REAL VISTA



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Revisions

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Approval

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Landlord Sign / Date

**Wasatch Property Mgt.
Academy Village**

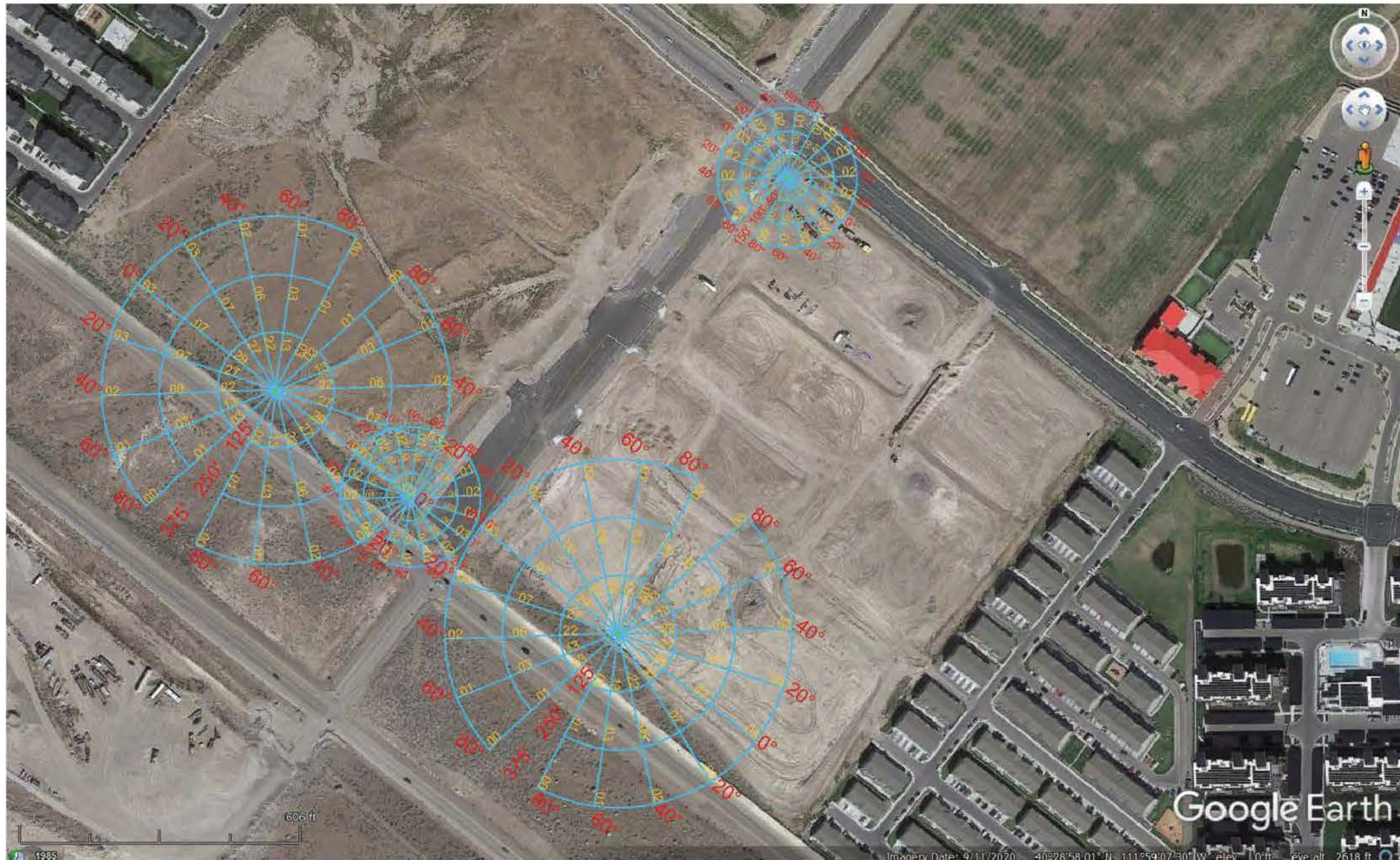
Acct. Exec: Jeff Krantz

Designer: Christian

Orig: 0.00.2021

scale: as noted

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Approval

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Academy Village

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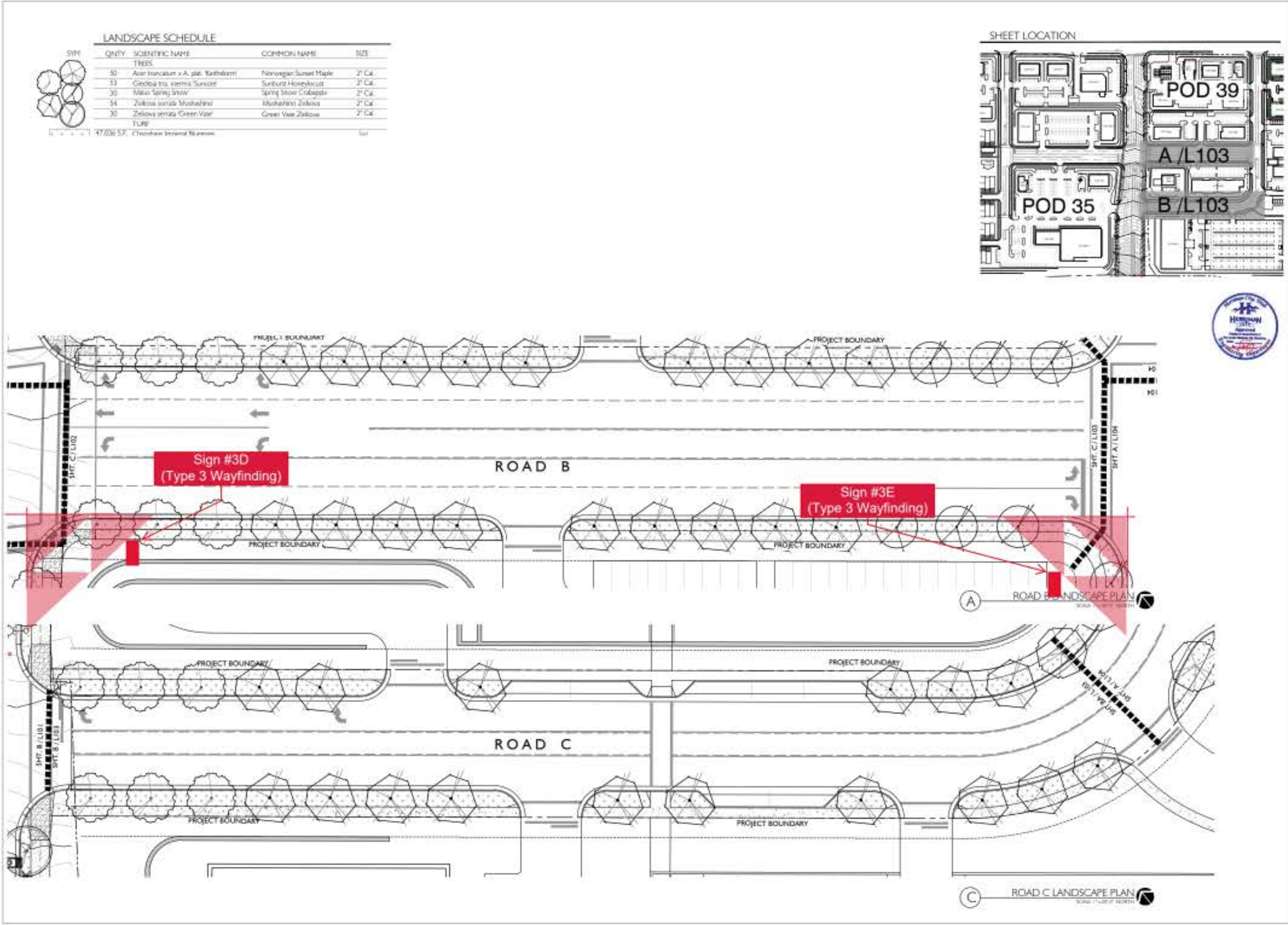
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Orig: 0.00.2021

scale: as noted



Revisions

No.	Date / Description
1	
2	
3	
4	
5	
6	
7	
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Approval

Client Sign / Date

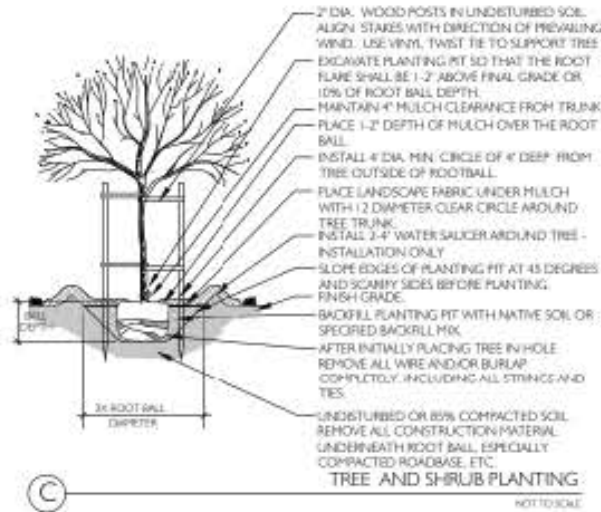
Landlord Sign / Date

Wasatch Property Mgt.
Academy Village

Acct. Exec: Jeff Krantz
Designer: Christian

Orig: 0.00.2021

scale: as noted



LANDSCAPE GENERAL NOTES

- ALL ALTERATIONS TO THESE PLANS DURING CONSTRUCTION SHALL BE APPROVED BY THE PROJECT REPRESENTATIVE.
- ALL PLANT MATERIALS SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN NURSERY ASSOCIATION, INC.
- ALL PLANTS TO BE BALLED AND BURLAPPED OR CONTAINER GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
- CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE PLANS.
- THE CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND SHALL REPORT AND CONSULT TO THE PROJECT REPRESENTATIVE.
- STAKE LOCATION OF ALL PROPOSED PLANTING FOR APPROVAL BY THE PROJECT REPRESENTATIVE PRIOR TO COMMENCEMENT OF PLANTING.
- ALL TURF AREAS TO RECEIVE MINIMUM FOUR INCHES (4") OF TOPSOIL PRIOR TO LAYING OF SOO.
- ALL SHRUB, GROUND COVER, AND PERENNIAL BEDS TO RECEIVE MINIMUM FOUR INCHES (4") OF TOPSOIL PRIOR TO PLANTING.
- ALL GROUND COVER AND PERENNIALS TO BE PLANTED IN TRIANGULAR FORMATIONS.
- SUBMIT TOPSOIL REPORT PREPARED BY A QUALIFIED TESTING LABORATORY PRIOR TO SOIL PLACEMENT.
- TOPSOIL SHALL MEET THE FOLLOWING ANALYSIS:
SAND (0.05 - 2.0 mm Dia.) 20 - 70%
CLAY (0.002 - 0.03 mm Dia.) 20 - 70%
THE MAX. RETAINED ON A #10 SIEVE WILL BE 15%
pH RANGE OF 5.5 TO 8.2
MIN. OF 4% AND MAX. OF 8% ORGANIC MATTER CONTENT
FREE OF STONE 1/4" OR LARGER
SOLUBLE SALTS < 2.65m or equivalent
SODIUM ADSORPTION RATION (sAR) < 15
- METAL EDGING TO OCCUR BETWEEN ALL PLANTING BEDS ADJACENT TO SOO AREAS AND TO BE SET LEVEL WITH TOP OF SOO.
- LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE YEAR FROM DATE OF FINAL INSPECTION.

SHEET LOCATION



South Bound Grade 33'

North Bound Grade 19'

Display Location 0'

END OF SIDEWALK



Attachment - E
City Ordinance 10-27

10-27-7: SIGNS ALLOWED:

Signs allowed, by zones, shall be as shown in chart 10-27 of this section.

CHART 10-27

SIGNS ALLOWED BY ZONES

All Zones				
Sign Type	Maximum Size	Maximum Height	Location	Other Requirements
Construction	32 sq. ft. unless 3 or more builders combine into 1 sign up to 128 sq. ft.	12', unless 3 or more builders combine into 1 sign; but in no case more than 20'	Must maintain clear view of intersecting streets and cannot interfere with views from driveways	1 sign allowed for each exterior public street frontage (individual subdivision phases are not separate subdivisions that allow additional signage) Up to 3 additional signs may be approved when multiple builders combine into 1 sign
Flat (superseded by specific zone requirements)	5% of wall area	None	Building wall	Signs must be removed within 30 days after last lot is sold Allowed only with public or quasi- public buildings, planned unit developments, golf courses, cemeteries, and dwelling groups
Mobile	None	None	6' setback	See section 10-27-10 of this chapter 1 sign per street frontage and landscaped appropriately for the site
Monument (superseded by specific zone requirements)	1 per lot, 32 sq. ft., plus 1 sq. ft. for every 10' of frontage over 30' up to 64 sq. ft.	6'	6' setback	Allowed only with public or quasi- public buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups, and daycare/preschool centers Not permitted on lots used for residential purposes. Limited to 4 signs per building
Premises ground	6 sq. ft. per sign	6'	6' setback	
Premises wall	3 sq. ft. per tenant	None	Building wall	
Yard	6 sq. ft.	6'	6' setback	Not permitted in street medians, park strips, or other public rights-of-way

Illumination may be built into or attached to signs listed above when:

1. Lighting is allowed in the specific zone;
2. Development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is more than 200 feet from a lot where an illuminated sign is not permitted.

Flat signs facing dwellings on adjacent properties cannot be illuminated (properties divided by public streets are not adjacent).

R-M And OP Zones

Sign Type	Maximum Size	Maximum Height	Location	Other Requirements
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Flat	15% of wall area	None	Building wall	Signs exposed to dwellings on adjacent properties cannot be illuminated
Monument	1 per lot, 32 sq. ft., plus 1 sq. ft. for every 10' of frontage over 30' up to 64 sq. ft.	6'	18" setback	A monument sign is a conditional use
Window	None	None	In window	Cannot be illuminated
C-1 Zone Sign Type	Maximum Size 25% of wall area may be covered	Maximum Height	Location 8' maximum projection from building	Other Requirements Attached to a building
Awning	50% of awning may have sign copy	Cannot extend above building wall	May be on 3 building walls	8' minimum above ground Primary sign copy on face or street side of structure Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval
Flat	15% of wall area	None	Building wall	
Monument	1 per lot, unless on a corner lot, then 1 per frontage 32 sq. ft., plus 1 sq. ft. for every 10' of frontage over 30', up to 64 sq. ft.	6'	18" setback	A monument sign is a conditional use
Window	None	None	In window	None
C-2 Zone Sign Type	Maximum Size 25% of wall area may be covered	Maximum Height	Location 8' maximum projection from building	Other Requirements Attached to a building
Awning	50% of awning may have sign copy	Cannot extend above building wall	May be on 3 building walls	8' minimum above ground Primary sign copy on face or street side of structure
Balloon	None	None	Anywhere on lot	A balloon sign is a conditional use Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval
Flat or wall	20% of wall area	None	Building wall	

Monument	32 sq. ft., plus 1 sq. ft. for every 4' of frontage over 30' on a street up to 64 sq. ft.	6'	18" setback 1 sign per 300' frontage or part thereof	A monument sign is a conditional use
Planned center	200 sq. ft.	16' above sidewalk grade	2' setback	A planned center sign is a conditional use. It is limited to commercial centers with 3 or more acres and multiple retail tenants Maximum of 1 sign per street frontage Subject to conditional use approval
Promotional	1 sq. ft. for each linear foot of frontage up to 20 sq. ft. per sign	10'	6' setback	Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or residential zone boundary, in which case it may be allowed with conditional use approval A roof sign may be substituted for ground or projecting signs, but is subject to conditional use approval
Roof	Same as ground sign	10' above roof		Support structure must not be visible Allowed a maximum of 21 days at any 1 time, with a minimum 30 day separation between displays, and not more than 4 times during a calendar year
Temporary	None	None		None
Window	None	None	In window	None
M-1 Zone Sign Type	Maximum Size 25% of wall area may be covered	Maximum Height	Location 8' maximum projection from building	Other Requirements Attached to building
Awning	50% of awning may have sign copy	Cannot extend above building wall	May be on 3 building walls	8' minimum above ground Primary sign copy on face or street side of structure
Balloon	None	None	Anywhere on lot	A balloon sign is a conditional use
Flat or wall	20% of wall area 32 sq. ft., plus 1 sq. ft. for every 4' of frontage over 30' on a street up to 64 sq. ft.	None	Building wall 18" setback	
Monument		6'	1 sign per 300' frontage, or part thereof	A monument sign is a conditional use

Roof	Same as ground sign	10' above roof		Roof sign may be substituted for a ground or projecting sign, but is subject to conditional use approval. The Planning Commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
Temporary	None	None		Allowed a maximum of 21 days at any 1 time, with a minimum 30 day separation between displays, and not more than 4 times during a calendar year
Window	None	None	In window	None
MU-2 Zone Sign Type	Maximum Size 25% of wall area may be covered	Maximum Height	Location	Other Requirements
Awning	50% of awning may have sign copy	Cannot extend above building wall	8' maximum projection from building May be on 3 building walls	Attached to a building 8' minimum above ground Primary sign copy on face or street side of structure
Balloon	None	None	Anywhere on lot	A balloon sign is a conditional use Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval
Flat or wall	20% of wall area	None	Building wall	A monument sign is a conditional use
Monument	32 sq. ft., plus 1 sq. ft. for every 4' of frontage over 30' on a street up to 64 sq. ft.	6'	18" minimum setback 1 sign per 300' frontage or part thereof	Monument signs larger than maximum size may be approved by Planning Commission as part of a Master Plan up to a maximum of 200 sq. ft. and maximum height of 15' if: A. Space is provided for multiple users B. Located in commercial project with at least 1 user greater than 3 acres A planned center sign is a conditional use. It is limited to commercial centers with 3 or more acres and multiple retail tenants
Planned center	200 sq. ft.	16' high from sidewalk grade	2' setback	

				Maximum of 1 sign per street frontage
				Subject to conditional use approval
Promotional	1 sq. ft. for each linear foot of frontage up to 20 sq. ft. per sign	Maximum height equals sign setback, but not more than 10'	6' setback	Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or residential zone boundary, in which case it may be allowed with conditional use approval
Roof	Same as ground sign	10' above roof		A roof sign may be substituted for ground or projecting signs, but is subject to conditional use approval
Temporary	None	None		Support structure must not be visible Allowed a maximum of 21 days at any 1 time, with a minimum 30 day separation between displays, and not more than 4 times during a calendar year
Window	None	None	In window	None

(Ord. 2017-54, 12-13-2017)

Attachment - F Presentation

Conditional Use - Village Mixed Use Sign Plan

Planning Commission

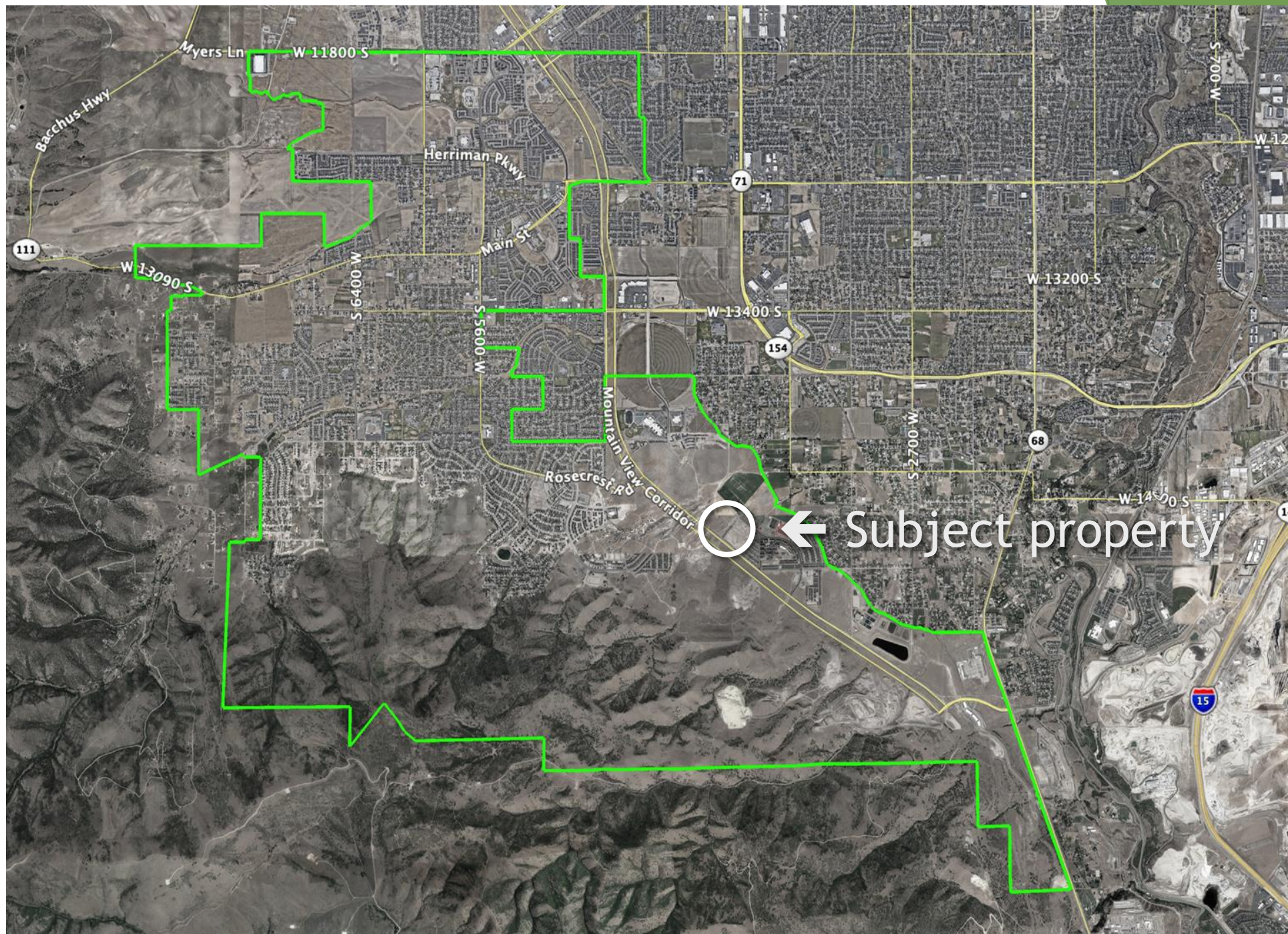
September 16, 2021



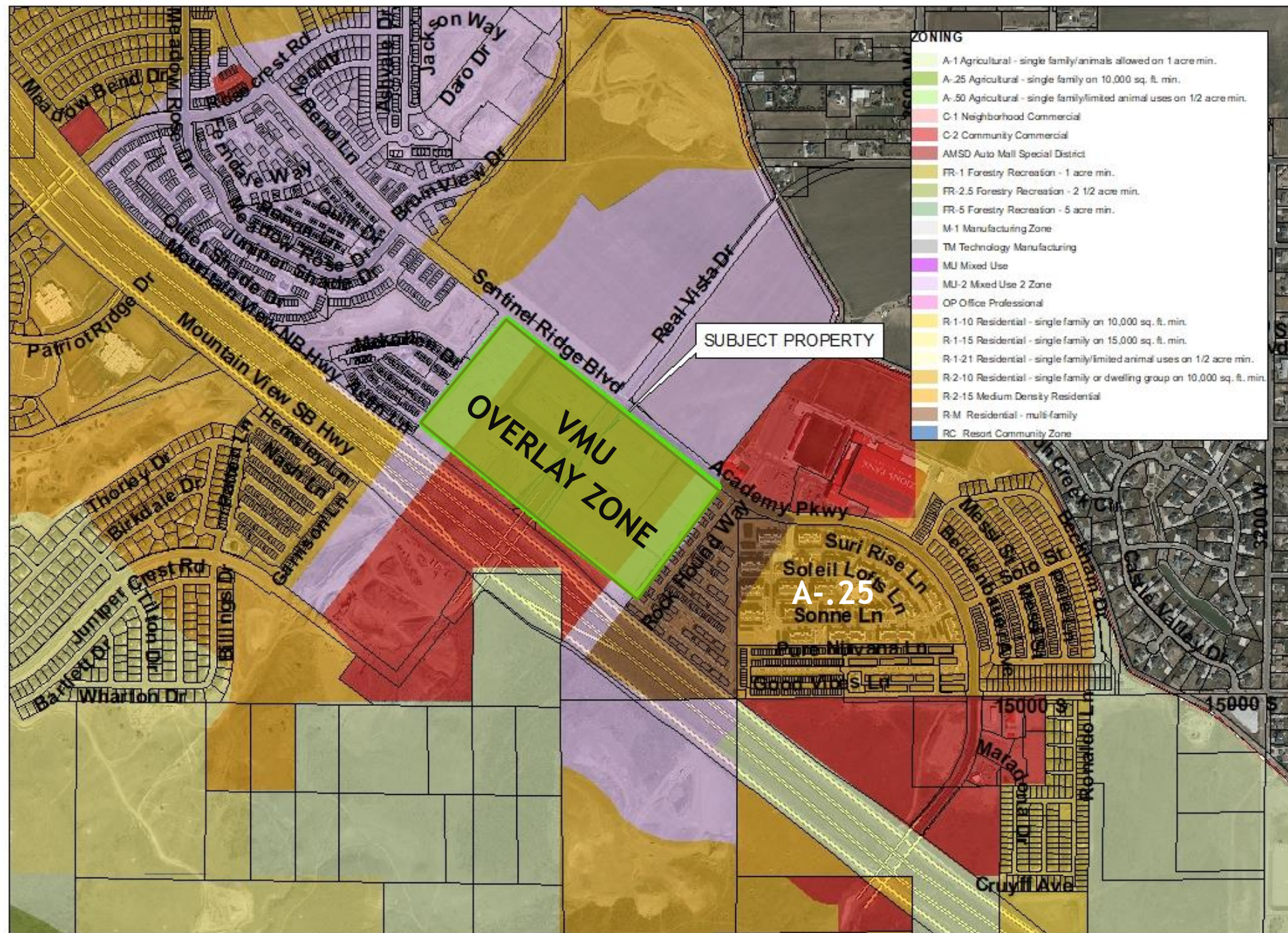
Conditional Use Request

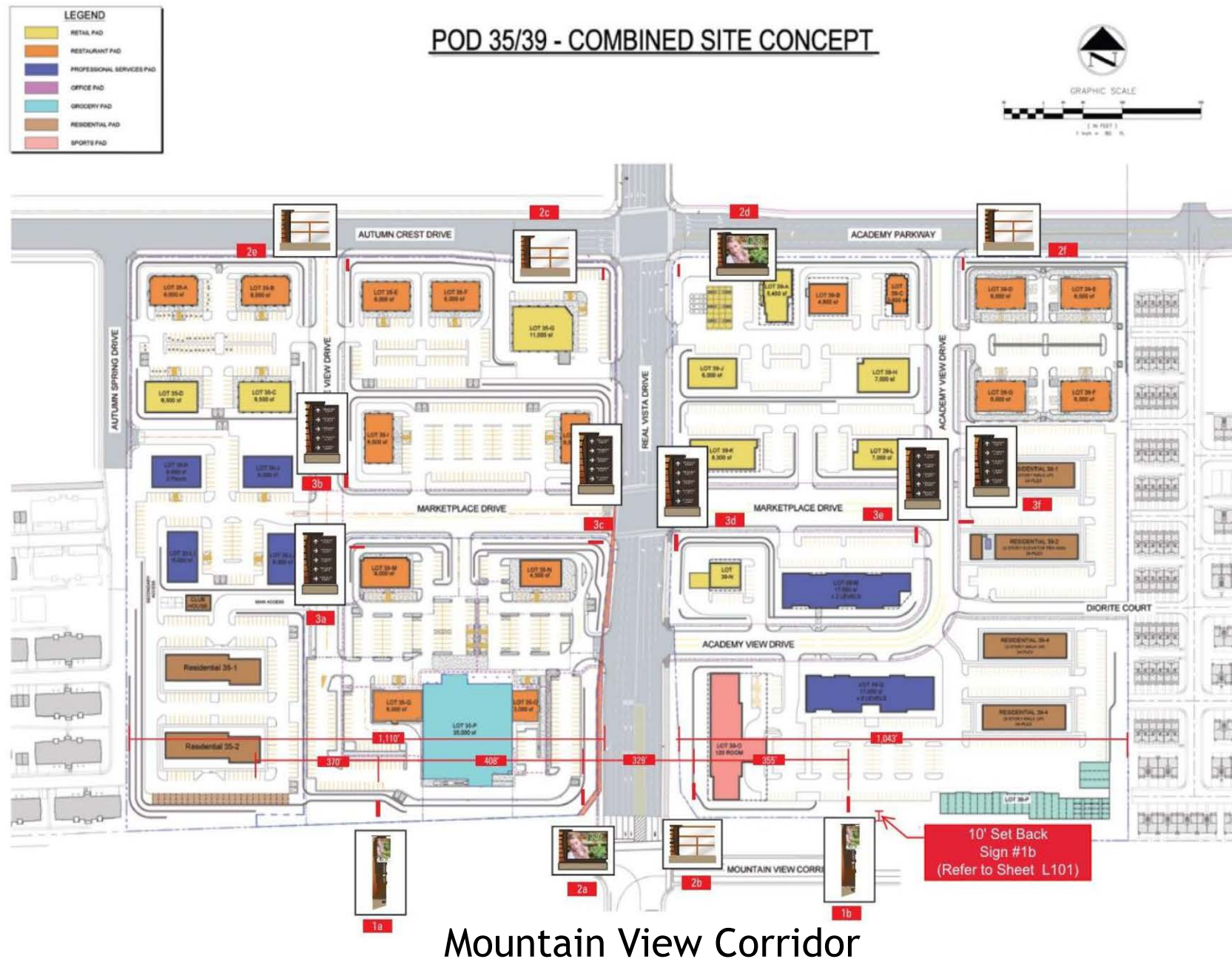
- Request for a review and approval of the Village Mixed Use Comprehensive Sign Plan
 - Yesco, LLC/ Charlie Taylor, agent
 - 4002 W Real Vista Drive
 - Village Mixed Use Overlay Zone, C-2 Commercial, and MU-2 Mixed Use
 - 43.83 Acres
 - C2021-083

Vicinity Map

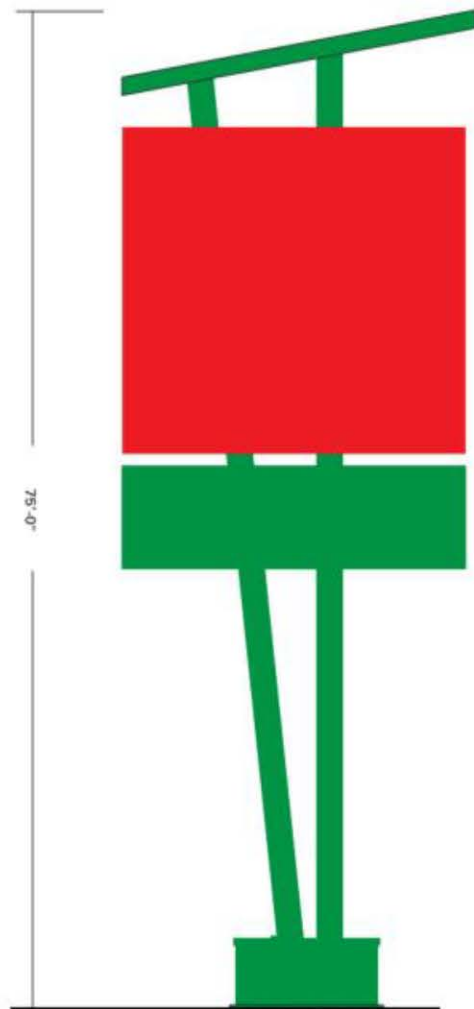
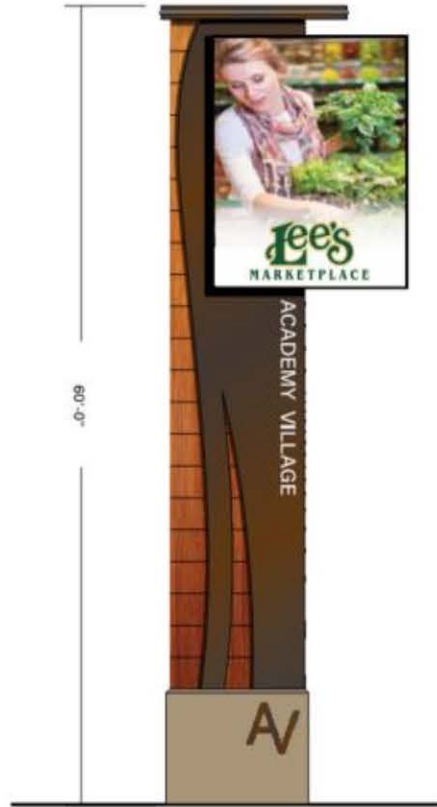
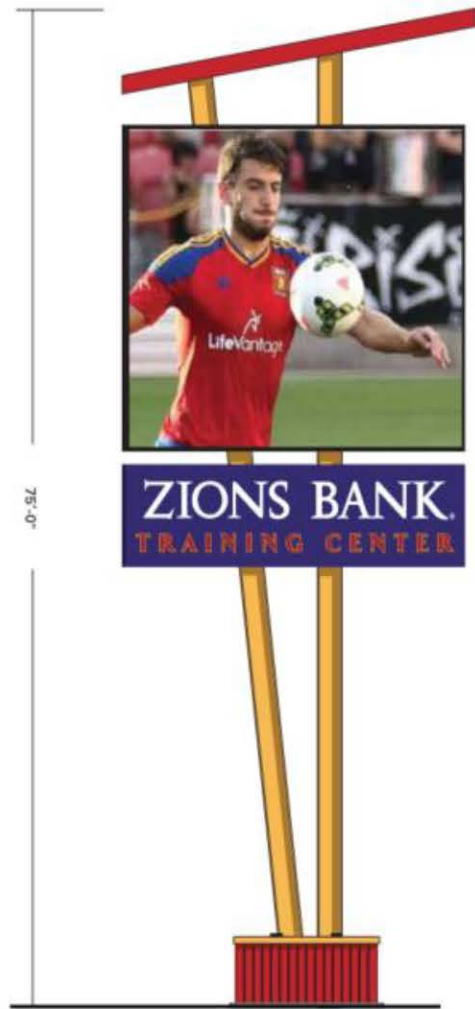


Zoning Map

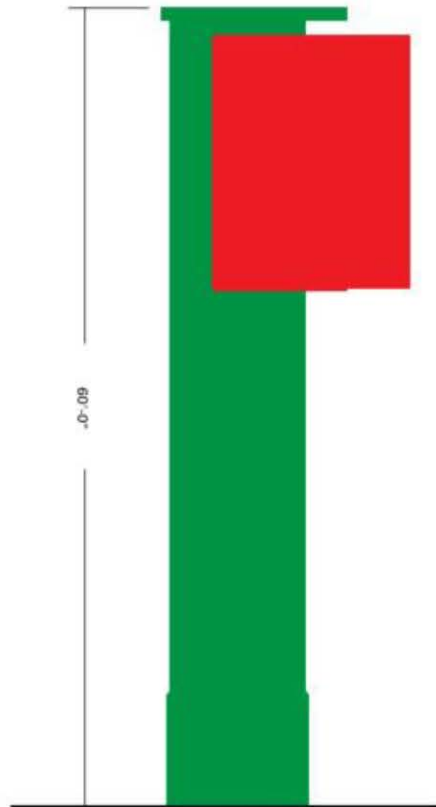




Planned Center Signs



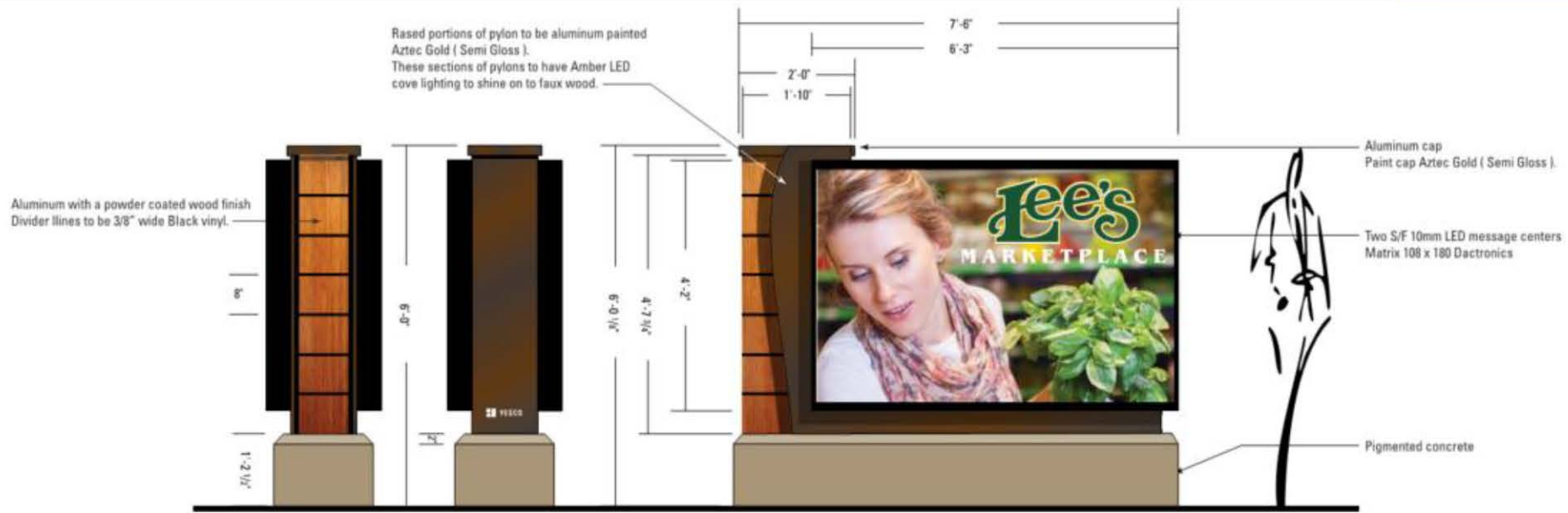
M/C SQ. Ft. 672.73
SQ. Ft. 394.75



M/C SQ. Ft. 311.21
SQ. Ft. 520.68

Planned Center Signs





2a | 2f Two D/F Monument Displays w/ Message Center Scale 1/2"=1'-0"

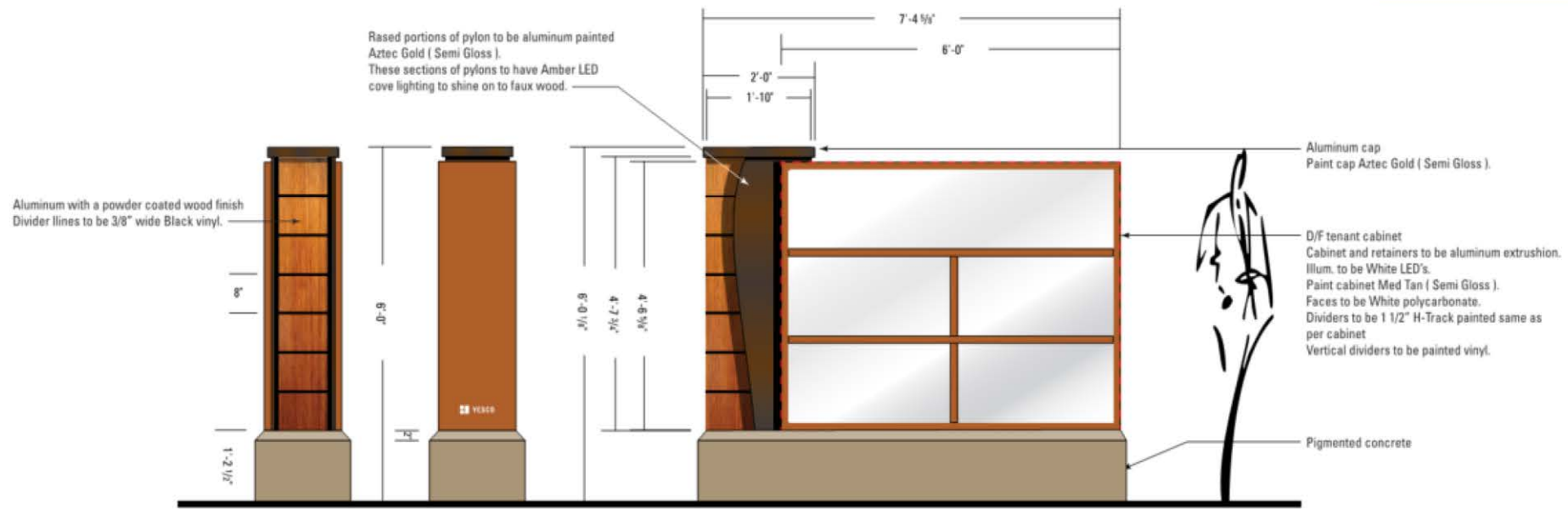
Cabinet 24 Sq. Ft.



Day View



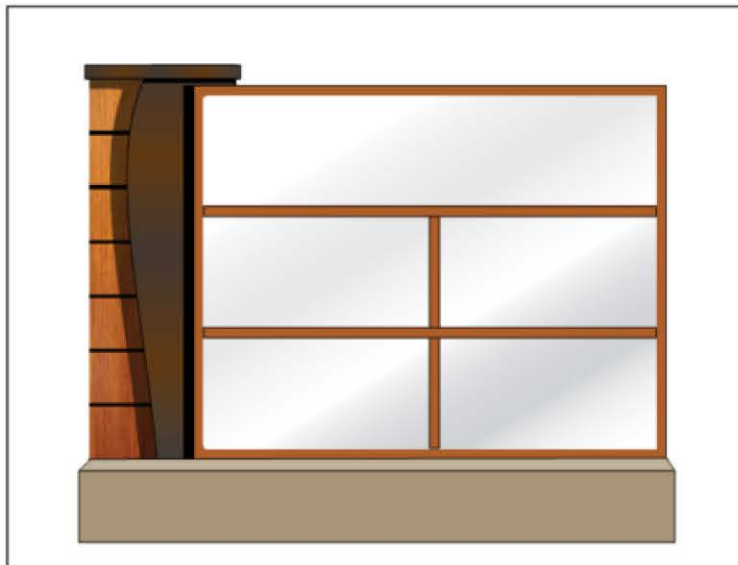
Night View



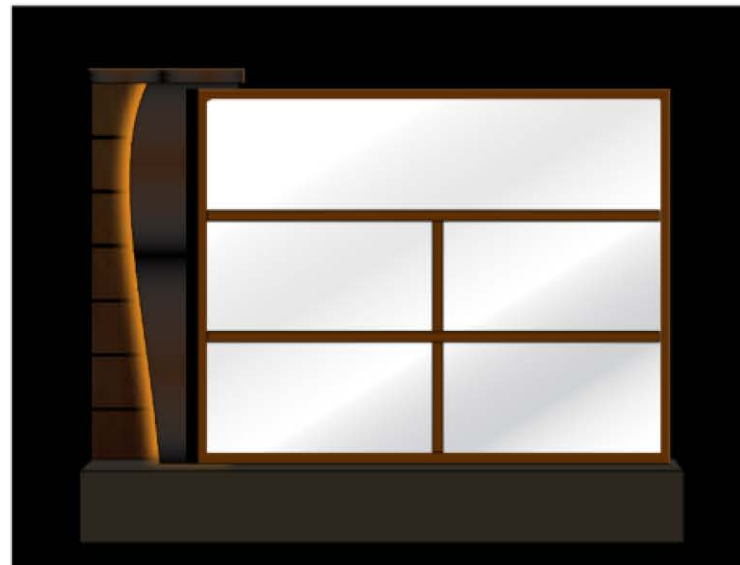
2b 2d 2e 2h Four D/F Internally Illum. Monument Displays

Scale 1/2"=1'-0"

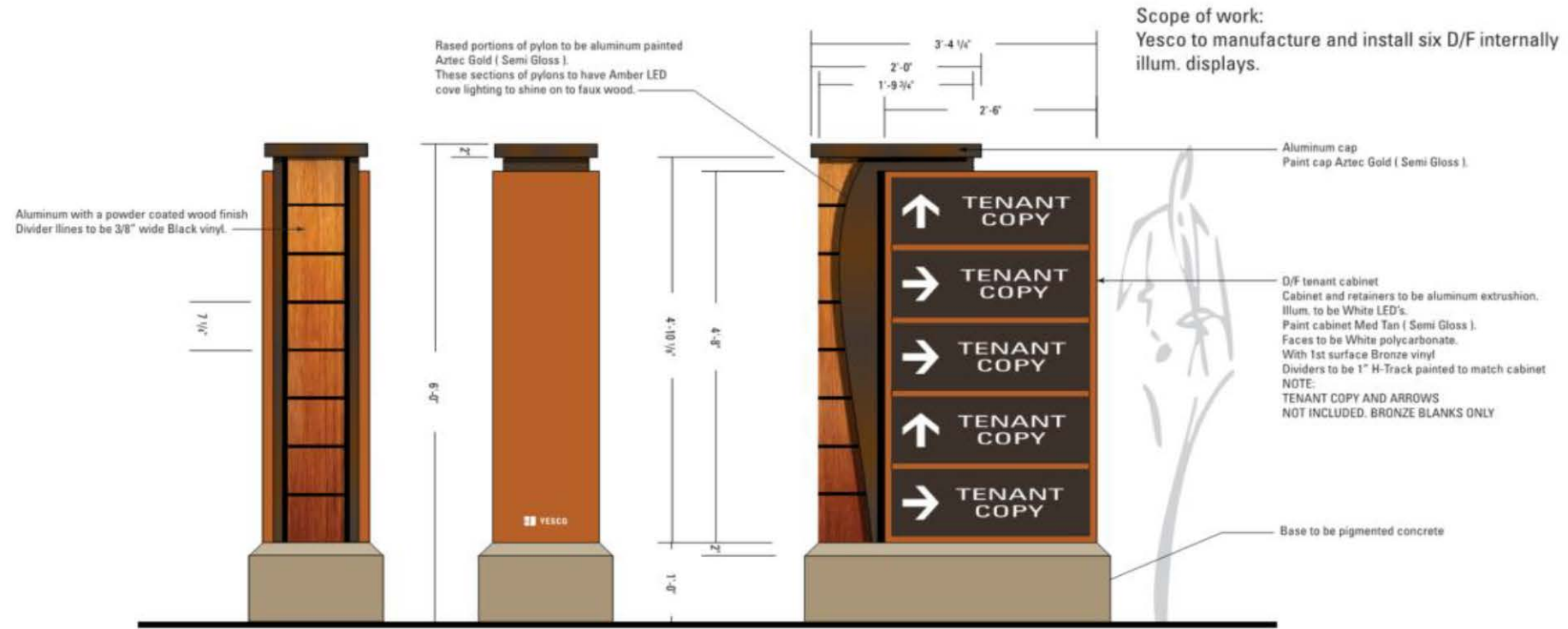
Cabinet 27.25 Sq. Ft.



Day View



Night View

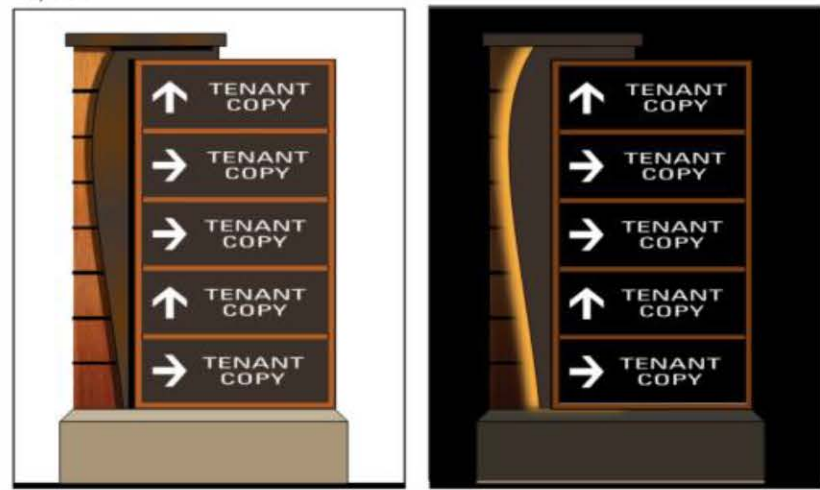


Scope of work:
Yesco to manufacture and install six D/F internally illum. displays.

3a 3b 3c 3d 3e 3f Six D/F Internally Illum. Monument Displays Scale 3/4"=1'-0"

Total Sq. Ft. 11.66

Day View



Findings - Conditional Use Standards

➤ Conditional Use Standards:

- Suitability
- Harmony w/ surrounding development
- Effects on surrounding development
- Economic impact
- Aesthetic impact
- Service issues
- Mitigating odors, dust, etc.
- Wellbeing of city

Findings - Village Mixed Use Overlay Zone

Planned Center Signs:

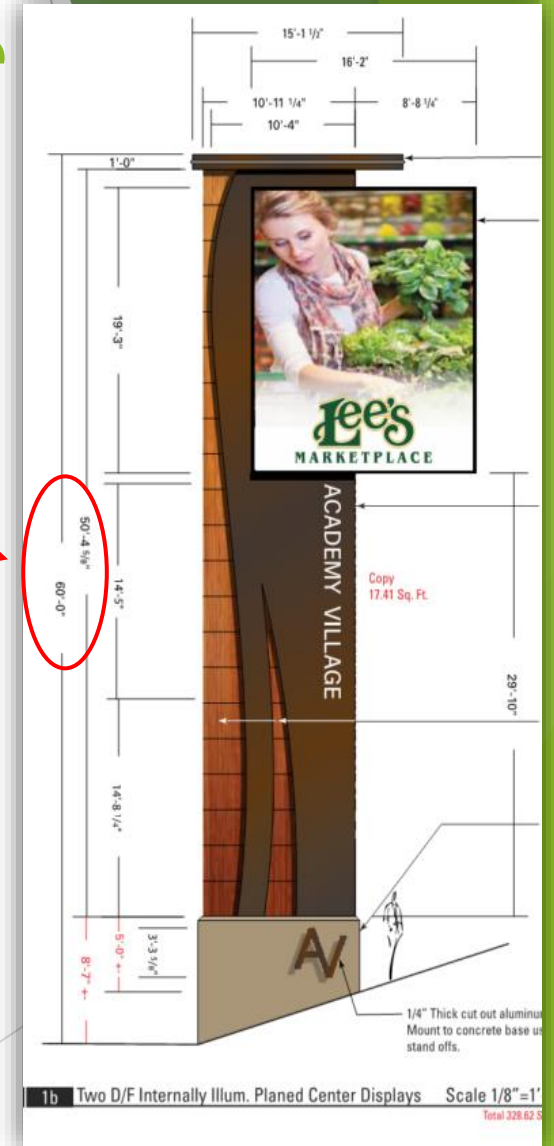
Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
2	Within 100' of MVC and 150' from any existing or proposed residential use.	Maximum height 50' from base, but not to exceed 45' above the average elevation of traveled way of the MVC corridor.	Active display - 500 SF per sign face; Inactive Display - 700 SF per sign face; Total display area not to exceed 800 SF per sign face.

Monument signs:

Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
7	More than 1 sign per lot if no more than 1 sign per 300' of the development frontage is not exceeded.	75 square feet.	Each sign may have two faces with no more than 75 SF per face.

Ground Signs (directional):

Sign Quantity	Location	Size	Sign Copy 2 Face Maximum
No more than 6 signs per building.	Anywhere on lot, including along pedestrian and vehicular pathways and traffic circulation routes	No more than 10' in height.	Maximum 30 SF per sign face.



Excerpt from VMU Overlay Zone

10-15F-8: SIGN DEVELOPMENT STANDARDS:

- A. All permitted signs within the Village Mixed Use Overlay Zone shall be regulated as on-premise signage and limited to promoting land uses within the overlay.
- B. Planned Center Signs: One mixed use development project in the VMU Overlay Zone, where the underlying zone is C-2, R-M, or MU-2, may have up to two (2) planned center signs, which shall conform to applicable requirements of chapter 27 of this title, all applicable Federal and State law, and the requirements below. Each planned center sign shall be owned and operated by the owner of the mixed use development, an association created by the owner to manage the development, or its affiliate.
 - 1. Each planned center sign shall be located within one hundred feet (100') of Mountain View Corridor right-of-way and within the boundaries of the VMU Overlay Zone.
 - 2. Each planned center sign shall not be located within one hundred fifty feet (150') of a planned or existing residential dwelling.
 - 3. The maximum height of each planned center sign shall not exceed fifty feet (50') from the base of the sign and forty-five feet (45') above the average elevation of the traveled way of Mountain View Corridor located within one hundred feet (100') from the base of the sign.
 - 4. Each planned center sign may have two (2) display faces with an active display area not to exceed five hundred (500) square feet each face, and an inactive display area of not to exceed seven hundred (700) square feet each face. However, in no event shall the total display area per planned center sign exceed eight hundred (800) square feet per sign face.

Findings - Signs Allowed (Ord. 10-27-7)

Sign Type	Maximum Size	Maximum Height	Location	Other Requirements
Monument	32 sq. ft., plus 1 sq. ft. for every 4' of frontage over 30' on a street up to 64 sq. ft.	6'	18" setback 1 sign per 300' frontage or part thereof	A monument sign is a conditional use

Electronic signs are permitted subject to the following limitations:

- A. Where allowed: Electronic signs shall be allowed only in the commercial, mixed use, and manufacturing zones.
- B. Location: Electronic signs shall not be permitted within five hundred feet (500') of a residential use.

Recommendation

Staff recommends **approval** of a Conditional Use for a comprehensive sign plan for the Village Mixed Use Overlay Zone located at approximately 4002 W Real Vista Dr. with the following requirements:

1. Receive and agree to recommendation from other agencies.
2. No signs shall be located on public property or within the clear-view of a drive approach or street intersection.
3. Planned center signs shall not exceed fifty (50) feet in height from sign base and forty-five (45) feet above MVC average grade.
4. Any signage not part of this approval shall go back to Planning Commission for review and approval.
5. Building permits shall be submitted for all sign installations.



STAFF REPORT

DATE: September 2, 2021
TO: Planning Commission
FROM: Talia Wright, Planner I
SUBJECT: Recommendation of Approval for the Conditional Use for The Smarty Pants Preschool Located at 4736 W Plainfield Road
Applicant: Angie Fugate (property owner)
File Number: C2021-097

RECOMMENDATION:

Staff recommends the Planning Commission approve the following findings:

- The proposed use complies with the Conditional Use standards
- The proposed use complies with all other zoning ordinance requirements

Staff recommends *approval* of Conditional Use for The Smarty Pants Preschool located at 4736 W Plainfield Road with the following conditions:

1. Two sessions per day between the hours of 7am and 7pm
2. Eight (8) students per session

ISSUE BEFORE COMMISSION:

Should the Planning Commission approve the Conditional Use for The Smarty Pants Preschool?

BACKGROUND/SUMMARY:

In August of 2021, City staff learned that the existing Smarty Pants Preschool did not comply with City Code and violated the agreements made in their original approval letter. The known violations are as follows:

- There are two additional employees working at the home preschool. Herriman City Code states, “No person conducting a home occupation shall permit any employee, contractor, or other person to do any work related to the home occupation on the premises where the home occupation is located” (10-22-5(C)).
- There have been some parking issues on Plainfield Road. Herriman City Code states, “Parking shall be limited to two (2) available parking spaces on the subject property where automobiles are customarily parked. No additional parking spaces shall be created to serve a home occupation” (10-22-5(H)).

- There are up to three (3) sessions of preschool per day. Herriman City Code states, “The number of classes shall be limited to two (2) sessions per day. The sessions must be separated by at least thirty (30) minutes to allow adequate time for pick-up and drop-off” (10-22-8(A)(4)).
- The approval letter written in 2015 states that the hours of operation for this preschool were Monday-Friday, 1:30 pm-3:30 pm. According to The Smarty Pants Preschool website, there are now different hours of operation. Because the original hours of operation were stated in the approval letter, the owner either needed to adhere to those hours or amend her application. Herriman City Code also now states that you can only have up to eight (8) children at one time as opposed to the twelve (12) limit back in 2015.

After contacting the owner of The Smarty Pants Preschool, she has been working with staff to come into compliance. The applicant is proposing two sessions per day with 8 students per session. As of right now, those sessions would be as follows:

- Monday, Wednesday, and Friday: 9:30 am-12:00 pm, and 1:00 pm-3:30 pm
- Tuesday and Thursday: 10:00 am-12:00 pm, 12:30 pm-2:30 pm

Though these are the specific times set for the classes, it is proposed that this preschool be approved for two (2) sessions per day with eight (8) students per session to allow the applicant more flexibility and the ability to change times if needed. The applicant is proposing her driveway as long-term parking.

DISCUSSION:

The following are Conditional Use standards from City Code 10-5-11(E)(1):

The suitability of the specific property for the proposed use

***Staff Finding:** The preschool is in an R-2-10 Residential Zone and has many students that live in the neighborhood. Whereas the preschool has already been in business for several years, staff finds it is suitable for the proposed use. Furthermore, the applicant converted her basement to accommodate the preschool and has the proper tools and equipment to run this type of business.*

The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity

***Staff Finding:** In Herriman City Code, it states, “The purpose of this chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residence do not disturb the residential character of a neighborhood.” By following the rules and restrictions found in this section of code (10-22-1), this preschool will be in harmony with the existing surroundings.*

Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity

***Staff Finding:** As mentioned above, if The Smarty Pants Preschool follows code, they will not be injurious to potential or existing development in the vicinity.*

The economic impact of the proposed facility or use on the surrounding area

***Staff Finding:** The proposed preschool does not have a great economic impact on the surrounding area but does allow preschool education to children in the surrounding area and throughout the city.*

The aesthetic impact of the proposed facility or use on the surrounding area

***Staff Finding:** Though a preschool is located on this property, its primary purpose is still a home. Aesthetically it fits in well with the surrounding neighborhood. By following aspects of the code, such as no play or yard equipment located in the front yard or allowing only eight (8) students per session, this business will have no negative aesthetic impact on the surrounding areas.*

The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area

***Staff Finding:** As stated in City Code, additional employees are not allowed and therefore would not propose parking issues around the neighborhood. Preschool children will be dropped off and picked up and therefore should not cause many parking issues. The applicant should encourage the “pick-up and drop-off” of students to be in her driveway or in front of her property. Impacts on water, sewer, and other utilities—because of the nature of the use—has a negligible effect on the surrounding area.*

The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use

***Staff Finding:** City Code limits the number of children to eight (8) per session and a limit of two sessions per day (10-22-8). This will help mitigate noise. Other issues such as glare, dust, pollutants, and orders will not occur with this type of home occupation.*

ALTERNATIVES:

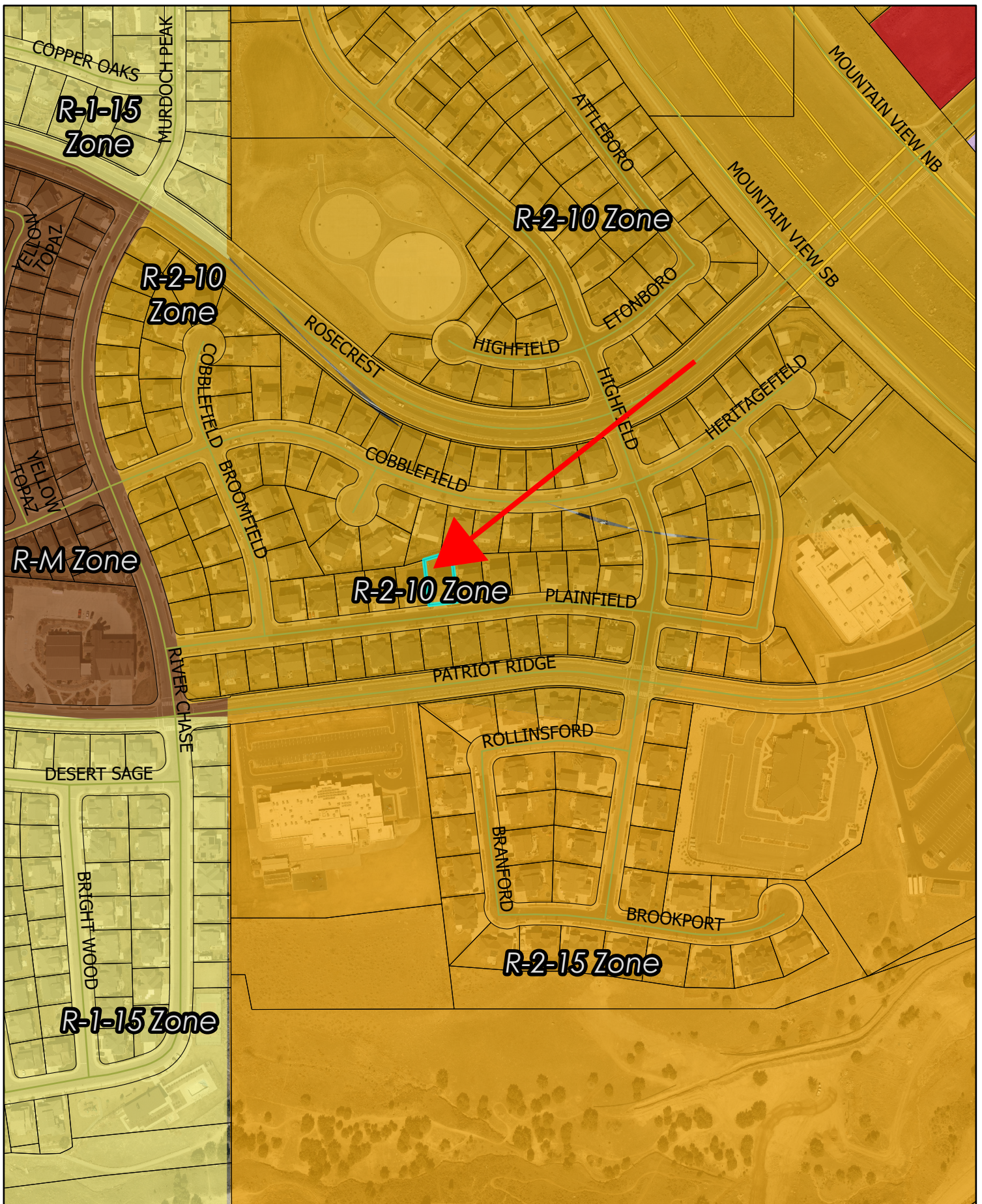
Action from the Planning Commission may include the following:

1. Continuing the item to a future meeting (with or without a certain date)
 - a. Specify reasons for continuing the agenda item and identify the additional information needed from the applicant or staff.
2. Deny the item
 - a. Specify reasons for a negative recommendation.
3. Approve the item (Staff’s recommendation)
4. Approve the item with additional or amended conditions that the Commission finds necessary to mitigate impacts from this development.

ATTACHMENTS:

- A. Vicinity Map
- B. Home Occupation Ordinance
- C. Original Application
- D. Original Approval Letter

Attachment A Vicinity Map



The Smarty Pants Preschool
4736W Plainfield Road
#C2021-097



Attachment B
Home Occupation Ordinance

10-22-5: HOME OCCUPATION STANDARDS:

The standards set forth in this section shall apply to any home occupation, except as otherwise provided in section [10-22-6](#) of this chapter.

A. Accessory Buildings: A home occupation shall not involve the use of any accessory building.

B. Business License: Approval of a home occupation shall not relieve a person from obtaining a City business license as required by this Code.

C. Employees Prohibited On Premises: No person conducting a home occupation shall permit any employee, contractor, or other person to do any work related to the home occupation on the premises where the home occupation is located.

D. Fire Inspection: Every facility used in a home occupation may be inspected by the Fire Department prior to initial use and shall meet Fire Department standards at all times.

E. Inventory: Products associated with a home occupation may be kept on the premises provided that storage of such items shall be inside the dwelling and shall be limited to a maximum of two hundred fifty (250) cubic feet.

F. Modification Of Structures: There shall be no visible evidence from the exterior of a dwelling indicating any use other than for a dwelling.

G. Neighborhood Disturbance: A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of construction, dust, electrical or electromagnetic wave interference, fumes, lighting, noise, odor, smoke, sounds, traffic, vibration, or other causes.

H. Parking: Parking shall be limited to two (2) available parking spaces on the subject property where automobiles are customarily parked. No additional parking spaces shall be created to serve a home occupation.

I. Product Display: There shall be no external display of products or merchandise.

J. Promotional Meetings: Promotional meetings for the purpose of selling merchandise, taking orders, or training shall be prohibited.

K. Secondary Use Only: A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes. Not more than twenty percent (20%) of the floor area of a dwelling unit shall be used for a home occupation.

L. Signs: See chapter 27 of this title.

M. Traffic And Access: A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located. A home occupation which generates additional pedestrian, parking, or vehicular traffic is prohibited in a dwelling unit which shares a common driveway or other access with an adjoining dwelling unit.

N. Utility Demand: A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

O. Yards: Yards surrounding a dwelling and any accessory building:

1. May be used for activities customarily conducted outside a dwelling unit, such as swimming lessons and child play areas; and

2. Shall not be used for storage of any materials or equipment associated with a home occupation.

P. Hours: Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. (Ord. 2018-36, 11-14-2018)

10-22-8: HOME GROUP INSTRUCTION:

A. A home occupation for group instruction, including, but not limited to, preschools, tumbling lessons, swimming lessons, or dance lessons, shall meet the home occupation standards of section [10-22-5](#) of this chapter and the following additional requirements:

1. The instructor shall be a bona fide resident of the premises where the home occupation is conducted.

2. For purposes of this section, a group shall be defined as three (3) or more students attending a session.

3. The number of children attending for preschool instruction shall conform to applicable requirements of the Utah Code.

4. The number of classes shall be limited to two (2) sessions per day. The sessions must be separated by at least thirty (30) minutes to allow adequate time for pick-up and drop-off.

5. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.

6. A home occupation for instruction shall be prohibited if located on a shared driveway.

7. No more than eight (8) students may be allowed per session. (Ord. 2018-36, 11-14-2018)

Attachment C
Original Approval Letter



June 25, 2015

Angie Fugate
4736 Plainfield Rd
Herriman, UT 84096

Re: File Number 21C15

Dear Ms. Fugate:

The application for a home occupation for a Preschool on property located at 4736 Plainfield Rd was approved by the Planning Staff on June 24, 2015. The approval is subject to the following conditions:

1. Comply with recommendations from other agencies.
2. Subject to a review upon complaint.
3. Signage is limited to 3 square feet attached to and parallel to the dwelling. No signs are allowed in the parkstrips.
4. Obtain a business license.
5. No employees are approved with this application.
6. Receive HOA approval if needed.
7. No on-street parking. Customers must park in the driveway.
8. Hours of operation to be Monday – Friday from 1:30 p.m. to 3:30 p.m.

If you have any questions please contact the Planning Department during regular business hours.

Sincerely,

Sandra Llewellyn
Planning Coordinator
planning@herriman.org

Smarty Pants Preschool Conditional Use

Planning Commission Meeting

September 16, 2021



Background

- ▶ Existing Preschool
- ▶ Code Violations
 - ▶ Two additional employees
 - ▶ Parking issues
 - ▶ More than two sessions
 - ▶ Time changes
 - ▶ Code now only allows 8 children as opposed to 12
- ▶ The applicant has been working with Staff to come into compliance.



Application Details

- ▶ Two (2) sessions per day
- ▶ Eight (8) per session
- ▶ Family room basement
- ▶ No employees
- ▶ Parking in driveway

Consideration of Issues - Conditional Use

- ▶ Suitability
- ▶ Harmony w/ surrounding development
- ▶ Effects on surrounding development
- ▶ Economic impact
- ▶ Aesthetic impact
- ▶ Service issues
- ▶ Mitigating odors, dust, etc.
- ▶ Wellbeing of city
- ▶ Line of sight

Staff Recommendation

Recommendation of Approval of Conditional Use for
The Smarty Pants Preschool located at 4736 W.
Plainfield Rd.



STAFF REPORT

DATE: September 2, 2021

TO: Planning Commission

FROM: Talia Wright, Planner I

SUBJECT: Recommendation of approval for a lot line adjustment at 6412 W & 6408 W
13100 South
Applicant: Brandon Ames (representative for Bach Rentals, LLC)
Zone: R-1-15 Residential
File Number: S2021-081

RECOMMENDATION:

Staff recommends the Commission approve the following findings:

- The proposed lot line adjustment meets all zoning standards set in Title 10 of the City Code.

Staff recommends that the Planning Commission approve the proposed lot line adjustment at 6412 W and 6408 W 13100 South.

ISSUE BEFORE COMMISSION:

Should the Planning Commission approve the proposed lot line adjustment?

BACKGROUND/SUMMARY:

The applicant is proposing a lot line adjustment to inhibit future parking issues on these two properties. Bach Rental LLC has rented these properties, and parking has been shared between the two lots. The property owners are hoping to sell these homes, and as previously mentioned, they would like to avoid any future parking issues. The proposed lot line would be moved to allow the current driveways and parking areas to remain on the west property. A new drive approach when then be added on 6400 South to allow for parking and a driveway on the east property. The proposed driveway requires Engineering Department review and approval as the access is located on a collector/ arterial street.

DISCUSSION:

Issue 1 – Engineering

***Staff Finding:** Engineering has reviewed the lot line adjustment proposal and has no concerns with the proposed amendments, including the proposed driveway location on 6400 West.*

Issue 2 – Zoning Ordinance – Compliance with Lot Size and Width

***Staff Finding:** This lot is located in the R-1-15 Residential Zone. With the proposed lot line adjustment, both lots will still meet the minimum lot requirement of 15,000 square feet, with the west lot being 0.4 acres and the east lot being 0.4. They will both also still meet the minimum lot width requirement of 80 feet.*

Issue 3 – Zoning Ordinance – Lot Setbacks

***Staff Finding:** The setbacks in the R-1-15 Zone are as listed:*

- Front yard: 25'
- Rear yard: 25'
- Side yards: 8' (both side yards need to be a total of 18'), Corner lot: 20'

The west lot (proposed Lot 2) meets all the setbacks as listed in City Code. The lot on the east side (proposed Lot 1) meets all requirements except for the corner lot setback of 20 feet. The house on the property was built before Herriman was established as a City, and 6400 West was widened, which caused the home to encroach into the east side yard setback. Currently, the home is setback 10' (from entrance/porch feature) from the side facing a street where 20 feet is required, which is due to the street widening of 6400 West. The proposed subdivision does not increase the nonconforming setback.

Issue 4 – Zoning Ordinance – Site Plan

***Staff Finding:** The proposed adjustment meets all other requirements found in City Code.*

ALTERNATIVES:

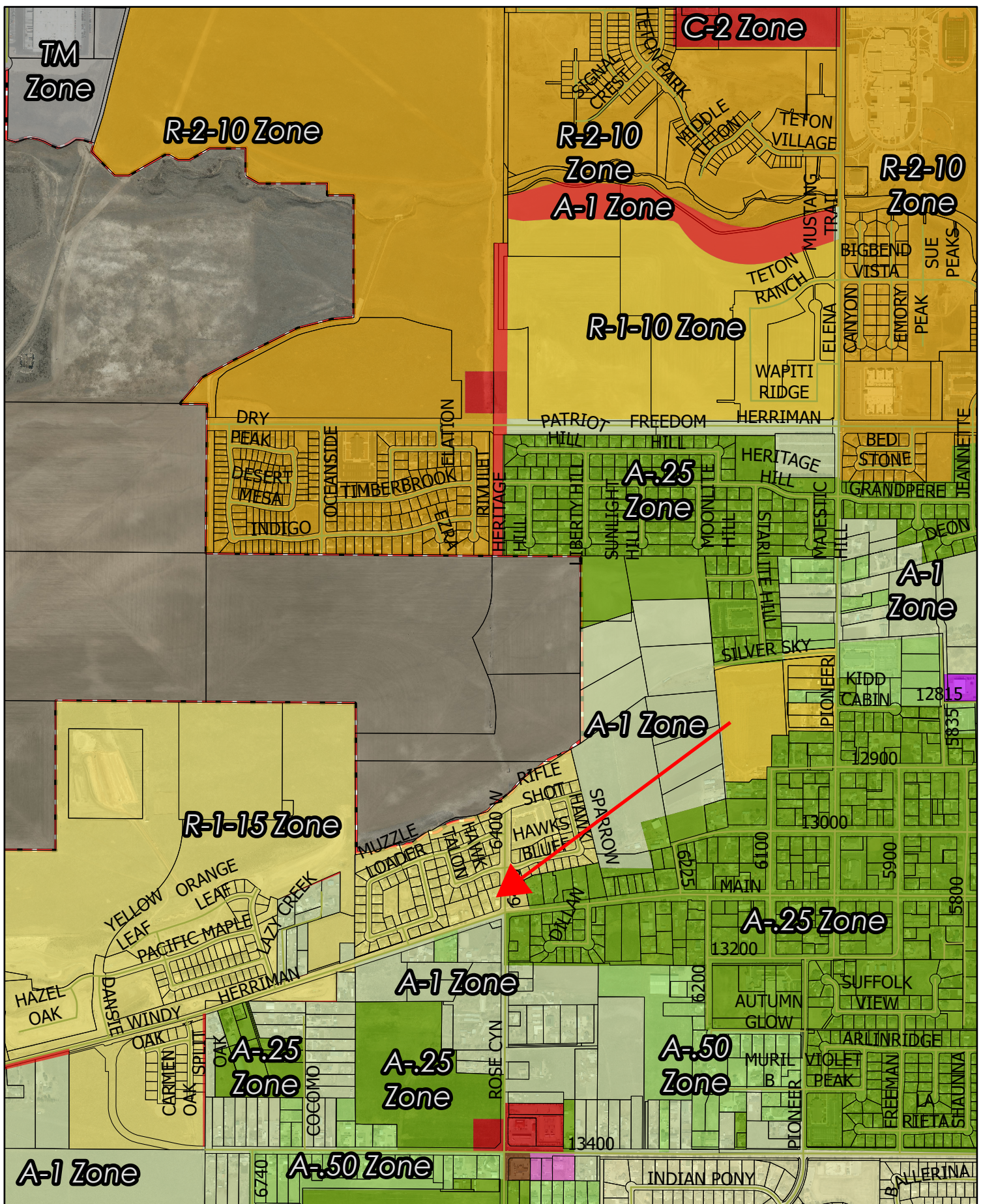
Action from the Planning Commission may include the following:

1. Continuing the item to a future meeting (with or without a certain date)
 - a. Specify reasons for continuing and required information necessary from the applicant and/or Staff.
2. Deny the item
 - a. Specify reasons for a negative recommendation.
3. Approve the item (Staff's recommendation)
4. Approve the item with additional or amended conditions that the Commission finds necessary to mitigate impacts from this development.

ATTACHMENTS:

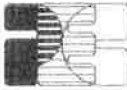
- A. Vicinity Map
- B. Existing Plat
- C. Proposed Plat

Attachment A Vicinity Map



Blackhawk Pointe Lot Line Adjustment
#S2021-081

Attachment B Existing Plat



PROJECT ENGINEERING CONSULTANTS
900 West 9000 South
West Jordan, Utah, 84088
Tel. (801) 495-4240
Fax (801) 495-4244
www.pec.us.com

Blackhawk Pointe Subdivision

Amending Lot 3 of the Rae of Sunshine Subdivision Plat "A"

Located in the Northeast Quarter of the Southeast Quarter of Section 34, Township 3 South, Range 2 West, Salt Lake Meridian, Herriman City, Salt Lake County, State of Utah.



GRAPHIC SCALE



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Jeffrey C. Stromberg, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 7027191, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as Blackhawk Pointe Subdivision and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

LOT 3, RAE OF SUNSHINE SUBDIVISION PLAT "A", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDERS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING 58.93 FEET SOUTHWEST 110°02'58" EAST ALONG THE SECTION LINE, AND 184.47 FEET SOUTHWEST 89°57'20" WEST FROM THE WINGERS CORNER TO THE EAST QUARTER CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE MERIDIAN; AND RUNNING THENCE NORTH 18°35'47" WEST 182.63 FEET; THENCE NORTH 11°08'12" EAST 24.74 FEET; THENCE NORTH 72°46'57" EAST 211.31 FEET; THENCE SOUTHWEST 58°18'04" FEET TO A POINT OF CURVATURE OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE ALONG THE ARC OF SAID CURVE 37.26 FEET, CIRCULAR BEARS SOUTHWEST 33°32'00" WEST 31.91 FEET; THENCE SOUTHWEST 71°07'20" WEST 131.18 FEET TO THE POINT OF BEGINNING.



2/4/2013

OWNER'S DEDICATION

Known all men by these presents that Bach Investments, LLC, a Utah limited liability company, the undersigned Owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the Blackhawk Pointe Subdivision

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. Owner(s) hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street.

In witness whereof have hereunto set this 12th day of February A.D. 2013

[Signature] Manager
[Signature] Manager

ACKNOWLEDGEMENT

STATE OF UTAH)
County of Salt Lake) S.S.



On the 12th day of February, 2013, personally appeared before me, *Sharon and Greg Knollisbacher*, the signer of the foregoing instrument, who duly acknowledged to me that (s)he is a [Member with management authority] [Manager] of Bach Investments, LLC, a Utah limited liability company, and is authorized to execute the foregoing Agreement in its behalf and that he or she executed it in such capacity.

[Signature]
NOTARY PUBLIC
RESIDING AT: 13228 Newport Dr
Draper UT 84026

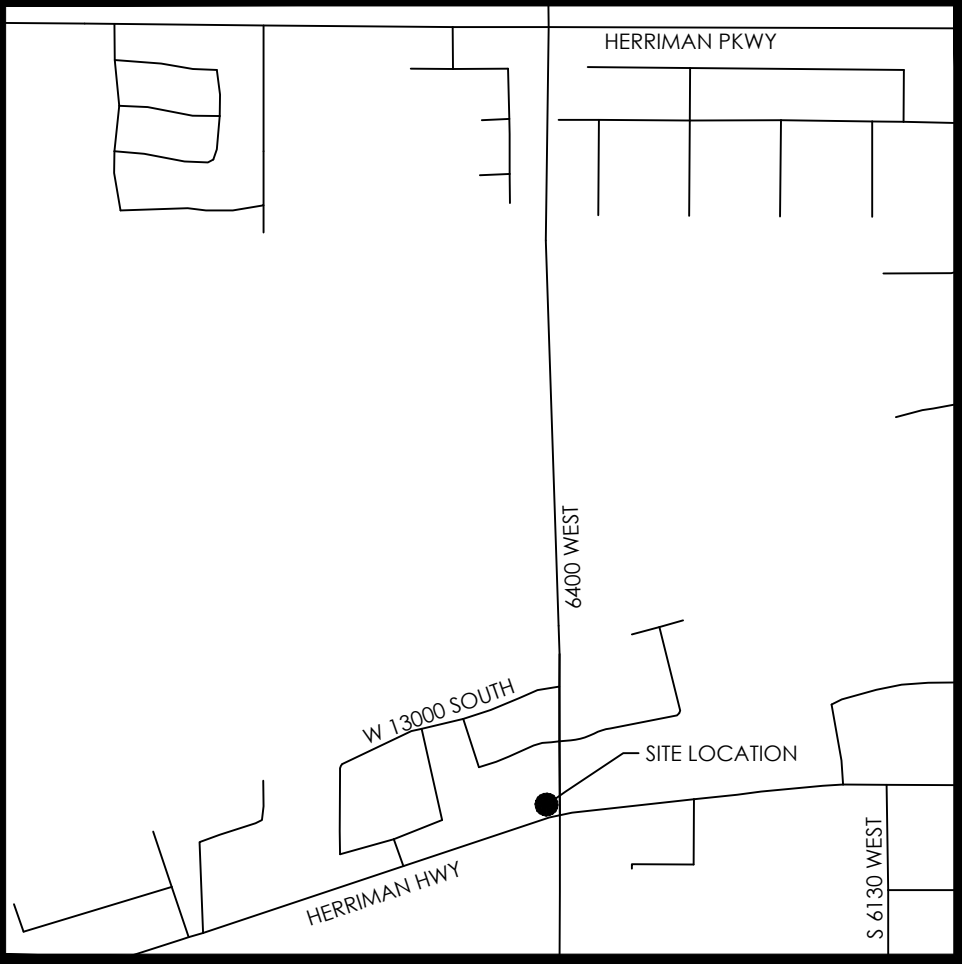
HEALTH DEPARTMENT APPROVED THIS 20th DAY OF Feb. A.D. 2013 BY HEALTH DEPARTMENT <i>[Signature]</i>	COMCAST APPROVED THIS 12th DAY OF Feb. A.D. 2013 BY COMCAST <i>[Signature]</i>	CENTURY LINK COMMUNICATION APPROVED THIS 12th DAY OF Feb. A.D. 2013 BY CENTURY LINK COMMUNICATIONS <i>[Signature]</i>	ROCKY MOUNTAIN POWER APPROVED THIS 13th DAY OF Feb. A.D. 2013 BY ROCKY MOUNTAIN POWER <i>[Signature]</i>	SOUTH VALLEY SEWER DISTRICT APPROVED THIS 13th DAY OF Feb. A.D. 2013 BY S.V.S.D. <i>[Signature]</i>
CHECKED FOR ZONING ZONE: R-1-15 DATE: 2-21-13 AREA: 15,000 WITH: <i>[Signature]</i> NAME: Ryan	PLANNING COMMISSION APPROVED THIS 21st DAY OF Feb. A.D. 2013 BY HERRIMAN PLANNING COMMISSION <i>[Signature]</i>	HERRIMAN CITY MUNICIPAL WATER APPROVED THIS 21st DAY OF Feb. A.D. 2013 BY HERRIMAN CITY MUNICIPAL WATER <i>[Signature]</i>	HERRIMAN CITY ENGINEER I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE DATE: 2/4/13 HERRIMAN CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 14th DAY OF Feb. A.D. 2013 HERRIMAN CITY ATTORNEY

TABULATIONS:	
1. TOTAL PLAT AREA	844,100 S.F.
2. TOTAL LOT AREA	844,100 S.F.
3. TOTAL ACRES IN PLAT	19.36 AC.
4. TOTAL AREA OF EXPOSED SPACE	15,000 S.F.
5. AVERAGE LOT SIZE	140,820 S.F.
6. NUMBER OF LOTS	6

QUESTAR GAS	
APPROVED THIS 12th DAY OF Feb. A.D. 2013 BY QUESTAR GAS	<i>[Signature]</i>
CITY COUNCIL	
PRESENTED TO THE HERRIMAN CITY COUNCIL THIS 14th DAY OF Feb. A.D. 2013 AT WHICH TIME THE SUBDIVISION WAS APPROVED	<i>[Signature]</i>
DATE: 2/14/13	CLERK

RECORD # 15948507	
STATE OF UTAH COUNTY OF SALT LAKE RECORDED AND FILED AT THE REQUEST OF	<i>[Signature]</i>
Bach Homes	DATE: 2/13/13 TIME: 12:52 PM 2013 PAGE 46
FILED	<i>[Signature]</i>

Attachment C
Proposed Plat



VICINITY MAP

N T S

LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- CENTERLINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS

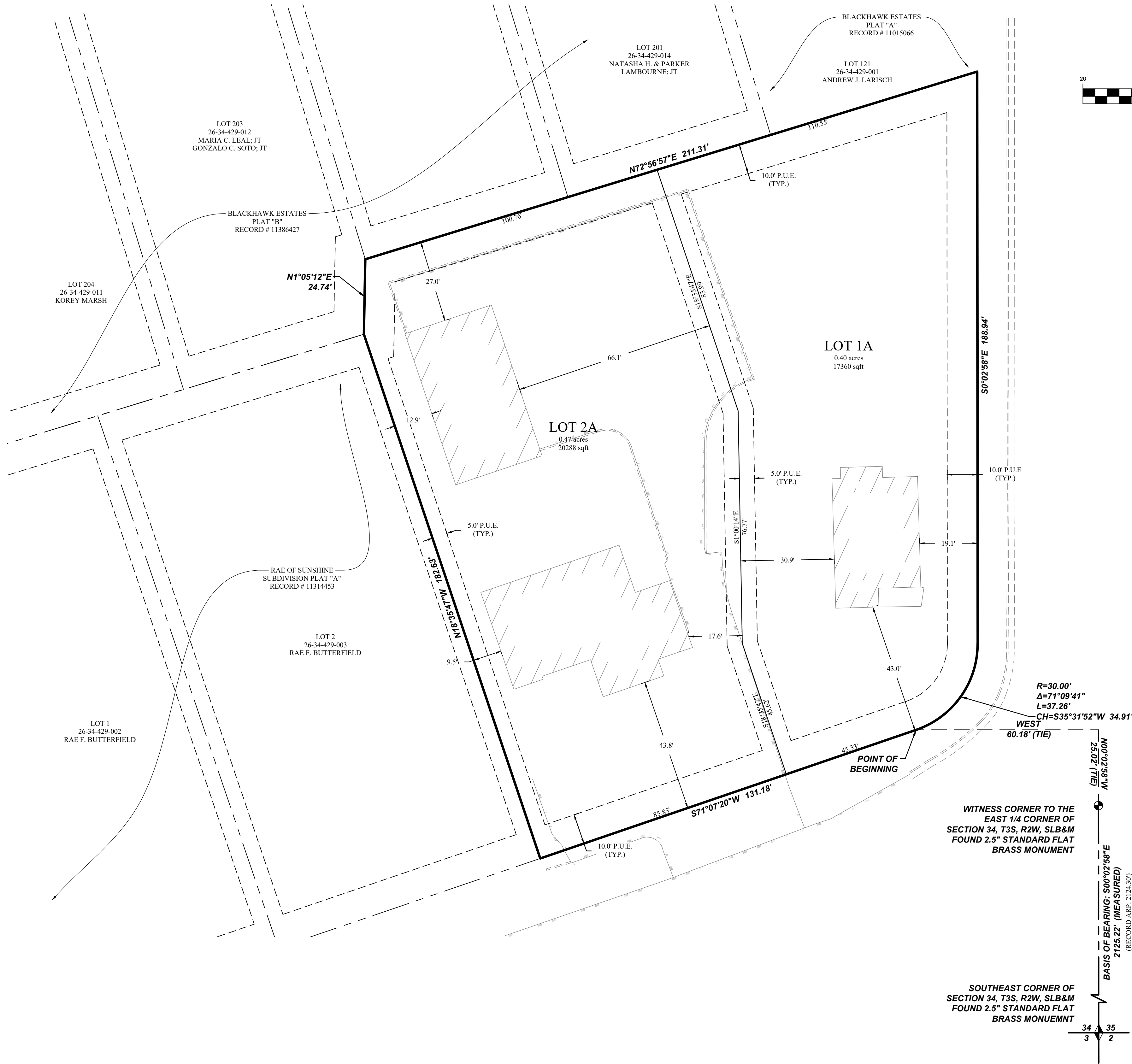
NOTES

- #5 REBAR AND CAP (FOCUS ENG.) TO BE SET AT ALL REAR LOT CORNERS. NAIL TO BE SET IN CURB EXTENSION OF SIDE LOT LINES.

BLACKHAWK POINTE SUDIVISION AMENDED

(VACATING & AMENDING BLACKHAWK POINTE SUBDIVISION)

LOCATED IN THE SE1/4 OF SECTION 34, T3S, R2W,
SALT LAKE BASE & MERIDIAN
HERRIMAN CITY, SALT LAKE COUNTY, UTAH



GRAPHIC SCALE



SURVEYOR'S CERTIFICATE

I, EVAN J. WOOD, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER 183395 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

BLACKHAWK POINTE SUDIVISION AMENDED
(VACATING & AMENDING BLACKHAWK POINTE SUBDIVISION)

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

PRELIMINARY
FOR REVIEW

EVAN J. WOOD
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 183395

DATE

BOUNDARY DESCRIPTION

All of BLACKHAWK POINTE SUBDIVISION, recorded on 3-18-2013 as Entry No. 11598507 in Book 2013P Page 46, located in the SE1/4 of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Herriman City, Utah, being more particularly described as follows:

Beginning at a point located N00°02'58"W 25.02 feet along the Section line and West 60.18 feet from the Witness Corner to the East 1/4 Corner of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing: S0°02'58"E between the Witness Corner to the East 1/4 Corner and the Southeast Corner of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian), thence S71°07'20"W 131.18 feet, thence N18°35'47"W 182.63 feet, thence N01°05'12"E 24.74 feet; thence N72°56'57"E 211.31 feet; thence S00°02'58"E 188.94 feet; thence along the arc of a curve to the right with a radius of 30.00 feet a distance of 37.26 feet through a central angle of 71°09'41" Chord: S35°31'52"W 34.91 feet to the point of beginning.
Contains: 37,648 square feet or 0.86 acres+/-

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS

BLACKHAWK POINTE SUDIVISION AMENDED
(VACATING & AMENDING BLACKHAWK POINTE SUBDIVISION)

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET

HAND THIS ____ DAY OF _____ A.D. 20 ____

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF _____ A.D. 20 ____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____, IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE _____ OF _____ L.L.C., A UTAH L.L.C. AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN _____ COUNTY

MY COMMISSION No. _____ PRINTED FULL NAME OF NOTARY _____

PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

HEALTH DEPARTMENT	COMCAST	CENTURY LINK COMMUNICATIONS	ROCKY MOUNTAIN POWER	SOUTH VALLEY SEWER DISTRICT	QUESTAR GAS
APPROVED THIS ____ DAY OF A.D. 20 ____ BY HEALTH DEPARTMENT	APPROVED THIS ____ DAY OF A.D. 20 ____ BY COMCAST	APPROVED THIS ____ DAY OF A.D. 20 ____ BY CENTURY LINK COMMUNICATIONS	APPROVED THIS ____ DAY OF A.D. 20 ____ BY ROCKY MOUNTAIN POWER	APPROVED THIS ____ DAY OF A.D. 20 ____ BY S.V.S.D.	APPROVED THIS ____ DAY OF A.D. 20 ____ BY QUESTAR GAS
DIRECTOR, SALT LAKE CO. HEALTH DEPARTMENT	COMCAST	CENTURY LINK COMMUNICATIONS	ROCKY MOUNTAIN POWER	S.V.S.D.	QUESTAR GAS
CHECKED FOR ZONING	PLANNING COMMISSION	HERRIMAN CITY MUNICIPAL WATER	HERRIMAN CITY ENGINEER	APPROVAL AS TO FORM	HERRIMAN CITY
ZONE: _____ DATE: _____ AREA: _____ WIDTH: _____ NAME: _____	APPROVED THIS ____ DAY OF A.D. 20 ____ BY HERRIMAN PLANNING COMMISSION CHAIRMAN, HERRIMAN PLANNING COMMISSION	APPROVED THIS ____ DAY OF A.D. 20 ____ BY HERRIMAN CITY MUNICIPAL WATER HERRIMAN CITY	HERRIMAN CITY ENGINEER DATE HERRIMAN CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF A.D. 20 ____ HERRIMAN CITY ATTORNEY	APPROVED THIS ____ DAY OF A.D. 20 ____ BY HERRIMAN CITY. ATTEST: RECORDER PLANNING DIRECTOR

BLACKHAWK POINTE SUDIVISION AMENDED
(VACATING & AMENDING BLACKHAWK POINTE SUBDIVISION)
LOCATED IN THE SE1/4 OF SECTION 34, T3S, R2W,
SALT LAKE BASE & MERIDIAN
HERRIMAN CITY, SALT LAKE COUNTY, UTAH

RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

\$ _____
FEE _____ SALT LAKE COUNTY RECORDER

Lot Line Adjustment

Planning Commission Meeting

September 16, 2021



Background

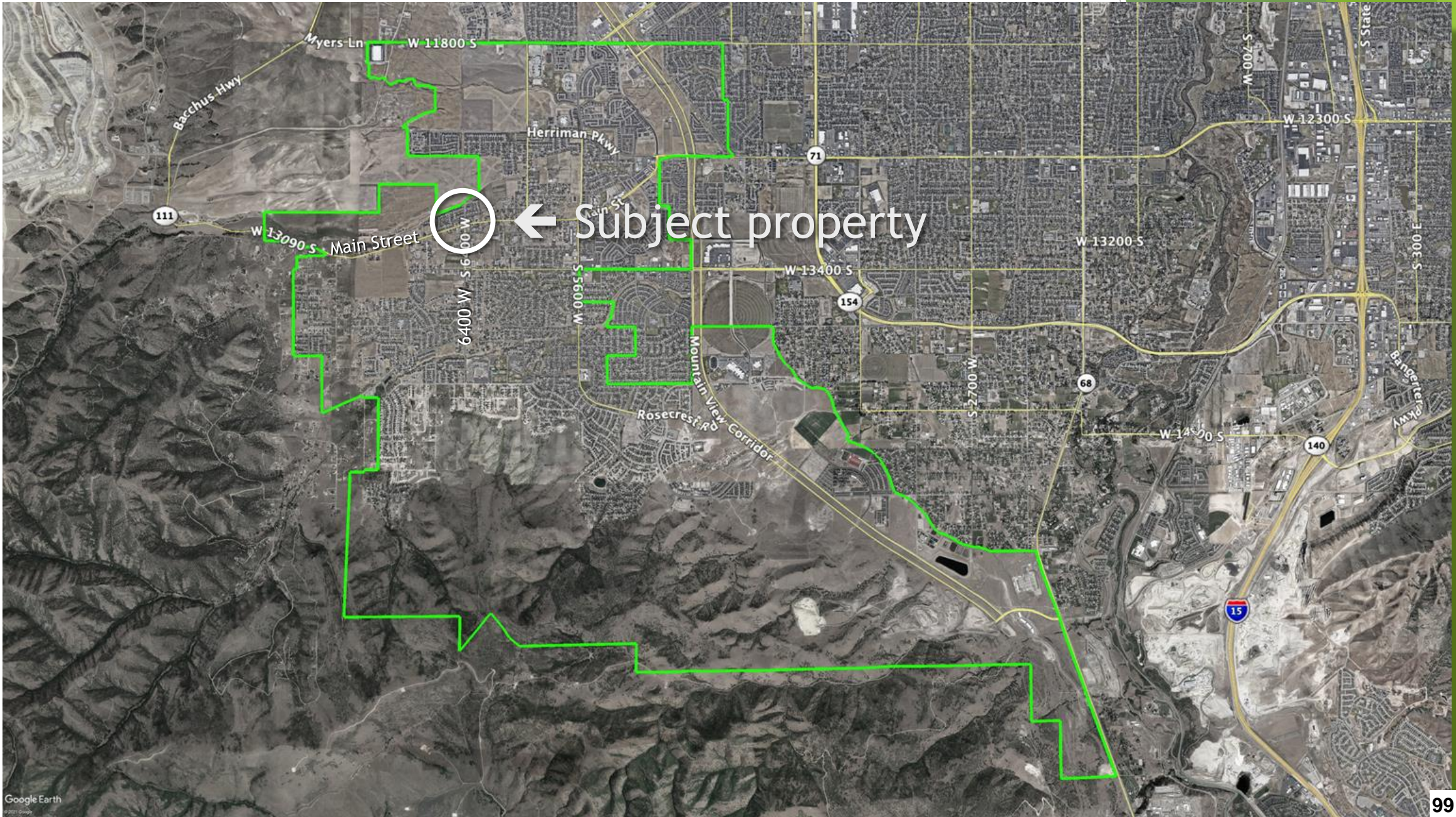
- ▶ Bach Rentals LLC is wanting to sell two properties
- ▶ Resolve any future parking issues
- ▶ Currently there is shared access easement that both tenants park on
- ▶ Lot line adjustment
- ▶ New driveway access



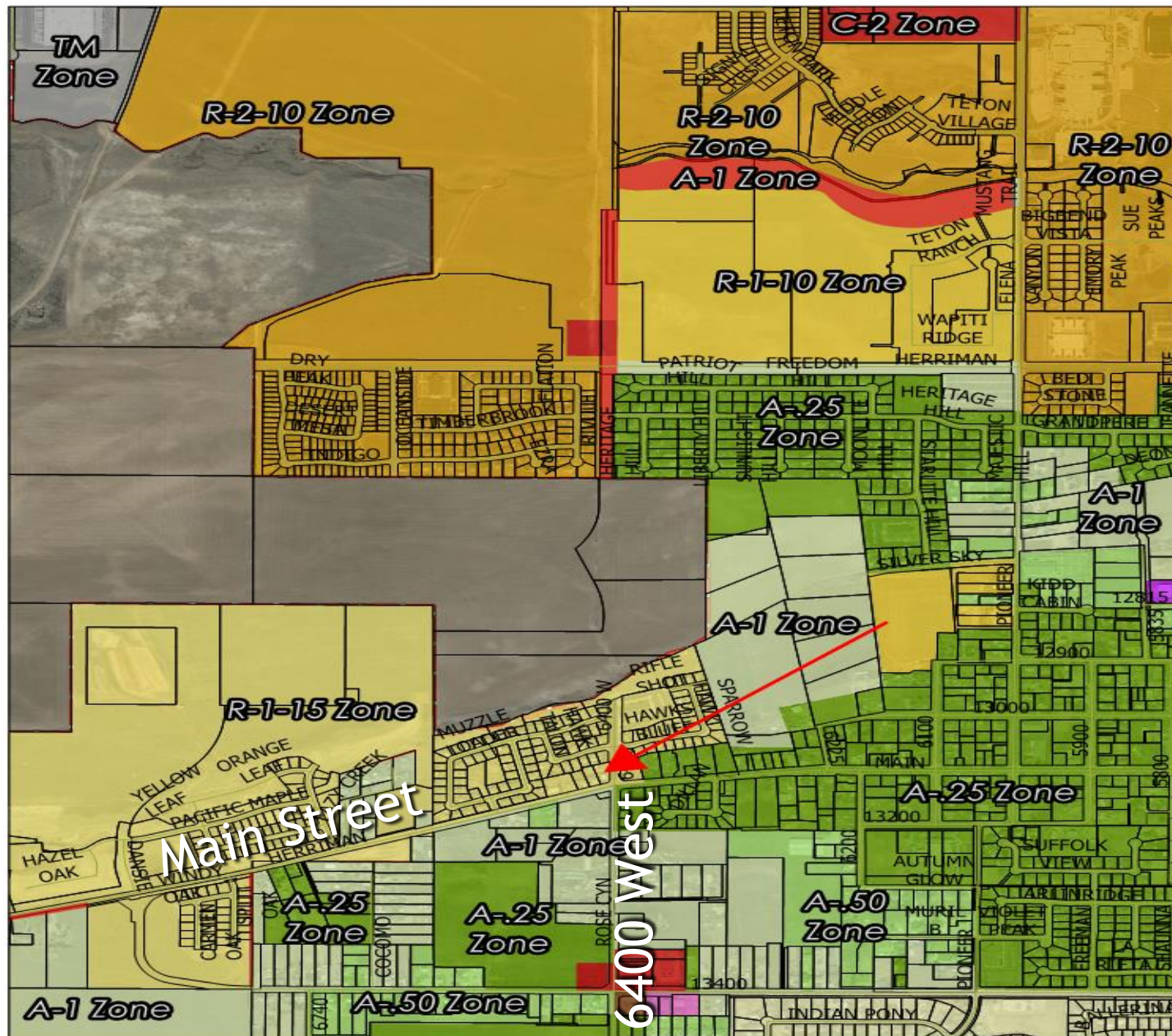




Vicinity Map



Zoning Map

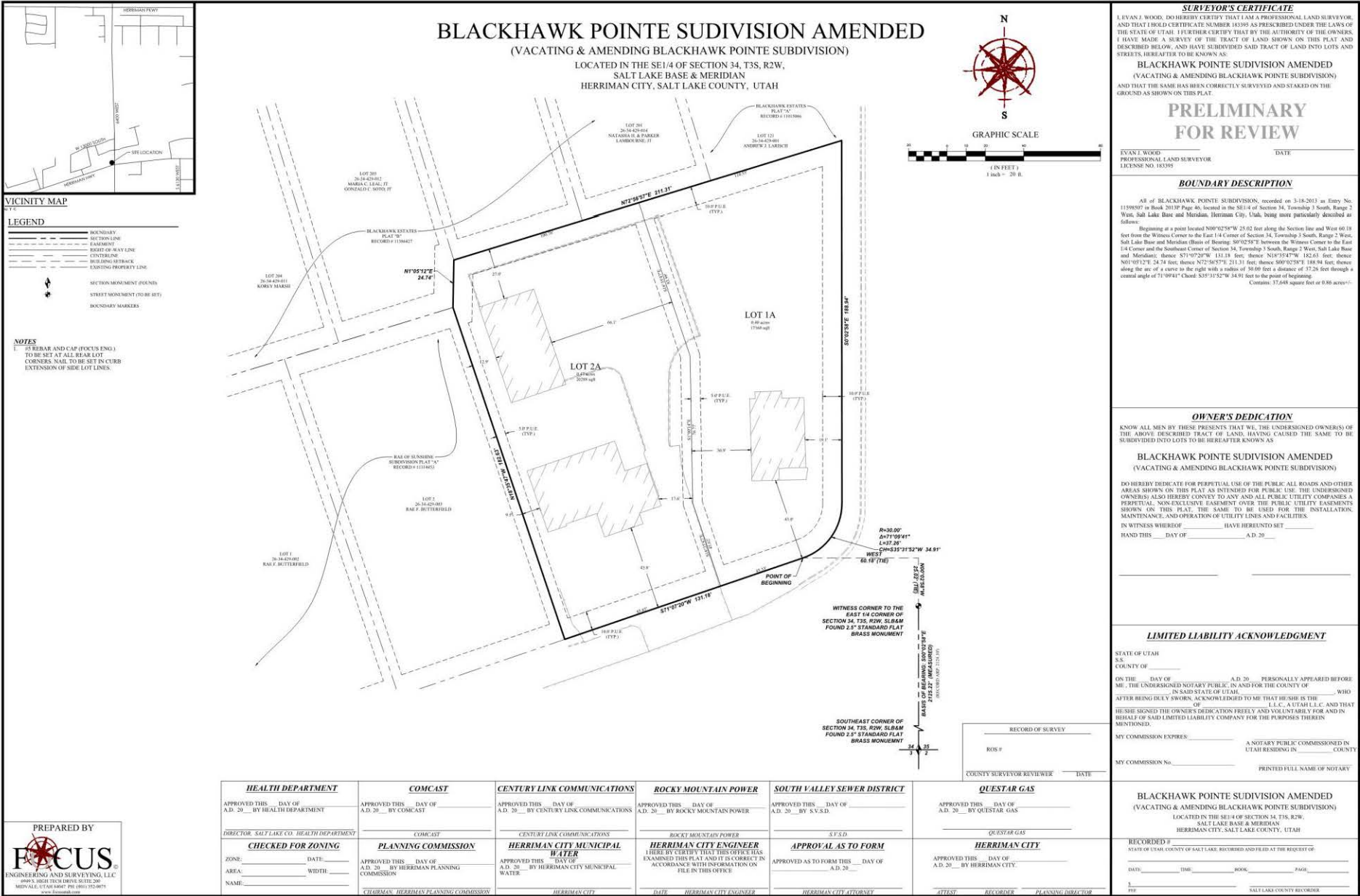


Blackhawk Pointe Lot Line Adjustment
#S2021-081

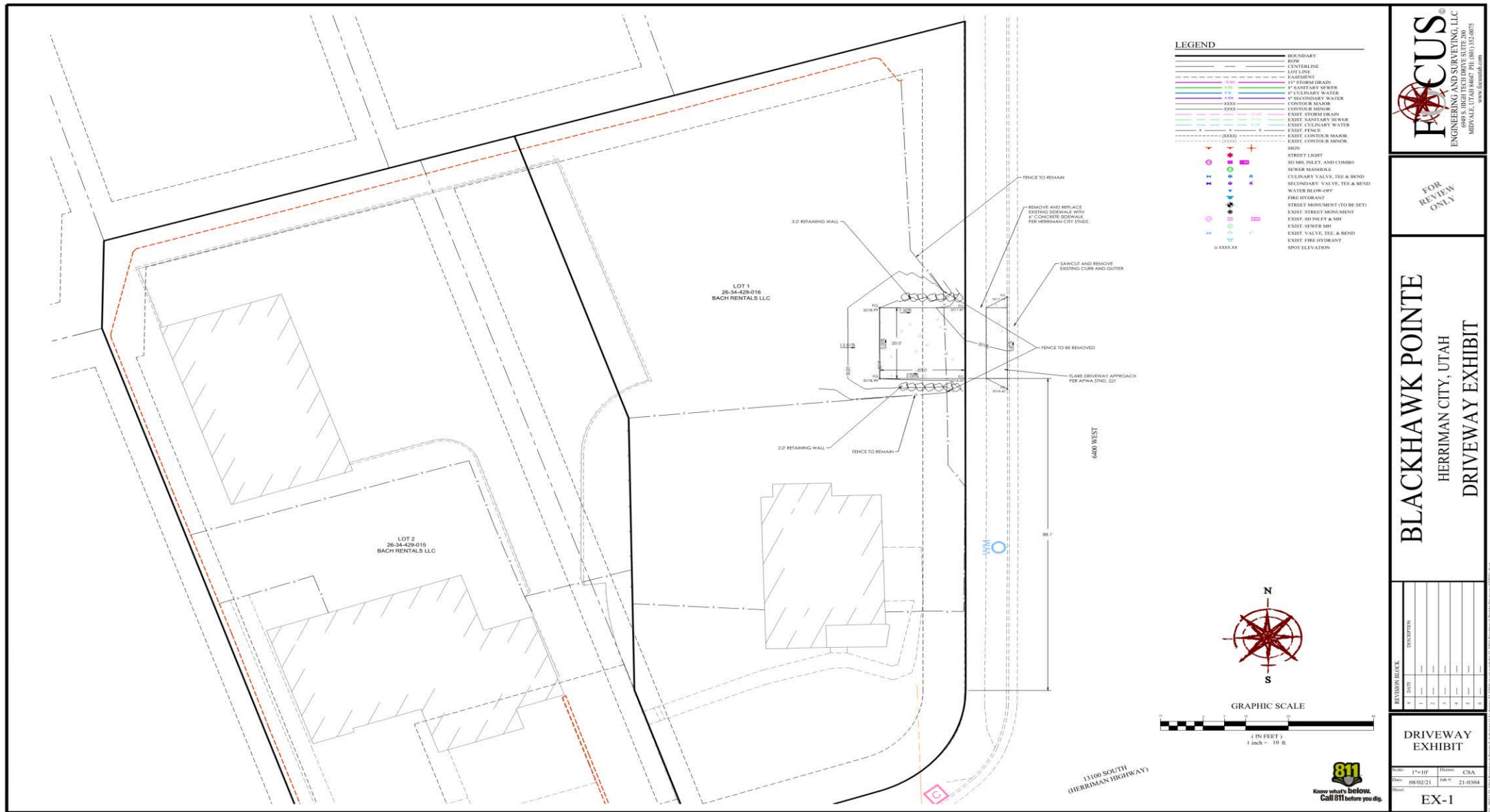


Existing Plat

Revised Plat



Driveway Plan



Requirements

- ▶ Lot Size
 - ▶ 15,000 square feet
- ▶ Lot Width
 - ▶ 80 feet
- ▶ Lot Setbacks
 - ▶ Front yard: 25'
 - ▶ Rear yard: 25'
 - ▶ Side yards: 8' (both side yards need to be a total of 18'), Corner lot: 20'

Staff Recommendation

Recommendation of approval for the lot line adjustment



STAFF REPORT

DATE: September 2, 2021

TO: Planning Commission

FROM: Michael Maloy, AICP, Planning Director

SUBJECT: Recommendation to amend the Official Herriman City Zoning Map for \pm 939.3 acres of property located approximately 12600 South 6800 West from PC Planned Community Zone to MPC Large Master Planned Community Zone located upon annexation development of a mixed-use master planned community known as Olympia. (Public Hearing)
Applicant: Olympia Land, LLC
File Number: Z2021-103

RECOMMENDATION:

Motion to recommend the City Council approve a proposed amendment to the Official Herriman City Zoning Map for \pm 939.3 acres of property located approximately 12600 South 6800 West from PC Planned Community Zone to MPC Large Master Planned Community Zone subject to City Council approval of the associated annexation petition.

The following motion is based upon the finding that the proposal is consistent with prior actions of the Planning Commission, which includes recommendations to the City Council to approve (1) an amendment to the General Plan that designates portions of the Herriman City's Annexation Declaration area to be identified as "Planned Community" on the Future Land Use Map, (2) adoption of the MPC Large Master Planned Community Zone in Title 10 of Herriman City Code as a new zoning tool for master development agreements, and (3) a new master development agreement with Olympia Land, LLC, which includes design standards recommended by the Planning Commission.

ISSUE BEFORE COMMISSION:

Should the Planning Commission recommend approval of a land use application (City File No. Z2021-103) that requests Herriman City amend the Official Zoning Map for \pm 939.3 acres of property located approximately at 12600 South 6800 West from PC Planned Community Zone to MPC Large Master Planned Community Zone upon annexation from Salt Lake County?

BACKGROUND/ SUMMARY:

Whereas various elements of this project have previously appeared before the Planning Commission for public hearing, review, and recommendation, the Commission is familiar with the applicant's intent to develop the subject property upon annexation into Herriman City—which action is dependent upon legislative approval by the City Council and subsequent legal authorities, including Utah Lt Governor Deidre M. Henderson.

For reference purposes only, staff has summarized an abbreviated list of prior City Council and Planning Commission meetings related to the applicant's request to amend the Official City Zoning for Herriman City:

- **March 24, 2021.** City Council Meeting – City Attorney provided Council with an overview of the procedural and statutory requirements for the annexation of Olympia.
- **April 28, 2021.** City Council Meeting – Community Development Director Blake Thomas updated Council on discussion with the Olympia Developer related to a potential annexation. Council directed staff to form working groups and come back with a recommendation for a plan forward.
- **May 12, 2021.** City Council Meeting – Staff updated City Council on the four working groups (MDA, Planning, Infrastructure, and Finance). Staff discussed future meeting schedules for the working groups with the Council.
- **Interim and ongoing.** Numerous meetings with “working groups” and the applicant continue to discuss the potential annexation of Olympia into the City.
- **May 24, 2021.** Applicant files notice of intent to annex Olympia into Herriman.
- **June 15, 2021.** Applicant files formal petition to annex Olympia into Herriman.
- **July 14, 2021.** City Council Meeting – City Council voted to accept the annexation petition.
- **July 15, 2021.** Planning Commission Meeting – City Attorney introduced draft MDA to the Planning Commission. The Planning Commission also held a public hearing on the Olympia Design Standards.
- **July 21, 2021.** Planning Commission Meeting – The Planning Commission held a special work session to discuss the draft MDA and Design Standards.
- **August 5, 2021.** Planning Commission conducted a public hearing and discussed Olympia MDA and Design Standards. Voted to recommend approval with modifications.

DISCUSSION:

Standards for Consideration:

As stated in City Code 10-5-8(E) Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6(A) of this chapter. In making an amendment, the following factors should be considered:”

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

Staff Finding. On July 15, 2021, the Planning Commission recommended approval of an amendment to the Future Land Use Map in the General Plan update for the subject property to “PC Planned Community.” The proposed zoning map amendment is consistent with this designation pending approval by the City Council.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Staff Finding. On August 5, 2021, the Planning Commission recommended approval of the proposed Olympia Master Development Agreement and associated Design Standards that include development patterns similar to—and harmonious with—existing adjacent residential development in Herriman.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

Staff Finding: As has been previously discussed with the Planning Commission and City Council, staff has identified potential traffic impacts on collector and arterial streets along “adjacent” properties in Herriman. As such, staff has been working with the applicant and traffic engineering consultants to mitigate this impact through various means, including private investment in off-site public improvements necessary to maintain planned levels of transportation services.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

Staff Finding: Whereas all City Departments have been participating in—and recommending approval of—the development of the draft Olympia Master Development Agreement and associated plans, staff finds that adequate facilities will be made available through the development entitlement process, private improvements, and the collection of associated fees for the construction of all necessary capital improvements.

ALTERNATIVES:

Action from the Planning Commission may include the following:

1. Give a ***positive recommendation*** to the City Council for approval of the proposed Zoning Map amendment (staff recommendation)
2. ***Continue*** the item to a future meeting (with or without a certain date)
 - a. Specify reason(s) for continuing the agenda item and state the required information needed from the applicant or City staff
3. Give a ***negative recommendation*** to the City Council for approval of the proposed Zoning Map amendment
 - a. Specify reason(s) for the negative recommendation
4. Give a ***positive recommendation with additional recommendations*** to the City Council—such as “zoning conditions”—from the Planning Commission for the proposed Zoning Map amendment (list amendments or conditions)

ATTACHMENTS:

- A. Large Project Master Planned Community Ordinance
- B. Draft Master Development Agreement
- C. Draft Master Development Maps
- D. Draft Master Development Standards
- E. PowerPoint

Attachment A
Large Project Master Planned Community Ordinance

Attachment B
Draft Master Development Agreement

Attachment C
Draft Master Development Maps

Attachment D
Draft Master Development Standards

Attachment E

PowerPoint

WHEN RECORDED, RETURN TO:

Herriman City Recorder
5355 West Herriman Main Street
Herriman, Utah 84096

**MASTER DEVELOPMENT AGREEMENT
FOR
OLYMPIA**

Approved: _____

TABLE OF CONTENTS

SECTION 1 – DEFINITIONS
1.1 Act.....
1.2 Administrator
1.3 Administrative Action.....
1.4 Administrative Modifications
1.5 Apartment Dwelling Unit
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Master Developer Acknowledgment.....
Special Owner Acknowledgment

MASTER DEVELOPMENT AGREEMENT FOR OLYMPIA

THIS MASTER DEVELOPMENT AGREEMENT is made and entered into effective as of the ____ day of _____ 2021, by and between HERRIMAN CITY, a political subdivision of the State of Utah, by and through its City Council, THE LAST HOLDOUT, L.L.C., a Utah limited liability company, JORDAN SCHOOL DISTRICT, a Utah school district, and OLYMPIA LAND, LLC, a Utah limited liability company.

RECITALS

A. Owner is the current owner of the Property, and Master Developer has an option to acquire and develop the Property ~~over a period of years.~~

B. Owner, Master Developer, Special Owner, Salt Lake County, and the Greater Salt Lake Municipal Services District previously entered into a master development agreement for Olympia Hills effective as of March 26, 2020 and recorded as Entry # 13335521 at Book – 10983, Pages – 4638-4893 in the records of the Salt Lake County Recorder.

C. In early 2021, the City, Owner, and Master Developer all expressed a desire to annex the Property into the municipal boundaries of the City and to have the Planned Community developed under the jurisdiction of the City subject to a new master development agreement.

D. Owner, Master Developer, and the City desire that the Property be developed in a unified and consistent fashion pursuant to this MDA. ~~pursuant to the General Plan and this MDA.~~

E. By entering into this MDA, the City is able to facilitate the orderly development of the Planned Community within the boundaries of the City and thereby capture substantial one-time funds and ongoing property and sales tax revenues to support the day-to-day operations of the City.

F. By engaging in negotiations with Owner and Master Developer for the annexation and development of the Planned Community, the City has also been able to secure local and regional parks and open space that contribute to the overall quality of life and enjoyment recognized by the residents the City and surrounding areas.

G. To support the development of the Planned Community, the City anticipates that the Master Developer will phase development and will support the phased development with adequate infrastructure, including roadways designed to handle increased traffic as a result of the Planned Community.

H. In connection therewith, the City has approved public infrastructure districts within the Planned Community, in accordance with Utah Code Ann. § 17D-4-101 et seq., to aid in the financing of on- and off-site public improvements. This financing mechanism, which is not supported by a recurring property tax levy, but instead, by a one-time builder-paid fee, will not be a persistent annual financial burden to property owners within the Planned Community.

I. Additionally, by negotiating the orderly and systematic development of the Planned Community pursuant to this MDA, the City is attempting to help solve the housing shortages currently existing within the County and State. The number, type, and intensity of residential uses approved for development within the Planned Community are purposefully designed to help mitigate the housing

shortages with the County and State.

J. The City also acknowledges that by entering into this MDA, Owner and Master Developer shall receive considerable benefits.

K. Specifically, Master Developer will have substantial financial assistance in the form a public infrastructure districts to help finance the design and construction of public infrastructure within the Planned Community.

L. By entering into this MDA, Master Developer will also receive assurances as to the Development Application approval process, thereby providing Master Developer with certain guarantees as to the timely and orderly development of the Planned Community.

M. Additionally, Master Developer is able to develop the Planned Community in an already existing municipality and receive thereby receive the benefit of existing municipal services to the Planned Community.

N. As part of this negotiated process, Master Developer has also been able to make mutually favorable updates to the Design Guidelines for the Planned Community that better blend existing development within the current boundaries of the City with the Planned Community.

O. In connection with entering into this MDA, the City desires to receive certain public and community benefits and amenities, including those previously mentioned; and the Master Developer is willing to provide these benefits and amenities in consideration of the agreement of the City for the approval of public infrastructure districts, densities and intensity of uses within the Planned Community, and other benefits as identified herein and pursuant to the terms of this MDA.

P. The Parties acknowledge that development of the Property pursuant to this MDA will result in significant planning and economic benefits to the City and its residents by, among other things, requiring orderly development of the Property as a master planned community and increasing sales tax and other revenues to the City based on improvements to be constructed on the Property by the Master Developer.

Q. Development of the Property pursuant to this MDA will also result in significant benefits to Owner and Master Developer by providing assurances to Owner and Master Developer that Master Developer will have the ability to develop the Property in accordance with this MDA.

R. On _____, 2021, the City zoned-assigned the Property zones pursuant to the City's Large Project Master Planned Community Zoning tool and -as shown-depicted on the Zoning MapLand Use Master Plan, pursuant to Ordinance No. _____.

S. The Zoning MapLand Use Master Plan, along with the Design Guidelines, sets forth those land use classifications, residential and commercial densities, and development locations as are permitted under this MDA for the Planned Community.

T. This MDA identifies the standards and procedures that will be applied to the required administrative approvals contemplated in connection with the future development of the Planned Community, as well as the construction of certain improvements of benefit to the Planned Community and to address requirements for certain community benefits.

U. The City has established the Planned Community under the provisions of the City's Vested Laws for the purpose of implementing development standards and processes that are consistent therewith.

In doing so, the City found that the Planned Community is vested to proceed under the City's Vested Laws, subject to the limitations outlined herein.

~~The City has adopted a General Plan that includes the Property, and this MDA and the Planned Community comply with the General Plan.~~

V. The City Council, acting pursuant to its authority under the Act and the City's Vested Laws, has made certain determinations with respect to the proposed Planned Community, as a master planned community, and in the exercise of its legislative discretion has elected to approve the use, density, and general configuration of the Planned Community set forth in the ~~Zoning Map~~ Land Use Master Plan through the negotiation, consideration and approval of this MDA after all necessary public hearings and recommendations from the Planning Commission.

W. The Parties, having cooperated in the drafting of this MDA, understand and intend that this MDA is a "development agreement" within the meaning of, and is entered into pursuant to, the terms of Utah Code Ann. § 10-9a-103(12) (2021).

X. Furthermore, the Parties desire to enter into this MDA to specify the rights and responsibilities of Owner and the Master Developer to develop the Property as expressed in this MDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this MDA.

NOW, THEREFORE in consideration of agreements and obligations set forth below, and in reliance upon the recitals set forth above, which are incorporated as part of this Agreement, the City, Owner, Special Owner, and the Master Developer hereby agree as follows:

AGREEMENT

SECTION 1 DEFINITIONS

As used in this MDA, the words and phrases specified below shall have the following meanings:

1.1. **Act** means the Municipal Land Use, Development, and Management Act, UTAH CODE ANN. § 10-9a-101, *et seq.* (2021).

1.2. **Administrator** means the Herriman City ~~Community Development Director~~ Manager or their designee unless some other person or position is appointed by resolution of the Council to serve as the Administrator of this MDA.

1.3. **Administrative Action** means and includes the actions related to Development Applications that may be approved by the Administrator as provided in Section 4.

1.4. **Administrative Modifications** means and includes any amendment, modification, or supplement to this MDA that may be approved by the Administrator as provided in Section ~~67~~ 7.1.1.

1.5. **Apartment Dwelling Unit(s)** means a Residential Dwelling Unit that is not individually platted.

1.6. **Applicant** means any person or entity making a Development Application for a portion of the Planned Community.

1.7. **Backbone Infrastructure** means those improvements shown and/or described in the Infrastructure Plan, as set forth in Exhibit “E”, and which are, generally, infrastructure improvements of a comprehensive scale that are a part of the overall development of the Planned Community and not merely a part of the development of any particular Phase or Subdivision. Unless otherwise excepted in the Infrastructure Plan, Backbone Infrastructure is considered to be in the nature of “System Improvements” as defined in Utah Code Ann. § 11-36a-102(22), (2021).

1.8. **Building Permit** means a permit issued by the City to allow construction, erection, or structural alteration of any building, structure, or private, public, or Project Infrastructure on any portion of the Planned Community, or to construct any off-site infrastructure within the City’s jurisdiction consistent with the International Building Code, International Fire Code and/or the City’s Vested Laws.

1.9. **Capital Roads** means those roads identified in the City’s transportation master plan within the Planned Community.

1.10. **City** means Herriman City, a city of the third class located in the County.

1.11. **Commercial Development** means the development of commercial uses as identified in the Design Standards.

1.12. **Council** means the elected City Council of the City.

1.13. **County** means Salt Lake County, a political subdivision of the State of Utah.

1.14. **City’s Future Laws** means the ordinances, policies, rules, regulations, standards, procedures and processing fee schedules of the City which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Planned Community and which may or may not be applicable to the Development Application depending upon the provisions of this MDA.

1.15. **City’s Vested Laws** means the ordinances, policies, standards, and procedures of the City related to zoning, subdivisions, development, public improvements, and other similar or related matters that were in effect as of the Effective Date of this MDA, as more particularly described in the attached Exhibit “G”.

1.16. **Default** means a material breach of this MDA as more fully specified in Section 8.18, below.

1.17. **Design Guidelines** means the general standards for design of the building for the Intended Uses and Project Infrastructure as more fully specified in the attached Exhibits, and to the extent not established therein, those standards established consistent with the City’s Vested Laws, the general policies outlined in this MDA, and the approved Zoning Plan.

1.18. **Detached Single Family Dwelling Unit** means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit and not attached to another dwelling unit.

1.19. **Development Application** means an application to the City for development of a portion of the Planned Community including a Preliminary Plat, Final Plat, a Building Permit, or any other permit, certificate or other authorization from the City for development of the Planned Community.

1.20. **Development Report** means a report containing the information specified in Section 2.2.3

submitted to the City by Master Developer, or any Subdeveloper pursuant to an authorized assignment hereunder, for the development of any Parcel or Subdivision or concurrent with any Development Application.

1.21. **Effective Date** means January 1, 2022 following the lieutenant governor's issuance of a certificate of annexation under Utah Code Ann. § 67-1a-6.5.

1.22. **Extractable Natural Materials** means any rock, sand, or gravel products (but excluding any other underground material or other minerals that may be discovered on the Property) which may be used by the Master Developer, and/or its agents, successors, assigns, tenants, guests, and invitees as more fully specified herein.

1.23. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603, (2021), and approved by the City effectuating a Subdivision of any portion of the Property.

1.24. **General Plan** means the City's General Plan for the area including the Property adopted by the City on _____ 2021.

1.25. **Impact Fees** means those fees, assessments, or payments of money which may be imposed by the City, or any local or special service district as specified in the Utah Impact Fees Act, Utah Code Ann. §§ 11-36a-101, *et seq.*, (2021).

Independent Review Committee ("IRC") means....

1.26. **Individually Platted Dwelling Unit** means an RDU whose boundaries are drawn on a subdivision or condominium plat, such as Detached Single Family Dwelling Units, town homes, and condominiums, but not including an apartment dwelling unit.

1.27. **Infrastructure Plan** means the plan attached hereto and incorporated herein as Exhibit "E" which details the Backbone Infrastructure.

1.28. **Institutional Property** means any part of the Planned Community that is developed in connection with a public or private institute of higher learning and not for any residential or commercial uses.

1.29. **Intended Uses** means the use of all or portions of the Planned Community for single-family and multi-family residential units, hotels, restaurants, public facilities, businesses, commercial areas, professional and other offices, services, parks, trails and other uses as more fully specified in the Zoning Ordinance, the Master Plan, and this MDA.

1.30. **Land Use Master Plan** means the layout and table set forth in Exhibit "B", which provides for the use, density and general locations of the Intended Uses in the development of the Planned Community.

1.31. **Legislative Amendment means and includes any amendment, modification, or supplement to this MDA that must be approved by the Planning Commission or City Council as provided in Section 7.1.2....**

1.32. **Master Developer** means Olympia Land, LLC, a Utah limited liability company and its related entities, assignees, or transferees as permitted by this MDA.

1.33. **Maximum Residential Units** means the development on the Property of six thousand three hundred and thirty (6,330) Residential Dwelling Units.

1.34. **MDA** means this Master Development Agreement including all of its Exhibits.

1.35. **Notice** means any notice to or from any party to this MDA that is either required or permitted to be given to another party.

1.36. **Open Space** means a use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Such land is preserved for the purpose of conservation, preservation, agriculture, resource enhancement, recreation, enhancing value to the public of adjacent parks or preserves, or otherwise providing a buffer to adjacent properties.~~any open piece of land that is undeveloped and is accessible to the public and includes those uses described in greater detail herein.~~

1.37. **Owner** means The Last Holdout, L.L.C., a Utah limited liability company.

1.38. **Parcel** means an area identified for development of a particular type of Intended Use that is not an individually developable lot.

1.39. **Party or Parties** means, collectively, the City, Owner, Special Owner, and Master Developer.

1.40. **Phase** means the development of a given portion of the Planned Community at a point in a logical sequence as determined by Master Developer and agreed to by the City.

1.41. **Planned Community** means the development to be constructed on the Property pursuant to this MDA including all of the Intended Uses and the Project Infrastructure.

1.42. **Planning Commission** means the City's Planning Commission established by the Zoning Ordinance.

1.43. **Preliminary Plat** means a recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-103(50) (2021), and as required by the City's Vested Laws.

1.44. **Project Infrastructure** means those items of public or private infrastructure within the Property which are necessary for development of the Planned Community including all roads (including traffic signage, striping, and traffic control improvements), utilities, lighting, curbs, gutters, sidewalks, parks, trails, rough and final grading, trees, sod, seeding, and other landscaping, storm water detention and retention facilities, water mains, storm sewers, sanitary sewers, and all other improvements required pursuant to this MDA, Final Plats, City's Vested Laws, and/or City's Future Laws, as applicable.

1.45. **Project** means the development to be constructed on the Property pursuant to this MDA with all of the associated public and private facilities, Intended Uses, Densities, Phases, and all of the other aspects approved as part of this MDA including all of the Exhibits.

1.46. **Property** means that approximately nine hundred and thirty-three (933) acres described in Exhibits "A" and "A-1".

1.47. **Public Infrastructure** means infrastructure, improvements, or facilities that benefit the

public and are owned by a public entity or a utility and are subject to public financing under the Public Infrastructure District Act of Utah Code Ann. § 17D-4-101 et seq.

1.48. **Residential Dwelling Unit (“RDU”)** means a single unit intended to be occupied for residential living purposes; and, for purposes of calculating the Maximum Residential Units, each Detached Single Family Dwelling Unit and each individual unit within a multi-family dwelling, apartment building, condominium, or time-share shall individually equal one RDU. Accessory apartments, casitas, and other similar uses that are ancillary to a primary residential use shall not be counted as a Residential Dwelling Unit for purposes of the Maximum Residential Units.

1.49. **School District Property** means that approximately sixty (60) acres described on Exhibit “A-1”.

1.50. **Special Owner** means the Jordan School District.

1.51. **Subdeveloper** means an entity or person not “related” (as defined by Internal Revenue Service regulations) to Master Developer which purchases a Parcel for development and pursuant to an assignment approved by the City pursuant to Subsection 6.1 hereof, is assigned the rights and assumes the responsibilities of this MDA applicable to such Parcel as more specifically set forth in the approved assignment and assumption agreement.

1.52. **Subdivision** means the division of any portion of the Property into a subdivision pursuant to state law and/or the Zoning Ordinance.

1.53. **Traffic Impact Study (“TIS”)** means the study to estimate site-generated traffic volumes and assess their impact on the transportation system within and outside of the Planned Community. The TIS identifies off-site improvements that might be needed as a result of the Planned Community and is more fully specified in Exhibit “D”.

~~Workforce Unit means an RDU that is considered to be for workforce housing as specified in Exhibit “H”.~~

1.54. **Zoning Ordinance** means the City’s “land use ordinances” as set forth in Title 10 of the Herriman City Code and which have been adopted pursuant to the Act that were in effect as of the Effective Date as a part of the City’s Vested Laws.

SECTION 2

DEVELOPMENT OF THE PLANNED COMMUNITY

2.1. **Compliance with Local Laws and Standards.** The City has reviewed the City’s Vested Laws and the General Plan and has determined that the Planned Community substantially complies with the provisions thereof and hereby finds that the Planned Community is consistent with the purpose and intent of the relevant provisions of the General Plan and the City’s Vested Laws.

2.2. **Approved Maximum Residential Units.** The Maximum Residential Units in the Planned Community shall be six thousand three hundred and thirty (6,330) Residential Dwelling Units. The RDUs shall be generally located in the areas illustrated in the Land Use Master Plan as more fully detailed in the Design Guidelines and future approvals as required by City’s Vested Laws or this MDA. Subject to the requirements of subsection 2.2.2, the Design Guidelines and Master Plan provide for certain flexibility in locating various types of RDUs within the areas of the Planned Community and making specified modifications of the numbers of each type of RDU within the designated areas.

- 2.2.1. **No Guarantee.** Master Developer and Owner acknowledge that the development of the Maximum Residential Units and every other aspect of the Master Plan requires that each Development Application comply with the City's Vested Laws. The City's entry into this MDA does not guarantee that the Master Developer or Owner will be able to construct the Maximum Residential Units or any other aspect of the Planned Community until and unless all the applicable requirements of this MDA and the City's Vested Laws are complied with. Master Developer's right to develop the Maximum Residential Units shall not supersede or otherwise supplant any of the other requirements or obligations of Master Developer under this MDA (i.e. the dedication and improvement of Open Space or construction of commercial development within the Planned Community).
- 2.2.2. **Housing Types.** Of the total Maximum Residential Units, at least 30% shall be Detached Single Family Dwelling Units. At least 63% of the total Maximum Residential Units shall be Individually Platted Dwelling Units. Accordingly, no more than 37% of the Maximum Residential Units shall be apartment dwelling units. The Parties acknowledge that the types of RDUs used in the Traffic Impact Study (TIS), Exhibit D, were included for planning purposes to help determine future impacts of the Planned Community and do not create specific entitlements of exact numbers of housing types to the Master Developer. Each Phase or Subdivision will establish, in accordance with the Master Plan, the number, location, and compatibility of housing types.
- 2.2.3. **Accounting for Use of Maximum Residential Units.** With each Development Application, and upon approval of a Preliminary Plat, sale of a Parcel as identified in Section 2.8, or approval of a mixed use Site Plan (that has some form of Residential Dwelling Units), Master Developer, or a Subdeveloper as the case may be, shall provide the City a Development Report showing the number and type of Maximum Residential Units, acres, amount of open space, and other items governed by this MDA that are used within the Phase, Subdivision, or proposed Development Application and the number and type of Maximum Residential Units remaining with Master Developer for the remainder of the Planned Community.

2.3. **Land Uses within Planned Community; Configuration.** The approved general configuration of Intended Uses within the Planned Community are those identified in the Land Use Master Plan and Design Guidelines. The Master Plan reflects the general location and configuration of residential and commercial development and open space within the Planned Community. The City specifically delegates those determinations to the appropriate administrative land use authority body for approval as specified in the MDA or City's Vested Laws, subject to the policy guidance in this MDA.

2.4. **Compliance with TIS; Letter Required with Development Applications.** The Parties hereby acknowledge that the current TIS is based upon projected land uses and numbers of units within the Planned Community. The Parties also acknowledge that the final number of units, the type of RDU's, and layout of approved land uses within the Planned Community may be different than those projections used in the current TIS. Accordingly, Master Developer and/or a Subdeveloper shall submit with each Development Application a letter from a licensed traffic engineer certifying that the development proposed by the Development Application substantially complies with the assumptions and projections of the TIS for the Phases(s) in which the proposed development will occur. The traffic engineer's letter under this Section 2.4 shall also certify that the proposed road infrastructure will supply a level of service equal to or greater than "D" for off- and on-site roads when taking into account the effects of the development proposed

by the Development Application. The City may request to review the assumptions and methodologies used in the traffic engineer's letter prior to submission of a Development Application.

- 2.4.1. **Additional Traffic Impacts; Updated Traffic Impact Study.** If the traffic engineer's letter under Section 2.4 indicates that the number of units, types of RDU's, uses, or other relevant factors identified in the proposed Development Application do not substantially comply with the TIS or otherwise cause substantially and materially greater impacts on proposed or existing road infrastructure beyond those impacts considered in the TIS, then Master Developer and/or Subdeveloper shall be required to conduct an updated traffic impact study, at Master Developer's or Subdeveloper's own cost, prior to any development approval from the City or IRC, as the case may be, for the Development Application at issue.

2.4.1.1. Scope of Updated Traffic Impact Study. The updated traffic impact study, if required under Section 2.4.1, shall be completed by a licensed traffic engineering firm and shall identify the location, number, and mixture of housing types proposed by a Development Applications and shall take into account the regional impacts of such locations, number, and mixture of housing types. The updated traffic impact study shall also provide an update of the Recommended Improvements together with a calculation of the Master Developer's proportionate share of the cost and timing of such Recommended Improvements.

- 2.4.2. **Proportionate Share of Additional Impacts Paid for by Master Developer-~~Subdeveloper~~.** Pursuant to Section 5.2 hereof, Master Developer shall pay its proportionate share of the cost of the Recommended Improvements as identified in the updated traffic impact study. ~~Such payment shall be made by Master Developer to City within 60 days of the updated traffic impact study or, in the case of a dispute, within 30 days of resolution of such dispute.~~ Material differences or disputes between the Master Developer's proportionate share impacts or costs as determined by an updated traffic impact study shall be resolved in accordance with Section 2.4.3. Master Developer may elect to construct the off-site improvement identified in the updated traffic impact study so long as the City provides a reasonable method of reimbursement to the Master Developer for the non-proportionate share of the off-site improvements.

- 2.4.3. **Dispute Resolution of Disputes Relating to Traffic Impact Mitigation.** If there is a dispute relating to traffic impacts within the Planned Community, City and Master Developer shall meeting within fourteen (14) calendar days to resolve the dispute. If the City and Master Developer are unable, after meeting and conferring, to resolve the dispute, the ~~Parties-City and Master Developer~~ shall attempt within seven (7) days to appoint a mutually acceptable expert in traffic impact mitigation or such other discipline as may be appropriate. If the ~~Parties-City and Master Developer~~ are unable to agree on a single acceptable mediator, each shall, within seven (7) days, appoint its own individual appropriate expert. These two experts shall, between them, choose the single mediator. Master Developer shall pay the fees of the chosen mediator. The chosen mediator shall within fourteen (14) days, review the positions of the ~~parties-City and Master Developer~~ regarding the mediation issue and promptly attempt to mediate the issue between the ~~parties~~them. If the ~~parties-City and Master Developer~~ are unable to reach an agreement, the mediator shall notify the ~~parties~~

City and Master Developer in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the ~~parties~~City or the Master Developer.

2.5. **Telecommunications Services.** Subject to all applicable Federal and State laws, Master Developer and/or a Subdeveloper may install or cause to be installed underground all conduits and communications lines within the Planned Community and underneath any public streets within the Planned Community, at no expense to the City. Any and all conduits, cable, lines, connections and lateral connections (except for conduit installed for public utilities, such as power, natural gas, culinary water, telecommunications services that are regulated as such by the Federal Communications Commission, and sanitary sewer, that are installed as part of the System Improvements located on the Property, which will be owned by the City) shall remain the sole and exclusive property of Master Developer or its designee even though the roadways in which such conduits, cable, lines, connections and lateral connections are installed may be dedicated to the City. This Section 2.5, and the following 2.5.1 and 2.5.2, are in no way intended to limit the installation of any telecommunications infrastructure or services by a third party within the publicly owned rights-of-way located in the Planned Community.

2.5.1. **Easement; Developer Right to Contract.** Master Developer hereby reserves a non-exclusive commercial easement in gross on, through, across, and under such publicly dedicated rights-of-way for such conduits and cables related to the communications services contemplated in this Section 2.6. Master Developer or any Subdeveloper may contract with any communications provider of its own choice and grant an exclusive easement to such telecommunications provider to furnish its services for the private property within the Planned Community.

2.5.2. **Franchise Agreement Required.** The City is entitled to charge and collect all taxes and/or fees with respect to cable, information and telecommunication services as allowed under State Law. ~~Master Developer shall require any telecommunications service providers selected by the Master Developer that use any publicly dedicated rights of way to The City shall execute franchise or similar agreements with the City each cable, information and/or telecommunications service provide selected by the Master Developer or a Subdeveloper that requires use of any publicly dedicated rights of way to provide its services within the Planned Community.~~

2.6. **Master Developers' Discretion.** Notwithstanding anything to the contrary herein, nothing in this MDA shall obligate the Master Developer to construct the Planned Community or any particular Project or Phase therein, and the Master Developer shall have the discretion to determine whether to construct a particular Project or Phase based on such Master Developer's business judgment. Once construction has begun on a specific ~~Preliminary or Final Plat~~ or Subdivision, the relevant Master Developer or Subdeveloper(s) shall have the obligation to complete the public and private road, storm drain, water, and other improvements associated with such plat or plan, including all associated community benefits (including parks and open space as required by this MDA) as described and scheduled within the applicable Phase, and those other improvements that may be outside of the approved Plat or Subdivision but which are reasonably necessary to complete the improvements within the Plat or Subdivision. Such improvements shall be completed within the time agreed upon by the City and Master Developer. If no time for completion of the improvements can be mutually agreed upon, the matter shall be subject to the dispute resolution procedures defined in Subsection 8.18.4.

2.7. **Concurrency Management Required.** Development Applications shall be required to include reasonable verification of the continued availability and adequacy of sanitary sewer service, storm water service, culinary water service, fire protection (including water fire flow, storage, and other similar

requirements), and utilities for the development activity contemplated by each such Development Application. The City is under no obligation to issue any building permits until Master Developer and/or Subdeveloper provide the City with reasonable verification, based upon sound engineering standards, that adequate utility rights/contracts and infrastructure are available for each Phase or Subdivision and that such utility rights/contracts and infrastructure can be funded and installed as per the requirements of this MDA. Utility and infrastructure systems shall be phased based on the timing of the various Phases or Subdivisions, as the case may be, and as set forth in the Infrastructure Plan. All utility and infrastructure systems shall accommodate anticipated build-out and include a plan to reduce long-term costs, optimize efficiencies, and reserve land and corridors needed for future growth provided that there are appropriate provisions for reimbursement to Master Developer for “System Improvements”, as that term is defined in Utah Code Ann. § 11-36a-102(22), (2021).

- 2.7.1. **Bonding.** Bonding for public improvements, and any releases of those bonds, shall be governed by Utah State law, with installation of public improvements and release of bonds to take place in accordance with the City’s Vested Laws.

2.8. **Acknowledgement of Parcels.** The City acknowledges that the precise location and details of the public improvements, lot layout and design, and any other similar items regarding the development of a particular Parcel, may not be known at the time of the creation of or sale of a Parcel. The City acknowledges that Master Developer may create or sale a Parcel or Subdivision, as is provided in Utah Code Ann. § 10-9a-103(65)(c)(v) (2021), that does not create any individually developable lots in the Parcel or Subdivision without being subject to any requirement in the City’s Vested Laws to complete or provide security for any Public Infrastructure at the time of such Parcel or Subdivision. Whenever a Parcel or Subdivision is sold by Master Developer, Master Developer shall provide the City with a Development Report pursuant to Section 2.2.3 above. The responsibility for completing and providing security for completion of any Public Infrastructure in the Parcel shall be that of the Master Developer or a Subdeveloper upon a subsequent re-Subdivision of the Parcel and approval by the City, pursuant to this MDA, that creates individually developable lots. However, construction of such improvements shall not be allowed until the Master Developer or Subdeveloper complies with this MDA and the City’s Vested Laws.

2.9. **Order of Development.** To effectuate the most efficient provision of municipal-type services, new residential phases shall, to the extent practical, be reasonably proximate to residential phases that have been constructed or are being constructed within the Planned Community. Notwithstanding the foregoing, Master Developer or an applicable Subdeveloper may, pursuant to an approved Phase or Subdivision, develop two or more Projects concurrently that are located in different areas of the Planned Community.

2.10. **Commercial Development within the Planned Community.** The Parties acknowledge that there is a need to include certain commercial uses within the Planned Community. For the purposes of this Section 2.10, hospitals, medical clinics, building for fire/police/museums and other public municipal public services shall be counted as commercial development. The Parties also acknowledge that commercial uses are generally best located near high-volume traffic corridors. The intersection of 12600 South and U-111 (a.k.a. Bacchus Highway) is a high-volume traffic corridor that may intersect within the Planned Development. However, as of the Effective Date of this MDA, the Utah Department of Transportation (“UDOT”) has not yet finalized its preferred alignment for U-111. As a result, the final location of the intersection of 12600 South and U-111 is currently unknown. The Parties therefore agree to the following conditions with regard to the general locations and development of commercial uses within the Planned Community.

- 2.10.1. **Intersection of 12600 South and U-111 within the Planned Community.** If any part of the intersection of 12600 South and U-111 is aligned within the Planned

Community, then Master Developer shall develop at least 300,000 ~~acres~~ gross leasable square feet of commercial uses within the Planned Community as permitted in the Design Guidelines and within a quarter—(1/4) mile/~~feet~~ radius from the center of the intersection of 12600 South and U-111. If Master Developer develops any commercial uses outside of the quarter (1/4) mile radius, the gross leasable area (measured in square feet) developed outside of the quarter (1/4) mile radius shall be deducted from the square foot requirement inside of the quarter (1/4) mile radius.

2.10.2. **Intersection of 12600 South and U-111 outside of the Planned Community.** If the intersection of 12600 South and U-111 is located outside of the Planned Community, then Master Developer shall not have any obligation to locate commercial development within a specified area in the Planned Community. Notwithstanding, Master Developer shall develop at least 100,000 gross leasable square feet ~~across~~ of commercial development within the Planned Community at locations that are reasonably designed to commercially support the types and intensities of Residential Dwelling Units within the Planned Community.

2.10.3. **Limitations on Commercial Uses.** Institutional, schools (public, private, or charter) religious, ~~civic~~, and other ~~non-commercial~~ similar uses that are developed in areas designated by this MDA in Section 2.10 as being for commercial development shall not be considered to have satisfied the commercial development requirements hereof. Accordingly, and by way of example only, if a church or school is developed within a ¼ mile radius of the intersection of 126000 South and U-111, Master Developer shall still be required to develop 300,000 square feet of gross leasable area of commercial development within the ¼ mile radius. ~~2 acres of land within a ¼ mile radius is developed as a church or school and Master Developer is required to develop 10 acres within the ¼ mile radius, Master Developer shall still be required to develop 10 acres of commercial development within the ¼ mile radius.~~

2.11. **Effect of this MDA.** Except as otherwise provided in this MDA, as the same may be amended or supplemented from time to time, this MDA shall be the sole agreement between the Parties for the development of the entirety of the Property. Notwithstanding the foregoing, various other development, infrastructure, and other agreements may be entered into by and among the Parties hereto and others with respect to the development of various Projects, Phases, or specific infrastructure developments over the course of the Planned Community's development. ~~This MDA is intended to implement the approved Zoning Plan. In the event of any inconsistency between the terms of this MDA and the provisions of the Zoning Ordinance, the terms and provisions of this MDA shall control.~~ Master Developer and Owner acknowledge and agree that notices have been properly given and required meetings and hearings have been held by the City with respect to the approval of this MDA. Additionally, Master Developer and Owner agree not to challenge City's approval on the grounds of any procedural infirmity or any denial of or failure respecting any procedural right.

2.12. **Effect of this MDA on Special Owner.** The Parties acknowledge that the School District Property is being included in this MDA, and the Special Owner is executing this MDA for the purpose of acknowledging that School District Property is within the Property. The School District Property may be developed as a school or schools subject to applicable provisions of the City's Vested Laws and the laws of the State of Utah. If, at any time, any portion of the School District Property is conveyed to Owner or Master Developer then that portion shall be subject to all the provisions of this MDA. If any of the School District Property is developed by Master Developer to include any Residential Dwelling Units or commercial uses as allowed by this MDA, then such non-school uses shall be required to comply with this MDA, including a contribution of at least the minimum amount of Open Space.

2.13. **Effect of this MDA on Institutional Property.** The Parties acknowledge that a portion of the Property may be developed as Institutional Property. If any of the Property is not developed as Institutional Property, however, then Developer shall not be entitled to any additional Residential Dwelling Units over the maximum number entitled by this MDA (6,330). Any residential or commercial uses developed by Master Developer on the Institutional Property shall be required to comply with this MDA, including a contribution of at least the minimum amount of Open Space.

2.14. Certain Extraction, Processing and Uses Permitted. Master Developer, and/or its agents, successors, assigns, tenants, guests, and invitees shall be permitted to extract and process the Extractable Natural Materials located on the Property. The Extractable Natural Materials may be used and processed on-site in the construction of infrastructure, homes, or other buildings or improvements located on the Property. Additionally, the Extractable Natural Materials may be used for purposes of constructing public or private off-site improvements that are associated with development of the Planned Community or other projects associated with the Master Developer. The zoning for the Property shall not be construed to limit or restrict any such temporary development-related extraction, processing and hauling activities.

~~2.14.2.14.1.~~ **Land Disturbance Permit Required.** Master Developer shall obtain a land disturbance permit from the City prior to extracting or processing the Extractable Natural Materials on the Property. The land disturbance permit shall require a plan to mitigate fugitive dust control as required by the State of Utah and shall establish the maximum grade/depth from which the Extractable Natural Materials may be extracted. Master Developer agrees not to extract or process materials beyond the final grade for the site from which such Extractable Natural Materials are extracted. In the event that Master Developer does extract or process beyond the final development grade, Master Developer shall be required to backfill the site and return it to final development grades for such extraction and/or processing, which the City shall issue a land disturbance permit if the standards of this Section 2.12 and 2.12.13 are satisfied.

~~2.14.1.2.14.2.~~ **Transport of Natural Material.** The Parties acknowledge that the transport of the Natural Materials for on-site and off-site uses as anticipated above will cause certain damage to existing roadway improvements within and around the Planned Community. To the extent commercially practicable, Master Developer agrees to utilize unimproved roadways to transport the Natural Material for on-site and off-site uses as authorized herein.

2.15. **Preservation of the Public Land Survey System.** The Salt Lake County Surveyor has identified the presence of approximately nine government survey monuments or public land survey government corners within the boundary of the Planned Community. Master Developer shall, in consultation with and at the direction of the Salt Lake County Surveyor, comply with the requirements of Utah Code Ann. §§ 17-23-14 and 17-23-15 throughout the process of constructing the Planned Community.

SECTION 3 VESTED RIGHTS AND RESERVED LEGISLATIVE POWERS

3.1. **Vested Rights.** To the extent permissible under the laws of the State of Utah and the United States and at equity, and subject to Subsection 3.4, the City and Master Developer intend that this MDA grants to Master Developer all rights to develop the Planned Community in accordance with the terms and conditions of this MDA. This MDA may modify, in certain respects, the operation of the Code and the City's Vested Laws pertaining to the Property. To such an extent that the terms and conditions of the MDA

conflict with the Code or the City's Vested Laws, this MDA shall be considered a land use application and an ordinance adopted by the City through its legislative power and consistent with Utah Code Ann. § 10-9a-502 (2021), including a review and recommendation from the planning commission and a public hearing, and shall thereafter operate as an amendment to any portion of the Code that is inconsistent with the terms and conditions of this MDA. The Parties specifically intend that this MDA grants to Master Developer "vested rights" as that term is construed in Utah Code Ann. § 10-9a-509 (2021).

3.2. **Invalidity.** Master Developer and Owner covenant and agree not to bring suit to have any of the City's Vested Laws declared to be unlawful, unconstitutional, or otherwise unenforceable. If any of the City's Vested Laws are declared to be unlawful, unconstitutional, or otherwise unenforceable, Master Developer and Owner, along with any Subdeveloper hereunder, will nonetheless comply with the terms of this MDA. Master Developer and Owner shall also, in that event, cooperate with the City in adopting and agreeing to comply with a new enactment by the City which is materially similar to any such stricken provision and which implements the intent of the Parties in that regard as manifested by this MDA.

3.3. **Reserved Legislative Powers.** The Parties acknowledge that under the laws of the State of Utah (including Utah Code Ann. § 10-9a-532 (2021)) and the United States, the City's authority to limit its police power by contract is restricted and, as such, the limitations, reservations, and exceptions set forth herein are intended to reserve to the City those police powers that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of the Master Developer under the terms of this MDA based upon the policies, facts, and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the vested rights of the Master Developer under this MDA shall be of general application to all development activity in the City and, unless the City declares an emergency, Master Developer shall be entitled to prior written notice and an opportunity to be heard with respect to any proposed change and its applicability to the Planned Community under the compelling, countervailing public interest exception to the vested rights doctrine.

3.4. **Excepted Laws and Ordinances.** The City expressly reserves its authority to impose the City's Future Laws to the Planned Community and the Property in any one or more of the following circumstances and Master Developer agrees to abide by such laws:

3.4.1. **Compliance with State and Federal Laws.** City's Future Laws which are generally applicable to all similarly situated properties in the City and which are required to comply with State and Federal laws and/or regulations affecting the Planned Community and/or the Property.

3.4.2. **Safety and Health Code Updates.** City's Future Laws that are updates or amendments to existing health regulations, building, plumbing, mechanical, electrical, street lighting, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, International Fire Code, Salt Lake County Health Department Regulations, the APWA Specifications, American Association of State Highway and Transportation Officials (AAHSTO) Standards, the Manual on Uniform Traffic Control Devices (MUTCD) and similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the City, State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare.

3.4.3. **Ordinances and Resolutions Not Inconsistent.** Ordinances and resolutions of the City not in conflict with the provisions of this MDA and rights granted to the Master

Developer and the Owner hereunder.

- 3.4.4. **Taxes.** Taxes, and modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City or any other local entity with taxing authority under Utah law, to all properties, applications, persons and entities that are similarly situated.
- 3.4.5. **Fees.** Changes to the amounts of fees assessed by the City or any other entity authorized to assess development related fees (including one or more public infrastructure districts that may be established in connection with the development of the Planned Community) for the processing of Development Applications (including inspections) that are in accordance with the terms of this MDA or otherwise applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule).
- 3.4.6. **Impact Fees.** Impact Fees or modifications thereto which are lawfully adopted, imposed, and collected by the City or any other entity which is lawfully authorized to adopt, impose, and collect Impact Fees within the Planned Community. Master Developer, Owner, and any Subdeveloper agree that the impact fees imposed by the City meet all requirements of the U.S. Constitution, Utah Constitution, and all applicable statutes and other law including, but not limited to, Utah Code Ann. § 11-36a-101 *et seq.*, (2021).
- 3.4.6.1. Impact Fees Assessed. The Parties agree that the Planned Community shall only be assessed the Police and Fire Public Safety Impact Fees as enacted by the City and pursuant to the Impact Fees Act of Utah Code Ann. § 11-36a-101 *et seq.* (2021).
- 3.4.6.2. No Challenge to Impact Fees. Owner, Master Developer, and any Subdeveloper hereby agree not to challenge the City's current impact fees and shall specifically notify any Subdeveloper of this provision.
- 3.4.7. **Municipal Services Fees.** Fees imposed to pay for municipal-type services and/or infrastructure provided by the City and/or any other provider, including but not limited to, stormwater utility, special assessments, parks, and connection or hookup fees.
- 3.4.8. **Generally Applicable laws not in conflict with this MDA.** City regulations, ordinances, resolutions, or policies adopted after the date of this MDA that are not in conflict with the terms and conditions for development of the Property established by this MDA, which are generally applicable throughout the City and which do not materially increase the cost of developing the Planned Community nor diminish the number or types of the Intended Uses.
- 3.4.9. **Design Guidelines.** Design Guidelines, as defined in this Agreement, that are agreed to after the Effective Date.

~~Processing Under City's Vested Laws. Approval processes for Development Applications shall be as provided in the City's Vested Laws, except as otherwise provided in this MDA. Development Applications shall be approved by the City if such Development Applications comply with the City's~~

SECTION 4 DEVELOPMENT APPLICATION REVIEW PROCESS

4.1. **Required Process.** The ~~procedure—approvals~~ set forth in Exhibit ~~F—H~~ establishes the required review and approval ~~bodies process~~ for Development Applications in the Planned Community. No Development Application shall be approved without first submitting such Development Application for review as set forth herein. This process is designed to limit the number of submittals and reviews required for Development of the Planned Community, to ensure that each Development Application is compliant with this MDA, and to make the implementation of this MDA an administrative function excepting only those items that, by applicable law or pursuant to this MDA, require Planning Commission and/or City Council review or approval.

4.2. **Processing Under City's Vested Laws.** Approval processes for Development Applications shall be as provided in the City's Vested Laws, except as otherwise provided in this MDA. Development Applications shall be approved by the City if such Development Applications comply with the City's Vested Laws and this MDA.

4.3. **No Construction Without Development Application Approval.** No improvements shall be constructed within any Parcel without Master Developer or a Subdeveloper first obtaining approval of the Development Application for such Parcel from the City. Upon approval by the City of any Development Application, the Parcel related to such approval may be improved in accordance with the approved Development Application, subject to the terms, conditions, and provisions of the Development Application.

4.4. **Standard Review Fees.** Subject only to the limitations of Section 5. — of this MDA, Master Developer or a Subdeveloper shall pay to the City the standard fees applicable to any submittal of a Development Application under the City's fee schedule in effect at the time of the application.

4.5. **Processing of Development Applications.** The City shall cooperate reasonably and in good faith in promptly processing and reviewing all Development Applications in accordance with the procedures identified in Exhibit —F. If Master Developer or a Subdeveloper determines that the City has not met all of the processes and timeliness set forth in the review processes identified herein, then Master Developer or a Subdeveloper shall have the right to request a decision pursuant to Utah Code Ann. § 10-9a-509.5.

4.6. **Standard of Development Application Review.** If any conflict arises during the applications review process described herein between the Design Guidelines, the City's Vested Laws, and the City's Future Laws, the Design Guidelines shall control.

4.7. **Non-City Agency Reviews.** If any aspect or a portion of a Development Application is governed exclusively by a Non-City Agency, an approval for these aspects does not need to be submitted by an Applicant for review by any body or agency of the City. The Applicant shall timely notify the City of any such submittals and promptly provide the City with a copy of the requested submissions. The City may only grant final approval for any Development Application subject to compliance by Applicant with any conditions required such Non-City Agency's approval.

4.8. **Acceptance of Certifications Required for Development Applications.** Any Development Application requiring the signature, endorsement, or certification or stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified, or stamped signifying that the contents of the Development Application

comply with the applicable regulatory standards of the City. A Development Application so signed, endorsed, certified, or stamped shall be deemed to meet the specific ~~standards~~standards which are the subject of the opinion or certification without further objection or required review by the City or any other agency of the City. It is not the intent of this Section to preclude the normal process of the City's redlining, commenting on, or suggesting ~~alternativer~~alternative to the proposed designs or specifications in the Development Application.

4.9. **City Denial of a Development Application.** If the Administrator, Planning Commission, or City Council, as the case may be, denies a Development Application, the denying body shall provide a written determination advising the Applicant of the reason(s) for Denial including specifying the reasons the denying body believes that the Development Application is not consistent with this MDA, the City's Vested Laws, or the City's Future Laws that should apply to the Development Application.

4.10. **Meet and Confer Regarding Development Application Denials.** The Administrator and Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues in the Denial. Denials that are unresolved after the Administrator and Applicant meet and confer shall be resolved by Mediation or Arbitration as established below.

4.11. **Mediation of Development Application Denials.**

4.11.1. **Issues Subject to Mediation.** Except as provided in 4.12.1, all issues resulting from the City's Denial of a Development Application shall be mediated.

4.11.2. **Mediation Process.** If the Administrator and Applicant are unable to resolve a Denial of a Development Application, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties to the Denial are unable to agree on a ~~signle~~single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Within ten (10) business days after the ~~seletion~~selection of the chosen mediator, each party shall provide to the chose mediator and the other party a position paper setting forth their respective positions, along with any relevant facts or circumstances. The chosen mediator shall, within fourteen (14) calendar days, review the positions of the parties to the Denial and schedule a mediation. The final decision of the mediator shall not be binding on the parties to the Denial.

4.12. **Arbitration of Development Application Denials.**

4.12.1. **Issues Subject to Arbitration.** Issues regarding the Ciyt's Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration as set forth herein.

4.12.2. **Arbitration Process.** In connection with all issues described in Section 4.12.1, the parties shall within ten (10) business days appoint a mutually acceptable expert in the professional discipline(s) of the issue in question related to the Denial. If the parties to the Denial are unable to agree on a single acceptable arbitrator, they shall each, within ten (10) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator, which shall be an expert in the professional discipline of the issue in question related to the Denial. Applicant and the City shall equally share the fees of the chosen arbitrator. The

arbitration shall be performed in accordance with the most recently enacted American Arbitration Association Commercial Arbitration Rules and Procedures. Within thirty (30) days after selection of the arbitrator, the parties to the Denial shall submit to the arbitrator a statement of their respective positions. The chosen arbitrator shall, within fifteen (15) business days after receipt of the position statements, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrators final decision shall be final and binding upon the parties to the Denial.

~~**Independent Review Committee.** There is hereby created an Independent Review Committee (“IRC”) to assist in the review and approval of Development Applications for the Planned Community. The IRC shall be composed of five members as follows: (1) the Administrator; (2) Neutral Architect; (3) Neutral Land Planner; (4) representative of the Architectural Review Committee; and (5) a representative designated by Master Developer.~~

~~**Selection of Neutral IRC Members.** The Neutral Architect and Neutral Land Planner shall be selected by mutual agreement of the Master Developer and City. In the event that the Master Developer and City are unable to agree on a Neutral Architect and/or Neutral Land Planner to sit on the IRC, Master Developer and City shall each select a Neutral Land Planner or Neutral Architect, as the case may be, whereupon the individually selected Neutral Land Planners or Neutral Architects shall collectively select a third Neutral Architect or Land Planner to fill the membership position on the IRC that is in dispute.~~

~~**Term of Neutral IRC Members.** The Neutral Architect and Neutral Land Planner shall serve for an initial term of four years. Upon expiration of the initial term, the Neutral Architect and/or the Neutral Land Planner may be re-appointed by mutual agreement of the Parties for subsequent four year terms with no limit on the number of terms. If City or Master Developer do not agree on reappointing a Neutral IRC member, the selection procedures of Section 4.2.1.1 shall apply.~~

Development Applications Subject to IRC Review.

~~**Subdivisions, Commercial Site Plans, Mixed Uses, Multi-Family Housing, Conditional Uses.** Development Applications for Subdivisions, Commercial Site Plans, Mixed Uses, Multi Family Housing, and Conditional Uses shall be submitted to the IRC for administrative approval and certification of compliance with the MDA and all other applicable development standards subject only to detailed engineering approval by the City. The IRC shall, within ten (10) calendar days of receiving a Development Application under this section, submit certification of the Development Application’s compliance with this MDA to the Administrator or, in the case of any issues/deficiencies with the Development Application, inform the Applicant in writing of any such issues/deficiencies with the Development Application. In the event of any issues/deficiencies with the Development Application, the Applicant may re-submit the Development Application to the IRC, upon which receipt thereof, the IRC shall submit certification of the Development Application’s compliance with the MDA to the Administrator within ten (10) calendar days. An Applicant, or the City, may file an appeal from an IRC administrative approval or denial of a Development Application. Any appeal to an IRC decision made under this Section shall be heard by the City’s Appeal Authority subject to Section 10-4-6 of the City’s Vested Laws. Either Party may appeal the Appeal Authority’s final decision to the Salt Lake County Third District Court.~~

~~**Building Permits, Signage.** Development Applications for single family home building permits or signs within the Planned Community shall be reviewed for compliance with the MDA and all other applicable development standards by the ARC. The Administrator, or his/her designee, shall certify that the ARC's review under this section is complete and accurate. If the Administrator determines in writing that the ARC's review of a single family home building permit or sign application is deficient, the Development Application(s) contemplated by this Section 4.3.2 shall be submitted to the IRC for final administrative approval.~~

~~**Fees for IRC Review.** An Applicant shall pay for the actual costs of IRC review under Section 4.3.1, and IRC appeal under Section 4.3.2.~~

SECTION 5

FINANCING OF PUBLIC INFRASTRUCTURE IN THE PLANNED COMMUNITY

5.1. **Construction of On-Site Public Infrastructure by Master Developer.** Master Developer shall have the right and the obligation to construct or cause to be constructed and installed within the Planned Community all **PublicProject** Infrastructure reasonably and lawfully required as a condition of approval of a Development Application as the Development Application work is done. The **PublicProject** Infrastructure shall be designed and constructed in compliance with all applicable standards in this MDA; the City's Vested Laws; and any other Federal, State, or County laws, rules or regulations. The **PublicProject** Infrastructure shall be consistent with and fulfill the purposes of adopted plans for such infrastructure that are a part of the City's Vested Laws.

5.1.1. **Bonding for PublicProject Infrastructure.** If and to the extent required by the City's Vested Laws, unless otherwise provided by Utah State Law, security for any **PublicProject** Infrastructure that is required by the City, Applicant shall provide it in a form acceptable to the City as specified in the City's Vested Laws. Partial release of any such required security shall be made consistent with the City's Vested Laws.

5.2. **Proportionate Share of Off-Site Impacts Paid by Master Developer.** Master Developer shall pay to the City the Master Developer's proportionate share of impacts to existing public infrastructure located within the City boundaries but located outside of the Planned Community. Payment by Master Developer to City shall ~~to~~ be made when the impacts to off-site infrastructure are actually recognized by ~~thesuch existing~~ off-site infrastructure and paid within 60 days of City's request. City may determine when the impacts are actually recognized on the off-site infrastructure. If the City and Master Developer are unable to agree on the scope or timing of the impacts on off-site infrastructure, the Dispute resolution provisions of Section 9.18.4.2 shall apply ~~if disagreement~~. At each four-year review under Section 9.16, the Parties shall review the City's future capital infrastructure plans and establish, where practicable, means to mitigate negative impacts to off-site infrastructure.

5.3. **Public Infrastructure Financing.** The City has adopted Public Infrastructure Districts to pay for the Public Infrastructure. Master Developer's obligation to construct the Public Infrastructure within the Planned Community shall not be negated or become invalid as a result of insufficient financing through such Public Infrastructure Districts. The Public Infrastructure Districts may also, at the Master Developer's sole discretion, be used to pay the City for Master Developer's proportionate share of Off-Site impacts to Public Infrastructure.

5.3.1. **One-Time Contract Fee.** The Parties hereby acknowledge that the collateral for securing public financing through the Public Infrastructure Districts shall be a one-

time contract fee, to be paid to the Public Infrastructure Districts by the Master Developer or a Subdeveloper. The Parties also acknowledge that the one-time contract fee contemplated hereunder is not being assessed as an “impact fee” as that term is defined in Utah Code Ann § 11-36a-102(9) (2021).

5.4. **Upsizing of Public Infrastructure.** The City shall not require Master Developer to construct any public infrastructure larger than is required to service the Planned Community (“upsizing”) unless financial arrangements reasonable acceptable to Master Developer are made to compensate Master Developer for the incremental or additive costs of such upsizing. For example, if an upsizing to a water pipe size increases costs by 10% but adds 50% more capacity, the City shall only be responsible to compensate Master Developer for the 10% cost increase. An acceptable financial arrangement for upsizing of improvements means reimbursement agreements, payback agreements, and impact fee credits and reimbursement. Additionally, the Parties may, subject to a subsequent agreement, set off any upsizing costs against any other payments owed or due the City by the Developer.

5.5. **Buy-in.** If the City has pre-constructed certain public infrastructure that, because of excess capacity, could benefit the Planned Community, Master Developer may elect to “buy-in” such excess capacity by paying to the City an amount equal to the share of excess capacity benefitting the Planned Community. By way of example only, if Master Developer uses 200,000 gallons of excess capacity in a 1,000,000 gallon tank owned by the City, Master Developer shall pay to the City 20% of the City’s costs to replace the excess capacity used by Master Developer.

5.6. **Offset provision.** Additionally, The Parties may, subject to a subsequent agreement, set off any upsizing, buy-in, or other public infrastructure related costs against any other payments owed/ or due the City by/ from the Developer.

SECTION 6 OPEN SPACE

6.1. **Minimum Open Space Requirements and Layout.** Subject to the provisions of this Section 6, Master Developer shall set aside at least 20% of the Planned Community as Open Space. Such Open Space shall include parks, trails, detention/retention, and other qualifying uses as set forth in the Design Standards and as generally indicated in the Parks Master Plan attached hereto as Exhibit B-1. Master Developer shall install a park approved in the Design Standards within one quarter (1/4) mile from each Residential Dwelling Unit within the Planned Community. This 1/4 mile requirement may be waived at the Administrator’s discretion, after consultation with appropriate City staff, consistent with Section 7 of this MDA, when an alternative Open Space layout is more advantageous to the immediate and surrounding Residential Dwelling Units proposed by a Development Application. Any Administrative Modification to the 1/4 mile Open Space requirement shall be based upon the best community benefit, the factors identified in Section 6.2 of this MDA, and any other relevant considerations determined by the Administrator. The City agrees that the Open Space set aside by Master Developer for those qualifying uses as identified in the Design Standard shall be counted at one hundred percent (100%) of the actual acreage of such Open Space to satisfy the Open Space requirements of this MDA. Open Space shall not include park strips that are developed within publicly dedicated rights-of-way or between publicly dedicated roads or sidewalks.

6.2. **Pro Rata Accounting of Open Space.** The Parties intend that the creation of Open Space will maintain a pro rata relationship between the amount and use of land being developed under a Development Application and the total acreage designated for Open Space as identified herein. Accordingly, the Parties acknowledge that it may not be in their individual or mutual best interests to dedicated Open Space on such a basis that may result in constructing or designating incremental, small, unprogrammable, and/or unusable parcels of land. As such, each Development Application approval shall

provide for the designation of Open Space in such amounts as are determined to be appropriate by the Parties taking into consideration each of the following factors: (a) any previously dedicated Open Space and its relative location and access to the proposed Development Application; (b) the amounts and types of regional-style Open Space within the Planned Community and their relative location to the proposed Development Application; (c) the amounts and types of Open Space remaining to be designated or constructed on the portion of the Planned Community that are remaining to be developed; and (d) the amount and nature of land and the types of land uses proposed by the Development Application.

6.2.1. **Delayed Open Space Dedications.** The Parties mutually recognize the public benefit of constructing larger, more programmable Open Space within the Planned Community. As such, each Development Application need not individually set aside 20% of its acreage toward the Open Space requirements of this MDA so long as the 20% Open Space requirement for each Development Application is satisfied completed within the larger Planned Community pursuant to the requirements of this MDA. However, in no event shall the completed Open Space within the Planned Community fall behind more than 10% of the requirements of this MDA. By way of example only, if 100 acres of the Planned Community has been developed, Master Developer shall have set aside at least 10 acres of Open Space.

6.2.2. **Catch-Up.** If, with a proposed Development Application, Master Developer would fall greater than 10% behind on its obligation to set aside Open Space, the City may withhold building permits for the proposed Development Application until such time as Master Developer catches-up on the Open Space requirements hereunder.

6.3. **Denial of Open Space.** Any denial by the City of a Development Application based on the amount or location of Open Space shall be subject to the mediation provision in Section 9.18.4.2 of this MDA.

6.4. **Effect of School District Property on Open Space Requirements.** The Parties acknowledge that any part of the Planned Community that is developed by Special Owner and used as a school, and which does not include any commercial development or Residential Dwelling Units, shall not be required to contribute any amount of Open Space under this MDA. Accordingly, the final total acreage of property within the Planned Community that is developed as School District Property shall be reduced from the overall total acreage of the Planned Community (933) when calculating the minimum Open Space requirements established herein. For the sake of clarity, and by way of example only, if the acreage of the final School District Property is 60 acres within the Planned Community, the minimum Open Space requirement shall be 174.6 acres ($933 - 60 = 873 \times 20\% = 174.6$). If, however, any of the School District Property is developed to include any Residential Dwelling Units or commercial uses as allowed by this MDA, then such non-school related uses shall be required to contribute at least the minimum amount of Open Space as set forth above.

6.5. **Effect of Capital Roads on Open Space Requirements.** The Parties acknowledge that any part of the Planned Community that is improved with capital roads, as such are identified on the Infrastructure Plan attached hereto as Exhibit "E" and on the City's Transportation Master Plan, shall not be required to contribute any amount of Open Space under this MDA. Accordingly, the total acreage of capital roads shall be reduced from the overall total acreage of the Planned Community (933) when calculating the minimum Open Space requirements established herein. For the sake of clarity, and by way of example only, if the capital roads cover 15 acres of property within the Planned Community, the minimum Open Space requirement shall be 183.6 acres ($933 - 15 = 918 \times 20\% = 183.6$).

6.6. **Institutional Property as Open Space.** Portions of any Institutional Property may be

counted toward the overall Open Space requirement of this MDA provided, however, that the owner of such Institutional Property and the City enter into a long-term agreement (satisfactory to the City Council and the owner of such Institutional Property) regarding the public use and access of those portions of the Institutional Property that are to be counted as Open Space. If the City and owner of such Institutional Property are unable to reach an agreement as to the long-term public use of the Institutional Property as Open Space, then the property which is developed as Institutional Property shall have no requirement to contribute any Open Space. Accordingly, the final total acreage of property within the Planned Community that is developed as Institutional Property shall be reduced from the overall total acreage of the Planned Community (933) when calculating the minimum Open Space requirements established herein in the same manner as the School District Property and Capital Roads in Section 6.4 and 6.5, respectively. If, however, any of the Institutional Property is developed to include any Residential Dwelling Units or commercial uses as allowed by this MDA, then such non-higher education related uses shall be required to contribute at least the minimum amount of Open Space as set forth above.

6.7. **Dedication of Open Space.** Master Developer and/or a Subdeveloper shall dedicate to the City any Local Parks, Neighborhood Parks, Community Parks, and other portions of Open Space that are at least two (2) contiguous acres or greater as provided in this MDA, excepting only trails which shall have no minimum acreage requirement for dedication to the City. All Open Space that is less than two contiguous acres in size, excluding only trails, shall be privately owned and maintain as provided herein. All such dedications to the City shall be made by Special Warranty Deed, subject to all matters of record; provided, however, that title will be conveyed free and clear of any financial or other encumbrances that materially and adversely interfere with the use of the property as Open Space. The dedication of any Open Space within a Subdivision shall occur immediately following the recordation of the final Subdivision plat and after final inspection and acceptance of the Open Space improvements by the City.

6.8. **Reimbursement of Open Space Improvements; Improvements to K-Park.** Consistent with Section 5 above, Master Developer shall be financially obligated to construct and install all Park improvements within the Planned Community according to the requirements of this MDA. However, if Master Developer dedicates to the City at least —7 acres of land immediately adjacent to the “K-park” identified in the Hidden Oaks Master Plan, then the City shall be financially responsible for the Park improvements in the —7 acres adjacent to the K-park dedicated by Master Developer. However, Master Developer may elect to install, at its own cost, an underground detention facility in some or all of the 7 acres contemplated by this Section 6.8. In the event that Master Developer or a Subdeveloper installs any Open Space within the Planned Community that is at least two acres in size and which is included in the City’s Park Impact Fee Facility Plan, the City shall reimburse the Master Developer and/or Subdeveloper for the actual costs associated with the design and installation of such Open Space. Such reimbursement shall be made pursuant to a subsequent reimbursement agreement between the City and the Master Developer or Subdeveloper.

6.9. **Maintenance of Open Space.** The City shall be responsible for maintaining all Open Space that is dedicated to the City pursuant to Section 6.7 of this MDA. All other Open Space shall be privately owned and maintained by an entity other than the City and shall be maintained consistent with City standards as updated from time-to-time in the City’s Future Laws. In the event that Master Developer or a Subdeveloper installs or improves any Open Space that is dedicated to the City as provided in Section 6.7, Master Developer or the Subdeveloper will provide the City with a warranty from the contractor that the improvements to such City-dedicated Open Space are free from defects for a period of one (1) year after all of the improvements have been installed and accepted by the City.

SECTION 7 MODIFICATIONS AND AMENDMENTS OF THIS MDA

7.1. **Modifications and Amendments to this MDA.** The Parties acknowledge that there may be a ~~need-desire~~ to modify or amend portions of this MDA to accommodate a Development Application. Additionally, either party may ~~elect-request~~ to amend, modify, or supplement this MDA unrelated to any Development Application. Any amendment, modification, or supplement to this MDA must be in writing and approved by all of the Parties hereto as provided herein. Only the City and Master Developer with the consent of the Owner, or an assignee that succeeds to all of the rights and obligations of the Owner and Master Developer under this MDA, (and not including a Subdeveloper) may submit an application to modify or amend this MDA. ~~Modification Application.~~ The following modifications and amendments to this MDA may be considered.

7.1.1. **Administrative Modifications.** The Administrator may approve, after consulting with City staff and without approval of the Council, sizing and or location modifications of the Infrastructure Plan, the Design Guidelines as permitted therein and as more fully detailed in Exhibit (Development Application Approval Process), location of Open Space within the Planned Community, and any part of the Backbone Infrastructure for the Planned Community that do not materially change the functionality of the Backbone Infrastructure and so long as such modifications are based upon sound engineering.

7.1.1.1. **Application to Administrator.** Applications for Administrative Modifications shall be filed with the Administrator.

7.1.1.2. **Referral by Administrator.** If the Administrator determines for any reason that it would be inappropriate for the Administrator to determine any Administrative Modification, the Administrator may require the Administrative Modification to be processed as a Legislative ApplicationAmendment.

7.1.1.3. **Administrator's Review of Administrative Modification.** The Administrator shall consider and decide upon the Administrative Modification after consulting with applicable City subject-matter experts and within ten (10) calendar days after receipt of the request for an Administrative Modification. If the Administrator approves the Administrative Modification, the Administrator shall record notice of such approval against the applicable portion of the Property in the official County records.

7.1.1.4. **Appeal of Administrator's Denial of Administrative Modification.** If the Administrator denies any proposed Administrative Modification, the Applicant may process the proposed Administrative Modification as a Modification—Legislative ApplicationAmendment.

7.1.2. **Legislative ModificationsAmendments.** Except for Administrative Modifications, any future modifications or amendments to this MDA shall be considered as Legislative Modification—Amendments. The Parties acknowledge that the entire MDA, including all of the attached exhibits, are subject to Legislative Amendment Applications subject consistent to-with the following processes.

7.1.2.1. **Contents.** An application for a Legislative Modification Amendment Applications shall: (i) identify the property or

properties affected by the ~~Modification-requested Legislative AmendmentApplication~~; (ii) describe the effect of the Legislative ~~Modification-Amendment Application~~ on the affected portions of the Planned Community; (iii) identify any Non-City agencies potentially having jurisdiction over the Legislative ~~Modification AmendmentApplication~~; (iv) provide a map of any affected property and all property within three hundred feet (300') showing the present or Intended Uses and RDUs of all such properties; and (v) be accompanied by a fee in an amount reasonably estimated by the City to cover the costs of reviewing and processing the application for the Legislative ~~Modification AmendmentApplication~~.

7.1.2.2. City Cooperation. The City shall cooperate reasonably in promptly and fairly reviewing applications for processing Legislative ~~Modification-Amendments.Applications~~. However, the City shall be under no obligation to actually approve a Legislative Amendment to this MDA.

7.1.2.3. Planning Commission Review and Recommendation. All aspects of a proposed Legislative ~~Modification-AmendmentApplication~~ required by law to be reviewed by the Planning Commission shall be considered by the Planning Commission as soon as reasonably possible in light of the nature and/or complexity of the proposed Legislative ~~Modification-AmendmentApplication~~. The Planning Commission's vote on the Legislative ~~Modification ApplicationAmendment~~ shall be only a recommendation to the Council and shall not have any binding or evidentiary effect on the consideration of the Legislative ~~Modification ApplicationAmendment~~ by the Council.

7.1.2.4. Council Review. After the Planning Commission, ~~if required by law,~~ has made or been deemed to have made its recommendation on the proposed Legislative ~~Modification ApplicationAmendment~~, the Council shall consider the Legislative ~~Modification ApplicationAmendment~~ at its next available regularly scheduled Council meeting.

7.1.2.5. Standard of Review/Approval; Sufficient Consideration Required. The Council, in reviewing the proposed Legislative Amendment, shall identify the consideration of the Parties and shall specifically call out such consideration and the benefits received by the City in the final written instrument approving a proposed Legislative Amendment.

7.1.2.6. Council's Denial. If the Council does not approve the proposed Legislative ~~Modification ApplicationAmendment~~, the Council shall provide a written determination, or a verbal finding stated on the record, advising the Applicant of the reasons for denial, including specifying the reasons the City believes that the Modification Application is not consistent with the intent of this MDA, the

Zoning Plan, the Infrastructure Plan, and/or the City's Vested Laws (or, only to the extent permissible under this MDA, the City's Future Laws).

~~Meet and Confer regarding Modification Applications. The City Council and Master Developer shall meet within fourteen (14) calendar days of any objection to resolve the issues presented by the Modification Application and any of the City Council's bases for denial.~~

~~Mediation regarding Modification Applications. If the Council and Master Developer are unable to resolve a dispute regarding a Legislative Modification Application, the Parties shall attempt within seven (7) days to appoint a mutually acceptable expert in land planning or such other discipline as may be appropriate. If the Parties are unable to agree on a single acceptable mediator, each shall, within seven (7) days, appoint its own individual appropriate expert. These two experts shall, between them, choose the single mediator. Master Developer shall pay the fees of the chosen mediator. The chosen mediator shall within fourteen (14) days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties; however, the Parties agree to act in good faith and continue participating in the mediation process in order to reach a resolution of the dispute.~~

SECTION 8

SUCCESSORS AND ASSIGNS

8.1. **Assignability.** The rights and responsibilities of Master Developer under this MDA may not be assigned in whole or in part by Master Developer without the prior written consent of the Council, which consent shall not be unreasonably withheld, conditioned, or delayed. Any assignee, including all Subdevelopers, shall consent in writing to be bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment.

8.2. **Other Transactions.** Master Developer and/or Owner's transfer of all or any part of the Property to any entity "related" to Master Developer and/or Owner (as defined by regulations of the Internal Revenue Service), Master Developer and/or Owner's entry into a joint venture for the development of all or any part of the Property, or Master Developer and/or Owner's pledging of part or all of the Property as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the Council unless specifically designated as such an assignment by the Master Developer and/or Owner. Master Developer and/or Owner shall give the City Notice of any event specified in this Subsection within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party. Master Developer and/or Owner shall remain responsible for all obligations of this Agreement in such a transfer to a related entity, joint venture, or security for financing.

8.3. **Sale of Lots.** Owner's and Master Developer's selling or conveying lots in any approved Subdivision or Parcels to builders, users, or Subdevelopers, shall not be deemed to be an "assignment" subject to the above-referenced approval by the Council unless specifically designated as such an assignment by Owner and Master Developer.

8.4. **Notice.** Owner and Master Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

8.5. **Time for Objection.** Unless the City objects in writing within five (5) business days after the next regularly schedule Council meeting ~~twenty (20) business days~~ of notice, the City shall be deemed to have approved of and consented to the assignment.

8.6. **Partial Assignment.** If any proposed assignment is for less than all of Owner's or Master Developer's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial assignment, Owner and/or Master Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

8.7. **Denial.** The City may only withhold their respective consent if the City is not reasonably satisfied of the assignee's financial ability to perform the obligations of Owner or Master Developer, as the case may be, proposed to be assigned or there is an existing breach of a development obligation owed to the City by the assignee or related entity that has not either been cured or in the process of being cured in a manner acceptable to the City. Any refusal of the City to accept an assignment shall be subject to the "Meet and Confer" and "Mediation" processes specified in Sections 9.18.3 and 9.18.4.

8.8. **Binding Effect.** If Owner sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights, privileges, Intended Uses, configurations, and Density as applicable to such Parcel and be subject to the same limitations and rights of the City when owned by Owner and as set forth in this MDA without any required approval, review, or consent by the City except as otherwise provided herein.

SECTION 9 GENERAL TERMS AND CONDITIONS

9.1. **Legal Challenges to this MDA and Related Legislative Approvals**~~Effect of Legal Referendum on this MDA.~~ The Parties acknowledge that the effectiveness of this MDA and other aspects related to the annexation of the Property into the City, the Zoning, and any other related legislative actions of the City Council may be subject to a citizen initiated referendum under Utah Code Ann. § 20A-7-601 et seq., or a legal challenge under Utah Code Ann. § 10-9a-801. The City and Master Developer each acknowledge that it would not be in their individual or mutual best interests to have the annexation of the Property become effective if legal challenges to any of the annexation, zoning, or this MDA are still unresolved by a final unappealable decision of a court or if a referendum is pending as of January 1, 2022.

9.1.1. **Referendum.**

9.1.1.1. **Initiation of Referendum.** If no referendum is sought within the seven (7) day period as provided in Utah Code Ann. 20A-7-601(5) after enactment of the final legislative action necessary to effectuate the annexation, zoning, MDA, or any related approval, then Master Developer acknowledges that the annexation of the Property may continue to proceed.

9.1.1.2. **Pending Referendum.** If a referendum has been sought as provided

in Utah Code Ann. § 20A-7-601 and remains actively pending then Master Developer, in its sole discretion, may terminate this MDA, the zoning, the annexation, and any other related legislative action at any time during the month of December 2021. The City shall take such steps as are necessary to ensure that the Lieutenant Governor does not record the annexation and that the City Recorder does not record this MDA.

9.1.2. **Legality Challenge.**

9.1.2.1. *Initiation of Litigation.* If no complaint or petition challenging this MDA, the zoning, the annexation, or any other related legislative action is filed within the thirty (30) day period as provided in Utah Code Ann. § 10-9a-801(5) after enactment of the final legislative action necessary to effectuate the annexation, zoning, this MDA or any related legislative or administrative approval, then Master Developer acknowledges that the annexation of the Property may continue to proceed.

9.1.2.2. *Pending Litigation.* If a complaint or petitions has been south as provided in Utah Code Ann. § 10-9a-801 and remains actively pending, in the sole discretion of Master Developer, then Master Developer, in its sole discretion, may terminate this MDA, the zoning, the annexation and any other related legislative action at any time during the month of December 2021. The City shall take such steps as are necessary to ensure that the Lieutenant Governor does not record the annexation and that the City Recorder does not record this MDA.

9.2. **No Addition to Planned Community.** No land may be removed from the Planned Community or added to the Planned Community for purposes of this MDA, except by written amendment to the MDA. Except as provided immediately above, this MDA shall not affect any land other than the Property.

9.3. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Property. This MDA and the benefits, burdens, rights and obligations herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property, or portion thereof, as applicable, with respect to that portion of the Property owned by such successors in ownership, except as expressly set forth in this MDA. Accordingly, each and every purchaser, assignee, or transferee of an interest in the Property or any portion thereof shall be obligated and bound by the terms and conditions of this MDA, but only with respect to the Property or such portion thereof sold, assigned or transferred to it.

9.4. **Construction of MDA.** This MDA was jointly drafted and shall be construed so as to effectuate the public purposes of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling, countervailing public interest, while providing reasonable assurances of continued vested private development rights under this MDA.

9.5. **Laws of General Applicability.** Where this MDA refers to laws of general applicability to the Planned Community and other properties, that language shall be deemed to refer to laws which apply to all other developed and subdivided properties within the City.

9.6. **Term/Renewal/Expiration.** The term of this Development Agreement shall commence upon the Effective Date and continue until December 31, 2045. If, as of that date, Owner or Master Developer have not been declared to be in default as provided ~~in Section 8.18~~ herein, then this MDA shall be automatically extended for up to two (2) five-year periods, unless Owner or Master Developer are declared to be in default as provided herein at the end of the first five-year renewal, in which case, this MDA shall be terminated at the end of the first five-year renewal. If Owner or Master Developer have not been declared to be in default at the end of the first five-year renewal, then this MDA shall continue for one final five-year renewal, or until ~~until~~ December 31, 2055, upon which ~~D~~ate this MDA will be considered to have been terminated. Upon termination of this MDA, any undeveloped property shall become subject to the then existing City Future Laws, and all development rights vested under this MDA shall expire except that such expiration shall not apply to any Phases or Subdivisions that have been approved prior to the termination. Any such uncompleted Phases or Subdivisions shall be allowed to be completed by December 31, 2060. This MDA shall also terminate automatically at Buildout.

9.6.1. **Failure of Option Agreement.** Notwithstanding anything to the contrary in this MDA or otherwise, should the option agreement between Master Developer and Owner be terminated with respect to all or part of the Property, this MDA shall cease to be operative or effective unless the Owner expressly assumes all of the obligations of the Master Developer arising under this MDA in a writing approved by both the City. If Owner expressly assumes all of the obligations of the Master Developer for all or part of the Property, as described above, Owner may designate a Replacement Master Developer reasonably acceptable to the City. If the Replacement Master Developer is approved by the City, the Replacement Master Developer shall expressly assume the role and obligations of Master Developer arising under this MDA in a writing approved by both the City.

9.7. **State and Federal Law.** The Parties agree, intend, and understand that the obligations imposed by this MDA are only such as are consistent with applicable State and Federal law. The Parties further agree that if any provision of this MDA becomes, in its performance, inconsistent with applicable state or federal law or is declared invalid, this MDA shall be deemed amended to the extent necessary to make it consistent with the State or Federal law, as the case may be, and the balance of this MDA shall remain in full force and effect.

9.8. **No Waiver.** Failure of a Party 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 time said right or any other right it may have hereunder. Unless this MDA is amended or revised in writing as allowed by this MDA, no officer, official, or agent of the City has the power to amend, modify or alter this MDA or waive any of its conditions as to bind the City by making any promise or representation not contained herein.

9.9. **Entire Agreement.** This MDA constitutes the entire agreement between the Parties with respect to the issues addressed herein and supersedes all prior agreements, whether oral or written, covering the same subject matter. This MDA may not be modified or amended except in writing mutually agreed to and accepted by all Parties to this MDA consistent with the provisions hereof.

9.10. **Notices.** All notices required or permitted under this MDA shall, in addition to any other means of transmission, be given in writing by email, certified mail, or regular mail to the following address:

Master Developer: Olympia Land, LLC
Attn: Ryan Button
527 East Pioneer Road, #200

Draper, Utah 84020
ryan@projectutah.com

With a Copy to: Bruce R. Baird
Bruce R. Baird, PLLC
2150 South 1300 East, Suite 500
Salt Lake City, Utah 84106
bbaird@difficultdirt.com

Owner: The Last Holdout, L.L.C.
Attn: Emily Markham
c/o Jacob Anderson
233 N. 1250 W., Suite 202
Centerville, Utah 84014
jake@andersonlawpllc.com

With a Copy to: Jacob Anderson
Anderson Law, PLLC
233 N. 1250 W., Suite 202
Centerville, Utah 84014
jake@andersonlawpllc.com

City: Herriman City Manager
5355 W. Herriman Main Street
Herriman, Utah 84096
ncherpeski@herriman.org

With a Copy to: Herriman City Attorney
5355 W. Herriman Main Street
Herriman, Utah 84096
candrizzi@herriman.org

To Special Owner: Jordan School District
Attn: Scott Thomas
7905 S. Redwood Road
West Jordan, Utah 84088
scott.thomas@jordandistrict.org

With a Copy to: Paul VanKomen
9067 South 1300 West, Suite 302
West Jordan, Utah 84088
pvankomen@bvktslaw.com

9.11. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each Notice shall be effective and shall be deemed delivered on the earlier of:

9.11.1. **Electronic Delivery.** Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed as set forth herein on the same day and the sending party has an electronic receipt of the delivery of the Notice.

9.11.2. **Mail Delivery.** Three calendar days after the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this Section.

9.12. **Applicable Law.** This MDA is entered into in Salt Lake 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. Legal actions shall be instituted in the Third Judicial District Court of the County of Salt Lake, State of Utah.

9.13. **Execution of Agreement.** This MDA may be executed in multiple parts or originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other Parties within seven (7) days of receipt of said facsimile copy.

9.14. **Indemnification.** Master Developer and Owner agree to, and do hereby, agree to defend, hold harmless and indemnify the City and all City elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys from any and all claims that may be asserted at any time against any of them arising out of the negligence or willful misconduct of the Master Developer or Owner, each as applicable with respect to its own negligence or willful misconduct, in connection with the development, construction, maintenance, or use of any portion of the Planned Community, Backbone Infrastructure, or other improvements that Master Developer constructs. Master Developer and Owner, each as applicable with respect to its own negligence or willful misconduct, do hereby agree to pay all expenses, including without limitation legal fees and administrative expenses, incurred by City in defending itself with regard to any and all such claims. With respect to any other third-party claims challenging this Agreement or any provision herein, the Parties agree to cooperate with each other in good faith to defend said lawsuit, with each Party to bear its own legal expenses and costs.

9.15. **Nature, Survival, and Transfer of Obligations.** All obligations assumed by the Owner and/or Master Developer under this MDA shall be binding on the Owner and Master Developer personally, on any and all of the Owner and Master Developer's heirs, successors, and assigns, and on any and all of the respective successor legal or beneficial owners of all or any portion of the Property.

9.16. **Four-year Reviews.** Notwithstanding anything to the contrary herein, every four years after the execution of this MDA, the Parties shall meet and confer to consider any issues that may have arisen regarding the MDA, the development of the Property, the general economy, and other issues related to the development of the Planned Community. The first meeting shall take place at a time and place mutually agreeable to the Parties between January 15 and February 15 of 2026 and then every four years thereafter. The Parties shall not be required to make any modifications of this MDA as a result of these reviews but may propose amendments for the consideration of the Parties.

9.17. **Appointment of Representatives.** To further the commitment of the Parties to cooperate in the implementation of this MDA, the City, Owner and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments, and the Master Developer. The initial representative for the City shall be the City's Community Development Director. The initial representative for Master Developer shall be Ryan Button. The initial representative for Owner shall be Jacob Anderson. The Parties may change their designated representatives by Notice as provided herein. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this MDA and the development of the Property.

9.18. **Default.**

9.18.1. **Notice.** If any of the Parties fails to perform its respective obligations hereunder or to comply with the terms hereof, a Party believing that a Default has occurred shall provide Notice to the other Parties. If the City believes that the Default has been committed by a Subdeveloper, then the City shall also provide a courtesy copy of the Notice to Master Developer and Owner.

9.18.2. **Contents of the Notice of Default.** The Notice of Default shall:

9.18.2.1. **Specific Claim.** Specify the claimed event of Default;

9.18.2.2. **Applicable Provisions.** Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default;

9.18.2.3. **Materiality.** Identify why the Default is claimed to be material; and

9.18.2.4. **Optional Cure.** If the City chooses, in their respective discretion, they may propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

9.18.3. **Meet and Confer regarding Notice of Default.** The Parties shall meet within fifteen (15) business days of any Notice of Default to resolve the issues specified in the Notice of Default.

9.18.4. **Mediation of Notice of Default.**

9.18.4.1. **Issues Subject to Mediation.** Issues resulting from the Notice of Default that the parties are not able to resolve by “Meet and Confer” shall be mediated.

9.18.4.2. **Mediation Process.** If the Parties are unable to resolve a disagreement subject to mediation, the Parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These representatives shall, between them, choose the single mediator. Owner and/or Master Developer shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties. Upon issuance of the mediator's opinion, the Parties agree to act in good faith toward a resolution of the disagreement.

9.18.5. **Cure.** The defaulting Party shall have no less than sixty (60) days to cure the default or demonstrate that the said Party is not in Default. If a Default cannot be reasonably

cured within sixty (60) days, the Parties may submit the time to cure such default to mediation consistent with the terms of Section 8.17.4.2. above.

- 9.18.6. **Remedies.** The Parties shall have all rights and remedies available at law and in equity, including, but not limited to, injunctive relief and specific performance, provided, however, the Owner and Master Developer (and any Subdeveloper to the extent it assumes the rights or obligations of this MDA) agree that it will not seek monetary damages against the City or any of their elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this MDA. In the event of such legal or equitable action, each party to that action will bear its own costs and fees, including attorney fees. The rights and remedies set forth herein shall be cumulative and shall also include: (i) the right to draw on any security posted or provided in connection with the Planned Community and relating to remedying of the particular Default, and (ii) the right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Planned Community in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until the Default has been cured.
- 9.18.7. **Public Meeting.** Before any remedy in Subsection 8.18.6 may be imposed by the City, the Party allegedly in Default shall be afforded the right to address the Council in a properly noticed public meeting regarding the claimed Default.
- 9.18.8. **Emergency Defaults.** Anything in this MDA notwithstanding, if the Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a Default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Section 8.18.6 without the requirements of mediation in Section 8.18.4 or a public meeting in Section 8.18.7. The City shall give Notice to Master Developer and/or any applicable Subdeveloper of any public meeting at which an emergency default is to be considered and the Master Developer and/or any applicable Subdeveloper shall be allowed to address the Council at that meeting regarding the claimed emergency Default.

9.19. **Termination.**

- 9.19.1. **Termination Upon Completion of Development.** This MDA shall terminate on the earlier of: (i) that certain date that the Planned Community has been fully developed and the obligations of the City, Owner, Master Developer, or any Subdeveloper in connection therewith are satisfied; or (ii) the expiration of the term as set forth in Subsection 8.6. Upon termination as set forth herein, Master Developer may request that the City record a notice that this MDA has been fully performed and therefore terminated as to the Planned Community.
- 9.19.2. **Termination upon Default.** This MDA shall be subject to termination by the City prior to the completion of the Planned Community following a judicial determination that a Default by Master Developer remains unresolved after notice and the opportunity to cure as provided herein.
- 9.19.3. **Termination upon Referendum or Legal Challenge.** The City acknowledges that

Master Developer is under a contractual obligation under a pre-existing Master Development Agreement with Salt Lake County to try to annex the Property into a municipality. The City further acknowledges that if this MDA and the annexation of the Property are terminated by Master Developer as a result of a pending referendum or legal challenge as identified in Sections 9.1.1 and 9.1.2, then Master Developer shall be deemed by the City to have complied with the annexation attempt requirements of the Master Development Agreement with Salt Lake County which permits the buildout of 6,330 units within Salt Lake County.-

9.19.4. **Effect of Termination on Master Developer Obligations.** Judicial termination of this MDA with respect to the Planned Community pursuant to Subsection 8.19.2 shall not affect Master Developer's obligation to comply with the terms and conditions of any applicable zoning, subdivision plat, site plan, building permit, or other land use entitlement approved pursuant to this MDA with respect to any approved Planned Community. Termination of this MDA with respect to the Planned Community shall not affect or invalidate Master Developer's obligations under Subsection 8.14.

9.19.5. **Effect of Termination on the City's Obligations.** Upon any termination of this MDA with respect to the Planned Community, the entitlements, conditions of development, limitations on fees, and all other terms and conditions of this MDA and any amendments hereto shall no longer be vested by reason of this MDA with respect to any portion of the Planned Community then not subject to an approved Development Application, Phase, or Subdivision. Upon such a termination or expiration, the City shall no longer be prohibited by this MDA from making any changes or modifications to such entitlements, conditions, or fees applicable to such portions of the Planned Community that are not subject to an approved Development Application, Phase, or Subdivision.

9.19.6. **Survival.** This section forthcoming

9.20. **Titles and Captions.** All Section titles or captions contained in this MDA are for convenience only and shall not be deemed part of the context nor affect the interpretation hereof.

9.21. **Savings Clause.** If any provision of this MDA, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this MDA, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

9.22. **Incorporation of Recitals and Exhibits.** All recitals stated above and all attached Exhibits A thru H shall be incorporated into and deemed a part of this MDA as though fully set forth herein, and the same shall be binding upon the Parties hereto.

9.23. **Force Majeure.** Any default or inability to cure a default caused by strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefore, enemy or hostile governmental action, civil commotion, fire or other casualty, or any other similar causes beyond the reasonable control of the Party obligated to perform, shall excuse the performance by such Party for a period equal to the period during which any such event prevented, delayed or stopped any required performance or effort to cure a default in spite of the said Party's reasonable best efforts.

9.24. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be

invalid for any reason, the Parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect. If this Agreement in its entirety is determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment. If any provision of this Agreement shall be determined by a court to be invalid and unenforceable, any Party in good faith determines that such provision or provisions are material to its entering into this Agreement, that Party may elect to terminate this Agreement as to all of its obligations remaining unperformed and if any such termination causes any other Party to in good faith determine that the said termination adversely impacts the interests of said other Party, the other Party may also elect to terminate this MDA as to all of its obligations remaining unperformed.

9.25. **Estoppel Certificate.** Upon fifteen (15) business days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate, to be prepared by the Master Developer or a Subdeveloper and in a form agreeable to the City, to any third party certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this Agreement.

9.26. **Planned Community is a Private Undertaking.** It is agreed among the Parties that the Planned Community is a private development and that the City does not have any interest therein except as authorized in the exercise of its governmental functions. The Planned Community is not a joint venture, and there is no such relationship involving the City or the City's elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys. Nothing in this Agreement shall preclude the Master Developer from forming any lawful form of investment entity for the purpose of completing any portion of the Planned Community.

9.27. **Attorney's Fees.** In the event litigation is filed to enforce the terms of this MDA, the prevailing party in such litigation shall be entitled to receive its reasonable attorneys' fees and expenses from the non-prevailing party, subject to the limitations set forth in the Utah Governmental Immunity Act for property damages.

9.28. **Warranty of Authority.** The Parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the City, the signature of the City Manager is affixed to this MDA to lawfully bind the City pursuant to Ordinance No. _____ adopted by the Council on _____. This MDA is approved as to form by the Herriman City Attorney.

Table of Exhibits

Exhibit “A”	Legal Description of the Property (not including the School District Property)
Exhibit “A-1”	Legal Description of School District Property
Exhibit “B”	<u>Land Use</u> Master Plan
<u>Exhibit “B-1”</u>	<u>Parks Master Plan</u>
<u>Exhibit “B-2”</u>	<u>Trails Master Plan</u>
<u>Exhibit “B-3”</u>	<u>Active Transportation Plan</u>
<u>Exhibit “B-4”</u>	<u>Roads Master Plan</u>
Exhibit “C”	Design Guidelines
Exhibit “D”	Traffic Impact Study
Exhibit “E”	Infrastructure Plan
Exhibit “F”	Zoning Map
Exhibit “ <u>EG</u> ”	City’s Vested Laws
Exhibit “ <u>FH</u> ”	Development Application Review and Approval Process
<u>Exhibit “G”</u>	<u>Development Report</u>
Exhibit “I”	Parking Regulations

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

CITY

Herriman City

Nathan Cherpeski, City Manager

ATTEST

Jackie Nostrom, City Recorder

Chase A. Andrizzi, City Attorney
Approved as to form and legality

OWNER

The Last Holdout, L.L.C.

MASTER DEVELOPER

Olympia Land, LLC

[Name, Title]

[Name, Title]

SPECIAL OWNER

Jordan School District

[Name, Title]

CITY ACKNOWLEDGMENT

STATE OF UTAH)
)
) ss.
)
COUNTY OF SALT LAKE)

On the _____ day of _____, 2021, NATHAN CHERPESKI personally appeared before me, who being by me duly sworn, did say that they are the City Manager of Herriman City, a political subdivision of the State of Utah, and that the foregoing Master Development Agreement was signed on behalf of the City by authority of its City Council and said City Manager acknowledged to me that the City executed the same for the purposes described therein.

NOTARY PUBLIC

OWNER ACKNOWLEDGEMENT

STATE OF UTAH)
)
) ss.
COUNTY OF SALT LAKE)

On the _____ day of _____, 2021, _____ personally appeared before me, who being by me duly sworn, did say that they are the _____ of The Last Holdout, L.L.C, a Utah limited liability company, and that the foregoing Master Development Agreement was signed on behalf of the Owner by authority of its governing board and said _____ acknowledged to me that the Owner executed the same for the purposes described therein.

NOTARY PUBLIC

STATE OF UTAH)
)
) ss.
COUNTY OF SALT LAKE)

NOTARY PUBLIC

STATE OF UTAH)
)
) ss.
COUNTY OF SALT LAKE)

NOTARY PUBLIC

EXHIBIT A
Legal Description of Property
(not including the School District Property)

A parcel of land, situate in parts of Sections 27, 32, 33, and 34 Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, more particularly described as follows:
Beginning at a point being North 89°30'06" West 126.52 along the section line from the Northeast Corner of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian (said Northeast Corner being North 89°30'06" West 5327.10 feet from the Northwest Corner of said Section 34); and running

thence South 00°16'16" West 291.47 feet;
thence Southwesterly 482.97 feet along the arc of a 650.00 foot radius curve to the right (center bears North 89°43'44" West and the chord bears South 21°33'26" West 471.94 feet with a central angle of 42°34'21");
thence South 21°58'48" East 351.33 feet;
thence Southeasterly 484.77 feet along the arc of a 960.00 foot radius curve to the right (center bears South 67°06'42" West and the chord bears South 08°25'19" East 479.63 feet with a central angle of 28°55'57");
thence South 06°02'39" West 47.82 feet;
thence West 1,231.28 feet to the 1/16 section line;
thence North 00°10'31" East 263.60 feet along the 1/16 section line to the Southeast Corner of the Northwest Quarter of the Northeast Quarter of said Section 34, monumented with a rebar and cap stamped "5251295";
thence North 89°31'41" West 2,661.50 feet along the 1/16 section line to the Southwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 34, monumented with a Salt Lake County monument;
thence South 00°02'54" West 1,325.66 feet along the 1/16 section line to the quarter section line;
thence North 89°35'51" West 1,329.44 feet along the quarter section line to the East Quarter Corner of said Section 33, monumented with a Salt Lake County monument;
thence North 89°38'37" West 3,990.98 feet along the quarter section line to the Southwest Corner of the Southeast Quarter of the Northwest Quarter, monumented with a rebar and cap stamped "5251295";
thence South 00°20'42" East 1,323.10 feet along the 1/16 section line to the Southeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 33, monumented with a rebar and cap stamped "5251295";
thence North 89°38'31" West 1,327.74 feet along the 1/16 section line to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 3 South, Range 2 West, Salt Lake Base and Meridian;
thence North 89°29'26" West 2,641.53 feet along the 1/16 section line to the Southwest Corner of the Northwest Quarter of the Southeast Quarter of said Section 32;
thence North 00°09'01" East 149.81 feet along the 1/16 section line;
thence North 86°15'53" East 292.00 feet;
thence South 88°11'07" East 207.61 feet;
thence North 00°09'01" East 185.12 feet;
thence South 86°15'53" West 500.00 feet to the 1/16 section line;
thence North 00°09'01" East 405.38 feet along the 1/16 section line to the Northeast Right-of-Way Line of State Route-111 (SR-111), also known as Bacchus Highway;
thence Northwesterly and Northerly along said Northeasterly said right of way line of State Route-111 (SR-111) the following seven (7) courses:
(1) Northwesterly 246.50 feet along the arc of a 268.31 foot radius curve to the right (center bears North 05°49'12" East and the chord bears North 57°51'41" West 237.92 feet with a central angle of

52°38'15");

(2) North 31°32'34" West 437.23 feet;

(3) Northwesterly 288.95 feet along the arc of a 331.97 foot radius curve to the right (center bears North 58°27'27" East and the chord bears North 06°36'27" West 279.91 feet with a central angle of 49°52'13");

(4) North 18°19'39" East 201.90 feet;

(5) Northeasterly 470.16 feet along the arc of a 1,482.39 foot radius curve to the left (center bears North 71°40'21" West and the chord bears North 09°14'30" East 468.19 feet with a central angle of 18°10'19");

(6) North 89°50'40" West 17.00 feet;

(7) North 00°09'20" East 792.30 feet;

thence North 71°13'51" East 3,153.48 feet to the Northwest Corner of said Section 33, monumented with a Salt Lake County monument;

thence South 89°35'41" East 5,303.20 feet to the Northwest Corner of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian;

thence North 00°41'26" East 1,324.02 feet along the section line to the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 27, Township 3 South, Range 2 West, Salt Lake Base and Meridian;

thence South 89°30'42" East 2,657.98 feet along the 1/16 section line to the Northeast Corner of the Southeast Quarter of the Southwest Quarter of said Section 27;

thence South 00°28'09" West 1,324.47 feet along the quarter section line to the South Quarter Corner of said Section 27;

thence South 89°30'06" East 2,537.48 feet along the section line to the point of beginning.

Contains 38,301,653 Square Feet or 879.285 Acres

EXHIBIT A-1
Legal Description of School District Property

A parcel of land, situate in parts of Sections 34 and 35, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, more particularly described as follows:

Beginning at the Northeast Corner of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian (said Northeast Corner being North 89°30'06" West 5327.10 feet from the Northwest Corner of said Section 34); and running

thence South 89°48'53" East 641.53 feet along the section line;

thence South 00°30'22" East 1,659.00 feet to the extension of the Northerly Boundary Line of Blackhawk Estates Plat "C", recorded as Entry No. 11719743 in Book 2013P at Page 178 in the Office of the Salt Lake County Recorder;

thence along the extension of and said Northerly Boundary Line of Blackhawk Estates Plat "C" the following nine (9) courses:

- (1) South 56°51'10" West 333.22 feet;
- (2) South 68°38'27" West 95.94 feet;
- (3) South 56°30'13" West 98.90 feet;
- (4) South 51°26'05" West 67.14 feet;
- (5) South 41°54'31" West 111.54 feet;
- (6) South 48°31'38" West 142.42 feet;
- (7) South 54°24'10" West 87.46 feet;
- (8) South 44°19'04" West 94.58 feet;

(9) South 72°52'33" West 99.94 feet to the Northerly Boundary Line of Blackhawk Estates Plat "B", recorded as Entry No. 11386427 in Book 2012P at Page 53 in the Office of the Salt Lake County Recorder;

thence along said Northerly Boundary Line of Blackhawk Estates Plat "B" the following six (6) courses:

- (1) South 72°52'34" West 12.55 feet;
- (2) South 82°11'10" West 94.89 feet;
- (3) South 86°16'00" West 83.86 feet;
- (4) South 66°09'21" West 95.83 feet;
- (5) South 58°13'58" West 137.09 feet;
- (6) South 78°13'01" West 40.13 feet along said Northerly Boundary Line of Blackhawk Estates

Plat "B" to the Northwest Corner of said Blackhawk Estates Plat "B";

thence South 12°44'34" East 10.64 feet along said Westerly Boundary Line of Blackhawk Estates Plat "B" to the Northerly Boundary Line of Western Creek PUD Plat A, recorded as Entry No. 10946923 in Book 2010P at Page 76 in the Office of the Salt Lake County Recorder;

thence along said Northerly Boundary Line of said Western Creek PUD Plat A the following three (3) courses:

- (1) South 78°07'21" West 16.66 feet;
- (2) South 57°11'41" West 95.42 feet;
- (3) South 73°50'10" West 172.86 feet along said Northerly Boundary Line of Western Creek

PUD Plat A to the Northerly Boundary Line of Western Creek Plat B, recorded as Entry No. 11429199 in Book 2012P at Page 92 in the Office of the Salt Lake County Recorder;

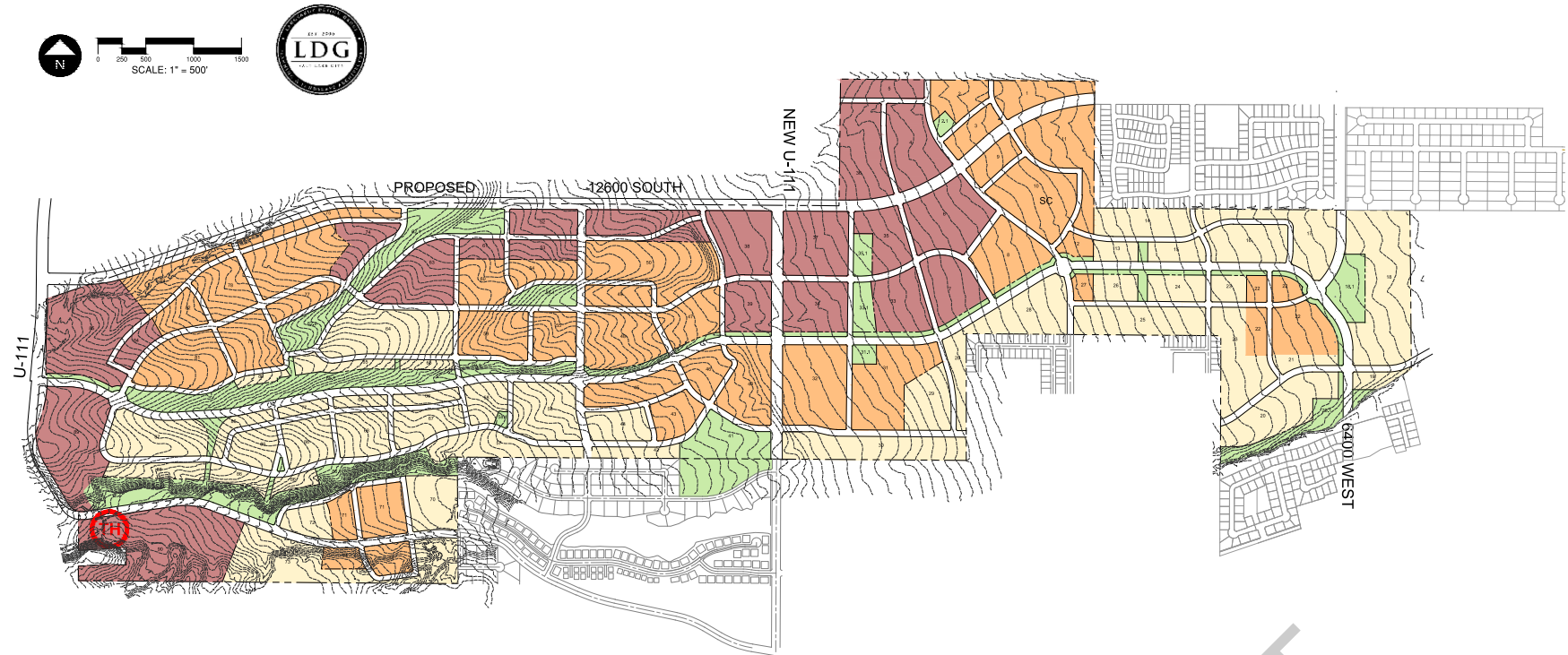
thence along said Northerly Boundary Line of Western Creek Plat B the following two (2) courses:

- (1) South 73°27'12" West 291.53 feet;
 - (2) South 80°15'09" West 106.84 feet to the 1/16 section line;
- thence North 00°10'31" East 1,078.74 feet along the 1/16 section line;
- thence East 1,231.28 feet;

thence North $06^{\circ}02'39''$ East 47.82 feet;
thence Northwesterly 484.77 feet along the arc of a 960.00 foot radius curve to the left (center bears North $83^{\circ}57'21''$ West and the chord bears North $08^{\circ}25'19''$ West 479.63 feet with a central angle of $28^{\circ}55'57''$);
thence North $21^{\circ}58'48''$ West 351.33 feet;
thence Northeasterly 482.97 feet along the arc of a 650.00 foot radius curve to the left (center bears North $47^{\circ}09'23''$ West and the chord bears North $21^{\circ}33'26''$ East 471.94 feet with a central angle of $42^{\circ}34'21''$);
thence North $00^{\circ}16'16''$ East 291.47 feet to the northerly section line of said Section 34;
thence South $89^{\circ}30'06''$ East 126.52 feet along said section line to the point of beginning.

Contains 2,613,516 Square Feet or 59.998 Acres

EXHIBIT B
Master Plan

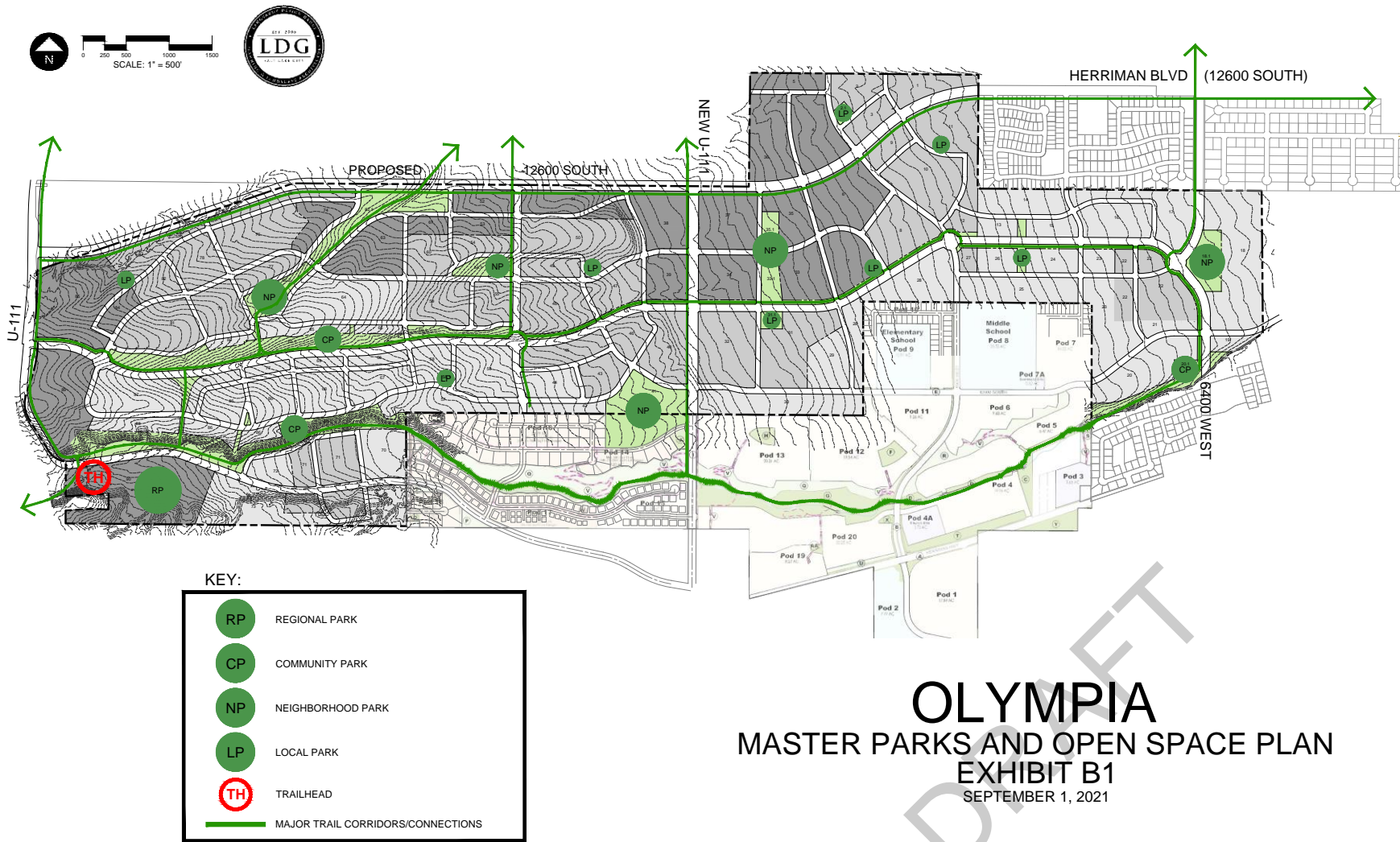


KEY:



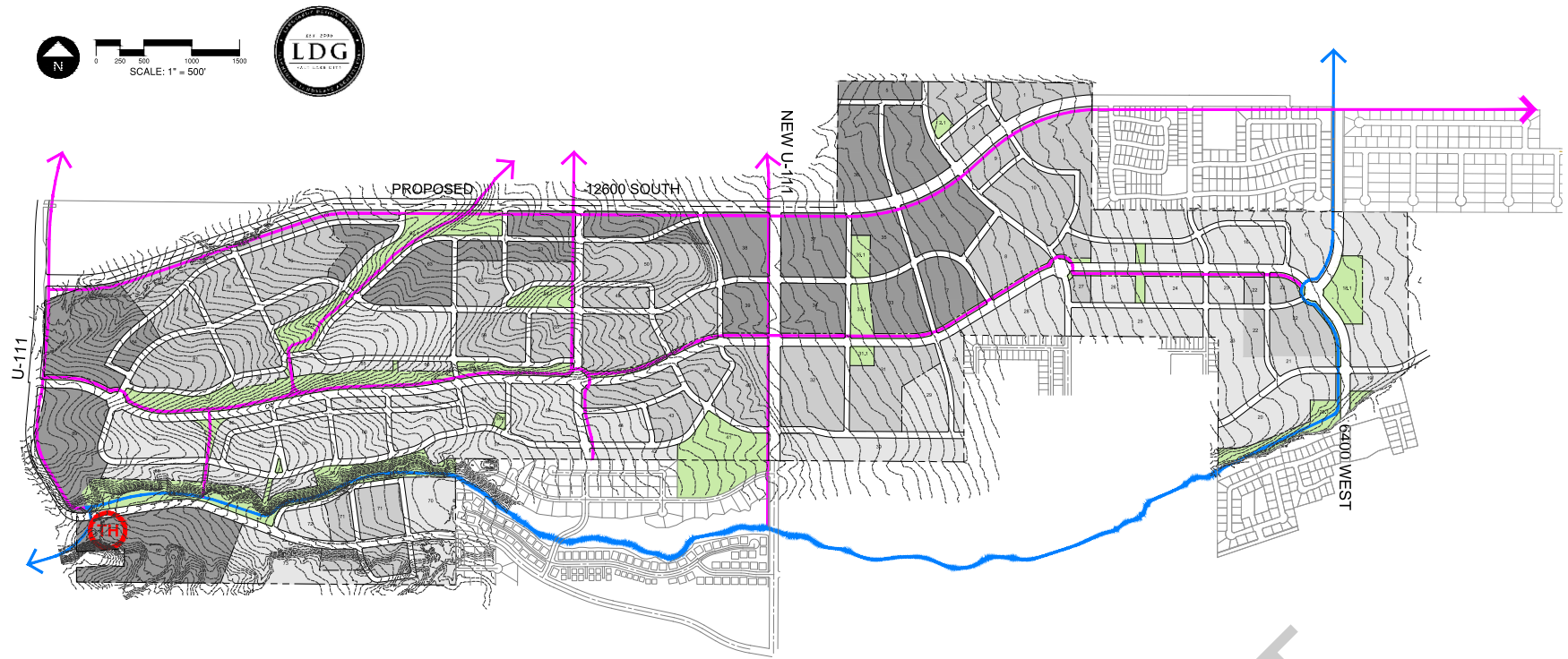
OLYMPIA
MASTER LAND USE PLAN
EXHIBIT B
SEPTEMBER 1, 2021

EXHIBIT B-1 Parks Master Plan



OLYMPIA MASTER PARKS AND OPEN SPACE PLAN EXHIBIT B1 SEPTEMBER 1, 2021

EXHIBIT B-2 *Trails Master Plan*



KEY:

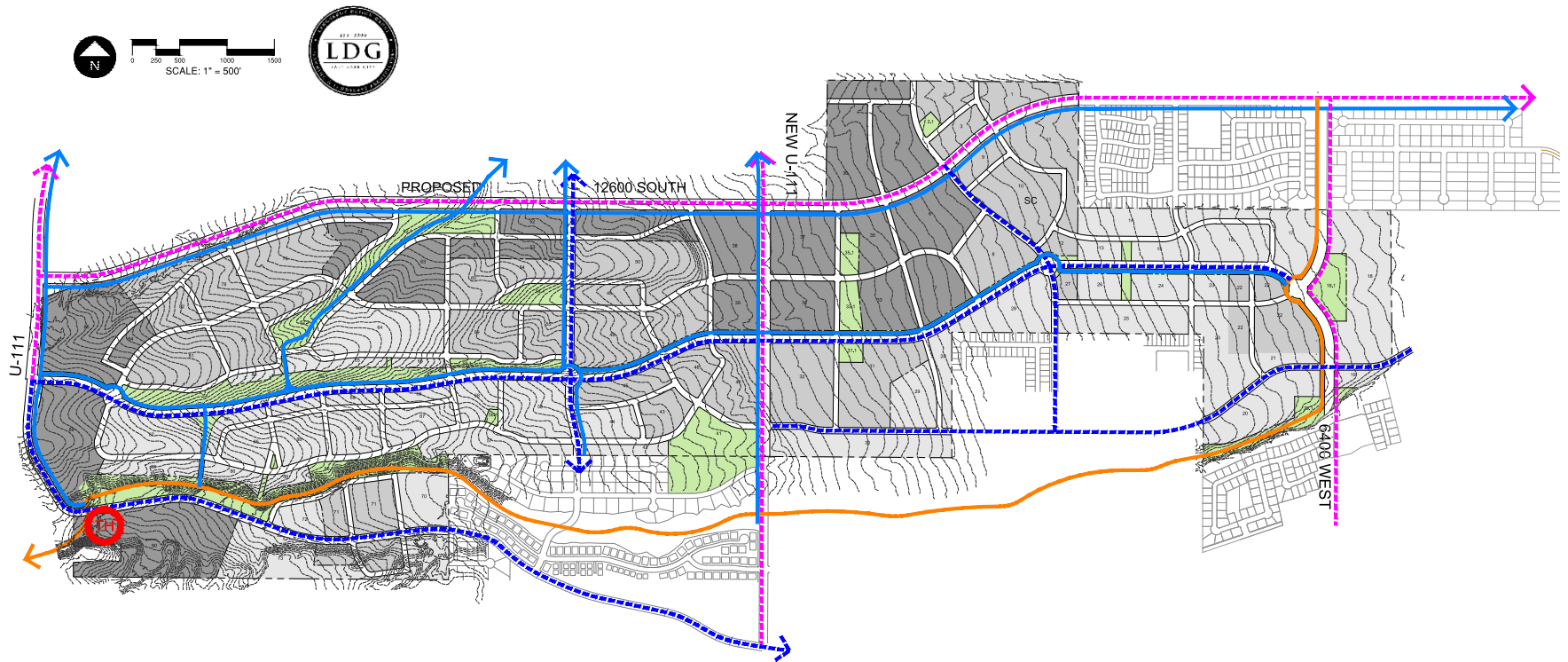
	MULTI-USE TRAIL
	DUAL PATH (EQUESTRIAN AND PAVED PATHS)
	TRAILHEAD

ALL TRAIL TYPES AND TRAIL FACILITY LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA
MASTER TRAILS PLAN
EXHIBIT B2
 SEPTEMBER 1, 2021

EXHIBIT B-3

Active Transportation Plan



KEY:

- BUFFERED BIKE LANE
- PAVED PATH
- BIKE LANE
- DUAL PATH (EQUESTRIAN TRAIL AND PAVED PATH)
- TH TRAILHEAD

ALL ACTIVE TRANSPORTATION TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

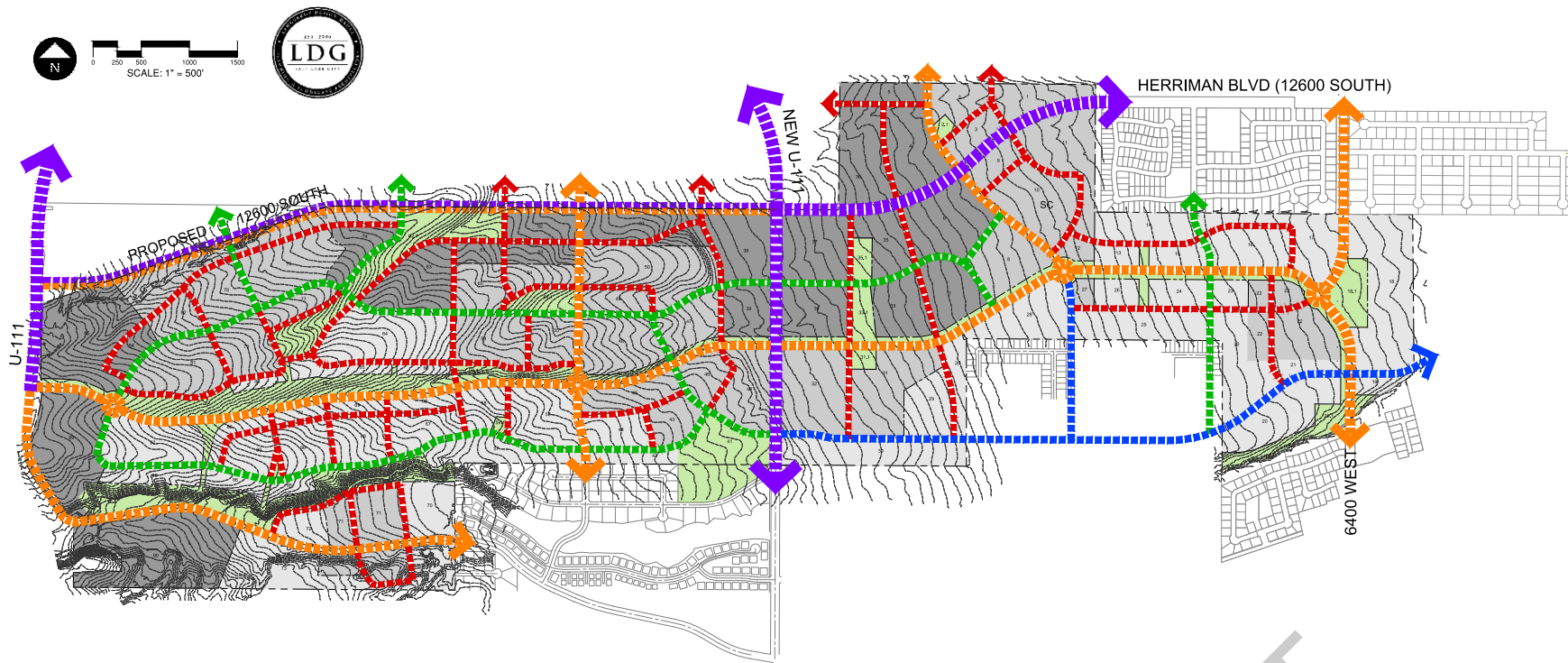
OLYMPIA

ACTIVE TRANSPORTATION PLAN

EXHIBIT B3

SEPTEMBER 1, 2021

EXHIBIT B-4 *Roads Master Plan*



KEY:

	MAJOR ARTERIAL (120' ROW)		MAJOR COLLECTOR (86' ROW)		MINOR COLLECTOR (68' ROW)		MAJOR LOCAL (63' ROW)		MINOR LOCAL (55' ROW)
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ALL ROADWAY TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA
MASTER ROAD PLAN
EXHIBIT B4
 SEPTEMBER 1, 2021

EXHIBIT C
Design Guidelines

EXHIBIT D
Traffic Impact Study

<https://herriman-website-files.s3.us-west-1.amazonaws.com/Olympia-Hills-Traffic-Impact-Study.pdf>

EXHIBIT E
City's Vested Laws

<https://codelibrary.amlegal.com/codes/herrimanut/latest/overview>

EXHIBIT F
Development Application Review and Approval Process

Type of Approval	Approving Body
Single Family Home Building Permit	City Staff (with ARC certification of compliance)
Subdivisions for Individually Platted Residential Dwelling Units	City Staff (with ARC certification of compliance) ¹
Apartment Dwelling Unit Site Plans	City Staff (with ARC certification of compliance) ¹
Commercial Site Plans	City Staff (with ARC certification of compliance) ¹
Vertical Mixed-Use Site Plans	City Staff (with ARC certification of compliance)
Initial Conditional Use Permit	Hearing Officer ²
Modification to Initial Conditional Use Permit	Planning Commission
Home Occupation Permits	Planning Commission
Open Space Design	City Staff

¹ If adjacent to an Individually Platted Residential Dwelling unit that has been sold to resident, the Planning Commission review and approval is required.

² The “Hearing Officer” shall be the City’s “Appeal Authority” as that term is defined in Herriman City Code 10-3-5.

EXHIBIT G
Development Report

Application Number (for City use only)	
Date of Report	
Subdeveloper / Builder Name	
Total acres	
Type(s) of Residential Uses (select all that apply below and indicated in which place type(s) each is located)	
Single Family Homes:	
Townhomes:	
Condominiums:	
Apartments:	
Commercial Sq/ft	
Amount of Open Space (acres)	
	Proposed Open Space Improvements (list below)
Master Developer Acknowledgment:	
Subdeveloper Acknowledgment:	

Olympia Design Standards

Herriman City Submittal

September 2021

DRAFT

Version: September 7, 2021

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Notes:

These Design Standards are part of the Master Development Agreement (MDA) for Olympia. Any discrepancies between the MDA and the City Code should revert to the language within the MDA.

All submittal requirements for development approvals/modifications are as outlined within these development standards and/or within the MDA.

All images shown within the document are precedent images of the design intent or to represent specific design ideas or elements of these standards.

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1.0 Place Types

1.0 Place Types & Land Uses

1.1. Place Types.

1. Introduction

The Place Types detailed in Sections 1.1.4 through 1.1.8, outline the different types of “places” that will occur within Olympia, in order to accommodate a mixture of uses, densities, and employment opportunities. Each Place Type will have a distinct purpose, and will provide residents and visitors with a unique experience and character.

2. Establishment of Place Type Districts.

The following Place Type Districts are hereby created. Refer to the Place Types detailed in Sections 1.1.4 through 1.1.8 for specific descriptions and requirements.

- (1) Town Center
- (2) Village Center
- (3) Commercial Center
- (4) Neighborhood
- (5) Parks and Open Space

3. Place Type Map

The Place Type Districts will be **generally shown** in the Project Land Use Plan.

- (1) Any **insubstantial** modifications to the Land Use Plan may be approved by City Staff.
- (2) Any **substantial** modifications to the Land Use Plan **requires a public hearing at Planning Commission.**

4. Town Center Place Type

The Town Center land uses will contain the most dense districts, and feature a mix of land-uses. The Town Center will include multi-family residential in order to cluster high density residential near jobs, services, and transit. Other uses, such as commercial, retail, and recreation will be provided to support the residents and employees of both Olympia and the larger region. See Figures 1.1 (1) - 1.1 (3) for precedent images.

- (1) Permitted Uses. See Table 1.1 for approved uses.
- (2) Transit. Transit is an important component of a successful Town Center, and is intended to become an integral piece of the Town Center. Olympia will work with UTA to provide major future transit options, such as light rail or bus rapid transit, that will connect the Town Center to the larger region. The Town Center should also provide for Ride Share opportunities such as Uber/Lyft.
- (3) Density. **There is no minimum residential density within the Town Center** and residential densities may exceed twenty units per gross acre.



Fig. 1.1 (1) - Town Center Precedent Image



Fig. 1.1 (2) - Town Center Precedent Image



Fig. 1.1 (3) - Town Center Precedent Image

1.0 Place Types & Land Uses

5. Village Center Place Type

Olympia will contain multiple Village Centers located throughout the project. These centers will become the heart of a neighborhood or multiple neighborhoods, and **may** provide the daily services that will enhance neighborhoods and reduce the need to for residents to drive long distances for basic services, while promoting walking and biking. Village Centers could include single-family residential and multi-family residential, including apartments, condominiums and townhomes.

This category is designed for medium density mixed use development that includes residential (single and/or multi-family), office, commercial, public/semi-public and recreational open spaces, without a predetermined emphasis on a single use. See Figures 1.2 (1) - 1.2 (6) for precedent images.

- (1) Permitted Uses. See Table 1.1 for approved uses.
- (2) Transit. Transit is an important component of a successful Village Center. Transit solutions should focus on pedestrian movements, including walking and biking, connecting Village Centers to nearby Town Centers. as well as to provide for Ride Share opportunities such as Uber/Lyft.
- (3) Density. Residential densities are anticipated to range between nine and twenty units per gross acre.

6. Commercial Center Place Type

This Place Type is designed to accommodate large format retail uses and other commercial uses that are not compatible with the urban design aspects of Town and Village Centers. The primary land-uses in this Place Type are retail and other commercial uses.

See Figure 1.3 (1) for precedent images.

- (1) Permitted Uses. See Table 1.1 for approved uses.
- (2) Density. **Residential uses are permitted in Commercial Centers within the Second Story and above.**
- (3) Location. Commercial Center Place Type may be utilized within any Town Center Land Use shown on the Land Use Plan.



Fig. 1.2 (1) - Village Center Precedent Image



Fig. 1.2 (2) & 1.2 (3) - Village Center Precedent Images



Fig. 1.2 (4) & 1.2 (5) - Village Center Precedent Images



Fig. 1.2 (6) - Village Center Precedent Image



Fig. 1.3 (1) - Commercial Center Precedent Image

1.0 Place Types & Land Uses

7. Neighborhood Place Type

This Place Type is designed for comparatively low-density mixed use development that emphasizes residential (single and/or multi-family) use, but may also include limited retail, office, commercial, and recreation/open space uses. A mix of housing types is encouraged. See Figures 1.4 (1) - 1.4 (8) for precedent images.

- (1) Permitted Uses. See Table 1.1 for approved uses.
- (2) Density. Residential densities are anticipated to range between four and eight units per gross acre.

8. Parks and Open Space

Landscaped areas, parks, natural area, stream corridors or farmland that is established to provide and preserve outdoor recreational, agricultural, or other similar uses. In addition to the open space district, areas of open space will also be provided within the other land use districts as well.

See Chapter 4.0 Parks, Trails, and Open Space. See Figures 1.5 (1) - 1.5 (4) for precedent images.



Fig. 1.4 (6) - Neighborhood Place Type Precedent



Fig. 1.4 (7) & 1.4 (8) - Neighborhood Place Type Precedent



Fig. 1.4 (1) - Neighborhood Place Type Precedent



Fig. 1.5 (1) & 1.5 (2) - Parks and Open Space Place Type Precedent



Fig. 1.4 (2) & 1.4 (3) - Neighborhood Place Type Precedent



Fig. 1.5 (3) - Parks and Open Space Place Type Precedent



Fig. 1.4 (4) & 1.4 (5) - Neighborhood Place Type Precedent



Fig. 1.5 (4) - Parks and Open Space Place Type Precedent

1.0 Place Types & Land Uses

1.2. Community-Wide Design.

1. General Requirements

- (1) The planning and design of the community should work with existing conditions such as topography, drainages, and stream corridors to provide a context sensitive plan.
- (2) The planning and design of the community should be coordinated with adjacent properties to maximize street and trail connections to properties outside of the Olympia site.
- (3) Neighborhoods should be designed to provide local access to adjacent neighborhoods, nearby destinations, transit, parks, schools and similar places by walking and bicycles.
- (4) Small convenience retail establishments, such as corner stores, shall be permitted to occupy portions of the ground and mezzanine floors of residential and office buildings outside of the Town and Village Centers, where appropriate.
- (5) A limited amount of local-serving commercial activity may be located within a Neighborhood Place Type. These commercial uses should be located near the core of each Neighborhood, or in other strategic locations that will provide convenient access from neighborhoods. Typical neighborhood center retail uses include, but are not limited to small grocery stores, cafes, restaurants, day care centers and personal service operations.
- (6) The location of any elementary, middle, or high schools, community centers, and recreation spaces should be coordinated with the appropriate public entities so as to be central gathering places, and shared-use facilities for the community, where possible.
- (7) Thoughtful design solutions that enhance safety be implemented into the planning and design of Olympia. Some of the major strategies to enhance public safety may include:
 - (a) Design streets to increase pedestrian and bicycle traffic.
 - (b) Place windows overlooking sidewalks and parking lots.
 - (c) Use the fence most appropriate for the situation.
 - (d) Residential uses are encouraged to include porches, stoops, balconies, or other outdoor living spaces to increase eyes on the street.

2. Sustainability

- (1) Alternative Energy. Alternative energy technologies, such as solar and wind power, and alternative vehicle power technologies, should be accommodated and encouraged on both a distributed generation (e.g. rooftop solar panels, EV charging, battery storage, etc.) and utility scale (e.g. renewable procurement through the qualified entity).

1.3. Land Use.

1. Land Uses.

Table 1.1 contains the land use table. The listed uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

- (1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the **Administrator** may interpret the use as permitted.
 - (a) If the unlisted use is similar in nature and impact to a use requiring a Conditional Use Permit, the **Administrator** may interpret the use as also requiring a Conditional Use Permit.
- (2) All land-use requirements listed in this section supercede the current City Code.

2. Land Use Table.

Table 1.1. outlines the permitted uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.

- (1) Changes to the Land Use Table (Table 1.1) requires a public hearing at **Planning Commission** with a recommendation to **City Council** for approval.
- (2) Permitted ("P"). These uses are permitted by-right in the districts in which they are listed.
- (3) Permitted in Second Story or Above ("U"). These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the second story or above of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 30 feet from the front facade.
- (4) Requires a Conditional Use Permit ("C"). These uses require administrative review and approval in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the Conditional Use.
- (5) Listed uses that are not permitted in the district are indicated by an ("N").

3. Prohibited Uses.

Table 1.3. outlines the prohibited uses in each zoning district.

- (1) Changes to the Prohibited Use Table (Table 1.3) requires a public hearing at **Planning Commission** with a recommendation to **City Council** for approval.

1.0 Place Types & Land Uses

Uses	Districts				
	Town Center (TC)	Village Center (VC)	Commercial Center (CC)	Neighborhood (N)	Open Space (OS)
Residential & Lodging					
Residential	P	P	U	P	N
Hotel & Inn	P	P	P	N	N
Short Term	P ³	P ³	N	P ³	N
Facility for Persons w/Disability	P	P	P	P	N
Residential Care	P	P	P	N	N
Civic					
Assembly	P	P	P	P	C
Hospital & Clinic	P	P	P	C	N
Library/Museum/Post Office	P	P	P	P	N
Police & Fire	P	P	P	P	N
School	P	P	P	P	N
Retail					
Center Retail*	P	P	P	P ¹	N
Commercial Retail*	P	N	P	N	N
Outdoor Sales Lot*	N	N	P	N	N
Service					
Center Service*	P	P	P	P ¹	N
Commercial Service*	N	N	P	N	N
Office					
Office*	P	P	P	P ¹	N
Small Scale Craftsman*	P	P	P	N	N
Utility					
Utility Lot*	C	C	P	N	C
Accessory Uses					
Home Occupation	C	C	C	C	N
Outdoor Storage of Goods	N	N	P	N	N
Parking Lot	P	P	P	P	P
Parking Structures	P	P	P	P ²	N

KEY

P	Permitted
P ¹	Permitted on corner lot only and shall be a maximum of a 10,000 sf building footprint.
P ²	Permitted with City Staff approval.
P ³	Permitted within 1 mile radius of the Regional Park Trailhead.
U	Permitted in Second Story or Above
N	Not Permitted
C	Conditional
*	See Corresponding List

Table 1.1. Uses by District.

1.0 Place Types & Land Uses

Center Retail

Alcohol & Liquor Sales
Antique Shop
Apparel & Accessory Store
Art & Education Supplies
Bakery, Retail
Bicycle Sales & Repair
Book, Magazine,
& Newspaper Store
Building Materials, Hardware,
and Garden Supply
Camera & Photo Supply Store
China & Glassware Shop
Convenience Store
Drug Store/Pharmacy
Fabric & Craft Store
Florist
Gift, Novelty, & Souvenir Shop
Grocery Store
Hardware Store
Hobby Shop
Jewelry Sales & Repair
Luggage & Leather Goods
Music Store
Musical Instrument Repair &
Sales
Office Supply
Optical Goods
Paint & Wallpaper
Party Supply Shop
Pet & Pet Supply
Self Storage Facility
Specialty Food Market (Butcher,
Candy, Fish Market, Produce,
etc.)
Sporting Goods Sales & Rental
Stationary & Paper Store
Toy Shop
Video/Game Sales & Rental
Vertical Mixed-Use Storage

Table 1.2 (1). Typical Retail Uses.

Commercial Retail

All Center Retail

Appliance & Electronic Sales &
Service
Automotive Supply (no service)
Computer Software Sales &
Leasing
Department Store
Gun Shop
Home Furnishings & Accessories
Sales
& Rentals
Medical Supply Store & Rental
Motorcycle & Motor Scooter
Sales
Heating, Air Conditioning &
Plumbing
Supplies, Sales, & Service
Cabinet Supply (display only)
Machine Sales and Rental
Agriculture Equipment and
Supply
Electrical Supplies
Merchandise Vending Machine
Operators
Medical Supply Store & Sales
Large Format Retail
Large Format Grocery Store

Outdoor Sales Lot

Holiday Sales
Agriculture Equipment Sales

Center Service

Arcade
Bank or other Financial Service
Barber Shop, Beauty Salon,
& Spa
Billiard Hall
Catering
Day Care, Adult or Child
Dry Cleaning & Laundry
Emergency Care Clinic
Fitness, Dance Studio, & Gym
Framing
Home Furniture & Equipment
Repair
Locksmith
Mailing Services
Microbrewery
Pet Grooming
Photocopying & Printing
Photography Studio & Supplies
Restaurants (refer to state
law for alcoholic beverage
requests)
Shoe Repair
Tailor & Seamstress
Tanning Salon
Theater
Training Center
Travel Agency & Tour Operator
Veterinarian

Table 1.2 (2). Typical Service Uses.

Commercial Service

All Center Services

Auto Repair
Auto Fuel Station
Exterminating & Disinfecting
Service
Funeral Home
Miniature Golf Course
Recreation, Commercial Indoor
Repair of Small Goods &
Electronics
Shooting & Archery Ranges
(indoor only)
Warehouse

Utility Lot

Power Station
Underground Utility Station

Table 1.2 (3).
Typical Utility Lot Uses.

Office

Architecture/Engineering/Design
Building Contractor (office only)
Business Consulting
Charitable Institutions
Computer Programming & Support
Detective Services
Educational Services (tutor &
testing)
Employment Agency
Financial & Insurance
Government Offices
Legal Services
Management Services
Physical Therapy/Physical
Rehabilitation
Medical & Dental with Laboratory
Public Relations & Advertising
Property Development
Radio & TV Studio
Real Estate

Table 1.2 (4). Typical Office Uses.

1.0 Place Types & Land Uses

Prohibited uses, limitations – Within Olympia the following are specific use prohibitions and/or limitations:		Continued - Prohibited uses, limitations – Within the Olympia the following are specific use prohibitions and/or limitations:	
SPECIFIC USE LIMITATION APPLICABLE TO ALL Olympia PLACE TYPES		CONTINUED - SPECIFIC USE LIMITATION APPLICABLE TO ALL Olympia PLACE TYPES	
USE		USE	
Auto Sales	Conditional Use only in CC	Taxicab and/or limousine business	Only in CC
Detention facility/jail	Not allowed	Tavern, as defined by State Code	Only in TC, VC, CC
Outdoor gun range	Not allowed	Manufactured home park or manufactured home subdivision	Not allowed
Animal Boarding	Only in CC	Regular flea markets, swap meets	Not allowed
Displays (products held for sale) over five feet in horizontal distance from the main building.	Only in CC	Recreational vehicle park	Within 1/2 Mile of Trailhead
Equipment, car or truck rental	Only in CC Place Type	Impound, vehicle recycling, and/or junk yards	Not allowed
Fuel sales	Allowed in CC . Allowed in TC, VC, with pumps in side or rear of building.	Automobile repair	Only in CC
Pole type commercial wireless communication structures.	Pole type only allowed in Commercial and on top of buildings in TC and VC	Distribution, limited	Only in CC
Sexually oriented businesses	Not allowed	Manufacturing	Only in CC
Pawnshop, retail tobacco specialty business, hookah lounge, tattoo, body piercing, non-depository lending establishments as the principle use.	Not allowed	Fireworks stands	Only in CC
Massage or reiki as the principal use including associated services	Only in TC, VC, CC	Convalescent facilities	Only in TC, CC
Sale or lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles	Only in CC	Billboards, pylon signs, pole signs	Only in CC
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer	Only in TC, VC, CC	Bail bonds	Not allowed
Self-storage facility, including small to large storage units, neighborhood storage	Only in CC	Rehabilitation facility	Only in TC, CC
		Landscape supply yard	Only in CC
		Warehouse	Only in CC

KEY

TC	Town Center
VC	Village Center
CC	Commercial Center

Table 1.3. Prohibited Uses.

1.0 Place Types & Land Uses

1.4. Definition of Uses.

1. Residential and Lodging Uses.

A category of uses that include several residence types.

- (1) Residential. One or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.
- (2) Hotel & Inn. A facility offering temporary or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Hotel & Inn units shall not count against approved Residential Dwelling Units (RDU).
- (3) Short Term. Any dwelling or portion thereof that is available for uses or is used for accommodations or lodging of guests, paying a fee, or other compensation for a period of less than thirty consecutive days. These uses shall only be permitted within a 1 mile radius of the Regional Park Trailhead as shown on the Land Use Plan.
- (4) Facility for Persons w/Disability. Residential facility for persons with a disability.
- (5) Residential Care. A facility offering temporary or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Residential care includes such uses as independent and assisted living facilities, nursing homes, residential care homes, congregate care, and transitional treatment facilities. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms should be accessed from the interior of the building. For density calculations, Residential Care Units shall not count against approved Residential Dwelling Units (RDU).

2. Civic Uses.

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

- (1) Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges.
- (2) Hospital & Clinic. A licensed institution providing medical care and health services to the community. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.

- (3) Library/Museum. A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
- (4) Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
- (5) Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. ~~The facilities will be housed in a permitted building, but may have the following additional allowances:~~
~~(a) Garage doors are permitted on the front facade.~~
~~(b) Exempt from maximum driveway widths.~~
- (6) School. An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.

3. Retail Uses.

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

- (1) Center Retail. Center retail includes such uses as those listed in the "Center Retail" list found in Table 1.2 (1). Typical Retail Uses.
- (2) Commercial Retail. A use in this category includes all Center Retail uses as well as such uses as those listed in the "Commercial Retail" list found in Table 1.2 (1). Typical Retail Uses.
- (3) Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies.

4. Service.

A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

- (1) Center Service. Center service includes such uses as those listed in the "Center Service" list found in Table 1.2 (2). Typical Service Uses.
- (2) Commercial Service. A use in this category includes all Neighborhood Service uses as well as such uses as those listed in the "Commercial Service" list found in Table 1.2 (2).

1.0 Place Types & Land Uses

5. Office Uses.

A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 1.2 (4).

6. Small Scale Craftsman.

A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Small Scale Craftsman includes such uses, but are not limited to those found in Table 1.2 (5). This use may also include associated facilities such as offices and small scale warehousing. The maximum overall gross floor area is limited to 20,000 square feet per business, unless otherwise noted.

7. Parking Lot.

A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In all districts, the following apply:

- (1) Single Family. Parking lot cannot be associated with a single family use.
- (2) Pedestrian Access. Must be connected to associated use by a public pedestrian pathway.
- (3) Commercial Vehicles. Parking lots for commercial vehicles are not permitted in these districts.
- (4) Corner Lots. Parking Lots are not allowed on any corner lot with the exception to serve a Park and Ride.

8. Parking Structure.

A parking structure on a lot that does not contain a permitted Building Type and is solely used for the parking of vehicles. In all districts, the following apply:

- (1) Corner Lots. A corner lot shall not be used for a parking structure with the exception to serve a Park and Ride.
- (2) Pedestrian Access. Must be connected to associated use by a public pedestrian pathway.
- (3) Commercial Vehicles. Parking structures for commercial vehicles are not permitted in these districts.

9. Utility Lot.

A lot that is primarily utilized for the City/County infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems. In the districts where a utility lot is a conditional use ("C"), the following apply:

- (1) Public hearing and notification of neighbors.
- (2) Landscape buffer (along with required landscape plan) of 10 feet on all street facing sides, with additional shrubs 1 per 7 linear feet and 1 large deciduous tree or conifer per 30 feet.

Small Scale Craftsman

Apparel & Finished Fabric Products
Bakery & Confections
Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee
Botanical Products
Commercial Scale Copying & Printing
Film Making
Furniture & Fixtures
Glass
Jewelry, Watches, Clocks, & Silverware
Leather Products
Musical Instruments & Parts
Pottery, Ceramics, & Related Products
Printing, Publishing & Allied Industries
Shoes & Boots
Signs & Advertising
Textile, Fabric, Cloth
Toys & Athletic Goods
Upholstery
Woodworking

Table 1.2 (5). Typical Small Scale Craftsman Uses.

10. Open Space.

A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Refer to 4.0 Open Space Types for permitted forms of open space. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair.

- (1) This use may involve small scale food and beverage service with no service access.

11. Accessory Uses.

A category of uses that are not permitted to serve as the principal use on a zoning lot.

- (1) Home Occupation. An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
- (2) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies.
- (3) Parking Lot. An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot.
- (4) Parking Structure. A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot.

See 9.0 Appendix for definitions of all uses.

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2.0 Sustainability Overview

2.0 Sustainability Overview

Sustainability Overview

Sustainability is a key element of Olympia, and these standards have been created with an emphasis on promoting and enhancing sustainability in a comprehensive manner. Each section of the document has sustainable design and/or construction methods integrated into it.

This section is an overview of those sustainable measures, and will describe both the intent, as well as highlight the specific measures that have been built into the design standards throughout this document.

Many of these design standards indirectly promote sustainability. However, this section will only highlight the specific sustainability measures found in the design standards, such as standards deal with energy, water conservation, water quality, and open space preservation.

1.0 Place Types and Land-Uses.

1. Sustainability Summary

This section addresses the planning and design of the overall community, including creating a number of “place types.” This will ensure the ability to provide the mix of uses necessary to create a community where residents can live, work, play, shop and perform other daily functions within close proximity to each other.

This section also promotes compact development in town centers and village centers, which enhances walkability and reduces dependency on automobiles.

2. References to Sustainability

[1.2.2. Sustainability](#)

3.0 Street Types & Design.

1. Sustainability Summary

The street types in Olympia will promote sustainability by being designed to be highly walkable, and by promoting multiple alternate transportation modes such as bicycles and transit. This section also promotes incorporating innovative stormwater management practices to reduce runoff and improve water quality.

2. References to Sustainability

[3.5. Stormwater Management.](#)

4.0 Parks, Trails & Open Space.

1. Sustainability Summary

Olympia will provide significant parks and open space throughout the community, which will provide active and passive recreation for residents, as well as also helping to support biodiversity and healthy ecological systems. This section also promotes utilizing open spaces to promote innovative stormwater management practices.

2. References to Sustainability

[4.3. Parks.](#)

[4.4. Open Space.](#)

[4.5. Trails.](#)

[4.6. Stormwater in Parks and Open Spaces.](#)

5.0 Site Design.

1. Sustainability Summary

The Site Design section focuses on the details of how to create walkable, active, and vibrant Town Centers, Village Centers, and Neighborhoods. It also specifies how design elements, such as lighting, can become more environmentally sensitive.

2. References to Sustainability

[5.9. Lighting.](#)

6.0 Buildings & Architecture.

1. Sustainability Summary

Buildings are a large source of emissions, and this section outlines measures that Olympia will utilize to minimize environmental impacts from buildings. This section also contains water efficiency standards for buildings.

2. References to Sustainability

[6.12. Sustainability.](#)

7.0 Landscape.

1. Sustainability Summary

Outdoor water use is one of the most important sustainability issues for the Wasatch Front. This section specifically focuses on how to limit high water-using plant materials, without compromising the livability and beauty of the community. The driving focus behind these landscape standards is to specify where lawn areas will be most effective, and to limit lawn where it is unnecessary.

2. References to Sustainability

[7.1.3. Lawn Area.](#)

[7.1.4. Planting Area.](#)

3.0 Street Types & Design

3.0 Street Types & Design

1. Intent.

Olympia intends to provide a variety of street types in order to:

- (1) Create complete streets that address all modes of travel, including pedestrian traffic, bicycle traffic, transit, and vehicular traffic.
- (2) Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.
- (3) Continue the existing logical and comprehensible system of streets and street names that result in a simple, consistent and understandable pattern of blocks, lots, and house numbers.
- (4) Provide direct access to all lots for vehicles and pedestrians.
- (5) Create streets that are appropriate for their contexts in residential, commercial, or mixed use districts and are designed to encourage travel at appropriate volumes and speeds.
- (6) Encourage streets that respect natural features by following topography and drainage systems, rather than interrupting or dead-ending at the feature.
- (7) Create streets and public rights-of-way that result in stormwater runoff quantity reduction and improved quality of stormwater runoff.
- (8) Ensure streets are designed to be safe and walkable, no matter how many cars they accommodate, or how continuous they are across the community/region.
- (9) Olympia intends to create a well-connected street network with appropriate sized blocks in order to create a highly walkable environment that maximizes mobility. The benefits of a well-connected street network include:
 - More transportation options and routes = More mobility.
 - Improved active transportation.
 - Increased real estate values and overall improved economy.
 - Shorter emergency response times and larger emergency response areas = More Safety.
 - Reduced traffic congestion.
 - Better flexibility for redevelopment
 - Community health benefits
 - Safer streets.

2. General Requirements.

- (1) Compatibility. All street types and design will comply with all required design standards.
- (2) On-Street Parking. On-street parking is encouraged, where appropriate, either through parallel or angled parking. All on street parking may count toward overall parking requirements.
- (3) Street Trees. Street Trees are required on all streets, with the exception of an alley or lane street type. See 7.3 Street Trees & Streetscape Design for street tree requirements.
- (4) Sidewalks. A sidewalk must be provided along all sides of roadways that are fronted by residential or commercial uses.

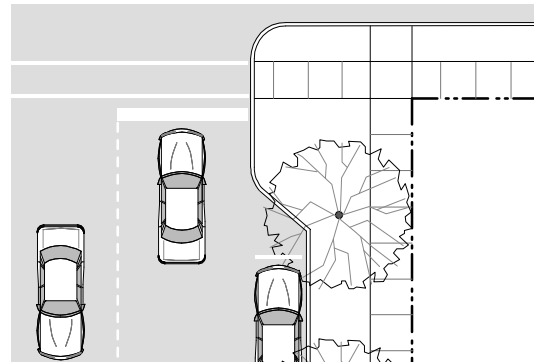


Figure 3.1. Bulb Out.

- (5) Intersections. To shorten pedestrian crossing distances, bulb-outs may be utilized at all local road intersections for street types with on-street parking. Refer to Figure 3.1.
- (6) Intersection Circles. May be utilized at the Major Local Intersections to provide speed control.
- (7) Roundabouts and Mid Block Bulb outs. To be utilized as necessary on Major Collectors to facilitate traffic and pedestrian movement.
- (8) Bus Pull-Outs. Bus pull-outs should be integrated into the streetscape design in appropriate locations. Bus routes and pull-outs should be coordinated with UTA.
- (9) Traffic/Speed Control Elements. To be considered on linear, local road segments longer than 1,000' and may include center median/traffic island, radar driver feedback signs, choke points/neck-downs or raised crosswalks.
- (10) Emerging Mobility Options. Streets should be designed to accommodate ridesharing services with pull-outs in appropriate areas. Street design should also respond to future technologies as they emerge, if appropriate, with the goal of enhancing and increasing mobility.
- (11) Parkstrips/LID's. All parkstrips may accommodate LID's.
- (12) Cul-de-sacs. Cul-de-sacs should be used where required to accommodate challenging areas for development such as: areas of steeper topography, where thru access is limited, for odd shaped parcels, adjacent existing land ownership does not allow for a thru connection, etc.

3.0 Street Types & Design

3. Typical Street Elements.

Typical elements of a vehicular right-of-way are divided into the vehicular and pedestrian realm. Each street type detailed in this article outlines which facilities are applicable. Refer to Figure 3.2: Typical Right-of-Way Elements.

- (1) Vehicular Realm. The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.
- (2) Pedestrian Realm. The pedestrian realm is typically comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area, consisting of a landscape zone or furnishings zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm.
 - (a) Landscape Zone. A landscape area between the back of curb or edge of pavement to the sidewalk in which street trees, swales, lighting, and signage may be located. Typically used adjacent to residential buildings.
 - (b) Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.

4. Bicycle Facilities.

The majority of streets within Olympia are intended to be designed for a slow vehicular speed, allowing bicycles to safely share travel lanes with vehicles.

For major streets that are designed for faster vehicular speeds and larger traffic volumes, the following types of bicycle accommodations are permitted in the vehicular realm per Street Type. Refer to Figure 3.3.

Locations for bike lanes will be identified by Street Types Listed in Sections 3.9 - 3.20

- (1) Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street.

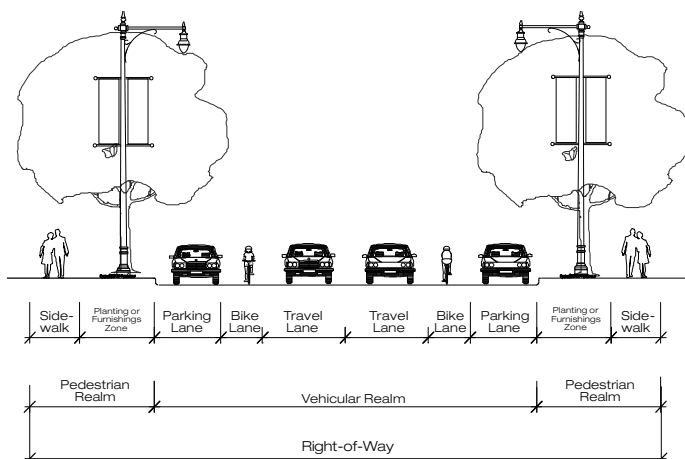


Figure 3.2. Typical Right-of-Way Elements.

- (2) Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

5. Stormwater Management.

Incorporation of stormwater management best practices into the right-of-way design, such as incorporating drainage swales and curb cuts into the Landscape Zone may be utilized where appropriate and practicable.

6. Street Types.

Street Types defined in this section outline acceptable street configurations, and represent the most common streets that will be used in Olympia. These streets should be designed using the principles and characteristics defined by each street type.

- (1) The graphics provided here, illustrate the intent for a possible configuration of that street type.
- (2) Corridors and streets with major transit lines, such as bus rapid transit, light rail, streetcar, or others, may create a new street type that is designed to specifically accommodate the transit mode, surrounding land-uses, and other specific factors.
- (3) By applying the standards outlined, and working with **City Staff**, other street types, modified dimensions or other street configurations are possible through the administrative modification process as outlined in the **MDA**.

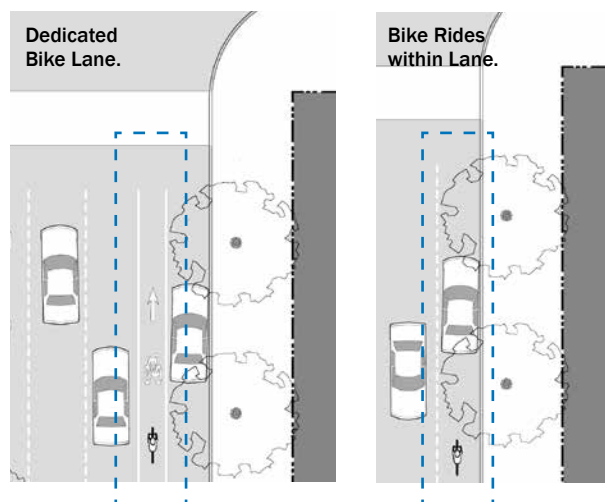


Figure 3.3. On-Street Bicycle Facilities.

3.0 Street Types & Design

7. Connectivity

(1) Overview

The following Connectivity standards center around two primary concepts: relative connectivity and network density. Both are important to consider when analyzing street networks; the two concepts complement one another to provide a well-connected network.

- (a) **Relative Connectivity:** The relative level of connectivity means that intersections provide a certain amount of connections among streets. For example, a 4-way intersection provides more connectivity than a 3-way intersection, and both provide more connectivity than a cul-de-sac, or other dead end, which provides no connectivity. The level of connectivity is further established through requirements and restrictions on cul-de-sacs and dead ends.
- (b) **Network Density:** While relative connectivity is important, it is not the only important factor. Network density is the number of connections within a given unit of area. A city with only 4-way intersections and large blocks may not be as well connected as a city with a few cul-de-sacs and small blocks. A city with smaller blocks will have more total intersections per square mile (and be more connected) than a city with a similar level of relative connectivity and larger blocks. Network density is established by a maximum block length as well as maximum spacing of pedestrian paths and streets connecting outside the project to existing or future developments.

(2) Secondary Aspects of Street Connectivity

- (a) **Ability to connect to specific destinations.**
This aspect addresses the problem that all destinations along a network are not equally popular – and, therefore, are not equally valuable for a network to connect to. An elementary school receives more trips along a network than a single family home, for example. So it is important to understand how well a given network connects the community to these specific points along it. Often improvements to accessing a specific destination such as a school are the most effective ways a built-out community can improve its connectivity.
- (b) **Quality of the network for all users – walkability.** The other secondary aspect of street connectivity considers that, on the ground, streets are much different than lines on a map. Each street offers a different environment for all the transportation modes – private vehicles, public transit, freight, bicycling, and walking. It is particularly important to pay attention to the conditions for walking. Pedestrians are the most vulnerable users of the network, and everyone is a pedestrian at some point during their trip. The pedestrian environment is critical for transit access. Walkability here means how well a street provides infrastructure for walking – both along it and at street crossings.

8. Connectivity Guiding Principles

Connectivity within Olympia should be a priority within all design components and the following guiding principles should be applied where feasible.

- (1) **Existing Street Network.** Olympia's street network should be coordinated with and connect into the existing street network. Connecting to the existing street network takes priority over Connectivity Requirements in Table 3.1, where conflicts occur. Generally major streets should be provided at 1/2 mile spacing when feasible.
- (2) **Adjacent Properties.** Adopted plans for properties adjacent to Olympia should be collected to understand any forthcoming street networks, and Olympia should coordinate street connections with these properties.
- (3) **Connectivity Guiding Principles** should strive to accommodate all users.

Network density in higher density neighborhoods is most vital for pedestrians – a dense, connected network for people on foot is the highest connectivity priority here.

Incorporate larger land uses like schools, parks, and commercial centers into the overall street network pattern, preserving streets and intersections.

Commercial corridors should provide a focal point of destinations within a community. These "Main" streets and connections to them should have an especially high degree of connectivity and network density.

Pedestrian ways, greenways, and linear parks may be utilized to enhance networks in more dense neighborhoods,

The major barriers for pedestrians in higher density neighborhoods are often large streets; care should be taken to provide frequent, convenient, and safe crossings across these larger streets.

The often-widely spaced community-level streets and the concentration of traffic onto them presents a challenge for active transportation users. Olympia should seek to make these major streets safe and convenient for all users, and/or to provide parallel routes that have the same level of community connection and access the same destinations.

Transit users should be able to cross and walk along major streets to access transit services running on them.

Care should be taken to provide complete streets or networks around key community destinations.

Olympia should prioritize active transportation connections to raise the effective connectivity of otherwise disconnected places.

Major land features such as drainageways, agricultural preserves and hilly or sloped areas can be opportunities for community-wide active transportation corridors.

3.0 Street Types & Design

Portions of this connectivity Overview and Guiding Principles are derived from the Utah Street Connectivity Guide, 2017.

- (4) Mid-Block Pedestrian Crossings. Mid-block pedestrian crossings may be utilized to cross streets within larger blocks in Town Centers and Village Centers.
 - (a) Mid-block pedestrian crossings should be located in the middle third of the block face.
- (5) In the case of topography (slopes greater than 15%), existing development, or other site specific issues, the Connectivity Preferences in Table 3.1 may be adjusted as needed by the **Administrator** pursuant to the **Master Development Agreement (MDA)** to better accommodate development on the site.
- (6) The Connectivity preferences listed in Table 3.1 may be modified by the **Administrator** on a case-by-case basis pursuant to Master Development Agreement or Site plan/Subdivision Plat.
- (7) Definitions
 - (b) **Block.** A contiguous group of properties bounded by multiple thoroughfares, rights-of-way, railroads, water bodies or other similar features. The block's perimeter is formed by outer property lines of the properties within the block. (Figure 3.4)
 - (c) **Block Length.** The length of one side of a block between two streets. (Fig. 3.4). Will vary by Place Type to meet specific goals for different Place Types. See Table 3.1.
 - (d) **Block Perimeter.** The block perimeter is defined as the length of all sides of a block added together. (Figure 3.4).
 - (g) **Cul-de-sac.** A street ending in a vehicular turnaround whose roadway does not connect to other streets.
 - (i) **Major Street.** A street that includes Major Local, Minor and Major Collectors and Major Arterials as shown on the Master Road Plan in the MDA.
 - (k) **Pedestrian Pathway.** A hard-surfaced, ADA-compliant path reserved for pedestrian or other non-motorized use. May be privately owned but must be publicly accessible to meet pedestrian pathway connectivity requirements.
 - (m) **Street.** A public thoroughfare including roads, highways, drives, lanes, avenues, places, boulevards or any other thoroughfare dedicated for public use that affords primary access to abutting properties.
 - (n) **Street Network.** System of interconnected streets that forms the framework for community development and transportation.
 - (o) **Stub Street.** A street that runs from an intersection to connect to a future adjacent development. (See Figure 3.5)

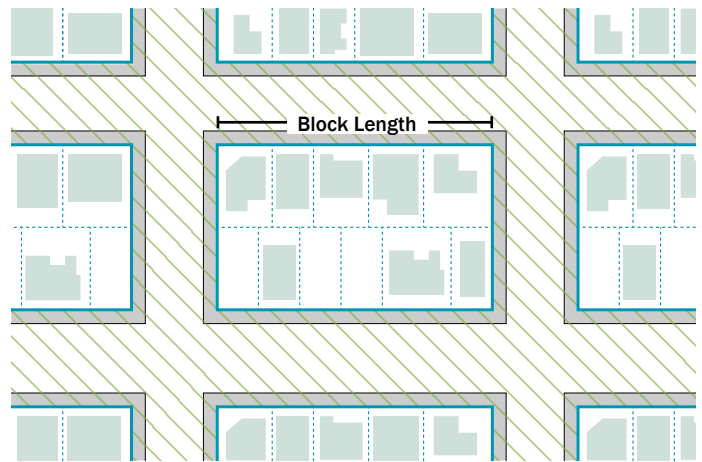


Figure 3.4 - Block Length and Right of Way

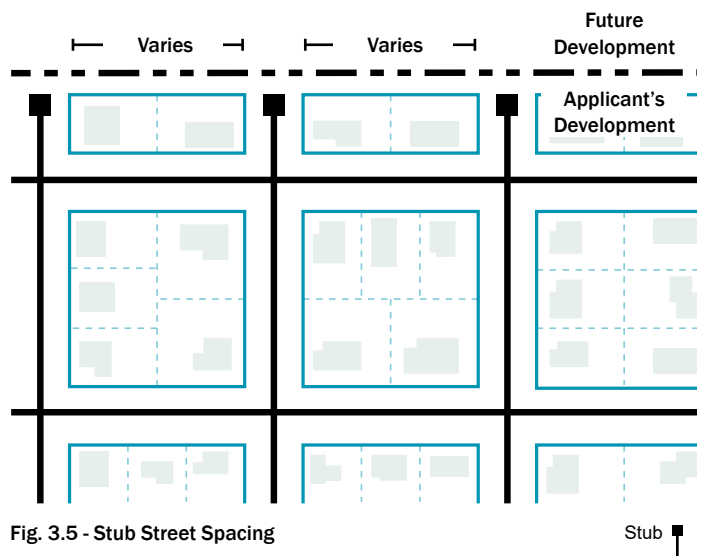
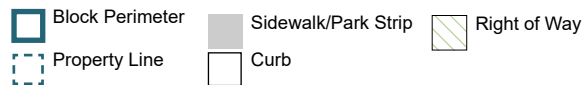


Fig. 3.5 - Stub Street Spacing

3.0 Street Types & Design

CONNECTIVITY PREFERENCES				
Place Type	Maximum Block Length (ft)*	Maximum Block Perimeter (ft)	Maximum Stub Street Spacing (ft)****	Cul-de-sac Maximum Length (ft)**
Commercial Center (CC)	1,000	3,000	1,000	N/A
Town Center (TC)	800	2,640	660	Not Allowed
Village Center (VC)	800	2,640	660	600
Neighborhood (N)	1,000	2,640	1,000	750
Parks and Open Space (OS)	N/A	N/A	***	750

Table 3.1 - Connectivity Preferences

Block Lengths and Block Perimeters shall be measured by vehicular routes (Streets, Lanes and Alleys) and/or Pedestrian Paths. (See Figure 3.6)

Longer Blocks may be considered and approved by the Administrator above those maximums above if curved or angled streets are provided.

* Streets managed by UDOT with access management requirements or corridor agreements may create exceptions to block lengths;

** Cul-de-sacs may have a pedestrian pathway through to the other side of the block, where applicable.

*** Cul-de-sac lengths may exceed 750' if special approval is granted by the Fire Authority and Administrator.

**** Any street network in the open space should connect directly to the surrounding street network where practical.

***** Stub street exemptions shall be granted when adjacent land would not be developed due to ownership, existing water bodies, topography or utility infrastructure.

Connectivity Preferences may be modified thru the Administrative Modification process set forth in the MDA.



Fig. 3.5 - Pedestrian Path Connection

3.0 Street Types & Design

3.9 Private Alley.

1. Intent.

The Private Alley is a very low capacity drive located at the rear of parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse and utilities is possible without a curb cut or driveway interrupting a street type. Alleys are 20' of driveable surface and may be comprised of 18' of asphalt and two 12" concrete ribbon curbs or 20' of concrete. Refer to the typical plan and section in Figure 3.9.

2. General Requirements.

Private Alleys shall be developed using the standards in Table 3.9.

Connecting driveways must be a minimum driveway depth of 3' and a maximum of 5' (To prevent unwanted parking) or 20' or deeper (To allow for parking clear of the alleyway edge).

Units cannot front or be addressed off of an alley.

Alley loaded Paseo lots that face a courtyard adjacent to a public/private street shall be addressed consecutively as if the lots were directly adjacent to the public/private street. If the Paseo lots are on the even numbered side of the public/private street, the even consecutive numbering would be assigned to each lot. Odd consecutive numbering would be assigned to lots adjacent to the opposite side of the road.

Maximum Dead End Length of an alley without a turn-around = 150'

Maximum Dead End Length of an alley with approved fire truck turn around = 350'

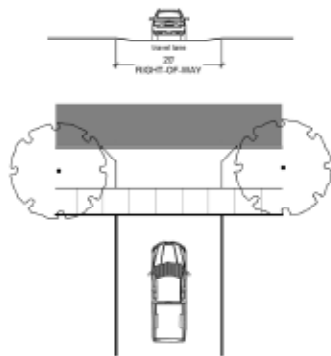


Figure 3.9. Typical Private Alley.

Private Alley Requirements

Typical Right-of-Way/
Easement Width 20'

Vehicular Realm (Privately Owned and Maintained)

Travel Lanes 1 yield lane

Lane Width 20'

Allowable Turn Lanes Not applicable

Parking Lanes Not applicable

Pavement Width 18' - 20'

Median No

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Shared; travel lanes are shared among drivers, pedestrians and bicyclists

Street Buffer None required

Access Type Provides Access?

Fire Apparatus No

Emergency Vehicles Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.9. Private Alley Requirements.

3.0 Street Types & Design

3.10 Private Lane

1. Intent.

A Lane is a low capacity Street Type that serves only those properties directly adjacent to it. Lanes will serve to connect private and/or public streets and can provide access to alleys. A lane is also considered a thru connector to reduce overall block lengths. Lanes can have designated realms for vehicular and pedestrian traffic, or these modes can share lanes given the low capacity and slow speed. Refer to the typical plan and section, Figure 3.10.(1) and the Typical Lane Application, Figure 3.10(2)

2. General Requirements.

The Lane shall be developed using the standards in Table 3.10.

All Lane types may provide an option with Sidewalk on one side only.

Lane Requirements

Typical Right-of-Way Width 21'-31'

Vehicular Realm (Privately Owned and Maintained)

Anticipated Speed Limit = 20-25 mph

Travel Lanes 2 yield lanes

Lane Width 10'

Allowable Turn Lanes Not applicable

Parking Lanes Not allowed

Pavement Width 16'

Median No

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Optional minimum 5' wide clear attached sidewalk on one or both sides. Sidewalks are required wherever units front the Lane.

Street Buffer None required

Access Type Provides Access?

Fire Apparatus No

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.10. Lane Requirements.

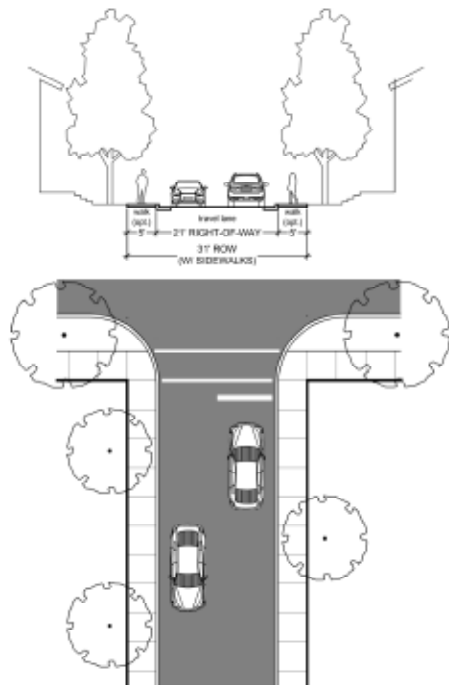


Figure 3.10.(1) Typical Lane.



Figure 3.10.(2) Typical Lane Application

3.0 Street Types & Design

3.11 Private Street A.

1. Intent.

This Private Street is a low capacity street designed for slow speeds with a private right-of-way. It primarily serves those residences or businesses directly adjacent to it. The street provides for on-street parking on one side of the street where needed to serve adjacent uses. Refer to the typical plan and section, Figure 3.11.

2. General Requirements.

The Private Street shall be developed using the standards in Table 3.11.

Private Street A Requirements

Typical Right-of-Way Width 27'-37'

Vehicular Realm (Privately Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 10'

Allowable Turn Lanes Not applicable

Parking Lanes Parallel allowed on one side of the street

Pavement Width 22'

Median Not Permitted

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Optional minimum 5' wide clear sidewalk on one or both sides. Sidewalks are required wherever units front the Private Street.

Street Buffer None Required

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.11. Private Street A Requirements.

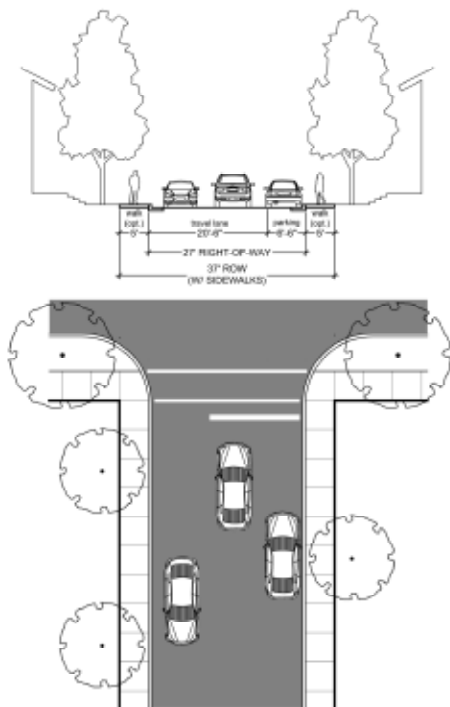


Figure 3.11. Typical Private Street A.

3.0 Street Types & Design

3.12 Private Street B.

1. Intent.

This Private Street is a low capacity street designed for slow speeds with a private right-of-way. It primarily serves those residences or businesses directly adjacent to it. The street provides for on-street parking on two sides of the street where needed to serve adjacent uses. Refer to the typical plan and section, Figure 3.12.

2. General Requirements.

The Private Street shall be developed using the standards in Table 3.12.

Private Street B Requirements

Typical Right-of-Way Width 33'-43'

Vehicular Realm (Privately Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 10'

Allowable Turn Lanes Not applicable

Parking Lanes Parallel allowed on both sides of the street

Pavement Width 28'

Median Not Permitted

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Optional minimum 5' wide clear sidewalk on one or both sides. Sidewalks are required wherever units front the Private Street.

Street Buffer None Required

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.12. Private Street B Requirements.

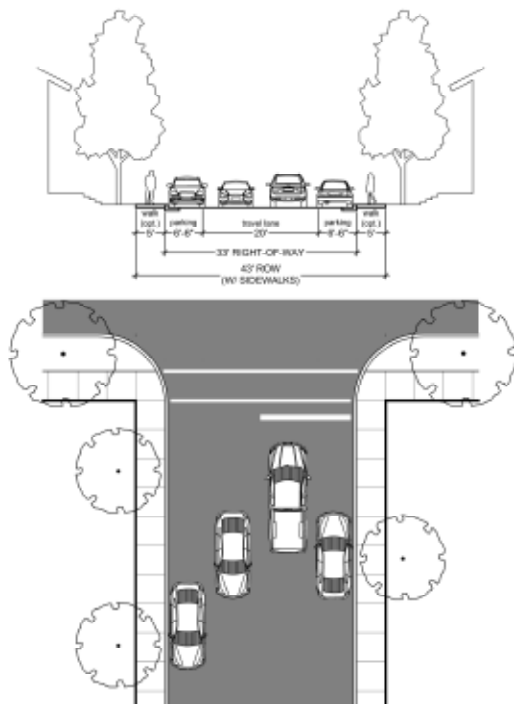


Figure 3.12. Typical Private Street B.

3.0 Street Types & Design

3.13 Private Street C.

1. Intent.

This Private Street is a low capacity street designed for slow speeds with a private right-of-way. It primarily serves those residences or businesses directly adjacent to it. The street provides for on-street parking on one side of the street where needed to serve adjacent uses as well as parkstrips and sidewalks on both sides of the street. Refer to the typical plan and section, Figure 3.13.

2. General Requirements.

The Private Street may be developed using the standards in Table 3.13.

Private Street B Requirements

Typical Right-of-Way Width 47'

Vehicular Realm (Privately Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 10'

Allowable Turn Lanes Not applicable

Parking Lanes Parallel allowed on one side of the street

Pavement Width 22'

Median Not Permitted

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5' wide clear sidewalk on both sides.

Street Buffer Minimum 5' wide landscape zone.

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.13. Private Street C Requirements.

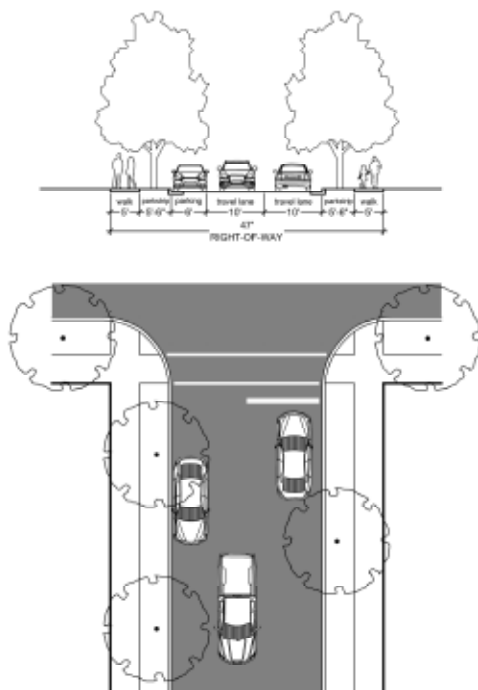


Figure 3.13. Typical Private Street C.

3.0 Street Types & Design

3.14 Minor Local Street.

1. Intent.

The Minor Local Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it and provides connectivity from neighborhoods to other local or collector streets. Refer to the typical plan and section, Figure 3.14.

2. General Requirements.

The Minor Local Street shall be developed using the standards in Table 3.14.

Minor Local Street Requirements

Typical Right-of-Way Width

55'

Vehicular Realm (Publicly or Privately Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 10'

Allowable Turn Lanes At signalized Collector and larger streets

Parking Lanes Parallel allowed on both sides of street

Pavement Width 28'

Median Not Permitted

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5' wide clear sidewalk on both sides

Street Buffer Minimum 6' wide Landscape Zone

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.14. Minor Local Street Requirements.

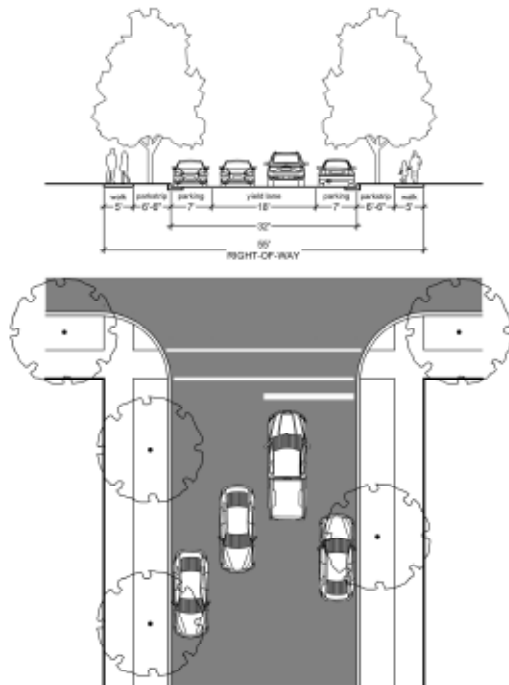


Figure 3.14. Typical Minor Local Street.

3.0 Street Types & Design

3.15 Major Local Street.

1. Intent.

The Major Local Street is a medium capacity street for slow speeds with a standard right-of-way. It primarily serves as a connector through street within more dense residential neighborhoods or commercial districts. The street provides parallel parking with parkstrips and walkway or with connected sidewalks providing pedestrian connection to higher intensity uses such as multi-family residential or commercial adjacent uses. Parallel parking may be provided on one or both sides of the street. The street also connects Neighborhood Streets to Major and Minor Collector Streets. Refer to the typical plan and section, Figure 3.15.

2. General Requirements.

Major Local Street shall be developed using the standards in Table 3.15.

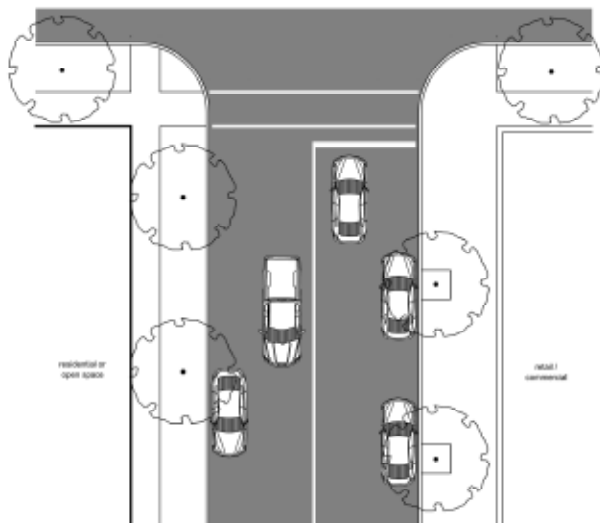
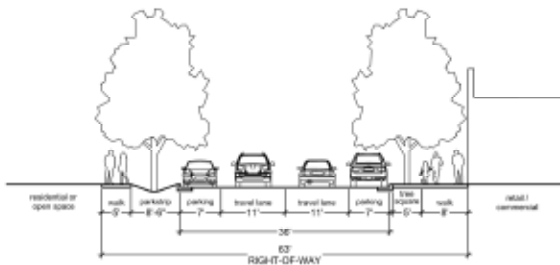


Figure 3.15. Typical Major Local Street.

Major Local Street Requirements

Typical Right-of-Way Width

63'

Vehicular Realm (Publicly Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 11'

Allowable Turn Lanes Right permitted in place of parking at intersections.;

Parking Lanes Parallel allowed on both sides of street.

Pavement Width 32'

Median N/A.

Bicycle Facilities¹ Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5' or 8' wide clear sidewalk on both sides

Street Buffer Minimum 8' wide landscape zone or 13' wide furnishings zone; adjacent to Residential Districts, Open Space Districts, the landscape zone is required.

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.15. Major Local Street Requirements.

3.0 Street Types & Design

3.16 Major Local Urban Street A.

1. Intent.

The Major Local Urban Street A is a medium capacity street for slow speeds with a standard right-of-way. It primarily serves as a connector through street within more dense residential neighborhoods or commercial districts. The street accommodates 45 degree angled or parallel parking with connected sidewalks providing pedestrian connection to adjacent uses. Angled or parallel parking may be provided on one or both sides of the street. The street also connects Neighborhood Streets to Major and Minor Collector Streets. Refer to the typical plan and section, Figures 3.16.(1) and 3.16.(2).

2. General Requirements.

Major Local Urban Street A shall be developed using the standards in Table 3.16.

Major Local Urban Street A Requirements

Typical Right-of-Way Width

76'-89'

Vehicular Realm (Publicly Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 11'

Allowable Turn Lanes Right permitted in place of parking at intersections.

Parking Lanes Parking allowed on both sides of street.

Pavement Width 45'

Median N/A.

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5' or 8' wide clear sidewalk on both sides.

Street Buffer Minimum 8' wide planting zone or 13' wide furnishings zone; adjacent to Residential Districts, Open Space Districts, the landscape zone is required.

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.16. Major Local Urban Street A Requirements.

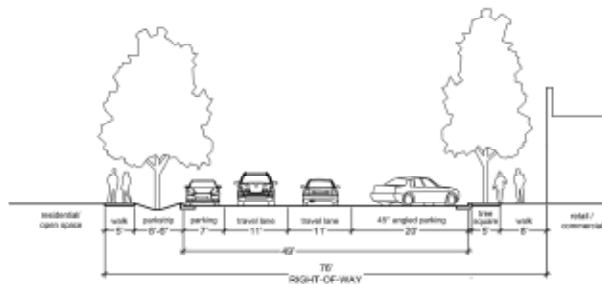


Figure 3.16.(1). Typical Major Local Urban Street A with Parking on one side.

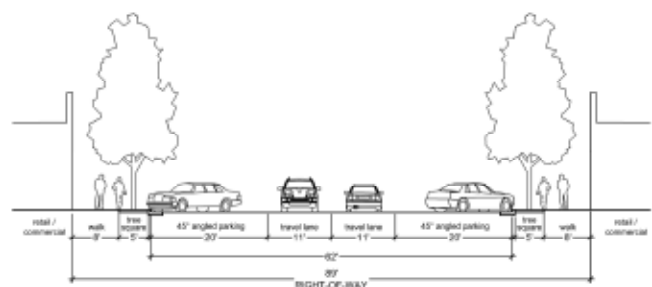
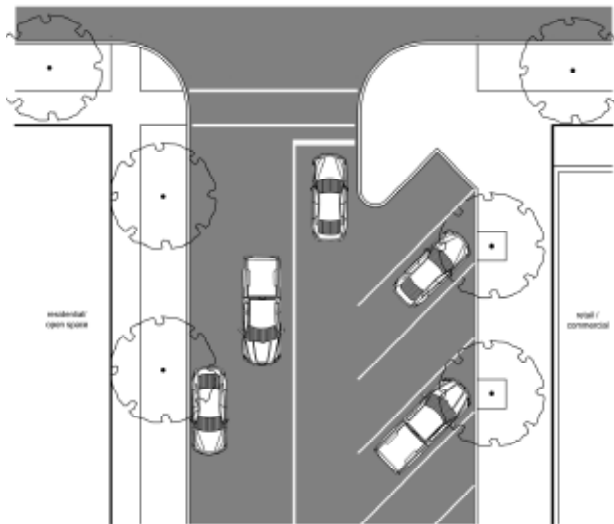


Figure 3.16.(2). Typical Major Local Urban Street A Alternative with Angled Parking on both sides

3.0 Street Types & Design

3.17 Major Local Urban Street B.

1. Intent.

The Major Local Urban Street B is a medium capacity street for slow speeds with a standard right-of-way. It primarily serves as a connector through street within more dense residential neighborhoods or commercial districts. The street accommodates 45 degree angled or parallel parking with connected sidewalks providing pedestrian connection to adjacent uses. Angled or parallel parking may be provided on one or both sides of the street. The street also connects Neighborhood Streets to Major and Minor Collector Streets. Refer to the typical plan and section, Figure 3.17.

2. General Requirements.

Major Local Urban Street B may be developed using the standards in Table 3.17.

Major Local Urban Street B Requirements

Typical Right-of-Way Width

88'-101'

Vehicular Realm (Publicly Owned and Maintained)

Anticipated Speed Limit = 25 mph

Travel Lanes 1 lane in each direction

Lane Width 11'

Allowable Turn Lanes Right permitted in place of parking at intersections.

Parking Lanes Parking allowed on both sides of street.

Pavement Width 70'

Median Permitted.

Bicycle Facilities ¹ Shared

Pedestrian Realm

Pedestrian Facilities Minimum 5' or 8' wide clear sidewalk on both sides.

Street Buffer Minimum 8' wide planting zone or 13' wide furnishings zone; adjacent to Residential Districts, Open Space Districts, the landscape zone is required.

Access Type Provides Access?

Fire Apparatus Yes

Emergency Yes

Maintenance/Service Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.17. Major Local Urban Street B Requirements.

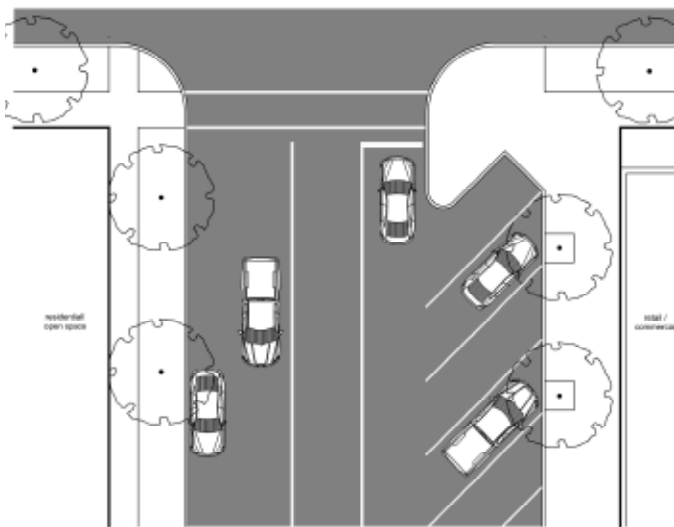
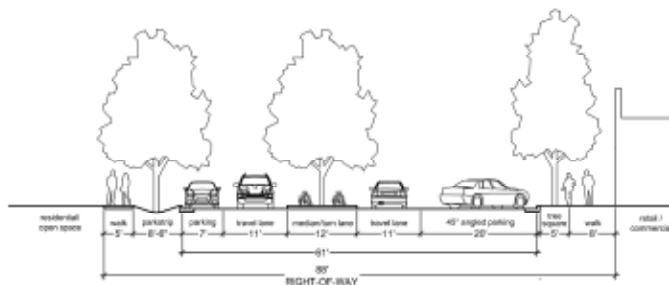


Figure 3.17.(1). Typical Major Local Urban Street B with Parking on one side.

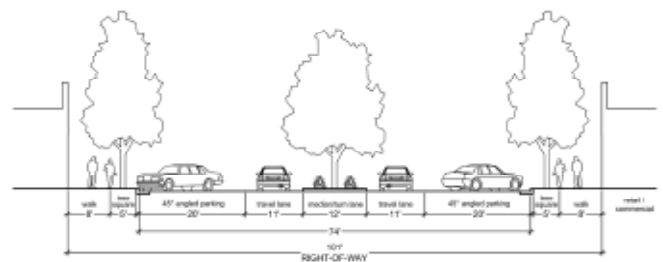


Figure 3.17.(2). Typical Major Local Urban Street B Alternative with Angled Parking on both sides.

3.0 Street Types & Design

3.18 Minor Collector.

1. Intent.

The Minor Collector is a medium to high capacity street for higher speeds with a wider right-of-way. It will only be utilized in 2 locations (refer to the Master Roads Plan) and serves to provide cross community connections to and thru Olympia. Refer to the typical plan and section in Figure 3.18.

2. General Requirements.

Minor Collector shall be developed using the standards in Table 3.18.

Residential driveways are not allowed access off of Minor Collectors if the portion of the street is within 600' of a school or school parcel.

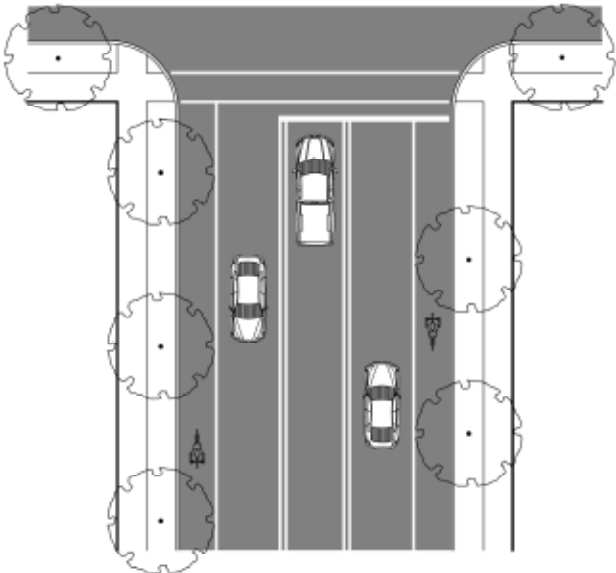
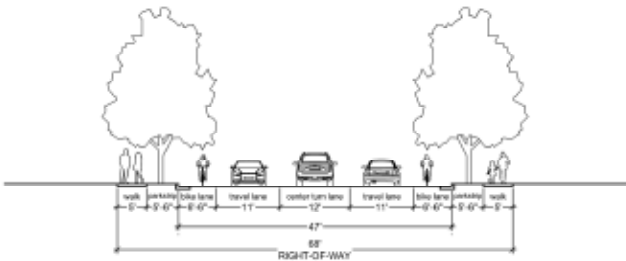


Figure 3.18. Typical Minor Collector.

Minor Collector Requirements	
Typical Right-of-Way Width	68'
Vehicular Realm (Publicly Owned and Maintained)	
Anticipated Speed Limit = 30-35 mph	
Travel Lanes	1 lane in each direction
Lane Width	11'
Allowable Turn Lanes	Right turn from existing travel lane; left with turn lane/median.
Parking Lanes	Not Allowed
Pavement Width	43'
Median	Permitted.
Bicycle Facilities ¹	Dedicated bike lane.
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Minimum 5' wide landscape zone.
Access Type	Access provided?
Fire Apparatus	Yes
Emergency	Yes
Maintenance/Service	Yes
¹ Reference 3.4 for bicycle facility types and requirements	

Table 3.18. Minor Collector Requirements.

3.0 Street Types & Design

3.19 Major Collector.

1. Intent.

The Major Collector is a medium to high capacity street for higher speeds with a wider right-of-way. It serves all types of development and provides cross community connections. Refer to the typical plan and section in Figure 3.19.

2. General Requirements.

Major Collectors shall be developed using the standards in Table 3.19. Residential driveways are not allowed access off of Major Collectors.

Major Collector Requirements	
Typical Right-of-Way Width	86'
Vehicular Realm (Publicly Owned and Maintained)	
Anticipated Speed Limit = 30-35 mph	
Travel Lanes	1 lane in each direction
Lane Width	11'
Allowable Turn Lanes	Right permitted in place of parking/shoulder at intersections; left with turn lane/median.
Parking Lanes	Parallel allowed on both sides of street;
Pavement Width	55'
Median	Permitted.
Bicycle Facilities ¹	Dedicated bike lane.
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides. Walks may be relocated to within any adjacent Parks/Open Spaces.
Street Buffer	Minimum 8' wide landscape zone or furnishings zone; adjacent to Residential Districts, Open Space Districts, the landscape zone is required
Access Type	Access Provided?
Fire Apparatus	Yes
Emergency	Yes
Maintenance/Service	Yes

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.19. Major Collector Requirements.

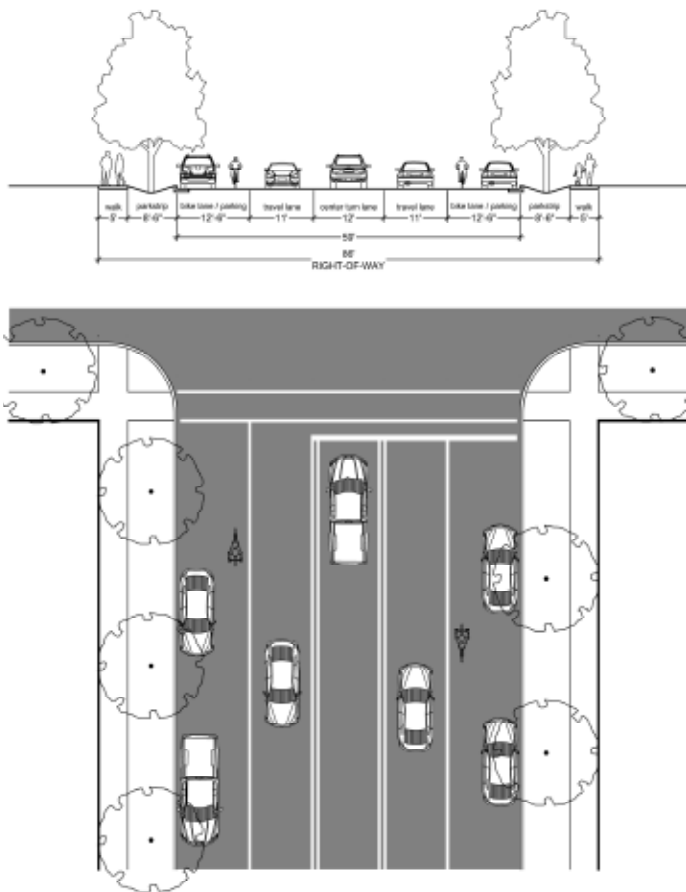


Figure 3.19. Typical Major Collector.

3.0 Street Types & Design

3.20 Major Arterial.

1. Intent.

The Major Arterial is a high capacity street for higher speeds with a wider right-of-way. It serves all types of development and provides crosstown connections. Bicycle facilities should generally be included on Major Arterial street types to provide dedicated bikeways on major corridors. Refer to the typical plan and section, Figure 3.20.

2. General Requirements.

Major Arterials shall be developed using the guidelines in Table 3.20.

Residential driveways are not allowed access off of Major Arterials.

Major Arterial Requirements

Typical Right-of-Way
Width

120'

Vehicular Realm (Publicly Owned and Maintained)

Anticipated Speed Limit = 40 mph

Travel Lanes Up to 2 lanes each direction.

Lane Width 11'-6" - 12'.

Allowable Turn Lanes Right permitted with shared bike lane at intersections; left with turn lane/median.

Parking Lanes Not Permitted.

Pavement Width 81' (Includes Median)

Median Permitted, 14' wide.

Bicycle Facilities ¹ Dedicated Bike Lane.

Pedestrian Realm

Pedestrian Facilities Minimum 8' wide clear sidewalk on both sides.

Buffer Minimum 8' wide landscape zone or furnishings zone, both sides; adjacent to Residential Districts, Open Space Districts, the landscape zone is required

¹ Reference 3.4 for bicycle facility types and requirements

Table 3.20. Major Arterial Requirements.

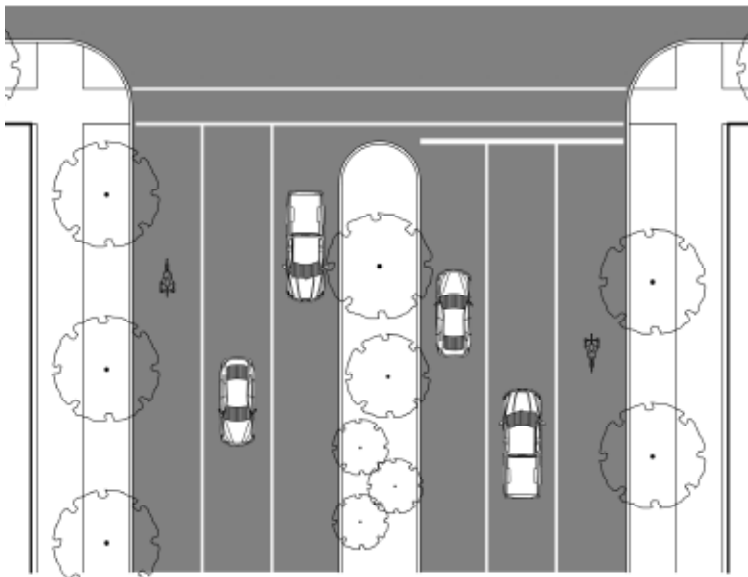
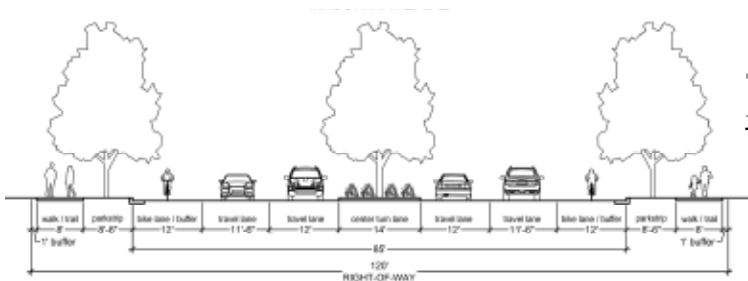


Figure 3.20. Typical Major Arterial.

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4.0 Parks, Trails & Open Space

4.0 Parks, Trails & Open Space

1. Intent.

Olympia intends to provide Parks, Trails and Open Space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive Parks, Trail and Open Spaces. This also includes providing connections to existing and proposed trails, including trails into Butterfield Canyon.

2. General Requirements.

- (1) Ownership and Maintenance. Olympia should use a variety of strategies to manage and maintain open space, including: public/private partnerships, intergovernmental agreements, community associations, and other arrangements. Ownership and Maintenance responsibilities will be determined at the time of subdivision or site plan approval.
- (2) Olympia parks and open space system will afford residents with parks, open space, and trails through various sizes of parks, including community parks, and neighborhood or local parks, distributed throughout the project area.
- (3) If a regional park is provided within the project, it should be planned to accommodate transit stops, and may include natural resources such as creeks.
- (6) Community and neighborhood parks and recreation facilities will be distributed through the project to provide park facilities within walking proximity of residents. Community parks should be located near transit stops and/or recreation facilities whenever possible. Neighborhood parks are intended to be primarily focused on serving walk-to or bike-to recreation needs for residents within close proximity.
- (7) Connections to existing or planned trails or parks and open spaces should be made when the park or open space abuts an existing or planned Trail right-of-way or other civic open space or park.
- (8) Parks, Trails and Open Space Plan submittals will be provided with each Site Plan or Subdivision application as outlined in the **MDA application process** and may include the following:
 - (a) Parks Plan. Show park type, general location and size of planned parks including proposed park amenities.
 - (b) Trails Plan. Show trail connections to key destinations such as schools, parks and other community facilities, the intended uses/modes of travel for each segment of trail and the material and width of trails.
 - (c) Open Space Plan. Show general location, size and function of open spaces.

3. Parks.

A Park is defined as a non-commercial, public or private facility. Parks may include programming and facilities that support active and passive recreation. Commercial uses are allowed inside parks with the approval of **City Staff**. Qualifying uses can be found in Table 4.1.

- (1) All dwelling units shall have at least one 2-acre Park no greater distance than one-half (1/2) mile radius away as measured from any portion of the park. All Parks improved by the master developer should be planned and phased in such a way that residents have a completed park no greater than one-half (1/2) mile radius away from their home within three years of completion of their home.
- (2) All public parks shall meet City park construction standards.

Qualifying Uses for Open Space

Trails/Internal Walkways within Parks and Open Space

Ball courts

Open area within a Right of Way but behind the sidewalk

Nature Preserve

Lake or Pond

Splash Pad

Dog Park

Agricultural Lands

Pavilions

Stormwater for Parks **

Stormwater for Development

Stormwater in Common Areas

Parking for Parks, Trails and Open Spaces

Public Plazas and Squares

Public Courtyards

Landscape/Plazas around Commercial Buildings

Recreation Center Building

Performing Arts/Museum/Cultural Center

Playgrounds

Restricted or Limited Common areas for Developments

Amphitheater

Sports Fields

Community Pools & Pool Areas

Institutional Green Space

Community Garden

Cemetery

* Additional Qualifying Uses may be approved by the **Administrator** with input provided by the Parks and Recreation Department.

** When adequate underground storage is provided.

Table 4.1. Qualifying Open Space Uses

4.0 Parks, Trails & Open Space

4. Open Space.

Open Space is a critical component of the Olympia Master plan and should be utilized to provide trail connectivity between neighborhoods, provide parks and recreation spaces and be used to protect scenic or sensitive lands. Qualifying uses can be found in Table 4.1.

- (1) The required amount of Open Space shall be provided as outlined within the MDA. Changes to these requirements require a Planning Commission recommendation and City Council approval.
- (2) Portions of any institutional property ~~or agricultural lands~~ may count toward the required overall amount of Open Space to the extent that the owner of Institutional ~~or agricultural~~ lands and the City enter into a long-term agreement ~~satisfactory to both parties~~ wherein those portions of lands are open and available to the public for programmable use at no charge on a regular prescribed basis.

5. Trails.

A Trail is defined as a path physically separated from motor vehicle traffic by open space, landscape or a barrier for non-motorized travel such as walking, jogging, biking, skateboarding or other similar modes of transportation. Trail systems should work with the street network and sidewalk system to enhance community connectivity.

- (1) Trails should be implemented in existing stream corridor buffers, where possible. These trails should connect to the street network and sidewalk system.
- (2) Trails should connect Olympia with major natural assets, such as Butterfield Canyon.
- (3) Generally, a connected street network should take priority over a continuous trail system, with the exception of the 6400 West trail corridor and the Butterfield Creek east/west trail corridor as shown on the Trails Plan. Within these corridors, street crossings should be minimized where feasible.
- (4) Trails may run parallel to streets where they should either replace the sidewalk, or add an additional pathway.



Fig. 4.1 - Open Space Precedent Image

- (5) All trails shall be open to the public.
 - (a) Changes to this standard in subsection 4.5 (5) requires Administrator approval.
- (6) All trail signage and maps will be located and provided by the City. Trail signage and map materials will be determined by the City and will match City standards.

6. Stormwater in Parks & Open Spaces.

- (1) Developed stormwater detention/retention facilities may count towards the Open Space required in section 4 of this chapter when adequate underground storage is provided ~~meeting the 80th percentile storm requirements under MS4 Federal Regulations~~.
- (2) To be considered Open Space, stormwater retention facilities must at minimum be engineered in accordance with industry and City standards. Stormwater facilities should be designed as formal or natural amenities with additional uses, such as amphitheaters, ponds, creeks, dry riverbeds, rain gardens, play areas and courts, playgrounds and more.



Fig. 4.2 (1) & (2) - Trail/Path Type Precedent Images

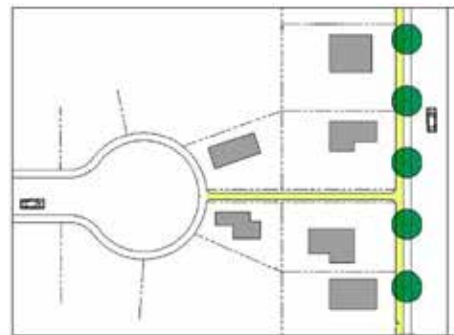


Fig. 4.3 - Trail Connection at the end of a Cul-de-sac



Fig. 4.4 - Multi-Use Trail Precedent Image

4.0 Parks, Trails & Open Space

7. Definition of Requirements.

The following further explains or defines the requirements included in Tables 4.8 (1) through 4.14 (1) for each Park/Open Space type. Park types are also identified as to current Herriman City Park type categories. Park **requirements** should follow those identified within this document. The master developer and City staff will meet to discuss park program amenities **for any public park to meet project needs. After consultation with City Staff, Master developer will make final amenity determination subject to requirements within this section.**

- (1) Improvements. The following types of development and improvements may be permitted on a Park/Open Space Type.
 - (a) Designated Sports Fields Permitted. Sport fields, ball courts, or structures designated for one or more particular sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, pickle ball courts, climbing walls, and skate parks are permitted.
 - (b) Playgrounds Permitted. Playgrounds include a defined area with play structures and equipment typically for children, such as slides, swings, climbing structures.
 - (c) Fully Enclosed Structures Permitted. Fully enclosed structures may include such uses as park offices, maintenance sheds, community centers, and rest rooms.
 - (i) Semi-Enclosed Structures. Open-air structures, such as gazebos, are permitted in all Open Space types.
 - (d) Minimum number of Parks Amenities. The minimum number of amenities that must be included in each park type. Tables 4.2 and 4.3 contain a list of park amenities that could be included in a park. Each amenity listed below may be counted individually. For example 2 park benches shall count as 2 qualifying amenities. This list is not exhaustive, and other thoughtful and creative amenities are encouraged to be used, as approved by **the Administrator.**
 - (e) Playgrounds. Playground area, inclusive of all play equipment and required safety zones, must be a minimum of 1,000 SF and must include inclusive play component features.



Figure 4.5. Stormwater Park Feature Precedent Image

Qualifying Park Amenities - Minor

Drinking Fountain
Bench or Seating
Hammock Structure
Jogging/Walking Path within Park (If not connecting to the Trail network)
BBQ Grill
Picnic Table
Outdoor Game Table
Small Art Installation
Bike Repair Station
Bike Rack

Table 4.2. Qualifying Park Amenities - Minor

Qualifying Park Amenities - Major

Playground
Restroom
Dog Park
Sports Field (Soccer, Softball, etc.)
Sports Court (Tennis, Pickleball, Basketball, Bocce Ball etc.)
Pavilion
Gazebo
Interactive Water Feature (Splash Pad, etc.) ^
Decorative/Ornamental Water Feature ^
Amphitheater ^
Lake or Pond ^
Jogging/Walking Path (Connecting to the Trail Network)
Community Garden ^
Memorial ^
Fitness Equipment
Skate Park (or Skateable Features) ^
Swimming Pool ^
Large Art Installation
Pump Track

^ Requires Administrator approval.

Table 4.3. Qualifying Park Amenities - Major

4.0 Parks, Trails & Open Space



Figure 4.8 (1). Typical Plaza.

4.8 Plaza. (Local Park)

1. Intent.

To provide a formal Park or Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other Open Space Type. Special features, such as fountains and public art installations, are encouraged. Amenities such as an art installation that are provided by the City or a Non-profit does not count toward the Minimum Amenity requirements for the Park.

2. Plaza Requirements

(1) Dimensions

Minimum Size (acres)	0.10
Maximum Size (acres)	2

(2) Improvements

Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 10% of area
Minimum Number of Park Amenities - Minor	1
Minimum Number of Park Amenities - Major	0

Table 4.8. Plaza Requirements.



Figure 4.8 (2). Plaza Example.



Figure 4.8 (3). Plaza Example.

4.0 Parks, Trails & Open Space

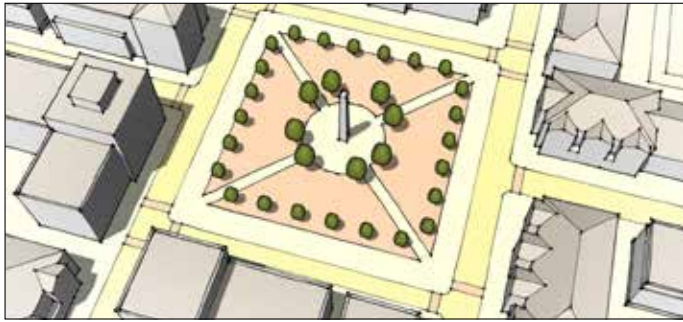


Figure 4.9 (1). Typical Square.

4.9 Square. (Local Park)

1. Intent.

To provide a formal Park or Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition. Special features, such as fountains and public art installations, are encouraged. Amenities such as an art installation that are provided by the City or a Non-profit does not count toward the Minimum Amenity requirements for the Park.

2. Square Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	5
(2) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 10% of area
Minimum Number of Park Amenities - Minor	1
Minimum Number of Park Amenities - Major	0

Table 4.9. Square Requirements.



Figure 4.9 (2). Square Example.



Figure 4.10 (1). Typical Small Park Layout.

4.10 Small Park. (Local Park)

1. Intent.

To provide informal, small to medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets.

2. Small Park Requirements	
(1) Dimensions	
Minimum Size (acres)	.50
Maximum Size (acres)	5
(2) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted
Minimum Number of Park Amenities - Minor	1
Minimum Number of Park Amenities - Major	1

Table 4.10. Small Park Requirements.



Figure 4.10 (2). Small Park Example.

4.0 Parks, Trails & Open Space



Figure 4.11 (1). Typical Pocket Park Layout.

4.11 Pocket Park. (Local Park)

1. Intent.

To provide small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.

2. Pocket Park Requirements	
(1) Dimensions	
Minimum Size (acres)	0.10
Maximum Size (acres)	1
(2) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Minimum Number of Park Amenities - Minor	1

Table 4.11. Pocket Park Requirements.



Figure 4.11 (2). Pocket Park Example.



Figure 4.12 (1). Typical Neighborhood Park.

4.12 Neighborhood Park. (Neighborhood Park)

1. Intent.

To provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks may include water features.

2. Neighborhood Park Requirements	
(1) Dimensions	
Minimum Size (acres)	2.0
Maximum Size (acres)	None
(2) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted, minimum 5 acre Park required
Minimum Number of Park Amenities - Minor	2
Minimum Number of Park Amenities - Major	3

Table 4.12. Neighborhood Park Requirements.



Figure 4.12 (2). Neighborhood Park Example.

4.0 Parks, Trails & Open Space

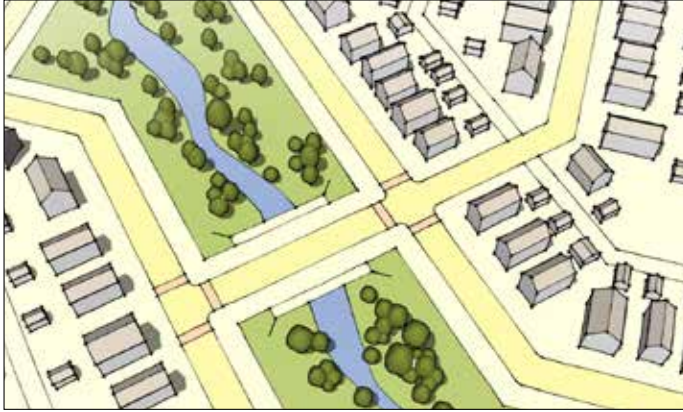


Figure 4.13 (1). Typical Greenway.

4.13 Greenway. (Community Park)

1. Intent.

To provide informal, primarily natural linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. **Greenways must provide 1 bench for every 1/2 Mile of Greenway located at strategic points such as critical trail intersections or overlooks.**

2. Greenway Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
(2) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted
Minimum Number of Park Amenities	0

Table 4.13. Greenway Requirements.



Figure 4.13 (2). Greenway Example.



Figure 4.14 (1) Regional Park

4.14 Regional Park. (Regional Park)

1. Intent.

To provide informal active and passive large-scale recreational amenities to local residents and the greater region. Regional parks contain various park amenities in greater numbers and greater variety than local and city parks such as open space, trails, sports fields, sports courts, swimming pools, rec centers, disc golf and skate parks.

2. Regional Park Requirements	
(1) Dimensions	
Minimum Size (acres)	10
Maximum Size (acres)	None
(2) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted
Minimum Number of Park Amenities	N/A

Table 4.14. Regional Park Requirements.



Figure 4.14 (2). Regional Park Example.

5.0 Site Design

5.0 Site Design

1. Intent.

Olympia intends to promote and encourage site layouts that balance the needs of pedestrians, drivers and cyclists while creating a good environment for individuals and community activities such as shopping, eating, recreation, community events and socializing.

The site standards outlined in this section are designed to meet the following set of goals.

- (1) Create sites that provide mobility throughout the site for pedestrians, bicyclists, transit and automobiles.
- (2) Promote sense of place and identity
- (3) Foster commercial success and positive pedestrian and community experiences
- (4) To encourage project design best practices
- (5) To promote livability

2. Setbacks.

Building Setbacks will be used to enhance the pedestrian environment on the street by placing buildings at an appropriate distance from the sidewalk. **Uses contained within site plan approvals are not subject to all setbacks listed here (For example, apartments with tuck under garage parking would not be required to provide 3-5' or 20' setbacks.**

See Table 5.1 for Building Setbacks.

3. Connectivity Requirements.

- (1) Cross Access. All commercial development should be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points. When cross-access is deemed impractical by the City on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived.

Residential Setbacks

Land Use	Product Type	Front Porch	Front Living	Max. Front	Front Garage	Side**	Rear (Living or Garage)	Corner
Neighborhood	Single Family Front Load	10	15	25	20	10	10	10
	Multi-Family Front Load	10	10	20	20	10	10	10
	Single Family Rear Load	10	10	20	NA	10	3-5 or 20	10
	Multi-Family Rear Load	10	10	20	NA	10	3-5 or 20	10
Village Center	Single Family Front Load	10	10	20	20	6	10	10
	Multi-Family Front Load	8*	8*	18	20	6	10	10
	Single Family Rear Load	8*	8*	18	NA	6	3-5 or 20	10
	Multi-Family Rear Load	6*	8*	18	NA	6	3-5 or 20	10
Town Center	Single Family Front Load	10	10	20	20	4	10	8*
	Multi-Family Front Load	8*	8*	18	20	6	10	8*
	Single Family Rear Load	0*	0*/5**	15	NA	4	3-5 or 20	8*
	Multi-Family Rear Load	0*	0*/5**	15	NA	4	3-5 or 20	8*

Commercial Setbacks

Land Use	Front	Side	Rear	Corner	Neighborhood Land Use Adjacent
Neighborhood	0*	0*	0*	0*	30
Village Center	0*	0*	0*	0*	10
Town Center	0*	0*	0*	0*	10
Commercial Center	0*	0*	0*	0*	10

Table 5.1. Building Setbacks.

Notes:

Setbacks may be reduced with **Administrator** Approval to accommodate topo, site conditions, product type, etc. Maximum Front Setback requirements may be modified to accommodate for irregular shaped lots.

* Side pop outs and front porch may encroach into side setback.

** Measured to Ground Level Structure (upper levels may be at 0' setback) if 10' vertical clearance is provided.

^ Distance is total separation measured between foundations. Not between lot lines.

* If allowed by PUE.

5.0 Site Design

- (2) Alley Standards
 - (a) Where Alleys can be accommodated, a continuous network of Alleys should be planned to connect the service side of commercial and/or other buildings.
 - (b) A continuously connected rear or side circulation aisle within a parking area may provide an acceptable alley alternative where exceptional circumstances or existing conditions are present. Cross access easements between parking areas should be provided and coordinated with neighboring land owners and the City.
- (3) Sidewalks and Trails. All building front entryways should have a continuous connection to the street sidewalk.
- (4) Modifications to this section 5.3 may be made by the Administrator based upon the principles/intent of the section.

4. Parking Requirements

- (1) All garage, driveway, and on or off street parking stalls will count towards the required total.
- (2) At the request of the applicant, the Administrator may permit an increase or decrease of up to 10% on these parking requirements. Applicant is permitted to submit a parking study to request larger increases/decreases per City Code.
- (3) A Shared Parking Study may be provided to reduce overall requirement if shared parking is utilized between uses.
- (4) The Developer may opt to revert to City Code or provide an individual parking study if a specific use is not addressed here.
- (5) All non residential uses should have parking generally adjacent to the use.
- (6) Pay to Park may be allowed within Parking structures, On-street office/retail spaces or special event parking.

Parking Requirements

Residential - Multi-Family (Apartments/Condos)	Required Stalls/Unit	Garage Required?
Studio/One Bedroom	1.5	No
Two Bedroom	2	No
Three Bedroom +	2.5	No
Guest Stalls/Unit	0.25	No
Residential - Multi-Family (Townhomes)	Required Stalls/Unit	Garage Required?
One Bedroom	1.5	Yes - 1 Car Min.
Two Bedroom	2	Yes - 1 Car Min
Three Bedroom +	2.5	Yes - 1 Car Min
Guest Stalls/Unit	0.25	No
Residential - Single Family	Required Stalls/Unit	Garage Required?
All Single Family Homes	3	Yes - 2 Car Min.
Non-Residential	Required Stalls/1,000 SF	
Office	4	Net Leasable Area
Fast Food	7	Net Dining Area (Inside and Outside)
Sit Down Restaurant	10	Net Dining Area (Inside and Outside)
Retail/Service	4	Net Retail Floor Area

Table 5.2. Parking Requirements.

5.0 Site Design

5. Site Furnishings.

- (1) Applicability. Site furnishings are applicable in the following Place Types: Village Centers, Town Centers, Commercial Centers and Open Spaces.
 - (a) All site furnishings shall be specified on the plans at site plan application.
 - (c) Tables and Seating. Restaurants and food venues are encouraged to provide outdoor seating.

6. Single Family Residential and Townhome Site Design.

The primary factor that influences site design for single family houses and townhomes is the method of parking access and garage location. There are two types of methods allowed, including parking access from the street, and parking access from an alley.

- (1) Single Family Residential
 - (a) Parking Access via Street. The following standards apply to detached single family units where the garage is accessed from the street in front of the house, or from the side street on corner lots. See Figure 5.2.
 - (i) Garage door width should not be more than 70% of the overall building width.
 - (ii) Changes to these standards may be modified as needed by the **Administrator**.
 - (b) Parking Access via Alley. Garages may also be located in the rear of the property and accessed through a rear alley. See Figure 5.3.
 - (c) Street Frontage Requirement. For all detached single family units, the building should cover 60% or more of the street frontage at the building setback, as defined by the width of the building, divided by the width of the parcel. This does not apply to corner lots or irregularly shaped lots. See Figure 5.4.

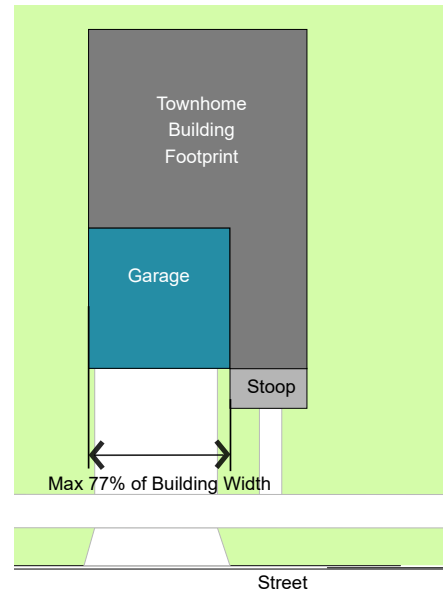


Figure 5.1 Townhome with Parking Access via Street

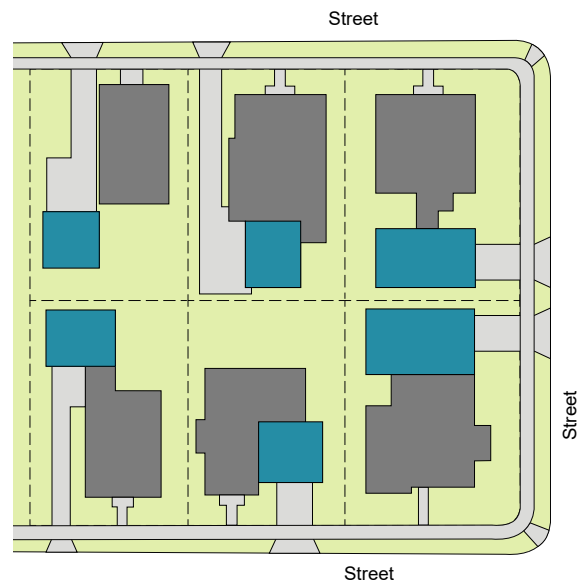


Figure 5.2 Single Family Residential Parking Access via Street

5.0 Site Design

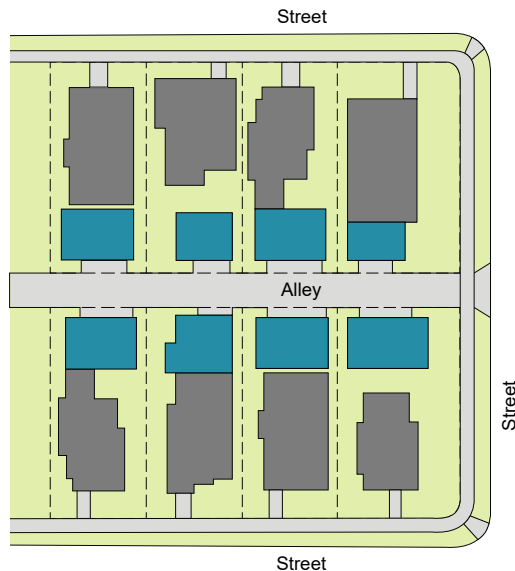


Figure 5.3 Single Family Residential Parking Access via Alley

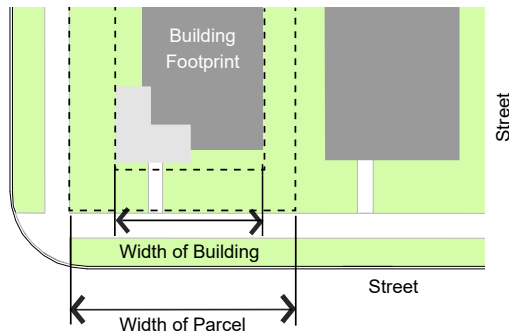


Figure 5.4 Measuring Front Property Line Coverage

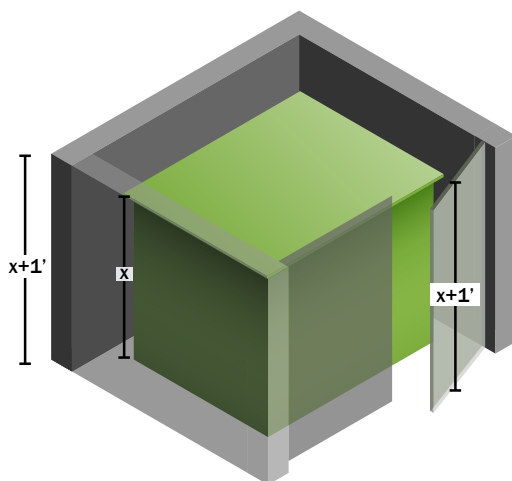


Figure 5.5. Dumpster Enclosure

- (2) Townhome
 - (a) Parking Access via Street. The following standards apply to townhome units where the garage is accessed from the street in front of the house. See Figure 5.1.
 - (i) Garage door width should not be more than 77% of the overall building width.
 - (ii) A sidewalk should be provided that has a continuous connection to the street sidewalk.
 - (iii) Changes to these standards may be modified as needed by the **Administrator**.
 - (b) Parking Access via Alley. Garages may also be located in the rear of the building and accessed through a rear alley. No alley garage approaches are allowed between 5' and 20' long.
- (3) Changes to this section 6.6 requires **Administrator** approval.

7. Fencing.

- (1) No fencing that is parallel to any sidewalk shall be within two feet of the edge of the sidewalk.
- (2) Height. Rear fencing shall be a maximum height of 75 inches, unless approved or directed by the City, for such circumstances as proximity to a railroad right-of-way or utility lot.
- (3) Front yards. Front yard fence height shall be a maximum height of 36 inches, and the fence opacity shall be no greater than 60% .
- (4) Type. Chain-link fencing is not permitted along any street frontage, with the exception of schools, dedicated sports field or court fencing approved by the City.
- (5) Submittals. Proposed Fence types, including heights, materials and color shall be provided with each project submittal.
- (6) Changes to this section 6.7 requires **Administrator** approval.

8. Trash Enclosure Standards.

- (1) All garbage dumpsters should be located to provide adequate access for trash removal but should be located as far from any adjacent residential uses as possible. The dumpsters shall be enclosed by a masonry wall or architectural design with materials that are consistent with the building. The enclosure gate shall be metal and accessible to service vehicles. No slatted chain-link gates will be allowed. The enclosure wall and gate shall be a minimum of 12" higher than the trash receptacle bin. See figure 5.5.
- (2) Changes to this section 6.6 requires **Administrator** approval.

9. Lighting.

- (1) All lighting will comply with current Herriman City Code requirements.

6.0 Buildings & Architecture

6.0 Buildings & Architecture

1. Intent.

Olympia intends to provide a wide range of commercial and residential building types in order to create a complete, mixed-use community. This section outlines the standards that will help make all building types support walkability and enhance livability in the community.

The purpose of this section is to provide general design criteria and guidance for the development of all neighborhoods within Olympia identifying those design elements that are deemed most critical to the overall success of the project. These guidelines are not intended to be restrictive, but to assist in the design, processing, and implementation of a higher level of design quality and direction.

The Following Aspects Are Of Particular Importance:

- Materials and/or Colors That Create Appropriate Diversity and Authenticity.
- Appropriate sensitivity to scale.
- Sophisticated selection and execution of details.
- Accurate and authentic interpretations of the characteristics for each architectural Style.
- Building forms and massing is authentic to each architectural style.
- Redefine the Role of the Street as a Pedestrian/Social Space.

2. Building Variety and Housing Types

Olympia will utilize varying architectural elements throughout the community to create dynamic and interesting Centers and Neighborhoods. Olympia will provide a range of residential housing types, including multifamily buildings, townhomes, and a variety of single family opportunities.

3. Building Massing.

In order to achieve authenticity of style in materials, detail and execution, cost must be taken out of the basic structure of the house. Ironically, simple massing and roof forms are what often lead to the most authentic expression of style. The “Simple House” concept suggests that starting with simple structural forms and building masses can lead to the goals of achieving convincing authentic style and maintaining acceptable costs.

Massing of porch elements also can help to further ground the building by forming a base from which the building mass can grow. To this end porches should be made to convey a sense of human scale and are limited to one story in height.

If the form of a building is viewed as a series of interlocking masses rather than a box, a more desirable aesthetic solution will occur. For example, the second-story can be set back in relation to the garage face, porch roof or first story wall plane below it. Where appropriate to style, stepping of second-story mass may be used to improve the street scene. Certain styles are based on a box-like, two-story building mass. Where this is the case, added attention such as single-story elements balconies, enhanced window treatments, massing voids, plane breaks, and other articulation may be used to provide heightened interest and variety for such styles.

All single-story homes should include building masses or design elements that are a “story-and-a-half” in scale to give appropriate mass to single-story homes. Consider adding design elements that help such as dormers clerestories, tower elements, etc.

4. Roof Forms.

Homes will have a variety of roof forms and orientations in order to create the greatest possible diversity. Variation in roof forms contributes to a more visually rich community. See Figure 6.1.



Front to Back Gable



Hip Roof



Gable with Shed Roof



Flat Roof



Side to Side Gable



Shed Roof

Figure 6.1 Roof Forms

6.0 Buildings & Architecture

5. Building Height Transitions

Building height transitions between mixed-use centers (Town Centers, Village Centers, and Commercial Centers) and Neighborhoods should be gradual. Where a mixed-use center is adjacent to a Neighborhood Place Type, a sensitive approach to height transitions should be used.

Maximum building story height difference between Town Center, Village Center, and Commercial Center buildings adjacent to Neighborhood Place Type buildings shall be two (2) stories.

Buildings on the perimeter of the Master Planned Area should never be greater than two stories higher than directly adjacent existing buildings.

6. Building Height Maximums

See Table 6.1 for list of building height maximums by Place Type.

- (1) Changes to the Building Height Standards require **Planning Commission** approval.

7. Doors, Porches and Entrances

Front entry doors should be made of high quality material and should be a significant element within the front facade of the home and designed to be consistent with the style of the home.

Front porches and covered terraces should be considered outdoor rooms and key elements for architectural composition. Significant front porches, entry courts, stoops and covered terraces are encouraged and should strive to achieve an appropriate size and grade relationship to the street.

8. Windows

Windows should be appropriately scaled to the massing and architectural style of the home. Windows should primarily be vertical and rectangular in shape but all windows should be consistent with

the homes architectural style. Energy efficient windows are strongly encouraged. Windows should be recessed when possible, and encourage natural light and ventilation.

9. Residential Building Materials

Exterior materials should utilize natural materials and a variety of complimentary colors and accents consistent with the architectural style of the home. Design, textures and materials should be visually interesting and cohesive.

Front Elevations should have 3 architectural features minimum.

Side Elevations must have 2 Architectural Elements.

Rear Elevation must have 2 Architectural Elements

Architectural Elements may include:

- Stone
- Stucco
- Brick
- Hardie board (Each configuration may be counted as an element)
- Shake Shingles
- Shutters
- Corbels
- Trellises
- Window trim (must be a contrasting color to walls)

Structural elements such as fireplace pop-outs, garages and vents are NOT considered architectural elements.

Aluminum and or vinyl siding is prohibited

Side elevations consisting of full stucco must have a minimum 18-inch return of all front elevation materials, but shall return back to the fence line at a minimum.

Street facing side elevations must have the same treatment as the front elevation and/or be fenced before occupancy. Materials must wrap back to the fence line at a minimum.

Exterior columns, braces and supports should be proportional to the massing elements they are associated with, and appear to be visually proportional with what they are supporting.

ARC may consider other architectural features upon request from the builder.

10. Building Colors

For all architectural styles, the exterior colors should be a coordinated palette of colors appropriate to the style. Overly bright and dramatic colors are prohibited, unless approved by the **ARC** for small accent areas, such as a front door application.

Building Height Maximums

Place Type	Number of Stories
Town Center	10
Village Center	5
Commercial Center	5
Institutional	4
Neighborhood	3
Open Space	3

Table 6.1. Building Height Maximums

Note: All Building Heights shall be measured from Finished or Established Grades of the lot or development parcel.

6.0 Buildings & Architecture

11. Commercial and Mixed Use Architecture Guiding Principles.

- (1) Architectural Style and Visual Character. These guidelines do not prescribe any particular architectural style for the Commercial or Mixed Use Architecture. There is range of possibilities to creatively replicate or interpret traditional building forms with various architectural styles.

An inaccurate or thoughtless mix of elements is undesirable.

The architectural design of new commercial or mixed-use buildings in Olympia should be based on the best examples of the surrounding building fabric, character and architectural styles that are predominate in the region.

Architectural details are essential to create human scale;

Standard “cookie-cutter” or “repeat” designs from other locations are strongly discouraged;

Consistent rhythms of similar (not identical) details and architectural elements should be used to reinforce the framework and scale of the streets and aid in the creation of a strong Town Center or Village Center Core image;

New buildings should include basic façade elements, which include a transparent glazed lower storefront for commercial uses, a sign fascia over a projecting cornice and a solid upper façade punctuated typically by vertical windows.

- (2) Architectural Detailing. Architectural elements and details that appear artificial and inaccurate for particular architectural style are not recommended.
- (3) Architectural Materials. To avoid clutter one building material is encouraged as the primary cladding and a maximum of two other materials used as accents (i.e., stone used for foundations and entrance area, brick as main material and stucco for gables and dormers or entire upper floor);

If buildings of a period style are employed, colors selected should be compatible with the style and period.

Materials for commercial buildings should be carefully selected to provide visual interest in texture and color;

Large scale panels constructed with materials used in large commercial or industrial developments are to be avoided. Other large scale materials/glass paneling must be scaled down to human proportions and be compatible with traditional materials;
- (4) Fenestration. Windows and doors should seek to continue or establish a rhythm along the streets; Windows on upper floors should be vertical in proportion rather than horizontal; Rows of windows on upper floors should be used to clearly define each story; On new buildings, the placement and proportions of height to width of windows should complement those of the surrounding buildings.
- (5) Building Orientation. The following guidelines are based on a view that commercial development should have a high quality

storefront design and detailing, as well as integrated commercial signage.

Commercial buildings should allow clear and defined access from parking ;

All commercial and Mixed Use buildings within Olympia are to be



Figure 6.2 Commercial and Mixed Use Architecture

6.0 Buildings & Architecture

visually focused to the streets. When directly fronting streets, buildings should maximize storefronts along the street/sidewalks with primary access from and to the front façade;

Corner buildings are visually prominent and all street elevations should be given equal design treatment and care;

Excessive blank walls demonstrating no specific architectural design on main commercial façades are to be avoided;

Main façades shall have sufficient amount of glazing to provide casual surveillance and to visually break up the building mass.

- (6) **Commercial Facade Design Treatment.** In order to strengthen the pedestrian environment and contribute to real placemaking in Olympia, it is essential to provide continuous interest, variety and commercial activity at the ground floor level. Storefront design will greatly enhance the visual character of commercial nodes.

At the street level, windows should be sufficiently large to expose goods within shops and encourage a retail presence;

Excessive glazed areas without wooden or metal frames/joints should be avoided. Storefront panes should be divided vertically to establish a rhythm along the street;

Glazing on commercial building storefronts should avoid use of reflective glass in order to allow better visual contact between the interior and exterior. Reflective glass on upper floor windows may be considered where there is architectural merit in using reflective or unusually deep color tints;

Storefront entries may be recessed for weather protection, visual interest and more window display;

Awnings or other architectural appurtenances should be encouraged to enhance the traditional streetscape, shelter pedestrians and provide additional visual interest; Simple awning patterns should be encouraged for buildings of a decorative style, while more decorative awnings are appropriate for simply styled buildings;

The Administrator may consider other architectural features upon request from the builder.

12. Sustainability.

- (1) **Water Conservation.** Buildings are encouraged to be designed and constructed to use water-saving strategies, such as:
 - (a) Water conserving appliances, toilets, plumbing and fixtures that possess a WaterSense label from the U.S. Environmental Protection Agency, and piping to facilitate future grey-water systems, etc.
- (2) **Energy Conservation.** Buildings are encouraged to be designed and constructed to use energy-saving strategies, such as:
 - (a) Energy efficient windows which exceed prescriptive requirements of the 2015 International Energy Conservation Code (IECC) should be used to reduce heat loss in the winter and heat gain in the summer.
 - (b) Energy efficient furnaces, air conditioners, water heaters, and dryers should be used. All dwelling units and buildings should, at minimum, be constructed with Ultra-low NOx water heaters that are Energy Star certified and furnaces that meet a 97% AFUE (Annual Fuel Utilization Efficiency) rating.
 - (c) Airtight and well-insulated building envelopes to reduce mechanical loads and facilitate cost savings from needing smaller mechanical/HVAC systems. The air tightness level and wall insulation should exceed the prescriptive requirements of the 2015 IECC (when the "building envelope" is air tight and well-insulated a smaller mechanical/HVAC system is required).
 - (d) Building materials that have a low embodied energy rating, such as locally produced materials, materials with a higher recycled content, and materials that require less energy to produce or manufacture.
- (3) Changes to the Sustainability standards in this section 6.12 may be made by the Administrator based on modern sustainability principles.

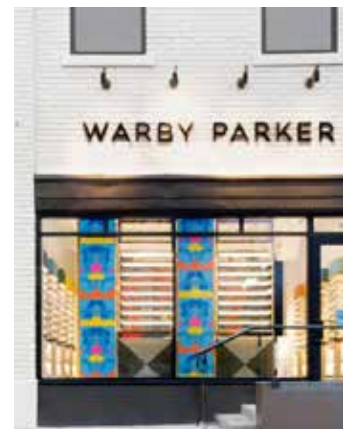


Figure 6.3 Commercial Architecture

7.0 Landscape

7.0 Landscape

7.1 General Requirements.

1. Intent.

Olympia will meet existing Herriman City Landscape Standards as well as all water efficiency standards related to landscape requirements unless otherwise specified within this chapter. Olympia landscape standards are designed to meet the following set of goals.

- (1) To provide for healthy, long-living street trees within all public right-of-ways to improve the appearance of streets and to create a buffer between pedestrian and vehicular travel lanes.
- (2) To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- (3) To promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.
- (4) To shade large expanses of pavement and reduce the urban heat island effect.
- (5) Create beautiful landscapes and places for people to live, work and play.
- (6) Changes to the Landscape standards in this section 7 may be made by the **Administrator** based on modern landscape design principles.

2. Applicability.

All requirements listed in this section should enhance or address items not referenced within current City Code.

- (1) Temporary Uses. Landscape provisions do not apply to temporary uses, unless determined otherwise by the City.
- (2) Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.
 - (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
 - (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.

3. Lawn Area.

Lawn area should be limited and confined to highly usable and/or prominent spaces that will maximize its use.

- (1) Residential Landscapes. Lawn areas in residential landscapes shall not exceed 2,000 sf or 35% of the total landscaped area, whichever is greater.
 - (a) Exemptions. Common spaces for multi-family residential buildings are exempt from lawn restrictions as they are provided for common use.
 - (b) Lawn areas should be at least eight feet wide in all directions.
- (2) Commercial, Industrial, and Institutional Landscapes. Outside of active recreation areas, lawn in commercial, industrial, and institutional landscapes shall not exceed 20% of the total landscape area.

- (2) Park Strips. Lawn should generally not be used in park strips or other narrow areas. If lawn areas are proposed in park strips, they must be a minimum of eight feet wide. Plants, mulch, drip irrigation, and hardscape should be used instead of lawn whenever possible.
- (3) Obstructions. Lawn areas should be free from obstructions such as trees, sign posts, and boulders.
 - (a) Exceptions. Where lawn is used in park strips over eight feet wide, obstructions such as street trees are allowed.
- (4) Slopes. Lawn should not be used on slopes greater than 25% (4:1 grade).
- (5) Turf grass alternatives. Turf grass alternatives are encouraged where appropriate, such as medians, parkstrips or other less-usable spaces where turf grass is not necessary. These include native grasses or other low-water grasses that create a natural look. See Figure 7.1 for turf grass alternative example.
- (6) Water Efficient Landscape Options. All homebuilders should offer at least one water-efficient landscaping option to prospective home buyers.
 - (a) Model homes. Model homes should be designed with water-efficient landscaping.

4. Planting Area.

- (1) At least 4 inches of Mulch, permeable to air and water, shall be used in Planting Beds to control weeds and improve the appearance of the landscaping.
- (2) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
- (3) At maturity, landscapes shall have enough plant material (perennials and shrubs/groundcover) to create at least 50% living plant cover at the ground plane, not including tree canopies.



Figure 7.1. Turf Grass Alternative Example.

7.0 Landscape

7.2 Installation of Landscape.

1. Intent.

All Landscape Installation should meet Herriman City Code requirements.

7.3 Street Trees & Streetscape Design.

1. Intent.

To line all streets with a consistent and appropriate planting of trees and to create an established tree canopy for environmental benefit and a sense of identity for all streets.

2. Applicability.

The requirements herein apply to all streets within Master Planned Communities.

3. Streetscape Design Submittal.

A consistent streetscape design should be submitted at the Site Plan or Subdivision Plat submittal for approval of all new streets within the development. At a minimum, the submittal should include the following: All Landscape Plans are to be stamped by a Professional Landscape Architect.

- (1) **Street Trees.** Trees meeting the minimum requirements of Section 7.3.4 Minimum Street Tree Requirements, shall be included in the streetscape design, with details related to tree pits, tree planting to meet the requirements of Herriman City Code.
- (2) **Street Furnishings.** Benches, seatwalls, planters, planter fences, trash receptacles, and bicycle racks at the least should be specified and quantities and locations listed for each street type.
- (3) **Landscape Design.** Ground plane vegetation should be designated for any landscape bed areas, planter areas, and tree wells.
- (4) **Lighting.** Pedestrian and vehicular lighting should be specified and locations and quantities noted. Street lighting shall comply with Public Works Standards.
- (5) **Identity Elements.** Any other elements designed to establish the identity of each Street, such as banners, pavement markers, artwork, or signage, should also be included in the streetscape design submittal.

4. Minimum Street Tree Requirements.

The following standards apply to the installation of street trees.

- (1) **Exception.** Street Trees are not required on Alley or Lane Streets (refer to Chapter 3 for Street Types).
- (2) **Clear Branch Height.** Minimum clear branch height is eight feet.
- (3) **Street Tree Type.** Medium and large shade trees are required to be installed as street trees as allowed per City Code list of permitted trees.
- (4) **Tree Wells.** In commercial or Mixed Use districts, where the sidewalk extends from the back of curb to the property line, tree wells or tree squares may be utilized.
 - (a) For tree wells adjacent to sidewalks five feet wide or less, open pit is not permitted.
 - (i) The opening must be covered with a tree grate or pervious pavement.
 - (ii) The opening in a tree grate for the trunk must be expandable.



Figure 7.2. Residential Street Tree Example.



Figure 7.3. Commercial Street Tree Example.

7.0 Landscape

7.4 Frontage Buffer.

1. Intent & Applicability.

- (1) Intent. To lessen the visual impact of vehicular parking areas visible from the street.
- (2) General Applicability. Applies to properties in all districts.
 - (a) Exceptions. Vehicular areas along alleys; Single and two family residences.
- (3) The frontage buffer may be used for storm water drainage with a maximum depth of one foot and no more than a 2 to 1 slope on the edges. Such areas shall be creatively landscaped with a combination of trees, shrubs, inert mulches, boulders, etc.

7.4 Frontage Buffer Requirements

1. Buffer Depth & Location ¹

Depth	5'	a
Location on the Site	Between street facing property line and parking area ²	b

2. Buffer Landscape Requirements

Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer	
Shade Trees	Medium shade tree at every 30', large shade tree required at least every 40'; Locate on the street side of the fence;	c
Hedge	Required hedge on street side of fence covering 50% of parking lot.	d
Hedge Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".	
Existing Vegetation	May be credited toward buffer area	

Notes:

¹ This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

² In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

Table 7.4. Frontage Buffer Requirements.

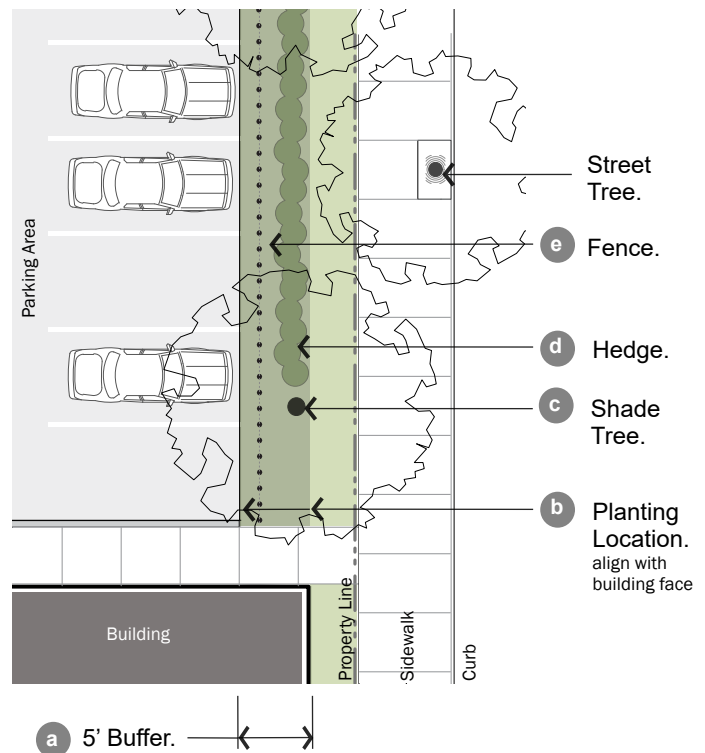


Figure 7.4 (1). Frontage Buffer Plan View

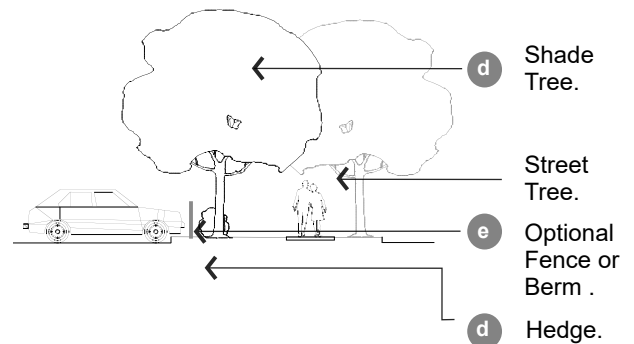


Figure 7.4 (2). Frontage Buffer Section.

7.0 Landscape

7.5 Side & Rear Buffer.

1. Intent & Applicability.

- (1) Intent. To minimize the impact that commercial uses may have on a residential neighborhood and to provide a transition between uses. The Administrator will determine which uses require buffers.
- (2) General Applicability. Applies to all commercial properties directly adjoining single-family residential properties.

7.5 Side & Rear Buffer Requirements

1. Buffer Depth & Location

Depth	10'	a
-------	-----	---

Location on the Site	Locate buffers on more intensively zoned lot, along shared property line; Buffer is measured from side and rear property lines.
----------------------	---

2. Required Landscape Screen

Width	5' landscape screen in addition to any other buffer landscaping	b
-------	---	---

Location	Directly adjacent to the rear or side property line
----------	---

Hedge	Row of shrubs required along fence on the Residential side of the fence and between shade trees	c
-------	---	---

Hedge Composition	Row of individual shrubs with a minimum width of 24", spaced no more than 36" on center; Mature height in one year of 24"
-------------------	---

Hedge Frequency	Minimum of 15 shrubs per 100' of property line is required
-----------------	--

Shade Trees	Medium shade tree at every 30', large shade tree required at least every 40'; Locate on the street side of the fence;	d
-------------	---	---

3. Buffer Landscape Requirements

Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer
--------------------	--

Existing Vegetation	May be credited toward buffer area
---------------------	------------------------------------

4. Buffer Fence Requirements

Uses and Materials	A six foot fence is required by where buffer requirement is applicable. The fence shall be light proof and be constructed of materials that compliment the adjacent building. Chain link with slats are not allowed.	e
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Notes:

¹ The City may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

Table 7.5. Side & Rear Buffer Requirements.

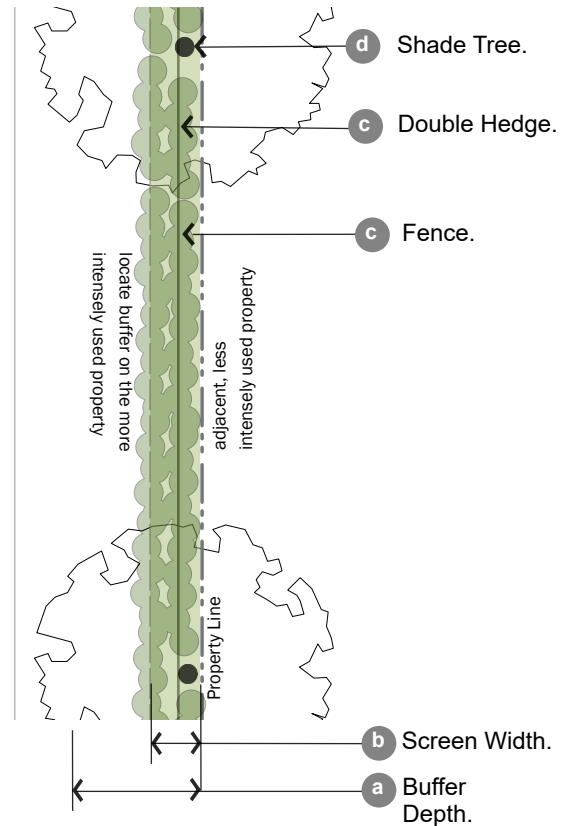


Figure 7.5 (1). Landscape Screen Plan View.



Figure 7.5 (2). Landscape Screen Section.

7.0 Landscape

7.6 Interior Parking Lot Landscape.

1. Intent & Applicability.

- (1) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.
- (2) General Applicability. All Parking lots within Olympia.
- (3) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives should be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' square feet thereafter.

7.6 Interior Parking Lot Landscape Requirements

1. Landscape Island Requirements

Required Island Locations² (CC, OS)	At Terminal ends ¹ of free standing rows or bays of parking; After every 25th parking space for rows of parking greater than 25 spaces in length. Landscape islands are not required specifically for stalls with covered parking, this only applies to uncovered parking areas.
---	---

Required Island Locations³ (TC, VC and N)	At Terminal ends ¹ of free standing rows or bays of parking; After every 12th parking space for rows of parking greater than 12 spaces in length. Landscape islands are not required specifically for stalls with covered parking, this only applies to uncovered parking areas.
---	---

Minimum Width	6'.
----------------------	-----

Required Trees and Storm Water	Minimum of 2 medium or 1 large shade tree per island. Islands may be designed to accommodate storm (as bio-swales) water run off where the drainage plan can be reasonably designed to accomplish that objective.
---------------------------------------	---

2. Landscape Median Requirements

Required Median Location	Maximum 2 bays of parking allowed before median or tree diamonds are required.
---------------------------------	--

Minimum Width	6'.
----------------------	-----

Footnotes:

¹ Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.

² There shall be no more than 25 continuous parking spaces in a row without a landscape island within CC and OS Land Uses.

³ There shall be no more than 12 continuous parking spaces in a row without a landscape island within TC, VC and N Land Uses.

Table 7.6 Interior Parking Lot Landscape Requirements.

7.7 Landscape Screening

1. Intent & Applicability.

- (1) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
- (2) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances..

7.7 Screening of Open Storage, Refuse, and Utility Areas

1. Open Storage & Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards, within 10 feet of property line and between building and street
-----------------------------	--

Opaque Screen Wall ¹	Required around 3 sides of the dumpster and trash bin area a
--	---

Screen Wall Height	Height shall be the higher of the following: 1. 6' 2. Height of use to be screened plus one foot 3. Height as determined by city to accomplish objective of the screen
---------------------------	---

Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates b
-------------------------	--

Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas ² c
------------------------------	--

2. Utility Appurtenance Screening Requirements

Large Private Mechanical Equipment ³	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
--	--

Small Private Mechanical Equipment ⁴	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center
--	--

Notes:

¹ Vertical structured barrier at all times such as a fence or wall

² This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements

³ Large private mechanical equipment is equal to or greater than 4' in height

⁴ Small private mechanical equipment is smaller than 4' in height

Table 7.7. Screening of Open Storage, Refuse and Utility Areas.

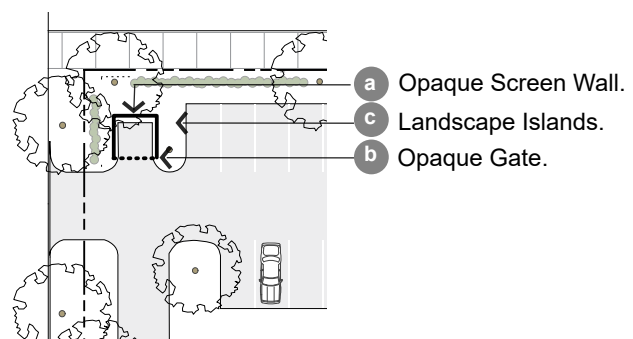


Figure 7.7. Screening of Open Storage & Refuse Areas.

8.0 Signage

8.0 Signage

1. Introduction

All signage proposed for Olympia must be compliant with Herriman City Sign Code and approved by the **ARC** with the exception of specific sign standards identified within this chapter.

Signs should be of high quality and complimentary to the character of the project, Commercial and Mixed-Use core areas. In general, and to promote human scale goals, the majority of signs allowed will be at or near the first floor.

All signage should be appropriate to the use it represents, with a diverse range of sign types to promote interest and vitality.

Signage should be simple and clean with thoughtful placement and application/attachment methods.

Sign design should be appropriate to the architectural style and scale of the use and should never detract from the architectural character or pedestrian experience within the project.

The Administrator may approve increases to the following allowed sign sizes by up to 25%.

1.0 Sign Types

1. Monument Signs

The following sign types may deviate from Herriman City Sign Code requirements as identified here.

- (1) Major Project Monument Sign
 - (a) Maximum Height 20 feet
 - (b) Maximum Copy 80 square feet
- (2) Minor Project Monument Sign
 - (a) Maximum Height 14 feet
 - (b) Maximum Copy 60 square feet
- (3) Major Commercial Monument Sign
 - (a) Maximum Height 20 feet
 - (b) Maximum Copy 64 square feet
- (4) Minor Commercial Monument Sign
 - (a) Maximum Height 16 feet
 - (b) Maximum Copy 64 square feet

2. General Requirements.

- (1) Materials used in the design of the monument base shall be compatible with the architecture of the building(s). Stone, wood, non-painted metals are thought to be the primary materials. Plastic and/or lexan are not permitted except to shield an internal light source where individual logos/lettering has been routed through a wood or metal fascia.
- (2) Monument signs may be double sided.
- (3) Monument signs shall not be situated near an intersection in such a manner so as to interfere with vehicular sight distance unless approved by the **Administrator**.
- (4) Monument Signs may be allowed within Public Road Rights of way if located within a round-about and proper site visibility is maintained.
- (5) All monument signs shall be located within a landscaped or plaza area. Landscaping shall be designed in a manner that minimizes the visual impact of the sign, without blocking the view of the sign from the specific area from which it is intended to be seen, or adversely affecting the safety of pedestrian and vehicular sight distance.

8.0 Signage

3. Design and construction standards

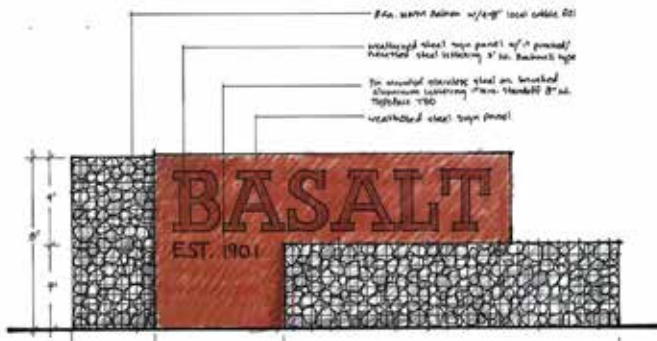
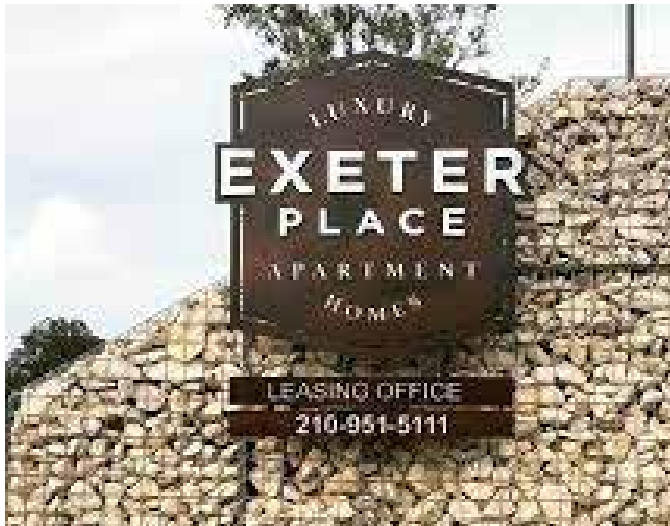
(1) Design details for the approved sign types listed above include the following (subject to **Administrator** review and compliance with the City Sign Ordinances):

- Primary materials for wall signs and projecting signs shall be wood, metal, concrete or stone; other materials may be considered with **Administrator** approval.
- Painted lettering is allowed.
- Pan channel lettering is allowed.
- Logos may be incorporated into signs.
- Plastic/plexiglass may be utilized for lettering only on wall and projecting signs, and may not be used as background surface.
- Light sources incorporated into signage should not be exposed or directly visible.
- Halo lighting may be utilized.
- Small spot lighting of sign surfaces and projecting signs may be considered.
- All signs utilizing raceways shall be eight (8) inches deep, unless otherwise approved by the **Administrator**.
- All bolts, fasteners and clips shall be painted to match existing building colors.
- It shall be the sign contractor's responsibility to secure the signage components in a method so as not to create a hazard to the public.
- All penetration of the fascia, wall or projecting sign attachments shall be made waterproof by using gaskets and sealant.
- No labels will be permitted on the exposed surface of a sign unless otherwise required by the City.
- White or black lettering only may be used on glass door surfaces.



Figures 8.1.(1), 8.2.(2) & 8.1.(3) Monument Sign Precedent Images.

8.0 Signage



Figures 8.1.(4 - 11) Monument Sign Precedent Images.

9.0 Appendix

9.1 Definitions.

- (1) **Agricultural Equipment and Supply** – The retail sale of equipment and supplies specific to agricultural uses.
- ~~(1) **Agricultural Lands** – All ecosystems modified or created by man specifically to grow or raise biological products for human consumption or use. This includes cropland, pasture, orchards, groves, vineyards, nurseries, ornamental horticultural areas, and confined feeding areas.~~
- (2) **Alcohol & Liquor Sales** – The retail sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption. It is unlawful for any person to engage in the sale of alcoholic beverages at retail within the City without first procuring a license therefor, as hereinafter provided. A separate license shall be required for each place of sale. All licenses shall comply with the provisions of the Alcoholic Beverage Control Act of Utah and the regulations of the Alcoholic Beverage Control Commission.
- (3) **Alternative Energy** – Technologies such as solar and wind power, and alternative vehicle power technologies. Includes distributed generation (e.g. rooftop solar panels, EV charging battery storage, etc.) and utility-scale (e.g. renewable procurement through the qualified entity).
- (4) **Animal Boarding** – “Animal boarding establishment” means any commercial establishment that takes in animals for the purpose of providing temporary shelter or care and charges a fee for such service.
- (5) **Apparel & Accessory Store** – Retail stores where clothing is sold, such as department stores, shoe stores, dress, hosiery, and millinery shops. Stores selling or accepting for sale clothing retail.
- (6) **Appliance & Electronic Sales & Service** – The retail sale and servicing of appliances and electronics.
- (7) **Arcade** – Any business catering to minors, containing four or more amusement devices.
- (8) **Architecture/Engineering/Design** – A firm/business with the purpose of providing architecture, engineering, or design services.
- (9) **Area** – The portion of land that is being evaluated; generally, the property or project phase being developed.
- (10) **Art & Educational Supplies** – The retail sale of art and educational supplies.
- (11) **Auto Fuel Station** – Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories, and supplies, including minor installation services or repairs customarily incidental thereto.
- (12) **Auto Repair** – General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including bodywork, framework, welding, and major painting service.
- (13) **Auto Sales** – The retail sale of automobiles/vehicles.
- (14) **Automotive Supply (no service)** – A business that practices the retail sale of automotive supply but does not offer automobile sales and servicing.
- (15) **Bakery, Retail** – An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site. Such use may include incidental food service. A bakery shall be considered a general retail use.
- (16) **Bank or other Financial Service** – A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.
- (17) **Barber Shop, Beauty Salon, & Spa** – Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers. Any establishment where cosmetology services are provided including hair care, nail care, and skincare on a regular basis for compensation. A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.
- (18) **Bicycle Sales & Repair** – The retail sale and servicing of bicycles.
- (19) **Billiard Hall** – A primary commercial entertainment land use containing one or more pool or billiard tables, does not include the sales of alcohol.
- (20) **Block** – A contiguous group of properties bounded by multiple thoroughfares, rights-of-way, railroads, water bodies or other similar features. The block's perimeter is formed by outer property lines of the properties within the block.
- (21) **Block Face** – The portion or side of a block that abuts a street.
- (22) **Block Length** – The length of one side of a block between two streets, or a combination of streets, alleyways or pedestrian corridors.
- (23) **Block Perimeter** – The block perimeter is defined as the length of all sides of a block added together.
- (24) **Book, Magazine, & Newspaper Store** – A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any “adult bookstore,” “adult theater,” “theater,” or “studio theater”.
- (25) **Building Contractor (office only)** – A room or group of rooms used for conducting business affairs that does not use any exterior storage area.
- (26) **Building Massing** – The three-dimensional bulk of a building: height, width, and depth.

9.0 Appendix

- (27) **Building Materials, Hardware, and Garden Supply** – Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (28) **Bulb-Outs** – Infrastructure that provides additional pedestrian space at the corners of intersections and mid-block opportunities by extending sidewalks, curb, and gutter into the roadway.
- (29) **Cabinet Supply (display only)** – A retail establishment used to display and sell cabinets.
- (30) **Camera & Photo Supply Store** – A retail establishment used to sale cameras and photo supplies.
- (31) **Catering** – An establishment that serves and supplies food to be consumed off-premises.
- (32) **Charitable Institutions** – A chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state of Utah for charitable organization that has its principal place of business outside the state of Utah. Charitable organization shall be such entities as defined below and by the Charitable Solicitation Act of the Utah Code. A charitable institution includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is voluntarily performing a benevolent, educational, health-related, philanthropic, humane, patriotic, religious or eleemosynary activity; and/or is involved with social welfare or advocacy group, public health project, environmental or conservation activity, or civic organization or for the benefit of a public safety, law enforcement, or firefighter fraternal association, and established for any charitable purpose.
- (33) **City Impact Fee** – A fee that is imposed by local governments to pay for all or a portion of the costs of providing public services to a new or proposed developments costs.
- (34) **Computer Programming & Support** – The retail sale of computer programming and support services.
- (35) **Computer Software Sales & Leasing** – The retail sale and leasing of computer software.
- (36) **Context Sensitive Plan** – Development practices and standards that are sensitive to community specific values.
- (37) **Congregate Housing** – Any building which contains facilities for living, sleeping and sanitation and may include facilities for eating and cooking, for occupancy by other than a family. Congregate housing includes convents, monasteries, dormitories, boarding and rooming houses, hostels, fraternity and sorority houses.
- (38) **Convenience Store** – A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.
- (39) **Cul-de-sac** – A street ending in a vehicular turnaround whose roadway does not connect to other streets.
- (40) **Dark Skies** – A movement with the goal of reducing light pollution and the negative impacts associated with urban environments.
- (41) **Day Care, Adult or Child** – A facility that houses the temporary care of children and or adults.
- (42) **Dedicated Bicycle Lane** – Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street.
- (43) **Density** – Density is as established by Land Use Types and as shown on the Land Use plan and as referred to within Section 1. All proposed density must meet all development standards by Land Use such as setbacks, heights, access, etc.
- (44) **Department Store** – A business that practices the retail of a variety of unrelated merchandise and services.
- (45) **Designated Shared Lane** – A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum 13 feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a “sharrow”). This improvement occurs on both directions.
- (46) **Detention Facility/Jail** – A facility that houses inmates and individuals who have been accused of or guilty of crimes.
- (47) **Drug Store/Pharmacy** – An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.
- (48) **Dry Cleaning & Laundry** – An establishment that practices dry cleaning and laundry practices and services.
- (49) **Educational Services (tutor & testing)** – A business that offers education services such as tutoring and test preparation.
- (50) **Electrical Supplies** – An establishment that practices the retail sale of electrical supplies.
- (51) **Emergency Care Clinic** – A clinic that offers emergency care to individuals.
- (52) **Employment Agency** – An agency that offers the service of helping people find and procuring employment.
- (53) **Energy Efficiency** – Reducing wasteful energy practices and encouraging more sustainable practices.
- (54) **Exterminating & Disinfecting Service** – A business that offers exterminating and disinfecting services.
- (55) **Fabric & Craft Store** – Any business establishment that produces on the premise's articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

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- (56) **Facade Divisions (Vertical)** – Buildings are encouraged to use vertically oriented expression lines or forms to divide the facade into smaller increments. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half-inch depth.
- (57) **Facade Divisions (Horizontal)** – Buildings are encouraged to use horizontally oriented expression lines or forms to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half-inch depth.
- (58) **Facility for Persons w/Disability (Residential)** – Residential facility for persons with a disability
- (59) **Fence** – An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.
- (60) **Financial & Insurance** – A business that provides financial and insurance benefits and services.
- (61) **Finished Grade (or Established Grade)** – The Grade of the land surface modified by cutting or filling existing grade and relative to the surrounding roadways, open spaces or other developed areas from which building heights are measured.
- (62) **Fitness, Dance Studio, & Gym** – A facility that offers health and fitness-related activities.
- (63) **Florist** – Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.
- (64) **Framing** – A business that offers framing construction.
- (65) **Frontage (Building)** – That facade of the building that abuts the required front yard as stipulated in this zoning code.
- (66) **Funeral Home** – An establishment that provides the service of preparing the deceased for cremation or burial.
- (67) **Furnishing Zone** – A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.
- (68) **Gift, Novelty, & Souvenir Shop** – Retail stores where items such as art, antiques, jewelry books, and notions are sold.
- (69) **Government Offices** – A place that houses governmental practices that serve public needs.
- (70) **Grocery Store** – Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.
- (71) **Ground Story (Building)** – The story or floor in a building that is same level as the main entrance or outside ground elevation.
- (72) **Gun Shop** – A business practicing the retail sale of guns and related goods.
- (73) **Heating, Air Conditioning & Plumbing** – A business that offers services associated with heating, air conditioning, and plumbing.
- (74) **Holiday Sales** – Temporary sales no greater than thirty days.
- (75) **Home Furnishings & Accessories Sales** – The retail sale of home furnishing and accessories.
- (76) **Home Furniture & Equipment Repair** – An establishment that offers repair services on home furniture and equipment.
- (77) **Home Occupation** – An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building
- (78) **Intergovernmental Agreements** – A contractual or other formal agreement between two or more political jurisdictions that results in a cooperative action or activity.
- (79) **Irrigation (Landscaping)** – A permanent, artificial watering system designed to transport and distribute water to plants.
- (80) **Jewelry Sales & Repair** – Shops that sell new merchandise primarily and some used merchandise from estate sales or reconstitute precious metals they purchase into jewelry forms that are sold at retail on the premises.
- (81) **Landscape Buffer** – A landscaped area, often serving as a buffer between different uses.
- (82) **Landscape Zone** – A landscape area between the back of curb or edge of pavement to the sidewalk in which street trees, swales, lighting, and signage may be located. Typically used adjacent to residential buildings.
- (83) **Large Format Grocery Store** – A establishment with large physical characteristics that offers the retail sale of groceries and associated items.
- (84) **Large Format Retail** – A establishment with large physical characteristics that offers the retail sale of a variety of goods.
- (85) **Legal Services** – The business of providing legal services such as advice and representation to individuals and the public.
- (86) **Locksmith** – An individual or business that provides the retail sale and or services associated with keys and locks.
- (87) **Luggage & Leather Goods** – A business that conducts retail sales and supply of luggage and leather goods.
- (88) **Machine Sales and Rental** – A business that practices the retail sale and rental of machines.
- (89) **Mailing Services** – A commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

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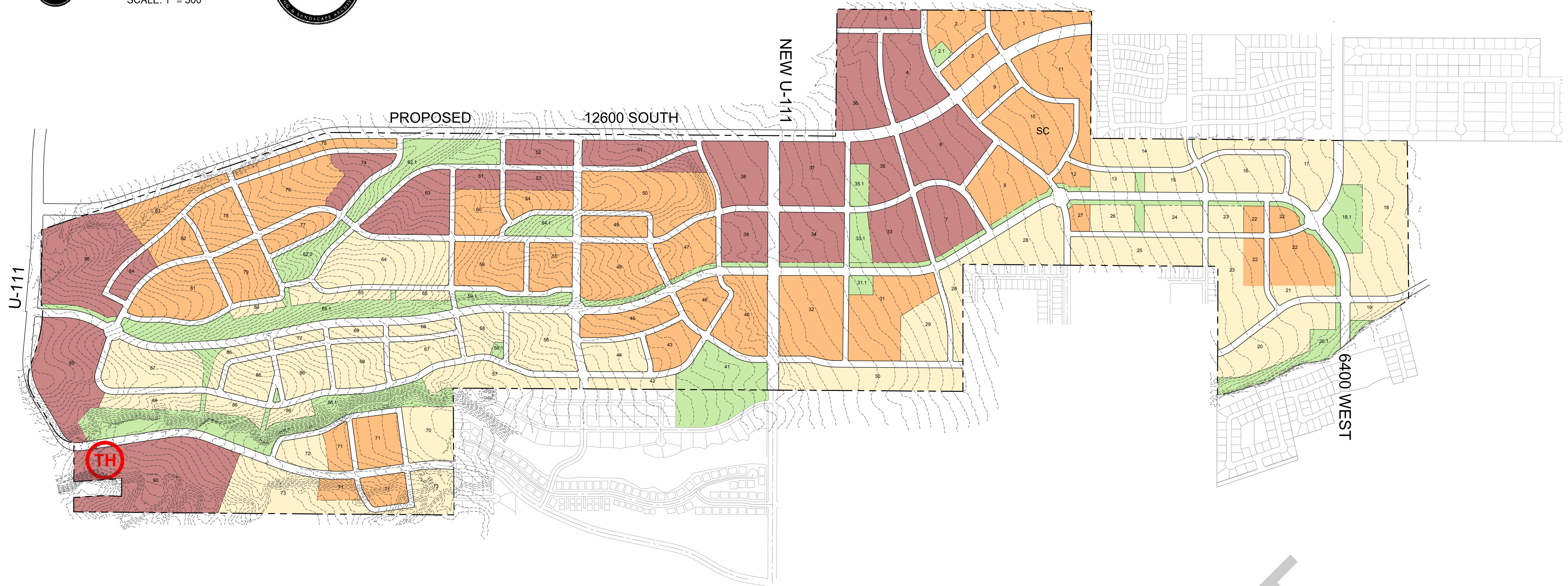
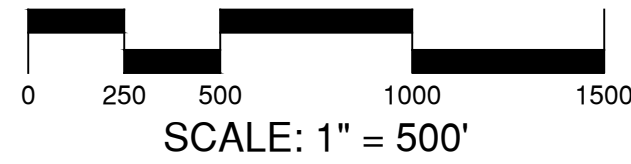
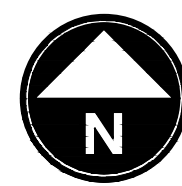
- (90) **Management Services** – A business that provides services associated with business and management.
- (91) **Manufacturing** - The making of articles or products using manual labor or machinery, tools and biological or chemical processing or formulation; industrial production.
- (92) **Master Development Agreement (MDA)** – An agreement between a developer and the political governing body.
- (93) **Medical & Dental with Laboratory** – A facility with a laboratory that practices the healing arts, examination, and treatment of patients seeking medical and or dental services.
- (94) **Medical Supply Store & Rental** – An establishment that offers the retail sale and rental of medical supplies.
- (95) **Merchandise Vending Machine Operators** – One who provides service to vending machines that sell merchandise.
- (96) **Microbrewery** – An establishment that practices the craft of brewing beer and retail sales on a smaller scale in comparison to large commercial breweries.
- (97) **Miniature Golf Course** – A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.
- (98) **Mixed Use Development** – Zoning which provides a variety of uses (limited commercial, office and residential), as an appropriate transition between high-traffic arterial streets and nearby residential uses. Ensures compatibility of new development and residential conversions with existing and future residential development.
- (99) **Motorcycle & Motor Scooter Sales** – The retail sale of motorcycles and motor scooters.
- (100) **Music Store** – An establishment that practices the retail sale of music and associated goods.
- (101) **Musical Instrument Repair & Sales** – An establishment that practices repair services and the retail sale of musical instruments, related equipment, and accessories.
- (104) **Nature Preserve** – a tract of land managed so as to preserve its flora, fauna, and physical features.
- (102) **Network Density** – Network density is the number of nodes per given unit of area, such as nodes per square mile. Network density is established by a maximum block length as well as maximum spacing of pedestrian paths and streets connecting outside the project to existing or future developments.
- (103) **Node** – An intersection or dead end (a cul-de-sac is considered a dead end).
- (104) **Office Supply** – An establishment that practices the retail sale of office related supplies and goods.
- (105) **Open Space** – A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. This land is preserved for the purpose of conservation, preservation, agriculture, resource enhancement, recreation, enhancing value to the public of adjacent parks or preserves, or otherwise providing a buffer to adjacent properties.
- (106) **Optical Goods** – A business with the purpose of providing goods and services related to optical goods.
- (107) **Outdoor Gun Range** – An outdoor area dedicated to practices associated with gun handling, firing, and practice.
- (108) **Outdoor Sales Lot** – An outdoor area dedicated to the sale of goods.
- (109) **Outdoor Storage (of Goods)** – Permanent outdoor storage of goods not typically housed or sold indoors, such as large-scale materials and building and landscape supplies.
- (110) **Paint & Wallpaper** – An establishment that practices the supply and retail sale of paint and wallpaper.
- (111) **Park** – A Park is a non-commercial, public or private facility or open space. Parks include programming and facilities that support active and passive recreation. Commercial uses are allowed inside parks with the approval of **City Staff**.
- (112) **Party Supply Shop** – A business that practices the retail sale of party supplies and associated goods.
- (113) **Pedestrian Pathway** – A hard-surfaced, ADA-compliant path reserved for pedestrian or other non-motorized use. May be privately owned but must be publicly accessible to meet pedestrian pathway connectivity requirements.
- (114) **Pet & Pet Supply** – A business that practices the sale of certain animals (pets), and pet supplies.
- (115) **Pet Grooming** – Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.
- (116) **Photocopying & Printing** – An entity associated with the sale and service of photocopying and printing.
- (117) **Photography Studio & Supplies** – A business that offers an area for photography services and the retail sale of photography-related supplies.
- (118) **Physical Therapy/Physical Rehabilitation** – A business that provides services associated with physical therapy and physical rehabilitation.
- (119) **Power Station** – An area dedicated to the creation of power utility.
- (120) **Public Relations & Advertising** – A business that provides services associated with public relations and advertising.
- (121) **Radio & TV Studio** – An area dedicated to radio and television production.

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- (122) **Recreation, Commercial Indoor** – Recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.
- (123) **Recreational Vehicle Park** - a place where people with recreational vehicles can stay overnight, or longer (Maximum 14 days), in allotted spaces known as “sites” or “campsites”. The park may also provide facilities for tent camping.
- (124) **Relative Connectivity** – The relative level of connectivity means that intersections that provide a certain amount of connections among streets. For example, a 4-way intersection provides more connectivity than a 3-way intersection, and both provide more connectivity than a cul-de-sac, or other dead end, which provides no connectivity. Relative connectivity is measured primarily by the connectivity index, which is the ratio of street segments (“links”) to intersections and dead ends (“nodes”) in an area.
- (125) **Repair of Small Goods & Electronics** – A business the provides the service associated with the repair of small goods and electronics.
- (126) **Restaurants** (refer to state law for alcoholic beverage requests) – Any facility where food is prepared for immediate consumption, including but not limited to coffee shops, cafeterias, restaurants, luncheonettes, soda fountains, fast-food services or outlets and all other similar facilities. Does not include any retail establishment whose primary business function is the sale of fuel or food items for off-premise, but not immediate, consumption.
- (127) **Restricted Common Area** - those portions of the Common Area adjacent to residential or commercial units which, subject to the rights of the HOA and Declarant, are reserved for the exclusive use of the Owners of those particular Units.
- (128) **Right of Way** – A strip of land reserved for transportation, infrastructure and/or public use between the perimeter property lines of adjacent blocks.
- (129) **Roof Garden** – Green space or gardens on the roof of buildings.
- (130) **Setback (Building)** – Used to enhance the pedestrian environment on the street by placing buildings at an appropriate distance from the sidewalk. Setbacks will vary by street type and adjacent land-use.
- (131) **Sexually Oriented Business** – Adult businesses, nude entertainment business, seminude dancing bars, outcall services, and nude and seminude dancing agencies as defined by the City.
- (132) **Shared Lane** – A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.
- (133) **Shoe Repair** – An individual or business that provides the service of repairing shoes.
- (134) **Shooting & Archery Ranges (indoor only)** – An indoor area to practices associated with gun and archery handling, firing, and practice.
- (135) **Short Term (Residential)** – Any dwelling or portion thereof that is available for uses or is used for accommodations or lodging of guests, paying a fee, or other compensation for a period of less than thirty consecutive days.
- (136) **Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)** – A business associated with the retail sale of specific foods.
- (137) **Sporting Goods Sales & Rental** – A business that practices the retail sale and rental of sporting and outdoor goods.
- (138) **Stationery & Paper Store** – An establishment that practices the retail sale of stationery, paper, and related supplies.
- (139) **Storm Water** – Means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.
- (140) **Story (Building)** – the space in a building between two adjacent floor levels or between a floor and the roof. Roof top access structures, trellises, decks or other roof top amenities do not count as a story for allowed height determination. ~~Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space shall be considered as a story.~~
- (141) **Stream Buffer** – A vegetated area that separates and protects a stream from other land uses.
- (142) **Street** – A public thoroughfare including roads, highways, drives, lanes, avenues, places, boulevards or any other thoroughfare dedicated for public use that affords primary access to abutting properties.
- (143) **Street Connectivity** – How well streets connect and handle differing transportation densities.
- (144) **Street Network** – System of interconnected streets that forms the framework for community development and transportation.
- (145) **Stub Street** – A street that runs from an intersection to connect to a future adjacent development.
- (146) **Surface (Impervious)** – Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.
- (147) **Surface (Semi-impervious)** – Land surface that partially allows penetration of water.

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- (148) **Tailor & Seamstress** – An individual or business that practices the service of tailoring.
- (149) **Tanning Salon** – An establishment dedicated to providing services and retail sales of items associated with artificial tanning.
- (150) **Theater** – A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.
- (151) **Toy Shop** – An establishment dedicated to the retail sale of toys and related items.
- (152) **Traffic Impact Study (TIS)** – A tool used to reduce and plan for traffic impacts created by new development. A study (or studies) conducted to quantify traffic and needed roadway improvements.
- (153) **Training Center** – An establishment with space for the conduction of training services.
- (154) **Transit** – The conveyance of persons or goods from one place to another by means of a local, public transportation system.
- (155) **Travel Agency & Tour Operator** – A business that offers services associated with travel.
- (156) **Typology (Building)** – Dictate form, glazing/transparency, and other features of a building.
- (157) **Underground Utility Station** – A station related to a utility that is placed beneath the surface grade or underground.
- (158) **Utility and Infrastructure** – An area that is primarily utilized for the City's infrastructure needs. Utility and infrastructure include such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems.
- (159) **Vertical Mixed-Use Storage** – Vertical land use with mixed commercial uses on the ground street facing floor with storage options above and behind said uses.
- (160) **Veterinarian** – An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.
- (161) **Video/Games Sales & Rental** – A business that practices the retail sale or rental of videos and or games.
- (162) **Warehouse** – Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.



KEY:



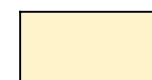
TRAILHEAD



TOWN CENTER



VILLAGE



NEIGHBORHOOD



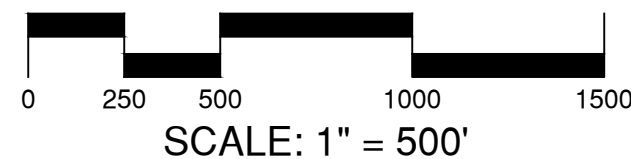
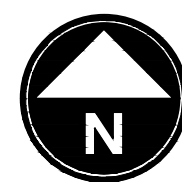
OPEN SPACE

OLYMPIA

MASTER LAND USE PLAN

EXHIBIT B

SEPTEMBER 1, 2021



KEY:

- REGIONAL PARK
- COMMUNITY PARK
- NEIGHBORHOOD PARK
- LOCAL PARK
- TRAILHEAD
- MAJOR TRAIL CORRIDORS/CONNECTIONS

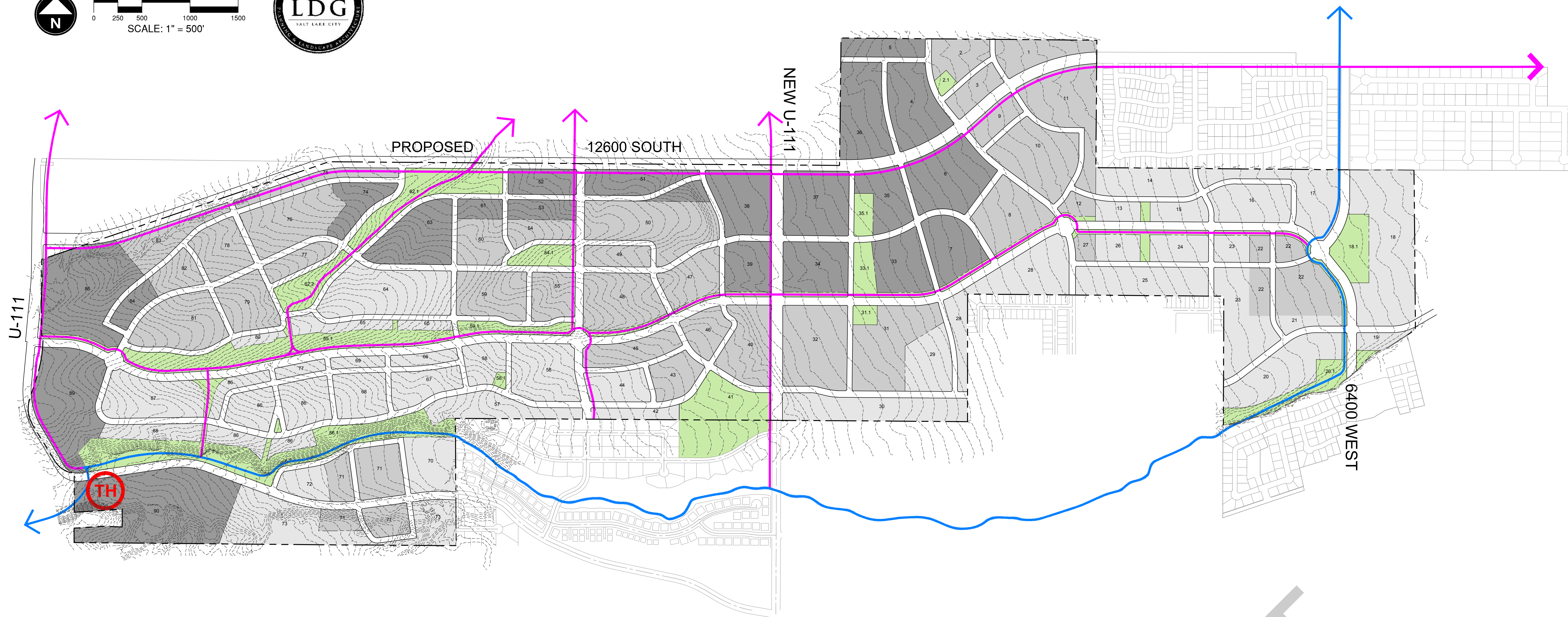
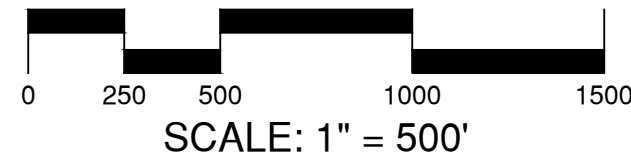
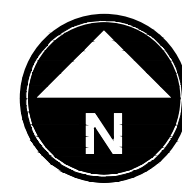
ALL PARK TYPES, PARK FACILITY LOCATIONS AND OPEN SPACES REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA


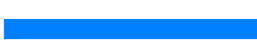

MASTER PARKS AND OPEN SPACE PLAN

EXHIBIT B1

SEPTEMBER 1, 2021



KEY:

-  MULTI-USE TRAIL
-  DUAL PATH (EQUESTRIAN AND PAVED PATHS)
-  TRAILHEAD

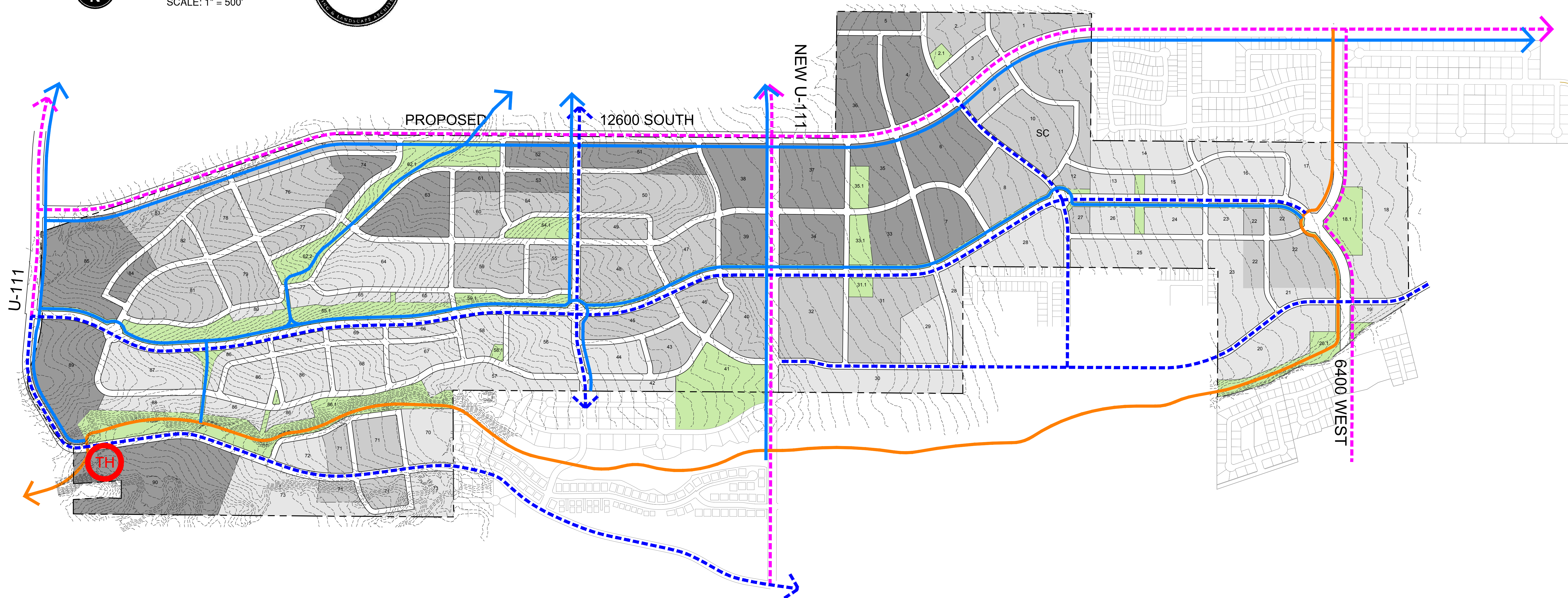
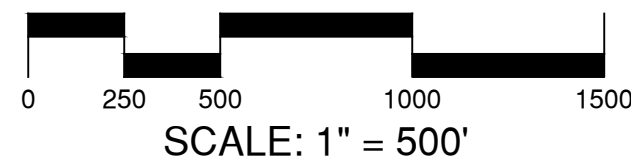
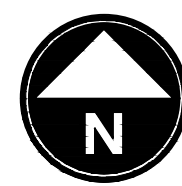
ALL TRAIL TYPES AND TRAIL FACILITY LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA






MASTER TRAILS PLAN

EXHIBIT B2

SEPTEMBER 1, 2021



KEY:

-  BUFFERED BIKE LANE
-  PAVED PATH
-  BIKE LANE
-  DUAL PATH (EQUESTRIAN TRAIL AND PAVED PATH)
-  TRAILHEAD

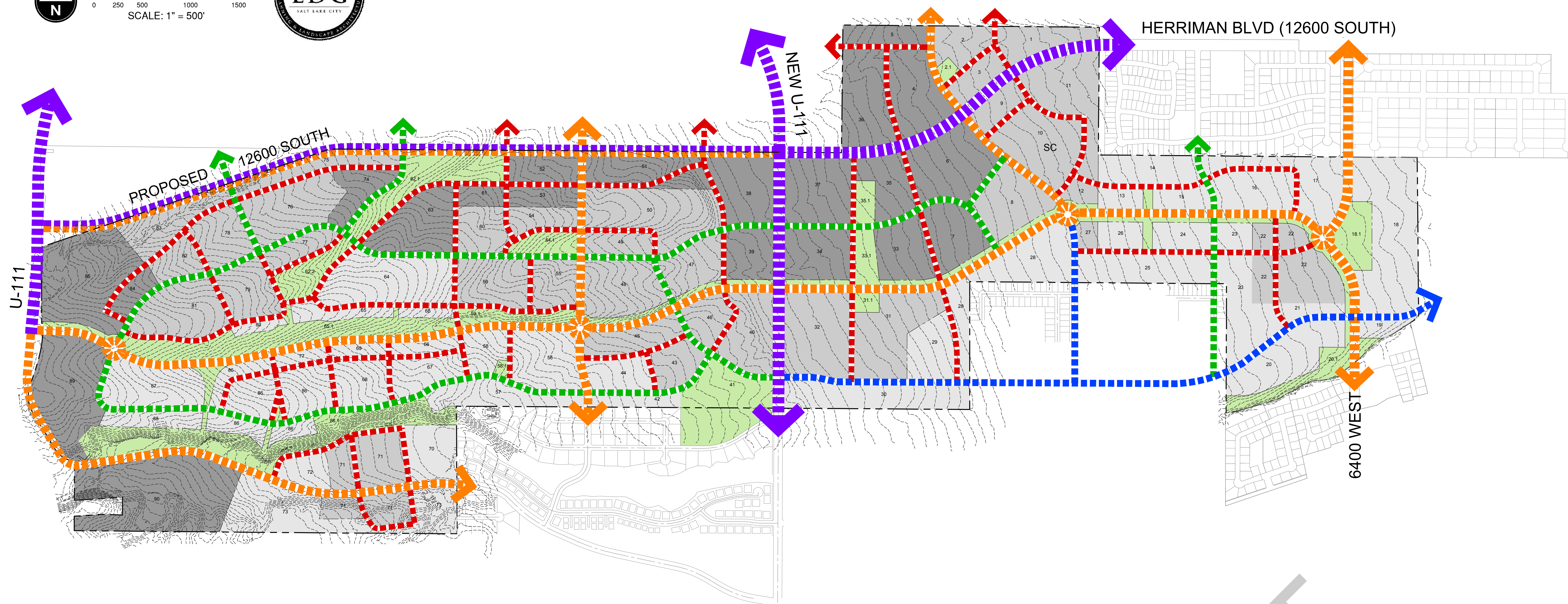
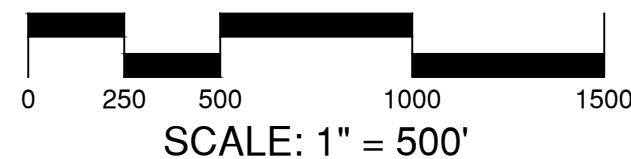
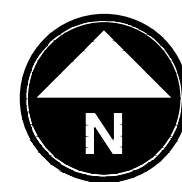
ALL ACTIVE TRANSPORTATION TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA

ACTIVE TRANSPORTATION PLAN

EXHIBIT B3

SEPTEMBER 1, 2021



KEY:

 MAJOR ARTERIAL (120' ROW)	 MAJOR COLLECTOR (86' ROW)	 MINOR COLLECTOR (68' ROW)	 MAJOR LOCAL (63' ROW)	 MINOR LOCAL (55' ROW)
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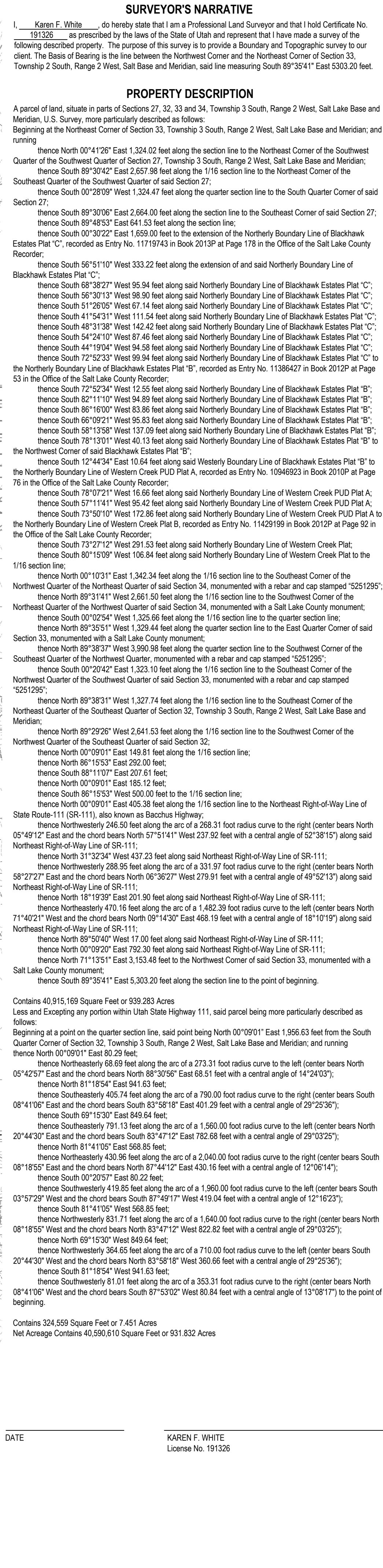
ALL ROADWAY TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA

MASTER ROAD PLAN

EXHIBIT B4

SEPTEMBER 1, 2021



HERRIMAN, UTAH
ORDINANCE NO. 2021-22

**AN ORDINANCE OF THE HERRIMAN CITY COUNCIL AMENDING TITLE 10 OF
THE HERRIMAN CITY CODE TO INCLUDE CHAPTER 33 REGARDING THE
LARGE PROJECT MASTER PLANNED COMMUNITY TOOL**

WHEREAS, the Herriman City Council (“Council”) met in regular meeting on August 25, 2021 to consider, among other things, approving an amendment to Title 10 of the Herriman City Code to include a new section for Large Project Master Communities (“MPC”); and

WHEREAS, the Council is authorized to enact ordinances, codify such ordinances, and make amendments to such codifications as set forth in Utah Code Ann. § 10-3-707; and

WHEREAS, the City is also authorized by law to exercise legislative powers and enact ordinances establishing regulations for land use within the limits of the City; and

WHEREAS, the appropriate public notices were provided and the required public hearings were held on this amendment consistent with Utah Code Ann. § 10-9a-502; and

WHEREAS, the Herriman City Planning Commission (the “Planning Commission”) has provided the appropriate notice and held a public hearing regarding the MPC as required by Utah Code Ann. § 10-9a-502; and

WHEREAS, Council has reviewed the proposed changes to Title 10 and hereby finds that it is in the best interest of the public to adopt the proposed changes by adding Chapter 33 to Title 10 of the Herriman City Code; and

WHEREAS, the City is authorized to collect fees pursuant to Utah Code Ann. § 10-9a-510 for certain applications (including land use applications) made to the City; and

WHEREAS, an application made pursuant to the MPC is a land use application subject to a City-charged fee.

NOW, THEREFORE, BE IT ORDAINED by the Herriman City Council as follows:

1. Title 10 of the Herriman City Code, is hereby amended and readopted to include Chapter 33 regarding the Large Project Master Plan Community tool, a copy of which is attached hereto as Exhibit A.

2. The City Recorder is authorized to publish the updated Title 10, Chapter 33 upon passage and publication of this Ordinance.

3. The City is authorized and directed to collect a fee of \$3,000 for each application made pursuant to the MPC and the City’s Fee Schedule shall be adjusted to reflect this fee. This one-time flat fee represents the reasonable costs of processing an application (including review of a proposed development agreement) made pursuant to the MPC.

4. This ordinance assigned no. 2021-22 shall take effect immediately upon passage and acceptance as provided herein.

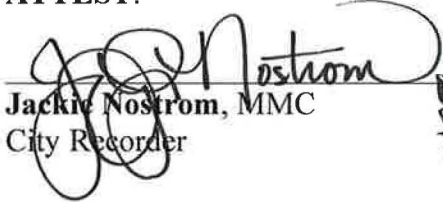
PASSED AND APPROVED by the Council of Herriman, Utah, this **25**th day of August, 2021.

HERRIMAN



David Watts, Mayor

ATTEST:



Jackie Nostrom, MMC
City Recorder



Herriman City

ORDINANCE NUMBER: **2021-21**

SHORT TITLE: AN ORDINANCE AMENDING TITLE 10 OF THE HERRIMAN CITY
CODE TO INCLUDE CHAPTER 33 REGARDING THE LARGE PROJECT MASTER
PLANNED COMMUNITY TOOL

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
David Watts			X		
Jared Henderson					Absent
Sherrie Ohrn	X		X		
Steven Shields		X	X		
Clint Smith			X		
	TOTALS		4		1

This ordinance was passed by the City Council of Herriman City, Utah on the 25th day of
August, 2021, on a roll call vote as described above.

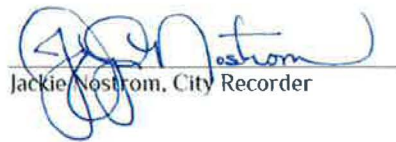
ORDINANCE NO. 2021-22

CITY RECORDER'S CERTIFICATE AND ATTESTATION

This ordinance was recorded in the office of the Herriman City Recorder on the 25th day of August, 2021, with a short summary being published on the Utah Public Notice website. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to the ordinance number referenced above.



Signed this 25th day of August, 2021


Jackie Nostrom, City Recorder

TITLE 10

LAND DEVELOPMENT CODE

CHAPTER 33

LARGE PROJECT MASTER PLANNED COMMUNITY

10-33-1: FINDINGS

The City Council finds that standard zoning practices such as single-purpose base zones, planned unit developments or other types of normal zoning classifications are inadequate to address the development of larger parcels of property in the City to ensure that these developments are well-planned, sensitive to the needs of the City and, also, successful in recognizing the rights of property owners to develop their land. This is especially true when the property involves issues of infill and configuration, and when the development of the property may take several years. The City Council has carefully researched the state-of-the-art practices for how to deal with such larger projects. Based on that research the City Council has determined that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner, and those agreed-upon regulations being enforced and assured by the terms of a development agreement. The purpose of this ordinance is to create enabling provisions for adopting such specialized zones and applying them to particular properties.

10-33-2: BASIC REQUIREMENT

The provisions of this Chapter shall apply only to development projects over two hundred (200) contiguous acres in size.

10-33-3: PROCESS FOR APPLYING; STANDARD OF APPROVAL

The owner, or the owner's authorized agent, of a property or accumulation of properties that is/are in excess of two hundred (200) contiguous acres in size may petition the City to create an individual "Large Master Planned Community" sub-zone and apply that particular sub-zone to the property. The application shall include the elements listed in Section 10-33-4 below. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-zone, map it to the property and approve the Master Development Agreement required in Section 10-33-5 below. The application for a sub-zone creates no rights in the property owner until any such sub-zone and the Master Development are approved by the City Council and recorded against the property.

10-33-4: CONTENTS OF APPLICATION

- A. Any application for a "Large Master Planned Community" sub-zone shall include the following and such other materials as the City may require:
1. The proposed zone name of the subzone;
 2. A map of the property proposed for the sub-zone including topographical information at 2' contours or more detailed;
 3. The proposed sub-zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Master Development Agreement; and

4. A proposed Master Development Agreement.

10-33-5: MASTER DEVELOPMENT AGREEMENT

- A. The proposed Master Development Agreement shall include the items specified in sub-section (C), below.
- B. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering and may make any modifications to the proposed Master Development Agreement that it deems appropriate before approving the Master Development Agreement and applying it to the property as a part of the creation and mapping of the sub-zone.
- C. Required Elements in Master Development Agreement:
 1. A master plan of the project showing:
 - a. The general areas of each intended use and the approximate intensity of each such use such as the approximate number of each type of residential or support use; each commercial, office or retail use;
 - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines;
 - c. The general location size and type of public or private parks, trails and open space;
 2. Proposed development standards for the various types of residential, commercial, retail office or other uses proposed including lot areas, dimensions and setbacks;
 3. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking and signage;
 4. Proposed process for implementing, administering, enforcing and making modifications to the proposed project;
 5. The length of the term of the Master Development Agreement;
 6. Processes for amending the Master Development Agreement;
 7. A provision ensuring that the City cannot be held liable for any damages arising out of the Master Development Agreement;
 8. Any other provisions as required by the City Council master development agreement policy.
 9. Any other items that the City Attorney deems appropriate for consideration by the City.

10-33-6: ADMINISTRATION AND IMPLEMENTATION OF SUB-ZONE

It is the intent of the City that after the policy considerations by the City Council in adopting the proposed sub-zone, applying that sub-zone to the property and entering into the Master Development Agreement then any implementation of the sub-zone or the Master Development Agreement is administrative in nature and not legislative.

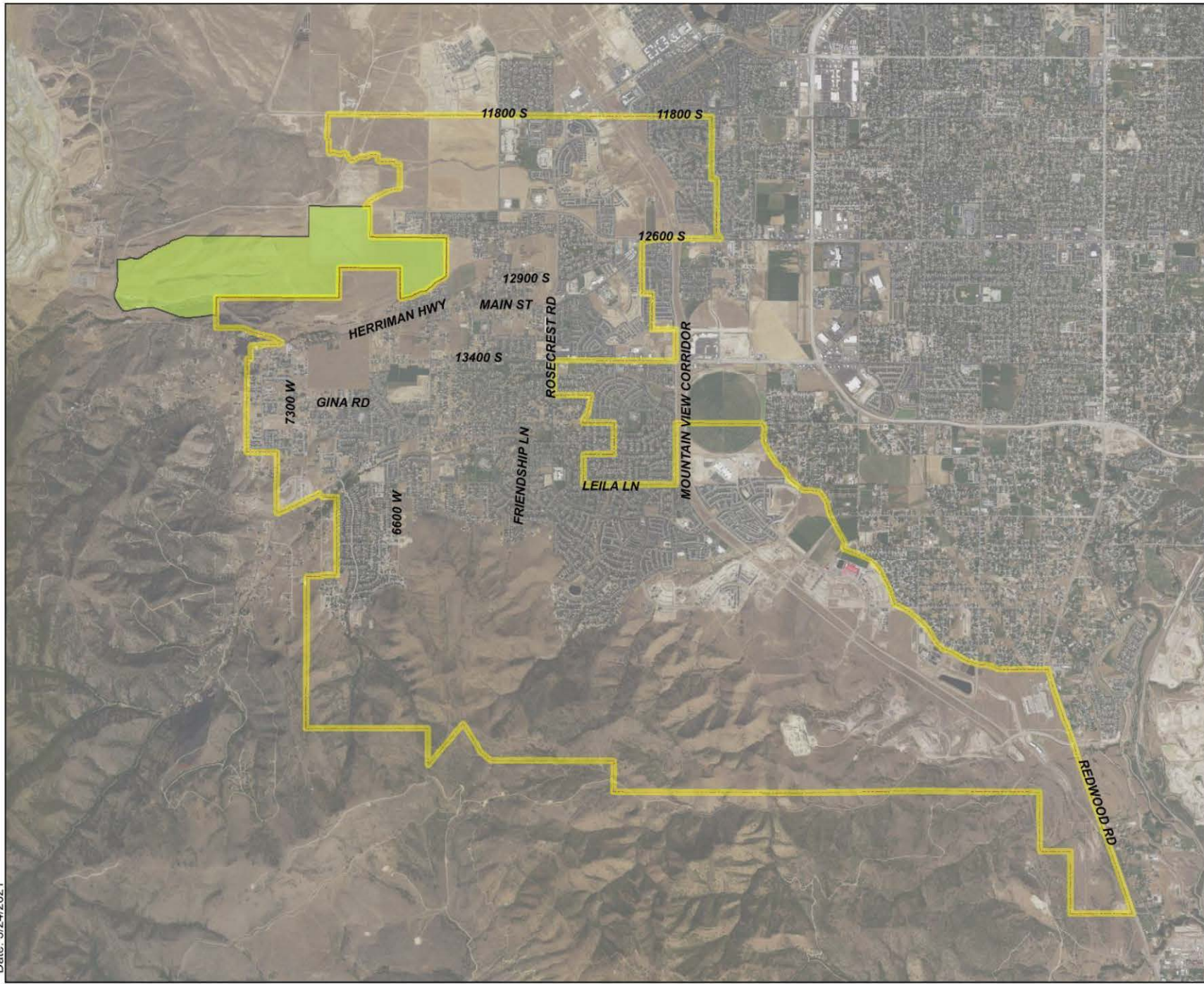
MPC Olympia Zoning Map Amendment

Planning Commission Meeting (Public Hearing)

September 16, 2021



Date: 3/24/2021



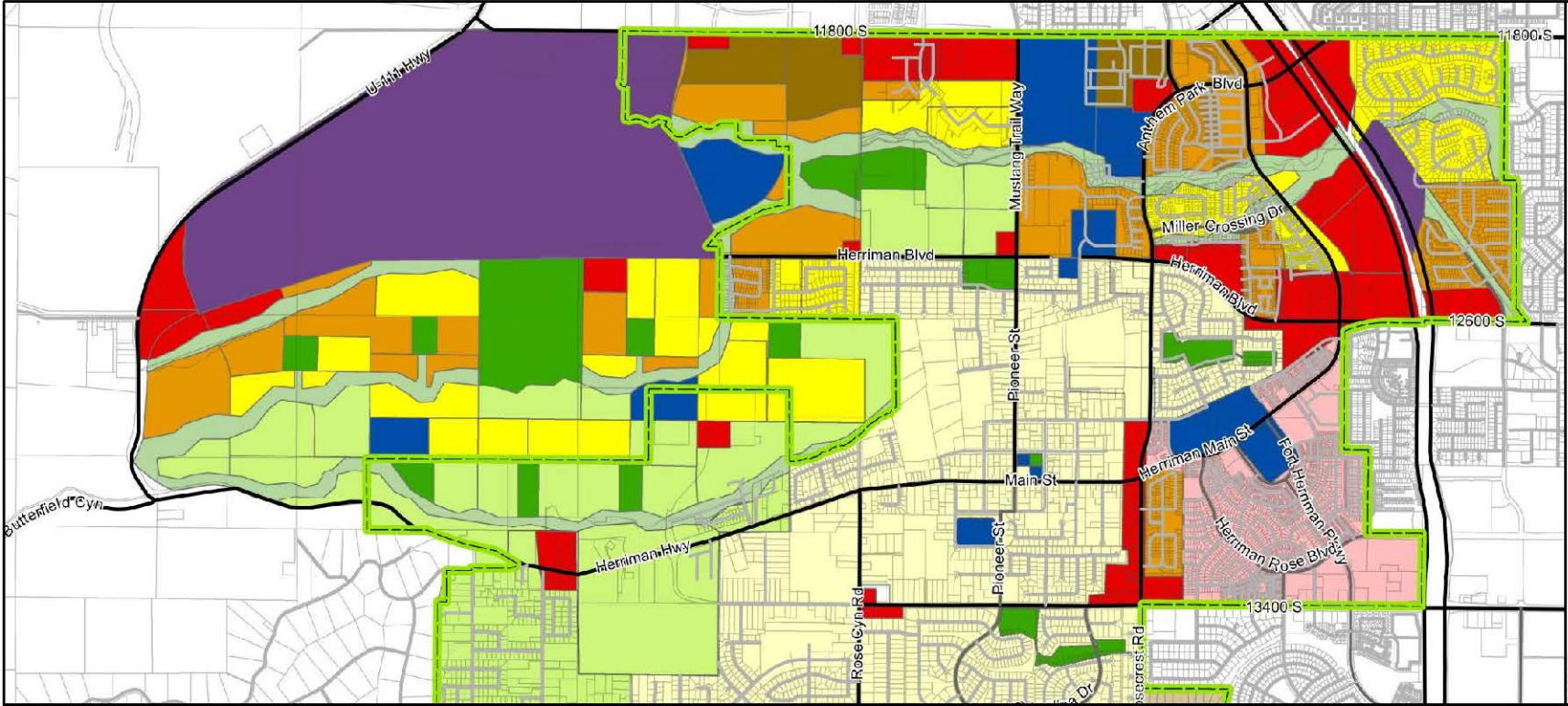
**HERRIMAN CITY
INFORMATION MAP**

0 4,000 8,000
Feet

N

Legend

- Herriman City Limit
- Olympia Hills



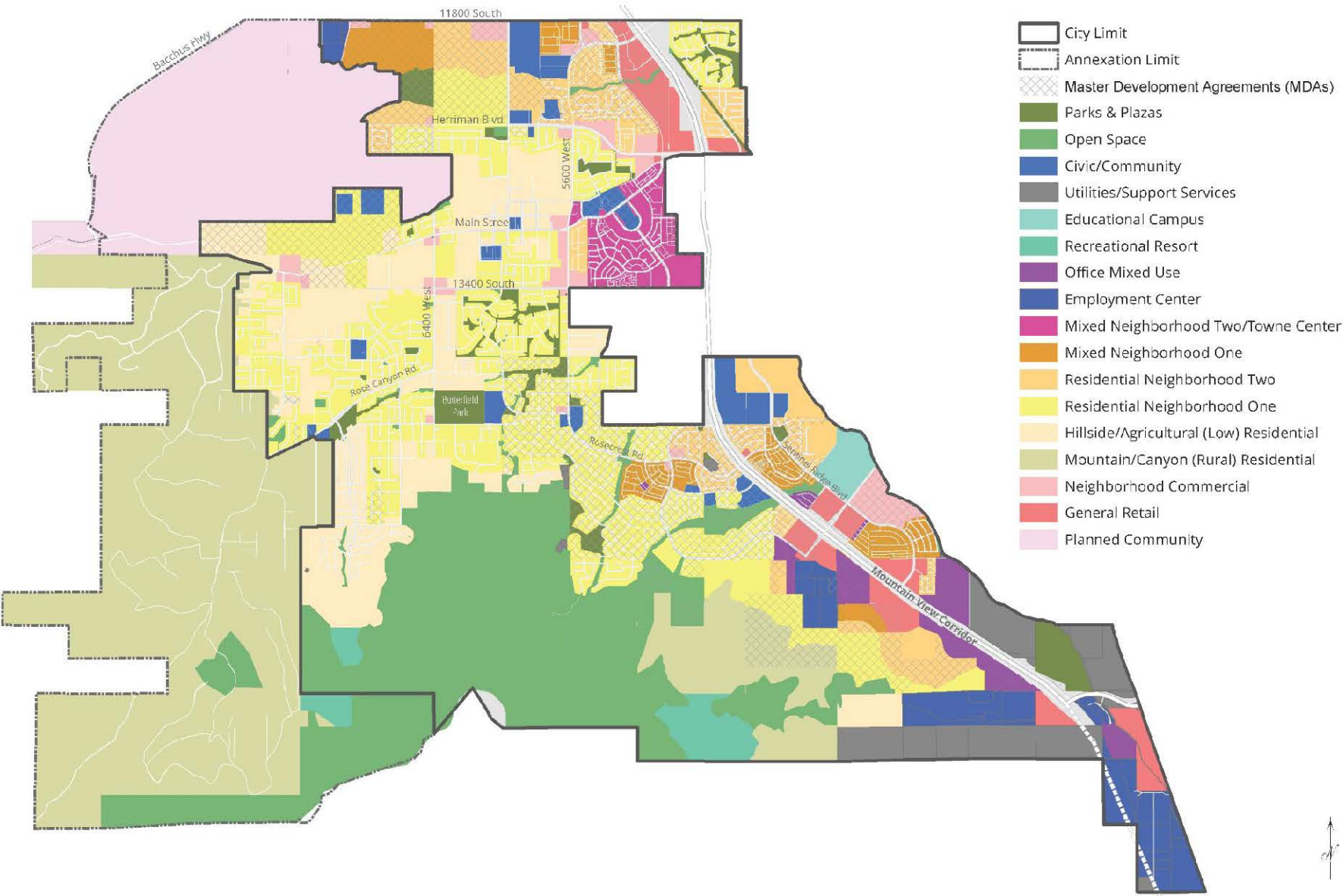
HERRIMAN CITY GENERAL PLAN

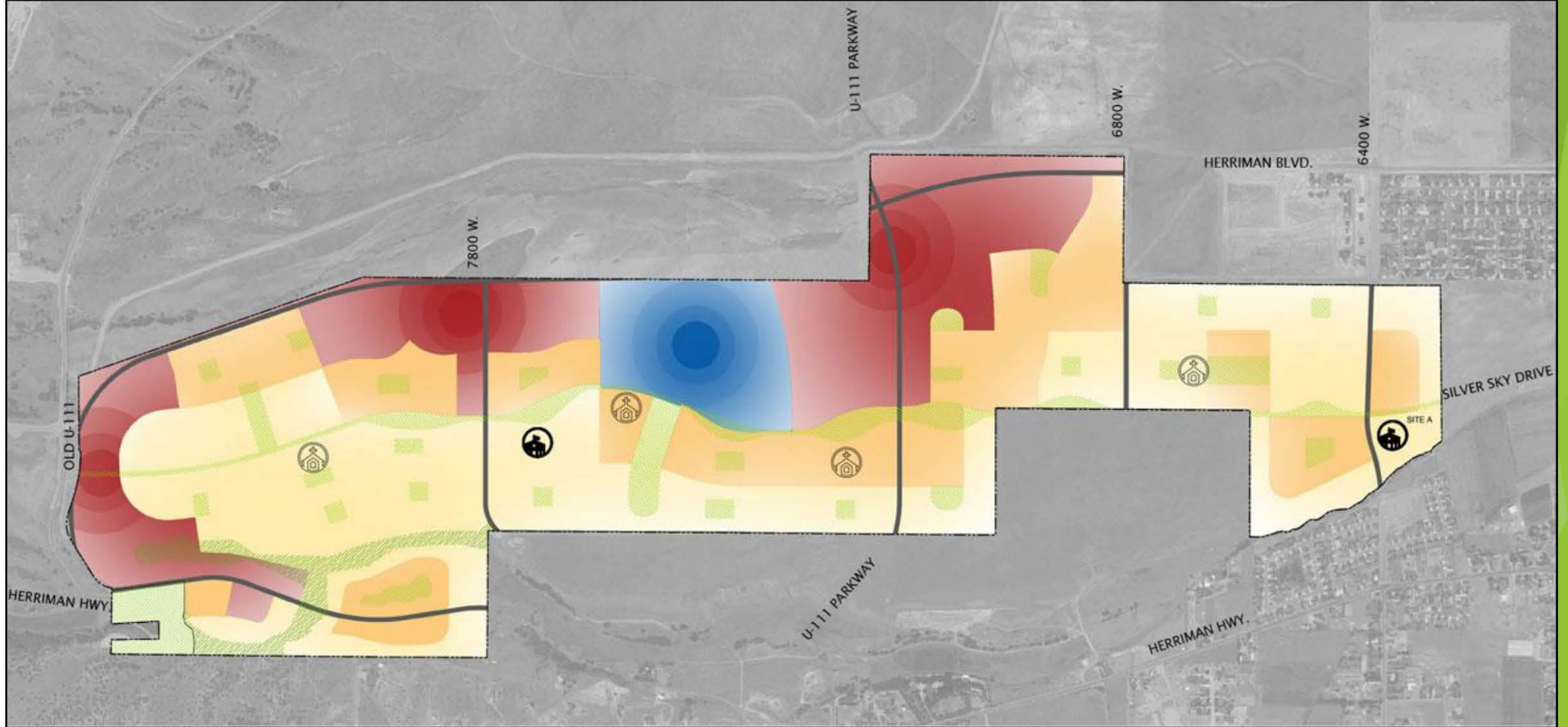
Land Use 2025

- Hillside/ Rural Residential (0.5 - 1.7 du/acre)
- Agricultural Residential (1.8 - 3.0 du/acre)
- Low Density Residential (1.8 - 2.5 du/acre)
- Single Family Residential (2.6 - 4.5 du/acre)
- Medium Density Residential (4.6 - 8 du/acre)
- High Density Residential (8 - 20 du/acre)
- Mixed Use
- Mixed Use - Towne Center
- Commercial
- Light Industrial Park/ Business Park
- Public/ Institutional/ Cultural/ Schools
- Military Operational
- Quasi-Public/Utilities
- Resort/ Recreational
- Open Space
- Parks and Recreation
- Herriman City Limit

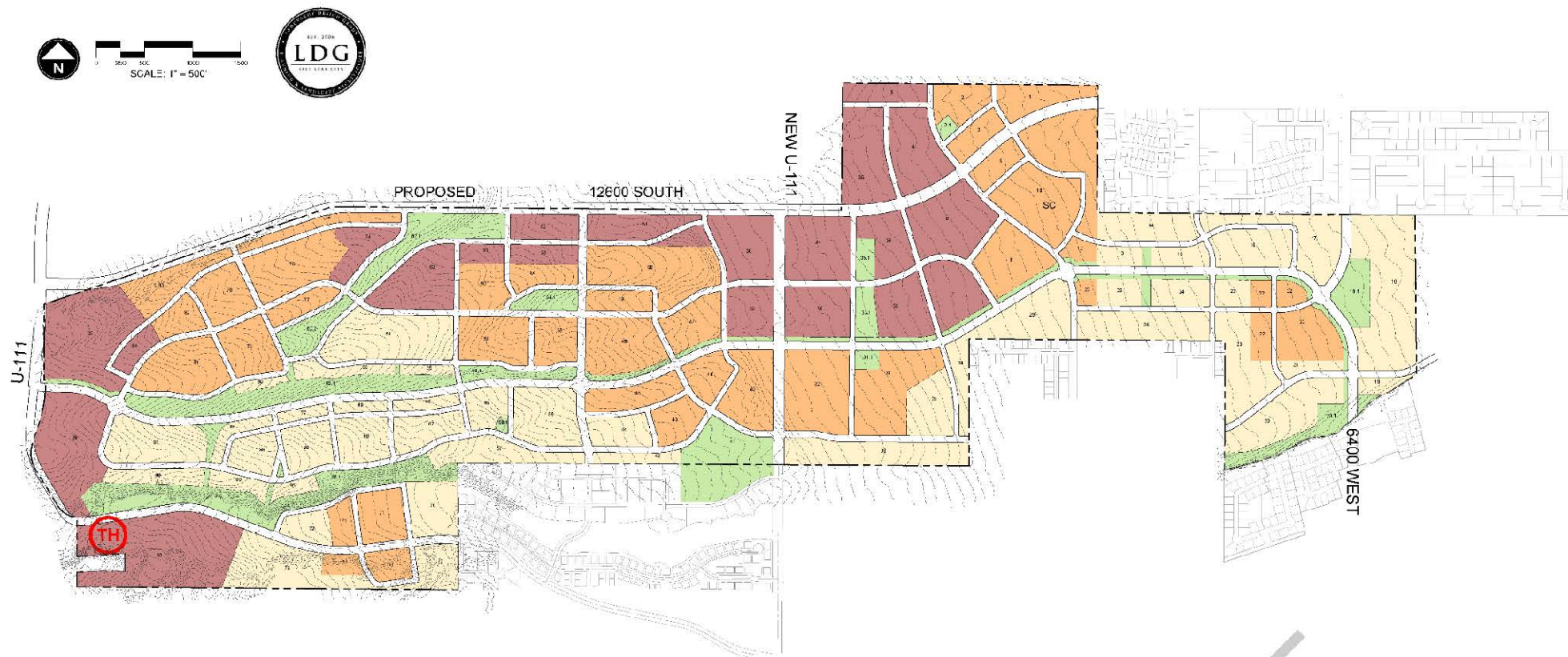
HERRIMAN GENERAL PLAN: FUTURE LAND USE & DEVELOPMENT

DRAFT FUTURE LAND USE & DEVELOPMENT MAP: JUNE 2021





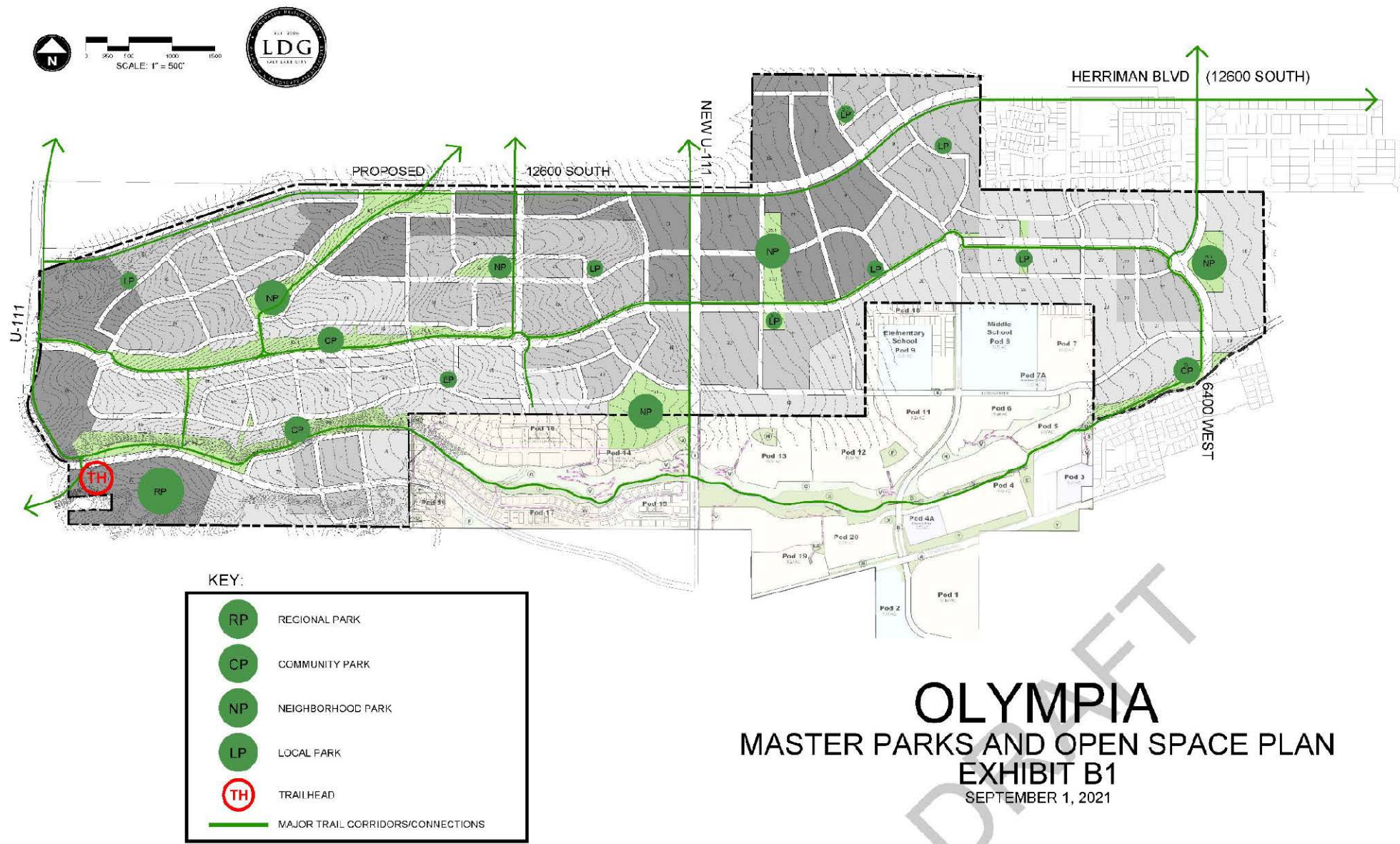
Salt Lake County-Approved Plan up to 6,330 Residential Units



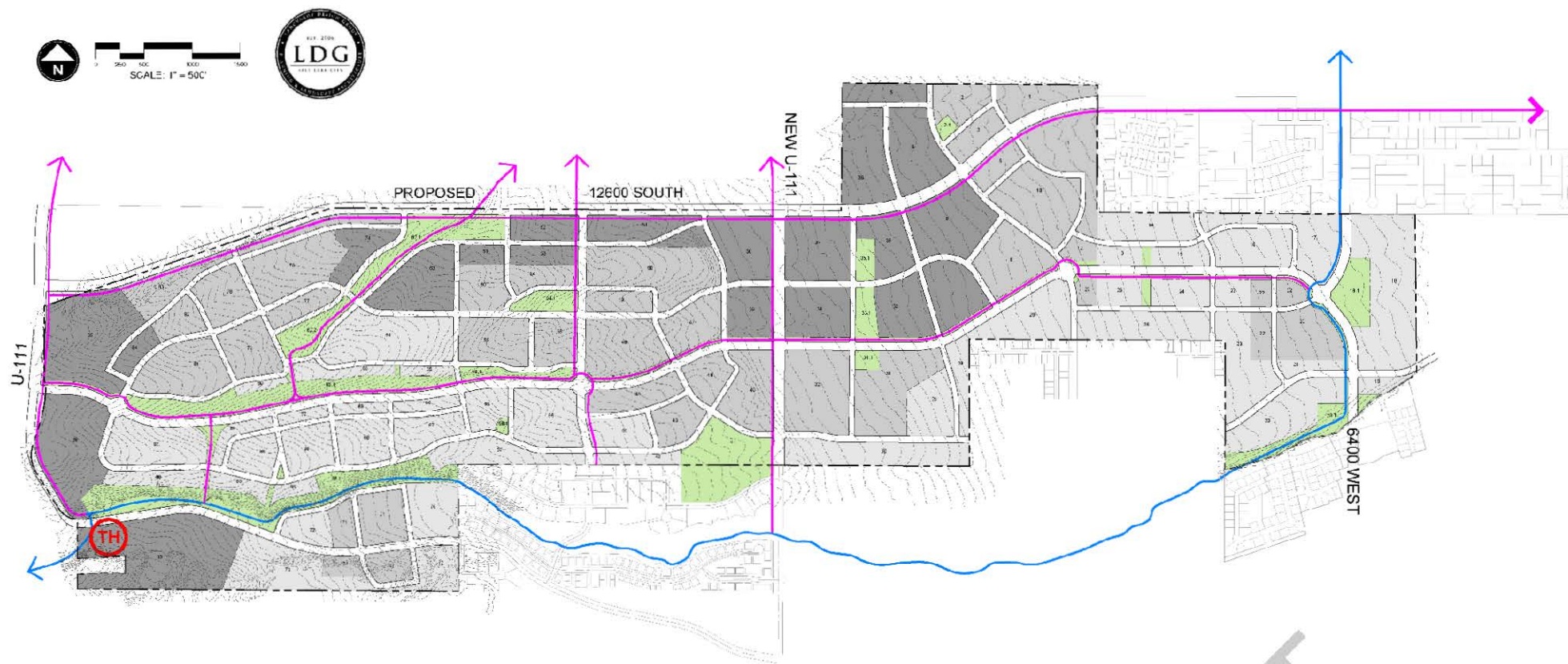
KEY:

	TRAILHEAD		TOWN CENTER		VILLAGE		NEIGHBOR-HOOD		OPEN SPACE
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OLYMPIA
MASTER LAND USE PLAN
EXHIBIT B
SEPTEMBER 1, 2021



ALL PARK TYPES, PARK FACILITY LOCATIONS AND OPEN SPACES REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

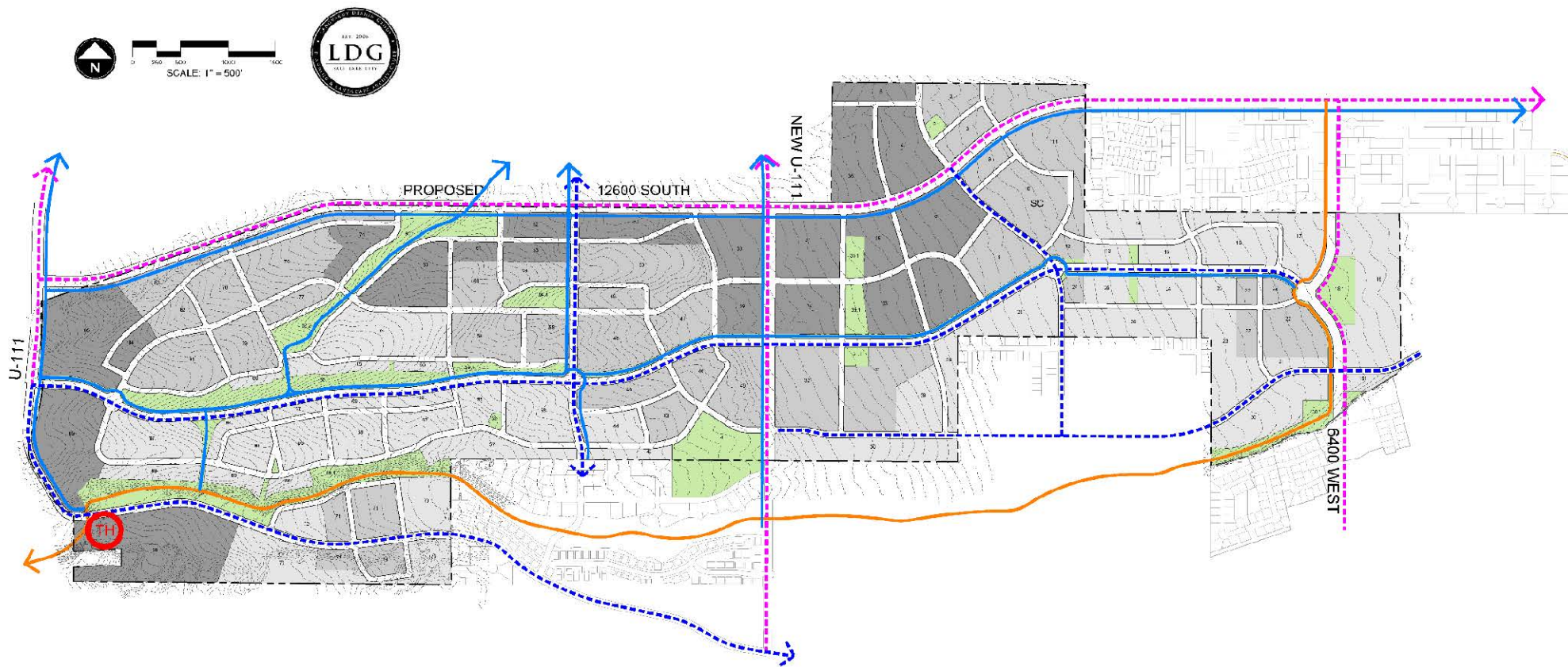


KEY:

- MULTI-USE TRAIL
- DUAL PATH (EQUESTRIAN AND PAVED PATHS)
- TH TRAILHEAD

ALL TRAIL TYPES AND TRAIL FACILITY LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA
MASTER TRAILS PLAN
EXHIBIT B2
SEPTEMBER 1, 2021

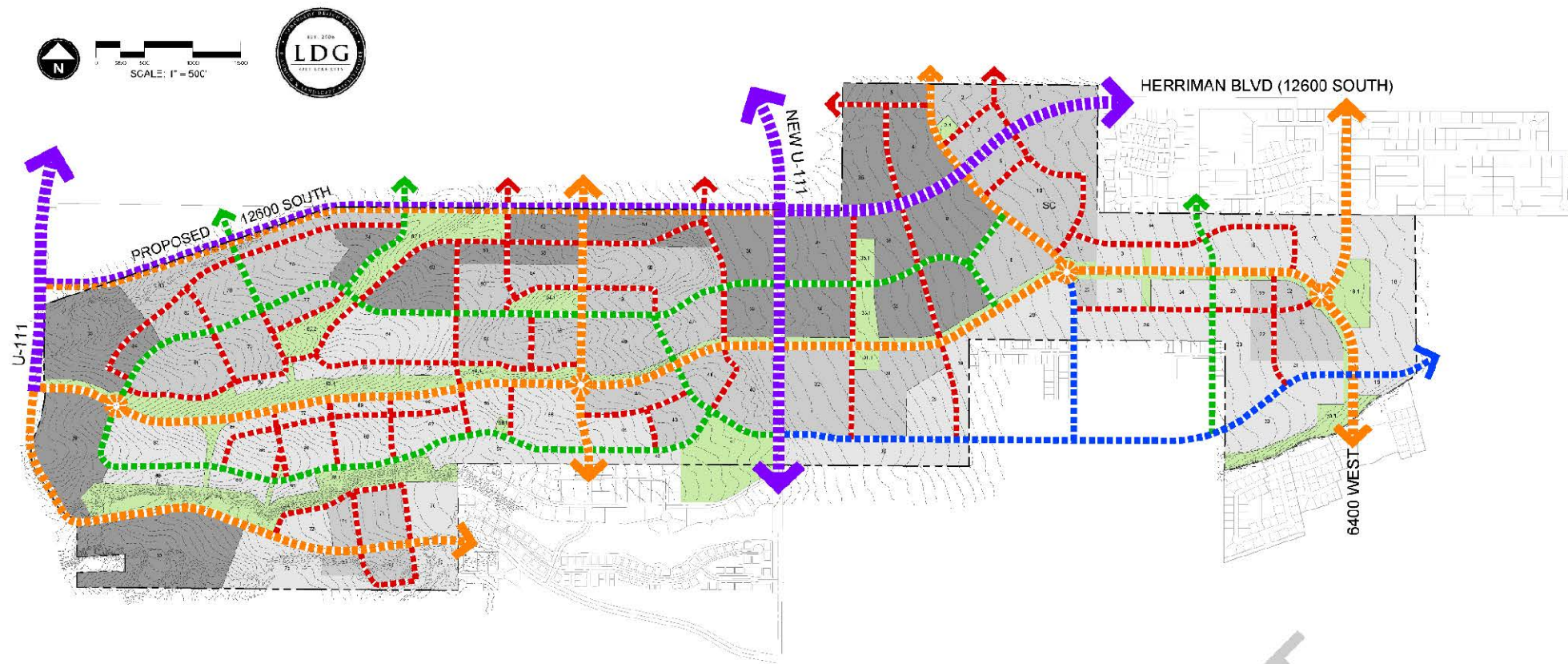


KEY:

- BUFFERED BIKE LANE
- PAVED PATH
- BIKE LANE
- DUAL PATH (EQUESTRIAN TRAIL AND PAVED PATH)
- TH TRAILHEAD

ALL ACTIVE TRANSPORTATION TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA
ACTIVE TRANSPORTATION PLAN
EXHIBIT B3
SEPTEMBER 1, 2021

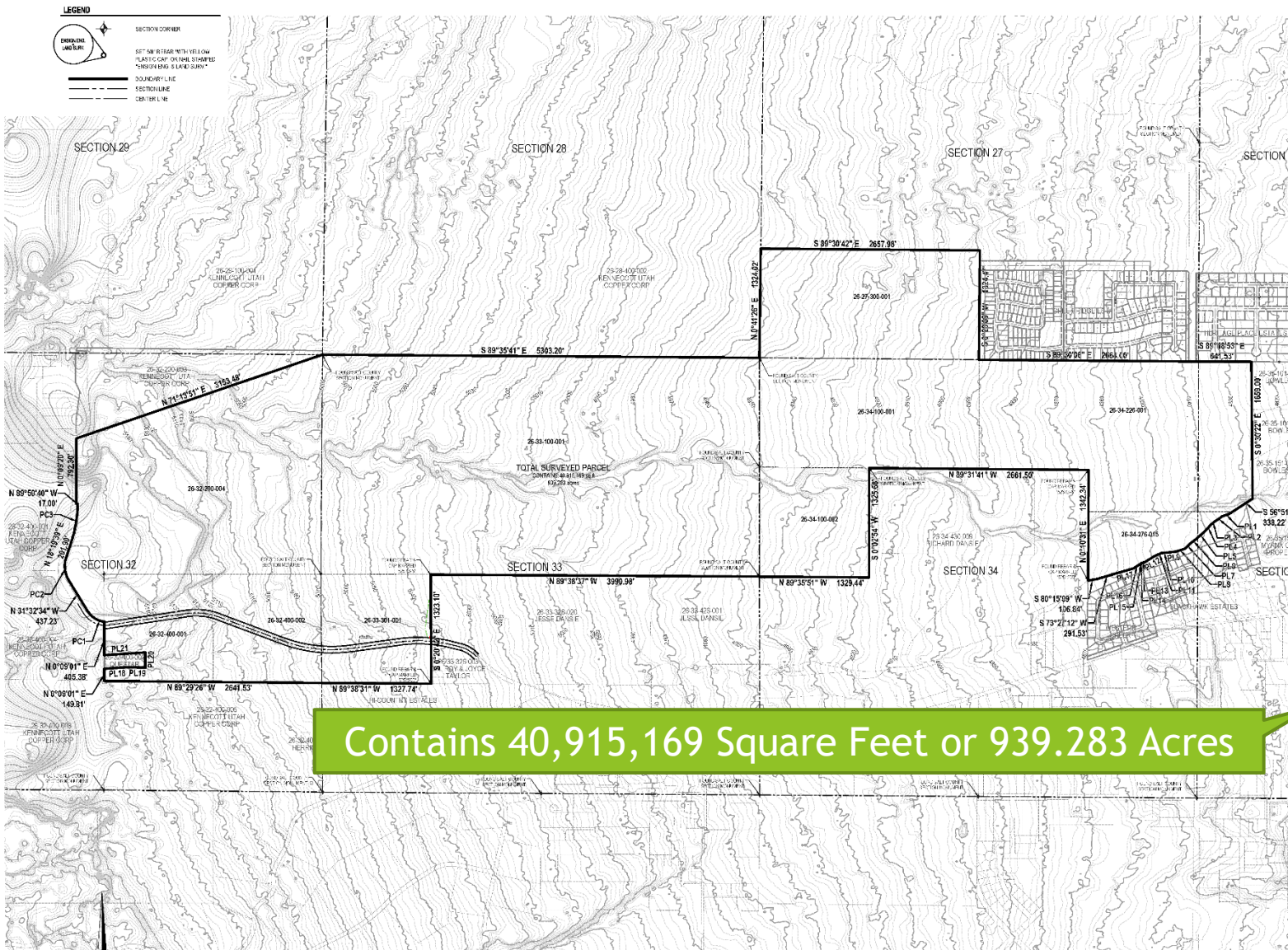


KEY:

- | | | | | | | | | | |
|--|------------------------------|--|------------------------------|--|------------------------------|--|--------------------------|--|--------------------------|
| | MAJOR ARTERIAL
(120' ROW) | | MAJOR COLLECTOR
(66' ROW) | | MINOR COLLECTOR
(60' ROW) | | MAJOR LOCAL
(63' ROW) | | MINOR LOCAL
(55' ROW) |
|--|------------------------------|--|------------------------------|--|------------------------------|--|--------------------------|--|--------------------------|

ALL ROADWAY TYPES AND LOCATIONS REPRESENTED HERE ARE CONCEPTUAL AND BASED ON CURRENT DEVELOPMENT PLANS AND ARE SUBJECT TO CHANGE.

OLYMPIA
MASTER ROAD PLAN
EXHIBIT B4
SEPTEMBER 1, 2021



CURVE	RADIUS	LENGTH	DELTA	BEAR NG	CHORD
PC1	280.31	248.50'	52°38'5"	N 67°51'41"W	237.32'
PC2	301.57	268.85'	40°52'3"	N 6°30'22"W	278.91'
PC3	1482.32'	470.16'	18°13'1"	N 6°14'50"E	468.52'

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	DEPART	LENGTH	LINE	DEPART	LENGTH	LINE	DEPART	LENGTH
P.1	5049207" N	35.54	P.3	5275555" N	93.94	P.16	5767911" N	10.68
P.2	50492913" N	85.06	P.3	5821117" N	94.80	P.16	5771141" N	95.42
P.3	5511265" N	57.47	P.10	5867062" N	83.36	P.17	5773910" N	57.68
P.4	55112421" N	11.54	P.10	5867062" N	95.35	P.18	5801152" N	292.00
P.5	5440138" N	142.47	P.17	5867195" N	137.69	P.19	5881187" N	207.67
P.6	53451413" N	92.46	P.17	5873103" N	46.13	P.19	5881193" N	507.51
P.7	54401168" N	94.86	P.18	5214242" N	13.94	P.21	5871093" N	500.00

[illegible]


ENSIGN
 THE STANDARD IN ENGINEERING

SALT LAKE CITY
 45 W. 10000 S., Suite 500
 Sandy, UT 84070
 Phone: 801.225.0529

LAYTON
 Phone: 801.547.1100

TOOELE
 Phone: 435.843.3590

CEDAR CITY
 Phone: 435.885.1453

RICHFIELD
 Phone: 435.896.2983

WWW.ENSIGNENG.COM
© 2014

Contract: _____
 To: ONE _____

THE LAST HOLDOUT

12801 SOUTH BACCHUS HIGHWAY
SALT LAKE CITY, UTAH

BOUNDARY SURVEY

1 OF 1

DATE OF SURVEY: 03/20/14
BY: [Signature]

DATE OF PLOT: 03/20/14
BY: [Signature]

SCALE: HORIZONTAL
AS SHOWN

SCALE: VERTICAL
AS SHOWN

PROJECT NO. 14-001

PROJECT NO. 14-001

DATE OF SURVEY: 03/20/14

DATE OF PLOT: 03/20/14

SCALE: HORIZONTAL
AS SHOWN

SCALE: VERTICAL
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PROJECT NO. 14-001

DATE OF SURVEY: 03/20/14

DATE OF PLOT: 03/20/14

SCALE: HORIZONTAL
AS SHOWN

SCALE: VERTICAL
AS SHOWN

PROJECT NO. 14-001

PROJECT NO. 14-001

Recommendation

- Staff recommends that the Planning Commission approve a proposed amendment (as a recommendation to the City Council) to the Official Herriman City Zoning Map for ± 939.3 acres of property located approximately 12600 South 6800 West from PC Planned Community Zone to MPC Large Master Planned Community Zone (pending annexation from Salt Lake County)



STAFF REPORT

DATE: September 2, 2021

TO: Planning Commission

FROM: Clinton Spencer, AICP, Planning Manager

SUBJECT: Recommendation of Approval to Amend Title 10 Regarding the Draft Land Use Regulations for Shipping Containers. (Public Hearing)
Applicant: Herriman City
File Number: Z2021-045

RECOMMENDATION:

Staff recommends the Commission approve the following findings:

- There is a need for the proposed text amendment.
- The amendment as proposed is compliant with the General Plan and Zoning Ordinance.

Based on the findings, staff requests the Commission provide a *positive recommendation* of approval to the City Council of the proposed text amendment to amend Title 10 to adopt the proposed draft language for shipping containers. (If there are additional changes the Commission would like to make, please include those in a motion of approval as well.)

ISSUE BEFORE COMMISSION:

Should the City amend Title 10 as proposed by staff by adopting the proposed amendments regulating metal shipping containers in the City?

BACKGROUND/ SUMMARY:

In response to recent discussions with the City Council and Planning Commission, staff has prepared a draft amendment to City Code to regulate the reuse of metal shipping containers in Herriman (see Attachment A – Draft Amendment).

City staff often receives inquiries from residents about the reuse of metal shipping containers as an accessory use. Shipping containers are structurally sound, waterproof, and often economical for reuse. Generally, shipping containers have been reused for storage, but they have also been reused more recently for residential and commercial purposes.

Current regulations do not prohibit the reuse of metal shipping containers but require accessory structures to include building materials and colors compatible with the primary structure.

For the Planning Commission public hearing and consideration, the Planning staff has prepared a draft amendment of Title 10 Land Development Code. The attached draft does *not* allow converting a shipping container into an accessory dwelling unit (ADU) but allows reuse for accessory storage or habitable space such as a detached home office, craft room, or “she shed”—among other permitted land uses (see Attachment B – PowerPoint).

DISCUSSION:

During the July 1, 2021, Planning Commission meeting, the Commission identified the following issues and recommendations for the draft ordinance:

- **Conditional Use.** The Commission recommended making shipping containers a conditional use in Commercial and Mixed Use zones which Staff has addressed in the revised draft ordinance.
- **Architectural Compatibility.** The Commission debated whether to require architectural compatibility of shipping containers with the main building, such as a residence. Staff has revised the ordinance to require different finishes for different zones and uses. Use of a container as “living space” shall comply with material and color standards for accessory structures but be exempt from any roofline requirements. The current City Code requires the complying with “compatibility” standard for accessory structures in Agricultural and Residential Zones:
- **Accessory Structure Design:** The front of any accessory structure and any other portion of the structure viewable from a public street shall have materials and colors similar to the primary dwelling. Buildings used for agricultural purposes, such as barns or other buildings that house animals and in a zone that allows family food production, shall not be subject to this requirement.
- **Limit Commercial Use.** Commissioner Jacobson expressed significant concern that shipping containers would be “abused” to store commercial materials on residential property—regardless of zoning. The staff shares this concern and has drafted additional standards to address this issue, including a Conditional Use approval process.

Standards for Consideration

As stated in City Code 10-5-8. E. Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:”

1. *Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;*

2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

ALTERNATIVES:

Action from the Planning Commission may include the following:

1. Give a ***positive recommendation*** to the City Council for the approval of the given changes to the text. (**Staff Recommendation**)
2. ***Continuing*** the item to a future meeting (with or without a certain date)
 - a. Specify reasons for the continuance and identify any additional information needed from City staff.
3. Give a ***negative recommendation*** to the City Council for the approval of the given changes to the text.
 - a. Specify reasons for a negative recommendation.
4. Give a ***positive recommendation*** to the City Council with additional recommendations from the Planning Commission to approve the proposed text amendment. (Planning Commission must list additional recommendations.)

ATTACHMENTS:

- A. Draft Amendment
- B. PowerPoint

Attachment A
Draft Ordinance

Attachment B

PowerPoint

Herriman City Code
Title 10 Land Use Development
Chapter 29 Supplementary and Qualifying Regulations

10-29-33 Reuse of Metal Shipping Container as Accessory Structure

This section intends to limit, except as provided herein, placement and use of any shipping container as an accessory building for storage, or as a living unit where residential uses are permitted. This limitation is to protect the public health, safety, and aesthetic quality of the city.

Placement and use of shipping containers shall be subject to the following limitations:

- A. Accessory Use. Metal shipping containers may be allowed as an accessory use for storage or living space but shall not be used as an accessory apartment or dwelling unit.
- B. Temporary Use. Except as otherwise provided, metal shipping containers may be allowed in all zones as a temporary use during construction, grading operations, or agricultural operations when utilized solely to store supplies and equipment used for the construction, grading, or agricultural operations on that site.
- C. Building Permit. A building permit shall be required for the placement and use of a metal shipping container for any approved land use.
- D. Commercial Site Plan Approval. In commercial and manufacturing zones, placement of metal shipping containers as an accessory use requires conditional use approval from the Planning Commission to ensure overall compliance with zoning ordinances.
- E. Placement Standards. Except as otherwise provided in this section, the placement of metal shipping containers shall be allowed in all zones as an accessory use subject to the following development standards:
 1. No more than one metal shipping container is allowed on lots less than two (2) acres.
 2. No more than two metal shipping containers are allowed on lots two acres or greater but less than five acres.
 3. No more than three metal shipping containers are allowed on lots five acres or greater but less than ten (10) acres.
 4. No more than five metal shipping containers are allowed on lots ten (10) acres or greater.
 5. The size of each metal shipping container shall not exceed the following:
 - a. For all Commercial and Mixed Use zoned properties and Agricultural zoned properties larger than one acre:
 1. 42 feet (length) by 13-½ feet (width) by 10 feet (height), and the storage area shall not exceed 567 square feet.
 - b. For all Agricultural and Residential zoned properties larger or equal to one-half acre (21,780 square feet):
 1. 30 feet (length) by 13- ½ feet (width) by 10 feet (height).
 - c. For all Agricultural and Residential zoned properties less than one-half acre (21,780 square feet), but greater than one-quarter acre (10,890 square feet):
 1. 20 feet (length) by 13- ½ feet (width) by 10 feet (height).
 - d. For all Agricultural and Residential zoned properties less than one-quarter acre (10,890 square feet):
 1. 15 feet (length) by 13- ½ feet (width) by 10 feet (height).
 6. No metal shipping container shall be placed on top of another metal shipping container.
 7. A principal building, dwelling unit, or agricultural operation shall be located on the lot.
 8. Placement shall be to the rear of the principal building or dwelling unit on the rear half of the lot unless screened so as to not be visible from the street and finished in a manner that minimizes visibility from abutting properties.
 9. The maximum size, and minimum side and rear setback shall be governed by the designated zone and other provisions of this title.
 10. Exterior treatments of metal shipping containers shall be as follows:

- a. For all Commercial and Mixed Use zoned properties, and Agricultural zoned properties larger than one acre, the finish material shall be rust-free and painted a neutral earth-tone color or a color consistent with the principal building or dwelling unit. No commercial advertisement or graphic shall be visible from an adjacent agricultural or residential land use or district, or from a public or private street within an agricultural or residential district.
- b. For all Residential zoned properties, both the paint color and finish materials of the container shall match, or be similar to, the main material of the primary structure on all street-facing sides.
- c. For all Agricultural zoned properties less than one acre, both the paint color and finish materials of the container shall match, or be similar to, the main material of the primary structure on all street-facing sides except when the structure is used for agricultural uses in which situation 10-29-33(E)(10)(a) shall apply.
11. Metal shipping containers shall not be located within an area that includes sensitive lands, natural hazards, or historical resources.
12. Metal shipping containers shall be located on a three (3) inch deep layer of gravel contained by a border to facilitate drainage away from the structure. An alternate system may be approved by the Building Official.
13. Metal shipping containers shall be secured from entry by children and the general public when not attended.

CHAPTER 16 TABLE OF USES

10-16-1: USES:

Any use showing an empty box for a particular zone, or any use not shown on this table, is not permitted. See footnotes for qualifying requirements or use limitations.

Legend:

P = Permitted use				C = Conditional use								Blank = Not permitted							
Uses	Zones																		
	A-.25	A-.5	A-1	R-1-10	R-1-15	R-1-21	R-1-43	R-2-10	R-2-15	R-M	FR	RC	OP	C-1	C-2	M-1	T-M	MU	MU-2
<u>Shipping container, agricultural use only</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>																
<u>Shipping container, commercial use</u>														<u>CP²</u>	<u>CP²</u>	<u>CP²</u>	<u>CP²</u>		<u>C²</u>
<u>Shipping container, living space</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>	<u>C³</u>								
<u>Shipping container, storage only</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>								
<u>Shipping container, temporary use</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>

1. Restricted to bona fide agricultural uses on a minimum of 1 acre. The applicant shall provide a written statement to the city describing how the container will only be used for agricultural purposes. Upon termination of approved use, the shipping container shall be removed from the property within 60 days.
2. Requires site plan approval by Planning Commission.
3. Requires minimum lot area of 10,000 square feet and compatible building materials and colors with the main building, excluding roofline.
4. Requires minimum lot area of 10,000 square feet and compatible building materials and colors with the main building when visible from an adjacent street, excluding roofline. Shall not be used to store commercial materials, products, tools, vehicles, and all other materials associated with a business, home occupation, or non-profit.
5. Requires site plan approval by City Planner or designee. Temporary use shall be limited to 30 days or for the duration of a construction project by a bona fide licensed contractor. Upon termination of approved use, the shipping container shall be removed from the property within 60 days.

Shipping Container Regulations

Planning Commission Meeting (Public Hearing)

September 16, 2021















Draft Ordinance Provisions

- A. Accessory Use.** Metal shipping containers may be allowed as an accessory use for storage or living space but shall not be used as an accessory apartment or dwelling unit.
- B. Temporary Use.** Except as otherwise provided, metal shipping containers may be allowed in all zones as a temporary use during construction, grading operations, or agricultural operations when utilized solely to store supplies and equipment used for the construction, grading, or agricultural operations on that site.
- C. Building Permit.** A building permit shall be required for the placement and use of a metal shipping container for any approved land use.
- D. Commercial Site Plan Approval.** In commercial, mixed use and manufacturing zones, placement of metal shipping containers as an accessory use requires conditional use approval from the Planning Commission.
- E. Exterior finishing materials.** Commercial and Ag properties larger than 1 acre OK to paint exteriors. In all other zones, finishing is limited to match house on the street facing sides
- F. Sizes.** Based on the zoning and the size of the property, different sizes are proposed to decrease the impact of the structures.

Draft Ordinance Changes

D. Commercial Site Plan Approval. In commercial and manufacturing zones, placement of metal shipping containers as an accessory use requires conditional use approval from the Planning Commission to ensure overall compliance with zoning ordinances.

5. The size of each metal shipping container shall not exceed the following:
 - a. For all Commercial and Mixed Use zoned property and Agricultural zoned properties larger than one acre:
 1. 42 feet (length) by 13-½ feet (width) by 10 feet (height), and the storage area shall not exceed 567 square feet.
 - b. For all Agricultural and Residential zoned properties larger or equal to one-half acre (21,780 square feet):
 1. 30 feet (length) by 13-½ feet (width) by 10 feet (height).
 - c. For all Agricultural and Residential zoned properties less than one-half acre (21,780 square feet), but greater than one-quarter acre (10,890 square feet):
 1. 20 feet (length) by 13-½ feet (width) by 10 feet (height).
 - d. For all Agricultural and Residential zoned properties less than one-quarter acre (10,890 square feet):
 1. 15 feet (length) by 13-½ feet (width) by 10 feet (height).

Draft Ordinance Changes

10. Exterior treatments of metal shipping containers shall be as follows:

- a. For all Commercial and Mixed Use zoned properties, and Agricultural zoned properties larger than one acre, the finish material shall be rust-free and painted a neutral earth-tone color or a color consistent with the principal building or dwelling unit. No commercial advertisement or graphic shall be visible from an adjacent agricultural or residential land use or district, or from a public or private street within an agricultural or residential district.
- b. For all Residential zoned properties, both the paint color and finish materials of the container shall match, or be similar to, the main material of the primary structure on all street-facing sides.
- c. For all Agricultural zoned properties less than one acre, both the paint color and finish materials of the container shall match, or be similar to, the main material of the primary structure on all street-facing sides except when the structure is used for agricultural uses in which situation 10-29-33(E)(10)(a) shall apply.

Draft Ordinance, cont.

P = Permitted use				C = Conditional use									Blank = Not permitted						
Uses	Zones																		
	A-.25	A-.5	A-1	R-1-10	R-1-15	R-1-21	R-1-43	R-2-10	R-2-15	R-M	FR	RC	OP	C-1	C-2	M-1	T-M	MU	MU-2
<u>Shipping container, agricultural use only</u>	P ¹	P ¹	P ¹																
<u>Shipping container, commercial use</u>														C ²	C ²	C ²	C ²		C ²
<u>Shipping container, living space</u>	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³								
<u>Shipping container, storage only</u>	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴								
<u>Shipping container, temporary use</u>	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵

Options

- Should reuse of shipping containers—for all uses—be a permitted use?
- Should reuse of shipping containers as living space be a conditional use?
- Should reuse of shipping containers be included in the Land Use Table and restricted to specific zones?
- Should maximum size of shipping containers be reduced?
 - “Regular” containers are less than 9 feet tall, 8 feet wide, and often shorter than 40 feet in length
- Should reuse as living space (not storage) require additional exterior building materials to increase compatibility with residential design standards?
- Other options?

Recommendation

- Motion to recommend approval to the City Council of the proposed amendments to Title 10 of Herriman City Code to regulate the reuse of metal shipping containers as accessory structures in Herriman