

December 13, 2022

Heber City Corporation
Attn: Jamie Baron
75 North Main
Heber City, Utah 84032



Landmark Design
LANDSCAPE ARCHITECTURE & PLANNING

Artspace Solar Gardens
850 South 400 West | Studio 104
Salt Lake City, Utah 84101
801.474.3300
www.lidi-ut.com

Request to Modify Existing AT&T Pole to Install Antennas and Ancillary Equipment

Dear Jamie:

Landmark Design has reviewed the application to install antennas and ancillary equipment to an existing AT&T tower located at 152 South Main Street to the rear of Dick's Barber Shop. The proposed modifications are to the same facility where a back-up emergency generator and concrete pad was approved by the Planning Commission in August 2022.

The proposed modifications include replacing some of the existing antennas/ancillary equipment and installing new antennas/ancillary equipment on the existing pole. The proposal does not include any changes at ground level or to tower height.

According to the Heber City Municipal Code (**18.110 Telecommunication Facilities**) it is in the best interests of the City to have quality wireless services available, which necessarily entails the erection of wireless services facilities in proper locations. The code further supports the location of such facilities on private properties that are in non-residential zones. The existing site is zoned C-3 Commercial. The code further supports the co-location of multiple wireless facilities at a single site (co-location), including any telecommunications facility within the that may meet the needs of the applicant.

In addition to code considerations, the Planning Commission shall consider the following factors when evaluating a wireless service facility:

1. **Compatibility.** Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.
2. **Screening.** Whether the facility is located relative to existing vegetation, topography and structures in a manner that optimizes visual screening.
3. **Disguise.** Whether the facility can be or has been disguised in a manner to mitigate potential negative impacts on surrounding properties.
4. **Parcel Size.** Whether the facility is located on a parcel of sufficient size to adequately support the facility.
5. **Location on Parcel.** Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.

6. **Compliance with Telecommunications Ordinance.** Whether the proposed facility complies with the telecommunication facilities ordinance.
7. **Compliance with General Plan.** Whether the proposed facility complies with the intent, goals, and policies of the General Plan.
8. **Compliance with the Underlying Zone.** Whether the proposed facility complies with the intent, uses, and standards of the underlying zone and applicable supplemental zoning regulations.

The application was reviewed by the DRM on December 1, 2022. Staff recommends that the proposed modifications are approved with the following findings and conditions.

Findings

1. The application is consistent with the Municipal Zoning Code, particularly regarding support of existing telecommunications facilities.
2. The application is consistent with the General Plan.

Conditions:

1. All requirements of the City Engineer and Fire Department shall be met.
2. Any other conditions or changes as articulated by the Planning Commission.

POTENTIAL MOTIONS

1. Approve
2. Continue
3. Deny

Staff Recommended Option – Approval with Conditions

Please call our office with any questions or concerns regarding this project.

Sincerely



Mark Vlastic, PLA, ASLA, AICP
Principal and President
Landmark Design
850 South 400 West #104
Salt Lake City, Utah 84101

cc: file
Tony Kohler, Heber Planning Department

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to **approve Modifications to the Existing AT&T Pole** with the Findings and Conditions in the conclusions of the Staff Report, as follow:

Alternative 2 – Continuance

I move to **continue Modifications to the Existing AT&T Pole** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 3 – DENIAL

I move to **deny Modifications to the Existing AT&T Pole** with the following findings:

ACCOUNTABILITY

Department:
Staff Member:

Planning Department
Jamie Baron

EXHIBITS

1. Planning Review Checklist
2. Plans and Other Documentation

Exhibit 1

Planning Review Checklist

Planning Review Checklist

Project Name: Modifications to Existing AT&T Pole to Install Antennas and Ancillary Equipment

Project Type: Land development application

DRM Date: 12/01/2022

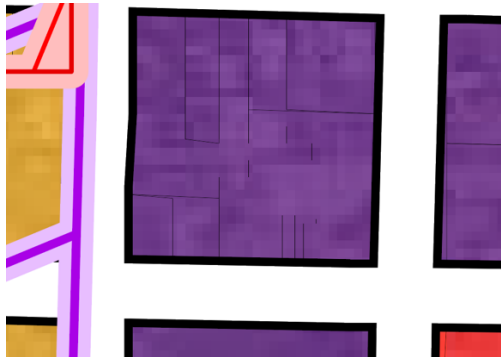
Project Address: 152 South Main Street

Property Owner / Name: LD Acquisition Company 9 LLC

Company Name / Agent: Crown Castle USA

Project Description: AT&T and GDIT AT&T request to install antennas and ancillary equipment to existing tower. No changes at ground level or to tower height.

Current Zone: C-3 Commercial

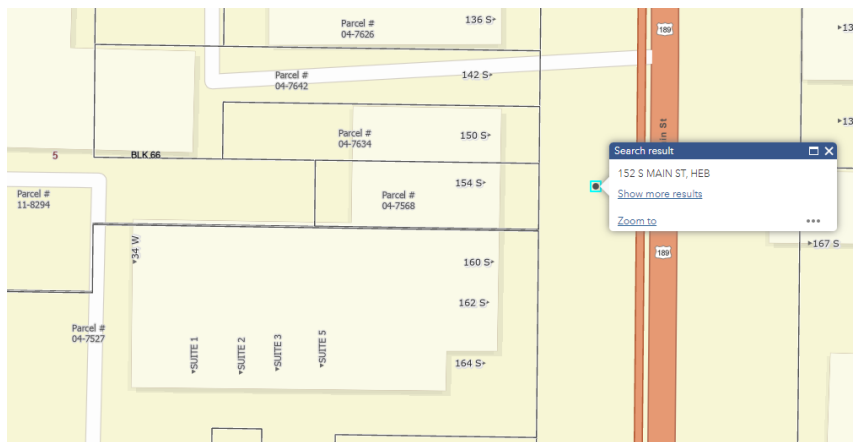


Date Submitted: 11/15/2022

Planning Commission Date: 12/13/2022

City Council Date: -

Location: 152 South Main Street



Parcel(s): Parcel 1 Wasatch County (04-7634)

General Plan Designation: DT Downtown



Current Use: Commercial
Adjacent Uses: Commercial
Land Use Authority: Planning Commission
Action Type: Administrative
Planner: Mark Vlasic, Landmark Design (Jamie Baron, Planner)

Previous Meetings:

N/A Previous

Approvals: N/A

DRM:

12/1 DRM Notes: AT&T MODIFICATION: To be placed on consent agenda

Code Review

18.110 Telecommunication Facilities

18.110.010 Purpose

The purposes of this ordinance are:

1. To regulate wireless services antennas and related electronic equipment and structures.
2. To provide for the orderly establishment of wireless services facilities in the City.
3. To minimize the number of antenna support structures by encouraging the use of stealth facilities, by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City and Government-owned property for antenna support structures.
4. To establish siting, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of wireless services facilities.

5. To comply with the Telecommunications Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

18.110.020 Findings

The City Council makes the following findings:

1. Wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry and present unique zoning challenges and concerns for the City.
2. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, aesthetics, and orderly planning of the community.
3. The City has experienced an increased demand for wireless services facilities to be located in the City and expects the increased demand to continue into the future.
4. It is in the best interests of the City to have quality wireless services available, which necessarily entails the erection of wireless services facilities in the City.
5. The unnecessary proliferation of wireless services facilities throughout the City creates a negative visual impact on the community.
6. The visual effects of wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
7. The City and other government entities own parcels of property spread throughout the City where wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the City.
8. Spacing wireless services facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers.
9. Because of the height and appearance of some wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.
10. A private property owner who leases space for a wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
11. Encouraging wireless services facilities to be located on City and Government property, with lease payments paid to the City or other Governments instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities and is therefore the fairest method of distributing burden and benefit.
12. Locating antennas on existing buildings and structures, or constructing an antenna as a stealth facility, creates less of a negative visual impact on the community than the erection of towers.

13. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the City.
14. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by encouraging the use of less visually intrusive antennas and permitting the locating of wireless communication systems on telecommunication towers and antenna support structures that are located on property owned, leased, or used by the City or other Governments.
15. The requirements set forth in this ordinance for the placement of wireless services facilities on property owned, leased or used by the City or other Governments are necessary to protect the health, safety and general welfare of the community.
16. The Utah Code grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City or other Governments the fair market rental value for the use of any City or other Government-owned site.

18.110.030 Definitions

1. ANTENNA. A device that transmits and/or receives telecommunications and/or radio signals for telecommunications.
2. ANTENNA SUPPORT STRUCTURES. Any structure that can be used for the purpose of supporting an antenna(s).
3. ANTENNA, DRIVE TEST. A temporary antenna which is used for field testing of telecommunications signals and possible locations but does not provide telecommunications to customers.
4. ANTENNA, ENCLOSED. An antenna or series of individual antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
5. ANTENNA, FREESTANDING. An antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.
6. ANTENNA, ROOF MOUNTED. An antenna or series of individual antennas mounted on a roof of a building.
7. ANTENNA, TEMPORARY. An antenna used for a time period of less than thirty (30) days.
8. ANTENNA, WALL MOUNTED. An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney or penthouse. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.
9. CITY. The City of Heber, Utah.
10. CITY-OWNED PROPERTY. Real property that is owned, leased or controlled by the City.
11. CO-LOCATION. The location of telecommunication facility on an existing structure, tower or building in a manner that precludes the need for that telecommunications facility to be located on a free-standing structure of its own.

12. EQUIPMENT SHELTER. A cabinet or building used to house equipment for telecommunications facilities.
13. GOVERNMENT-OWNED PROPERTY. Real property that is owned, leased or controlled by an agency of State, Federal, or Local government other than Heber City.
14. LATTICE TOWER. A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.
15. MONOPOLE. A single, self-supporting, cylindrical pole constructed without guy wires or ground anchors, that acts as the support structure for antennas.
16. MONOPOLE ANTENNA WITH PLATFORM. A monopole with antennas and antenna support structure exceeding two feet (2') in width, but not exceeding fifteen feet (15') in width or eight feet (8') in height.
17. MONOPOLE ANTENNA WITH NO PLATFORM. A monopole with antennas and antenna support structure not exceeding two feet (2') in width or ten feet (10') in height.
18. PERMITTED. An application that is permitted pursuant through the standard building permit process.
19. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.
20. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
21. Personal Wireless Services Facilities. Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures, supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
22. PRIVATE PROPERTY. Any real property not owned by Heber City.
23. STEALTH TELECOMMUNICATIONS FACILITY. A telecommunications facility which is disguised as another object or otherwise concealed from public view.
24. TELECOMMUNICATIONS. The transmission between or among points specified by a user of information of the user's choosing without change in the form or content of the information as sent or received.
25. TELECOMMUNICATIONS FACILITY. A Telecommunications Facility consists of antenna, equipment shelters and related structures used for transmitting and/or receiving telecommunications and/or radio signals.
26. TOWER. A free-standing structure, such as a monopole tower, lattice tower, or guy tower, that is used as a support structure for antenna(s).
27. WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending on the frequency and gain for which they are designed.
28. TECHNICAL NECESSITY. A particular design, placement, construction, or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

18.110.040 Applicability

This ordinance applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems, and to wireless Internet service providers. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

1. Amateur Radio. Any antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
2. Satellite/television antenna. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
3. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

18.110.050 Application Requirements

Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. The City shall not consider the application until all required information has been included. A complete application shall include all elements of the proposed telecommunications facility and shall produce all information required by the telecommunications facility application. Applicants shall provide the following submittal requirements.

1. Fee. A fee of \$100.00
2. Site Plan. A site plan meeting the City’s standard requirements for site plans.
3. Written Information.
 1. Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance.
 2. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 3. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 4. Location. A map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into the service network.
 1. An Applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on City or Government owned properties, existing buildings or structures or co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the

property owner(s) of the existing buildings, structures or co-location sites.

2. Applicants proposing to construct new telecommunications facilities shall document the locations of all of the applicant's existing telecommunications facilities that provide telecommunications within the City, as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing telecommunications facilities. Applicants shall provide competent testimony from a radio qualified professional regarding the suitability of potential telecommunications facility locations in relation to the applicant's existing telecommunications facilities.
3. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed telecommunications facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's telecommunications needs and the reason the subject site was chosen for the proposed telecommunications facility. The analysis shall address the following issues:
 1. How the proposed location and telecommunications facility relate to the object of providing full telecommunications services within the City area;
 2. How the proposed telecommunications facilities relates to the location of the applicant's existing telecommunications facilities that provide telecommunications within and near the City;
 3. How the proposed telecommunications facility relates to the applicant's anticipated need for additional telecommunications facilities that provide telecommunications within and near the City;
 4. If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other telecommunications providers within and near the City.
5. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
6. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
7. Visibility Impact. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed telecommunications facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed telecommunications facility will be most visible.
8. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

9. Additional information requirements for monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
10. Additional information requirement for facilities not located on highest priority site. If the applicant desires to locate antennas on a site other than the highest priority site (as described in Section 18.110.070), the applicant shall provide the following information to the approving authority:
 1. Higher priority sites. The identity and location of any higher priority sites located within the desired service area.
 2. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible.
 3. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.060 Approval Process

All telecommunication facilities shall be reviewed by the City pursuant to its standard site plan and building permit approval process. If the facility requires a conditional use permit, the review shall be pursuant to the City's standard Commercial Concept approval process in Section 17.38 of Heber City Code. It shall be unlawful to install any telecommunication facility without first having a permit from the Planning and Building Departments of the City. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. In the event the Planning Department believes that a permitted application does not conform to applicable standards, the Department may refer the application to the Planning Commission for approval and interpretation through the Commercial Concept approval process in Section 17.38 of Heber City Code.

18.110.070 Location

1. Priority of antenna site locations. Personal wireless services antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:
 1. Structures located on City-owned property. Existing buildings, structures and antenna support structures located on City-owned property.
 2. Structures located on Government-owned property. Existing buildings, structures and antenna support structures located on Government-owned property.
 3. Monopoles located on City or Government-owned property.
 4. Existing Structures. Lawfully existing buildings, structures and antenna support structures on private property, provided that the buildings, structures or support structures are either: (1) located in a non-residential zone, or (2) located in a residential zone on property that is being used for non-residential uses (e.g. government, school or church).

5. Monopoles on Non-residential Private Property. Monopoles constructed on private property, provided that the private property is (1) located in a non-residential and non-C-3 commercial zone, or (2) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church).
 6. Other. Sites other than those listed above.
2. Burden of Proof. The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority.
 1. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area
 2. Reason for rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
 3. Justification for proposed site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

18.110.080 Uses

1. Permitted Uses
 1. Existing Structures on City-owned property. Existing buildings, structures and antenna support structures located on City-owned property.
 2. Industrial Zone. Monopoles, roof mounted, wall mounted, and stealth antenna on City, Government, or private property.
 3. Commercial Zones. Roof mounted antenna located on private or public property when the antenna is 5 feet or less in height.
2. Prohibited Uses. The following antenna types and antenna locations are not permitted:
 1. Residential Zones. All telecommunications facilities, including freestanding antenna, roof mounted antenna, wall mounted antenna, and stealth antenna on private property in residential zones
 2. Lattice Towers and Guy Towers. All freestanding towers, including lattice towers, guy towers, and other towers, with the exception of monopoles, are prohibited in any zone.
 3. Monopoles in Residential Zones on Private Property. All freestanding towers and monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other non-residential use).
 4. Freestanding towers and monopoles in the C-3 Commercial Zone. All freestanding towers and monopoles are prohibited in the C-3 Commercial Zone.
3. Conditional Uses. The following are conditional uses:

1. Monopoles located in residential and commercial zones on City and Government owned property.
2. Monopoles located in commercial zones (except C-3 Commercial Zone) on private property.
3. Roof mounted antenna located in commercial zones on City, Government, and private property when the roof antenna exceeds 5 feet in height.
4. Wall mounted antenna located in commercial zones on City, Government, or private property.
5. Enclosed/Stealth antenna located in residential zones on City, Government, and private property containing non-residential uses.
6. Enclosed/Stealth antenna located in commercial zones on public and private property.
7. Antennas proposed for any other location, provided that the use is not prohibited by this ordinance, and the applicant complies with other applicable laws and regulations.

18.110.090 Co-Location

Unless otherwise authorized by the approving authority for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least two additional wireless telecommunications providers on the structure in the future. Any conditional use permit for a monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry. Co-location on a lot may be permitted by the Planning Commission if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the antenna towers;
2. . Geographic telecommunications area requirements;
3. Mechanical or electrical incompatibilities;
4. Inability or ability to locate equipment on existing antenna towers; and
5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the antenna tower.

18.110.100 Lease Agreement

Applicants for telecommunication facilities on public facilities shall sign and agree to a development agreement with the public agency addressing items including, but not limited to access and security, maintenance of site and facilities, utility costs, and a fee for use of the public facility. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

18.110.110 Development Standards

Standards for Antennas and Antenna Support Structures. Personal wireless services facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures allowed by this ordinance: wall mounted antennas; roof mounted antennas; monopoles with no platform; and monopoles with a platform. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

1. Wall Mounted Antennas.

1. Maximum Height. Wall mounted antennas may not extend above the roof line of the building or structure or extend more than twelve (12) inches from the face of the building.
2. Setback. Wall mounted antennas shall not be located within one hundred feet (100') feet of any residence.
3. Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
4. Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

2. Roof Mounted Antennas.

1. Maximum Height. Roof mounted antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the antenna. Roof mounted antenna, placed on a pitched roof, may extend a maximum of five (5) feet above the existing structure.
2. Setback. Roof mounted antennas shall be located at least five feet (5') from the exterior wall of the building or structure, and at least fifty (50') feet from any residence.
3. Mounting options. Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight (8') feet above the existing roof line of the penthouse or mechanical equipment room.
4. Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

3. Monopoles with no Platform.

1. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be thirty-five (35) feet. The entire antenna structure

mounted on the monopole shall not exceed two feet (2') in width. The antenna itself shall not exceed ten feet (10') in height.

2. **Setback.** Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.
3. **Color.** Monopoles, antennas, and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly
4. **Monopoles with Platform.**
 1. **Maximum Height and Width.** The maximum height of the monopole or monopole antenna shall be thirty-five (35) feet. The antennas and antenna mounting structures on the monopole shall not exceed eight feet (8') in height or fifteen feet (15') in width. The antenna itself shall not exceed ten feet (10') in height.
 2. **Setback.** Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.
 3. **Color.** Monopoles, antennas, and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

18.110.120 Additional Conditional Use Permit Considerations

In addition to the City's standard conditional use permit considerations, the approving authority shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

1. **Compatibility.** Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.
2. **Screening.** Whether the facility is located relative to existing vegetation, topography and structures in a manner that optimizes visual screening.
3. **Disguise.** Whether the facility can be or has been disguised in a manner to mitigate potential negative impacts on surrounding properties.
4. **Parcel Size.** Whether the facility is located on a parcel of sufficient size to adequately support the facility.
5. **Location on Parcel.** Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.
6. **Compliance with Telecommunications Ordinance.** Whether the proposed facility complies with the telecommunication facilities ordinance.
7. **Compliance with General Plan.** Whether the proposed facility complies with the intent, goals, and policies of the General Plan.
8. **Compliance with the Underlying Zone.** Whether the proposed facility complies with the intent, uses, and standards of the underlying zone and applicable supplemental zoning regulations.

18.110.130 Additional Regulations For Monopoles And Towers

1. Distance from other Monopoles. Monopoles and towers shall be located at least two thousand feet (2000') from each other, except upon a showing of necessity by the applicant, or upon a finding by the City that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.
2. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

18.110.140 Area Limitations For Wall And Roof Mounted Antennas

Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or 5 percent (5%) of each exterior wall of the building.

18.110.150 Safety

1. Regulation Compliance.
 1. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
 2. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
2. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.
3. Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.
4. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.

5. Abandonment. The applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused telecommunications facilities within ninety (90) days of abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.
 1. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
 2. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.
 3. Nuisance. Abandoned, unmaintained, or telecommunication devices that pose an immediate threat to public health and safety are hereby declared to be a nuisance.

18.110.160 Site Requirements

1. Setbacks. The placement of telecommunications facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
2. Use of Property. The telecommunications facility shall be an ancillary use on the lot on which it is placed. The lot shall contain a separate principal use.
3. Regulations for Accessory Structures.
 1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site.
 2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. Equipment Shelters located outside of an existing building shall require a conditional use permit approval from the Planning Commission for compliance with the Design Compatibility. The Planning Commission shall make a finding that the equipment

in or shelter for equipment, meets the Design Theme and is in compliance with 17.38.050 Design Requirements, and Architectural Design Guidelines, if applicable, or Heber City Design Guidelines.

3. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 350 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
4. Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is no parking available on the site.
5. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat and attractive manner.
6. Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located.
7. Height. The height shall be measured from the grade or roof beneath to the top of the antenna or mounting hardware, whichever is higher.
8. Design Compatibility.
 1. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth telecommunications facilities shall be designed in a manner to blend with the existing and natural environment. Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings which they are most commonly seen. The color shall be determined on a case-by-case basis by the Planning Commission for conditional uses and the Planning Department for permitted uses. Within six months after the facility has been constructed, the planning commission or the Planning Department may require the color be changed if it is determined that the original color does not blend with the surroundings.
 2. Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

18.110.170 Site Disturbance

Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a conditional use permit. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty (20) feet of a proposed telecommunications facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

18.110.180 Signs

Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the telecommunications facility application and subject to review by the Planning Department for compliance with Chapter 18.104, Sign Regulations.

18.110.190 Subdivision And Condominium Covenants

Many Subdivision and Condominium Covenants may address the location of telecommunications facilities within Condominium units and the lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of telecommunications facilities are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the telecommunications facilities within the Common Area has been granted as a part of the permit application filed with the City.

18.110.200 Expansion, Alteration, And Nonconforming Uses

This ordinance shall not make existing, non-conforming and/or illegal telecommunication facilities legal or conforming. Any expansion or alteration of a telecommunications facility shall comply with the provisions and procedures of this ordinance. Expansion and alteration include any change to the facility, including but not limited to structural, electrical, aesthetic and functional changes. Non-conforming telecommunication facilities, when expanded or altered, shall meet the requirements of this ordinance.

- A. Any pre-existing facilities located in a commercial or industrial zone which were placed without a building permit prior to the effective date of this ordinance may apply for a building permit and be approved if the facility meets the application height, setback and location provisions of this ordinance, subject to Section 18.110.070.
- B. Existing, illegal facilities which cannot or do not meet the height, setback, and location provisions of this ordinance may apply to the Appeal Authority for a special exception. The Board may approve such an exception, only upon condition it meet all of the following findings:
 - 1. That the existing facility was erected prior to the effective date of this ordinance.
 - 2. That the existing facility is compatible, aesthetically and otherwise, with the surrounding uses.
 - 3. That the facility does not present a prominent position by itself to the skyline, as viewed from the public street, and if so, that said facility may be moved within the site to a position so as not to be visibly prominent in the skyline.
 - 4. That the facility is currently being used and has not been abandoned for a period longer than that allowed by Section 18.110.150 E, of this ordinance.
- C. The Appeal Authority may place any additional conditions of approval it may deem fit and advisable to safeguard the aesthetics of the community as viewed from the public street.
- D. As part of the Conditional Use permit approval for modification of an existing

monopole, the Planning Commission may waive the height and setback requirements for approved co-location monopoles in existence prior to this ordinance which are located within the I-1 Industrial Zone.

18.110.210 Telecommunication Facilities To Permit, As A Conditional Use, A Radio Antenna

The following use shall be permitted, as a Conditional Use, in the C-3 Central Commercial Zone:

1. A radio antenna may be constructed with a maximum height of 50 feet from ground level, with a minimum setback of 50 feet from main Street, and a minimum setback of 50 feet from any residential zone.
2. Any antenna devices, weather sensing facilities or sending and receiving secondary antennas shall be located on the antenna near the top of the roof of the associated studio building so as not to be observable from Main Street. In no event shall any such antennas or facilities be higher than 50 feet from ground level.

Exhibit 2

Plans and Other Documentation



7220 N Sam Houston Pkwy W
Houston, TX 77064

Phone: (713) 570-3023
www.crowncastle.com

November 9, 2022

CITY OF HEBER, UT
Planning Department
75 N. MAIN, ROOM 200
HEBER, UT 84032

Via Electronic Delivery

*****NOTICE OF ELIGIBLE FACILITIES REQUEST*****

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409

Site Address: 152 SOUTH MAIN, HEBER CITY, UT 84032

Crown Site Number: 845665 / Crown Site Name: HEBER

Customer Site Number: UTLO6086 / Application Number: 608339

Attention Planning Department :

On behalf of New Cingular Wireless PCS, LLC (“AT&T Mobility” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission (“FCC”).²

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³

Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for written notice of incomplete application is December 9, 2022, and the deadline for issuance of approval is January 8, 2023.

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.



7220 N Sam Houston Pkwy W
Houston, TX 77064

Phone: (713) 570-3023
www.crowncastle.com

The proposed scope of work for this project includes:

Add or replace antennas and ancillary equipment as per plans for an existing carrier on an existing wireless communication facility.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) Land Development Application;
- (2) Construction Drawings;
- (3) Structural Analysis; and
- (4) Section 6409 Substantial Change Checklist.

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an “eligible facilities request” as defined in the FCC’s rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Deployment of AT&T upgraded technologies in the subject area will improve public safety by putting advanced wireless technologies into the hands of public safety agencies and first responders.

Due to the public safety benefits associated with this EFR, AT&T respectfully requests that the requisite approvals and building permit be issued within 15 days but no later than 60 days from the date of this letter, so that AT&T can proceed with this important modification expeditiously thereafter. If you have any questions regarding this application, please contact me.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

Alex McDonald

Alex McDonald
Site Acquisition Specialist
Crown Castle, Agent for Applicant
(713) 570-3023
alex.mcdonald@crowncastle.com

The Foundation for a Wireless World

CrownCastle.com



7220 N Sam Houston Pkwy W
Houston, TX 77064

Phone: (713) 570-3023
www.crowncastle.com

**Section 6409 Substantial Change Checklist
Towers Outside of the Public Right of Way**

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

SCOPE OF WORK

THE PURPOSE OF THIS PROJECT IS AS FOLLOWS:

TOWER SCOPE OF WORK:

- REMOVE (9) RRHs
- INSTALL (6) RRHs

GROUND SCOPE OF WORK:

DC POWER PLAN REVIEW:

- INDOOR PDF, EXISTING, -48V VERTIV 7100 DC PLANT.
- (16) -48V RECTIFIER SLOTS AVAILABLE, (11) INSTALLED, (12) REQUIRED FOR N+1.
- (8) +24V CONVERTER SLOTS AVAILABLE, (3) INSTALLED, (2) REQUIRED FOR N+1 [SUFFICIENT, NO CHANGE].

BATTERY CHECK:

- NO PERMANENT STANDBY GENERATOR, MINIMUM REQUIRED BATTERY BACKUP TIME IS 4.0 HOURS.
- SITE HAS (20) CELLS OF EXISTING POWERSAFE BATTERIES, WHICH ARE SUFFICIENT. FIVE BATTERY STRINGS WILL PROVIDE 4.25 HRS OF BATTERY RESERVE CAPACITY.

HVAC:

- SITE HAS ONE EXISTING 3-TON WAC AND ONE DAC UNIT, WHICH ARE SUFFICIENT.

AC POWER:

- AC POWER LOAD ESTIMATED @ 117A, EXISTING 200A ELECTRICAL SERVICE IS SUFFICIENT. NO CHANGES ARE NECESSARY TO THE EXISTING AC POWER PANEL.

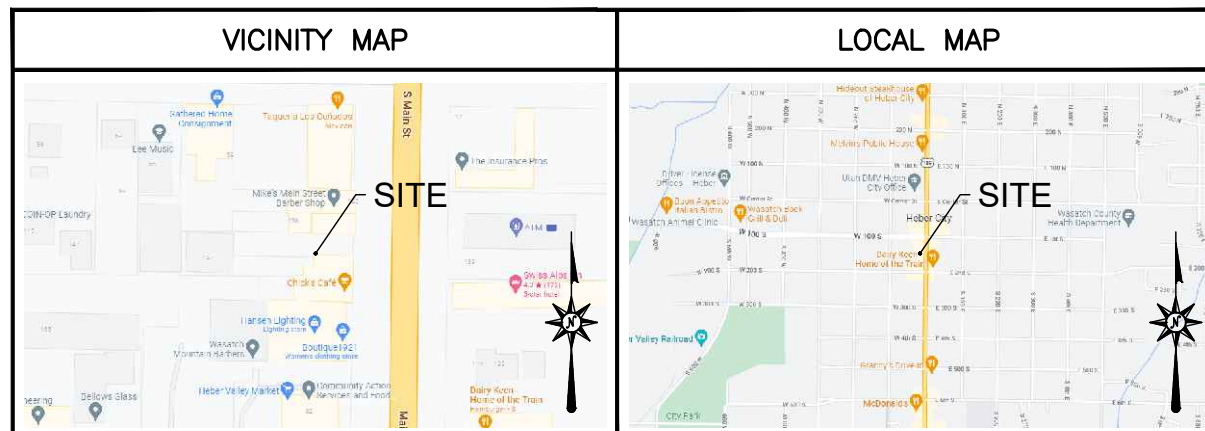
RFDS INFO:
ID: 4999438 VER: 0
DATE 5/25/2022



CONSTRUCTION DRAWINGS

AT&T SITE NAME: **HEBER** PROJECT ID AND PACE NUMBER: **LTE 6C: MRUTH051448**
 AT&T SITE NUMBER: **UTL06086** **4TX4RX SOFTWARE**
RETROFIT: MRUTH051450
 AT&T FA NUMBER: **10088479** **4TX4RX ANTENNA RETROFIT:**
MRUTH051452

CROWN CASTLE SITE NAME: **HEBER** SITE ADDRESS: **152 SOUTH MAIN** CROWN CASTLE APPLICATION: **608339**
 CROWN CASTLE SITE NUMBER: **845665** **HEBER CITY, UT 84032**
(CITY OF HEBER)



DIRECTIONS TO THE SITE FROM HEBER VALLEY AIRPORT:
 HEAD NORTHEAST ON S AIRPORT RD TOWARD POWERLINE RD 0.5 MI. TURN LEFT ONTO S DANIEL RD 0.5 MI. TURN RIGHT ONTO S DANIEL RD/S DANIELS CANYON RD 0.1 MI. TURN RIGHT ONTO US-189 N 0.1 MI. USE THE LEFT 2 LANES TO TURN LEFT ONTO S MAIN ST. PASS BY MCDONALD'S (ON THE LEFT IN 0.5 MI). DESTINATION WILL BE ON THE LEFT

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:

- 2018 INTERNATIONAL BUILDING CODE
- 2018 INTERNATIONAL FIRE CODE
- 2018 INTERNATIONAL FUEL GAS CODE
- 2018 INTERNATIONAL MECHANICAL CODE
- 2018 INTERNATIONAL EXISTING BUILDING CODE
- 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE
- 2020 NATIONAL ELECTRICAL CODE
- ANSI/TIA/EIA-222-H
- LOCAL BUILDING CODE
- CITY/COUNTY ORDINANCES
- FAA COMPLIANCE
- FCC COMPLIANCE

PRELIMINARY 90% DRAWING DOCUMENT CHECKLIST

PROJECT LINE ITEMS: <small>(THE FOLLOWING ARE A LIST OF ALL ITEMS PROVIDED TO THE A&E FIRM PRIOR TO COMPLETION OF THE DRAWINGS)</small>	TO BE PROVIDED (Y/N)	RESPONSIBILITY TO PROVIDE	DATE PROVIDED	
SITE WALK (CURRENT PHOTOS/SITE CONDITIONS)	Y	TELCYTE	04/18/22	
CURRENT RFDS	5/25/2022 V0	Y	CROWN	04/25/22
CURRENT MOUNT ANALYSIS	09/28/2022	Y	CROWN	PENDING
CURRENT STRUCTURAL ANALYSIS	PENDING	Y	CROWN	PENDING
PREVIOUS SURVEY	N/A	N	CROWN	N/A
PREVIOUS PROJECT DRAWINGS	PENDING	Y	CROWN	PENDING
PREVIOUS MOUNT ANALYSIS	PENDING	Y	CROWN	PENDING
PREVIOUS STRUCTURAL ANALYSIS	PENDING	Y	CROWN	PENDING
PREVIOUS GEO REPORT	N/A	N	CROWN	N/A

PERMITTING/ZONING APPROVAL:
SIGNATURE _____ DATE _____

LANDLORD APPROVAL:
SIGNATURE _____ DATE _____

AT&T PROJECT MANAGER APPROVAL:
SIGNATURE _____ DATE _____

SITE SUMMARY

SITE TYPE: UPGRADE
 TYPE OF OCCUPANCY: TELECOMMUNICATIONS
 TOWER TYPE: MONOPOLE
 TOWER LATITUDE: 40°30'20.6"N (40.505733)
 TOWER LONGITUDE: 111°24'49.7"W (-111.413811)
 AMSL: 5,712'-4"±
 ZONING JURISDICTION: CITY OF HEBER
 COUNTY: WASATCH
 PARCEL NUMBER: 00-0004-7634
 POWER PROVIDER: HEBER LIGHT AND POWER 435-654-1581
 TELEPHONE PROVIDER: CENTURY LINK 800-201-4102
 PROPERTY OWNER NAME: 154 S MAIN INVESTMENTS LLC
 PROPERTY OWNER ADDRESS: 154 S MAIN ST HEBER CITY, UT 84032 2044
 24 HOUR NOC CONTACT: (800) 783-7011
 GATE COMBINATION: 7011

SHEET INDEX

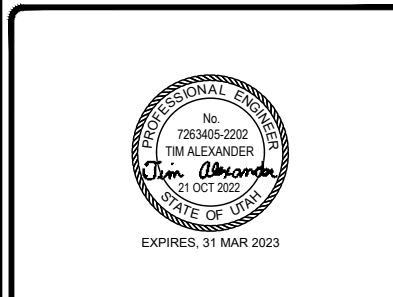
SHEET NO.	DESCRIPTION	REV. NO.	REVISION DATE
T-1	TITLE SHEET	0	10/21/22
GN-1	GENERAL NOTES	0	10/21/22
GN-2	GENERAL NOTES	0	10/21/22
S-1	SITE PLAN	0	10/21/22
C-1	COMPOUND PLANS	0	10/21/22
C-2	EQUIPMENT PLANS	0	10/21/22
C-3	TOWER ELEVATIONS	0	10/21/22
C-4	ANTENNA LAYOUTS	0	10/21/22
C-5	FINAL RF EQUIPMENT SCHEDULE	0	10/21/22
C-6	DETAILS	0	10/21/22
G-1	GROUNDING NOTES & DETAILS	0	10/21/22
G-2	GROUNDING DETAILS	0	10/21/22



AT&T SITE NUMBER: **UTL06086**
 BU #: 845665
 152 SOUTH MAIN
 HEBER CITY, UT 84032
 EXISTING 102'-0" MONOPOLE

ISSUED FOR:

REV	DATE	DRAWN	DESCRIPTION	Q.A.
A	4/27/22	MM	PRELIMINARY	JD
B	08/05/22	MK	CLIENT CORRECTIONS	JD
0	10/21/22	MP	CLIENT CORRECTIONS	JD



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER: **T-1** REVISION: **0**

PROJECT DIRECTORY

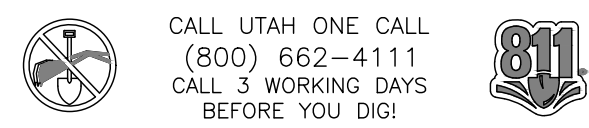
TOWER OWNER: CROWN CASTLE
 2055 S. STEARMAN DRIVE
 CHANDLER, AZ 85286
 CONTACT: NICOLE RUSSELL
 PHONE: (602) 845-1766

APPLICANT: AT&T MOBILITY CORP.
 7670 S. CHESTER ST.
 CENTENNIAL, CO 80112
 CONTACT: CONNOR RICHARDS
 PHONE: (303) 828-7114

A&E FIRM: TELCYTE INFRASTRUCTURE SERVICES
 3450 N. HIGLEY RD - BLDG 2, SUITE 102
 MESA, AZ 85215
 CMUELLER@TELCYTE.COM

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, THEREFORE HANDICAP ACCESS IS NOT REQUIRED. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.



SITE NOTES:

1. WHEN SITE WORK IS INCLUDED IN SCOPE:
 - a. CLEAR AND GRUB SITE OF ALL VEGETATION, PAVING, GRAVEL BASE AND OTHER DEBRIS NOT TO REMAIN. SUBGRADES ARE TO BE SET PRIOR TO LANDSCAPE INSTALLATION.
 - b. PROVIDE ELEVATION OF SUBGRADE WITHIN 0.10 FOOT OF ELEVATIONS SHOWN ON PLAN MINUS DEPTH OF TOPSOIL, FILL, AND MULCH.
 - c. ROUGH GRADE ALL AREAS WITHIN 1 FOOT OF ELEVATIONS INDICATED BEFORE PLANTING. PROVIDE POSITIVE DRAINAGE AWAY FROM EQUIPMENT SLABS, BUILDINGS AND THROUGH ALL PLANTER AREAS TO AVOID LOW SPOTS AND STANDING WATER.
 - d. BLEND NEW GRADES NATURALLY INTO EXISTING GRADES.
 - e. MAINTAIN POSITIVE DRAINAGE ON THE SITE AT ALL TIMES.
 - f. IF REQUIRED, MAINTAIN CONTINUOUS EROSION CONTROL ON THE DOWNSTREAM SIDE OF THE SITE.
 - g. IN LANDSCAPE AREAS, FINISH GRADES ARE TO FOLLOW THE GRADES AND EDGE DETAILS INDICATED AND BE MOUNDED 6 INCHES IN THE CENTER OF THE BED ABOVE THE EDGE OF THE LANDSCAPE AREA.
 - h. DO NOT PLACE FILL OR EMBANKMENT MATERIAL ON FROZEN GROUND. DO NOT PLACE FROZEN MATERIALS, SNOW OR ICE IN ANY FILL OR EMBANKMENT.
 - i. NOTIFY OWNER IF MODIFICATIONS TO THE PROPOSED GRADING SEEM NECESSARY AND OBTAIN APPROVAL PRIOR TO START OF WORK.
2. FOOTINGS SHALL BEAR ON FIRM, NATURAL, UNDISTURBED SOIL, OR ON ENGINEERED FILL (COMPACTED TO 95% ASTM D1557). ENSURE THAT EXCAVATIONS ARE FREE OF ORGANIC MATERIAL, DEBRIS, OR OTHER FOREIGN MATERIAL. NOTIFY OWNER IF ANY UNUSUAL CONDITIONS ARE ENCOUNTERED.
3. FILL AND SLAB BASE MATERIAL SHALL BE 3/4" MINUS CRUSHED ROCK PLACED IN 8" (MAXIMUM) LOOSE LIFTS AND COMPACTED TO 98% ASTM D1557.

CONCRETE NOTES:

1. CONCRETE AND REINFORCING SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

CONCRETE CONSTRUCTION	ACI 318, f'c=4 KSI, UNO
CEMENT	ASTM C150, PORTLAND CEMENT TYPE II, UNO
REINFORCING STEEL	ASTM A615 (INCLUDING SUPPLEMENT S1), GRADE 60, fy=60 KSI, UNO
WELDED WIRE FABRIC	ASTM A185
SPIRAL REINFORCEMENT	ASTM A615, GRADE 60, fy=60 KSI
ANCHOR BOLTS	ASTM A307
GRADE 60 REBAR WELDING	ASTM A706

NOTES: ANY BARS SO NOTED ON THE DRAWINGS SHALL BE GRADE 40, fy=40 KSI. REINFORCING COMPLYING WITH ASTM A615(S1) MAY BE WELDED ONLY IF MATERIAL PROPERTY REPORTS INDICATING CONFORMANCE WITH WELDING PROCEDURES SPECIFIED IN A.W.S. D14 ARE SUBMITTED.

2. CONCRETE PROTECTION (COVER) FOR REINFORCING STEEL SHALL BE AS FOLLOWS:

FOOTINGS AND OTHER UNFORMED SURFACES, EARTH FACE	3"
FORMED SURFACES EXPOSED TO EARTH OR WEATHER	(≥ #6 BARS) 2"
	(≤ #5 BARS) 1 1/2"
SLABS AND WALLS	(INTERIOR FACE) 3/4"

3. AIR ENTRAIN ALL CONCRETE WITH SURFACES EXPOSED TO WEATHER WITH AN AIR-ENTRAINING AGENT CONFORMING TO ASTM C260, C494, C618, C989 AND C1017. AIR ENTRAIN CONCRETE EXPOSED TO FREEZING AND THAWING WHILE MOIST IN ACCORDANCE WITH ACI 318, SECTION 4.4.1.
4. DETAIL REINFORCING STEEL (INCLUDING HOOKS AND BENDS) IN ACCORDANCE WITH AC1 315 AND 318. LAP ALL CONTINUOUS REINFORCEMENT AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0". PROVIDE CORNER BARS AT ALL WALL AND FOOTING INTERSECTIONS. LAP CORNER BARS AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0". LAP ADJACENT MATS OF WELDED WIRE FABRIC A MINIMUM OF 8" AT SIDES AND ENDS.
5. PERFORM WELDING OF GRADE 60 REINFORCING BARS (IF REQUIRED) USING LOW HYDROGEN ELECTRODES. PERFORM WELDING OF GRADE 40 REINFORCING BARS (IF REQUIRED) USING E70 XX ELECTRODES. DO NOT WELD WITHIN 4" OF COLD BENDS IN REINFORCING STEEL.
6. DO NOT FIELD BEND REINFORCING PARTIALLY EMBEDDED IN CONCRETE UNLESS SPECIFICALLY SO DETAILED OR APPROVED BY THE ENGINEER.
7. SUPPORT BARS ON CHAIRS OR DOBIE BRICKS.
8. FURNISH NON-SHRINK GROUT BY AN APPROVED MANUFACTURER. MIX AND PLACE IN STRICT ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED RECOMMENDATIONS. GROUT STRENGTH SHALL BE AT LEAST EQUAL TO THE MATERIAL ON WHICH IT IS PLACED (4 KSI, MINIMUM).
9. ALL EXPANSION ANCHORS TO BE HILTI BRAND, UNO. TEST ADHESIVE ANCHORS TO CONFIRM CAPACITY UNLESS WAIVED BY ENGINEER AND LOCAL JURISDICTION.

STRUCTURAL STEEL NOTES:

1. STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

WIDE FLANGE SHAPES	ASTM A992, GRADE 50
SHAPES, PLATES, ANGLES, & RODS	ASTM A36, Fy 36 KSI
SPECIAL SHAPES AND PLATES	ASTM A572, Fy 50 KSI
PIPE COLUMNS	ASTM A53, GR B, Fy 35 KSI
STRUCTURAL TUBING	ASTM A500, GR B, Fy 46KSI
ANCHOR BOLTS	ASTM A307
CONNECTION BOLTS	ASTM A325 TWIST-OFF
2. BASE STRUCTURAL STEEL DESIGN, FABRICATION AND ERECTION (INCLUDING FIELD WELDING, HIGH STRENGTH FIELD BOLTING, EXPANSION BOLTS, AND THREADED EXPANSION ANCHORS) ON THE AISC "SPECIFICATION FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS" LATEST EDITION.
3. HOT DIP GALVANIZE AFTER FABRICATION PER A123/A123M-00 ALL STEEL EXPOSED TO WEATHER AND WHERE NOTED.
4. CONFORM TO ALL AISC AND AWS STANDARDS FOR WELDING. PERFORM WELDING BY ANSI/AWS D1.1 CERTIFIED WELDERS USING E70 XX ELECTRODES. USE ONLY PRE-QUALIFIED WELDS AS DEFINED BY AWS.
5. PROVIDE COLD-FORMED STEEL FRAMING MEMBERS OF THE SHAPE, SIZE, AND GAGE SHOWN ON THE PLANS. PROVIDE MINIMUM SECTION PROPERTIES INDICATED. ALL COLD-FORMED STEEL FRAMING SHALL CONFORM TO THE AISI "SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS."
6. FOR BOLTED CONNECTIONS, USE 3/4" DIA., BEARING-TYPE, A325 BOLTS WITH A MINIMUM OF TWO BOLTS, UNO.
7. FOR NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING, USE 5/8" DIA. A307 BOLTS, UNO.
8. PREPARE AND PAINT IN ACCORDANCE WITH THE PAINT MANUFACTURERS WRITTEN INSTRUCTIONS, UNO.
9. TOUCH UP ALL FIELD DRILLING, WELDING AND CUT SURFACES WITH 2 COATS OF GALVACON (ZINC RICH PAINT) OR APPROVED EQUAL.

SPECIAL INSPECTIONS:

1. WHEN REQUIRED, PROVIDE SPECIAL INSPECTIONS PERFORMED BY AN INDEPENDENT INSPECTOR, APPROVED BY OWNER'S REPRESENTATIVE AND THE LOCAL JURISDICTION.
2. THE SPECIAL INSPECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER'S REPRESENTATIVE, STRUCTURAL ENGINEER, CONTRACTOR, AND BUILDING OFFICIAL.



AT&T SITE NUMBER:
UTL06086

BU #: 845665

152 SOUTH MAIN
HEBER CITY, UT 84032

EXISTING 102'-0" MONOPOLE

ISSUED FOR:				
REV	DATE	DRAWN	DESCRIPTION	Q.A.
A	4/27/22	MM	PRELIMINARY	JD
B	08/05/22	MK	CLIENT CORRECTIONS	JD
0	10/21/22	MP	CLIENT CORRECTIONS	JD



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SHEET NUMBER: **GN-2** REVISION: **0**



7670 S. CHESTER ST.
CENTENNIAL, CO 80112



2055 S. STEARMAN DRIVE
CHANDLER, AZ 85286



3450 N HIGLEY RD - SUITE 102,
MESA, AZ 85215

AT&T SITE NUMBER:
UTL06086

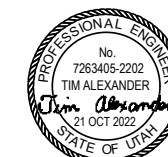
BU #: 845665

152 SOUTH MAIN
HEBER CITY, UT 84032

EXISTING 102'-0" MONOPOLE

ISSUED FOR:

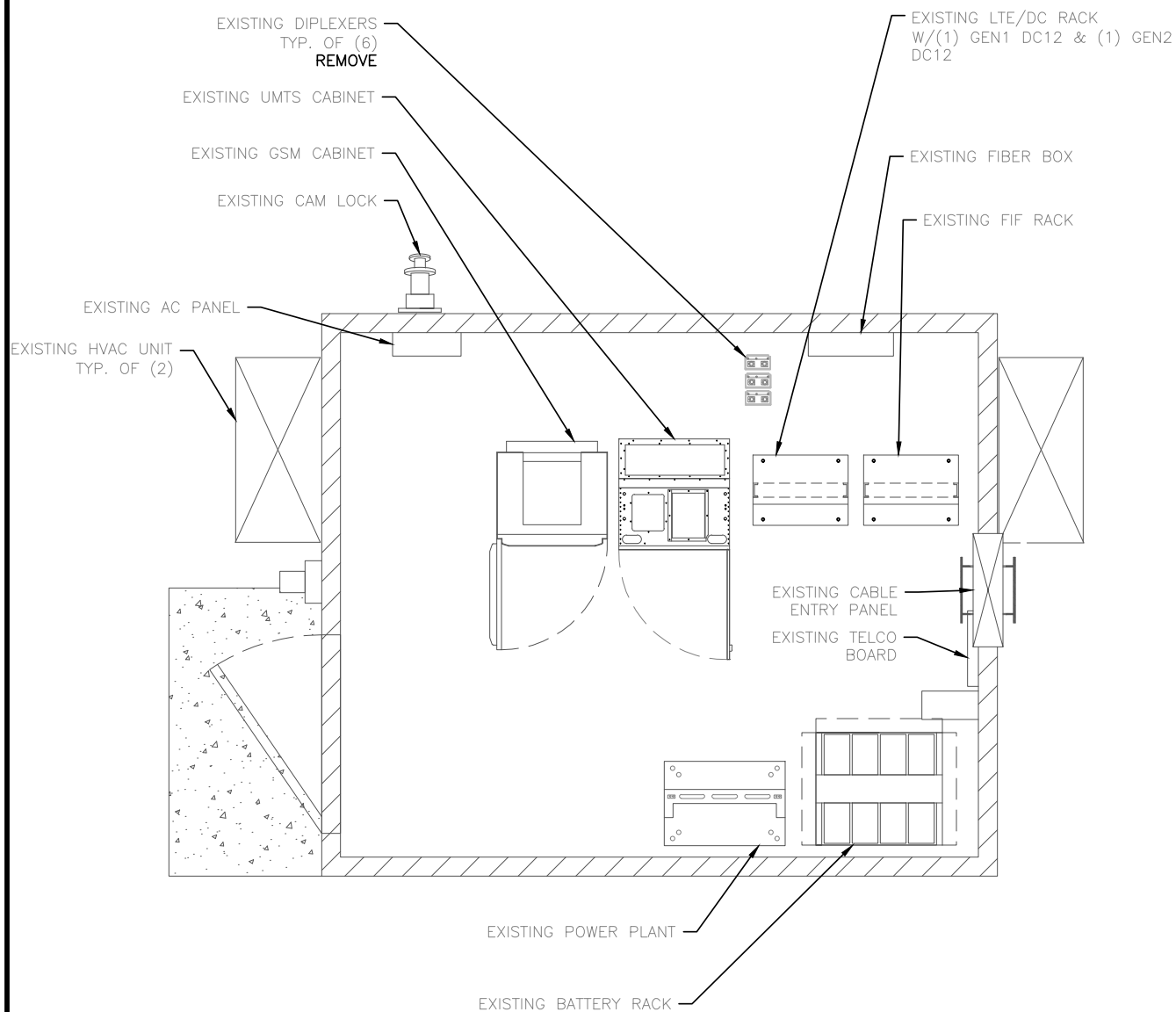
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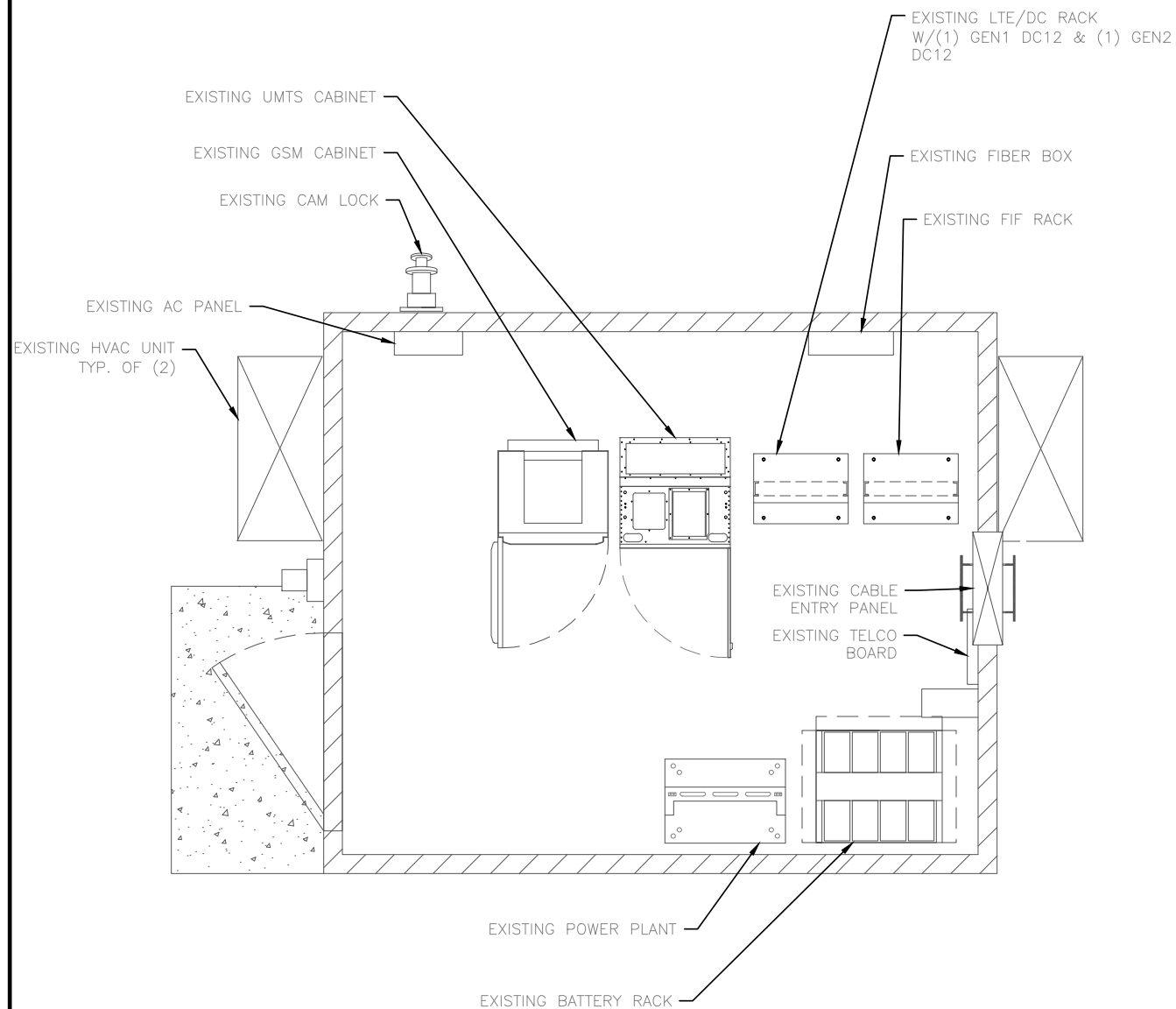
SHEET NUMBER: REVISION:

C-2 **0**



EXISTING EQUIPMENT PLAN

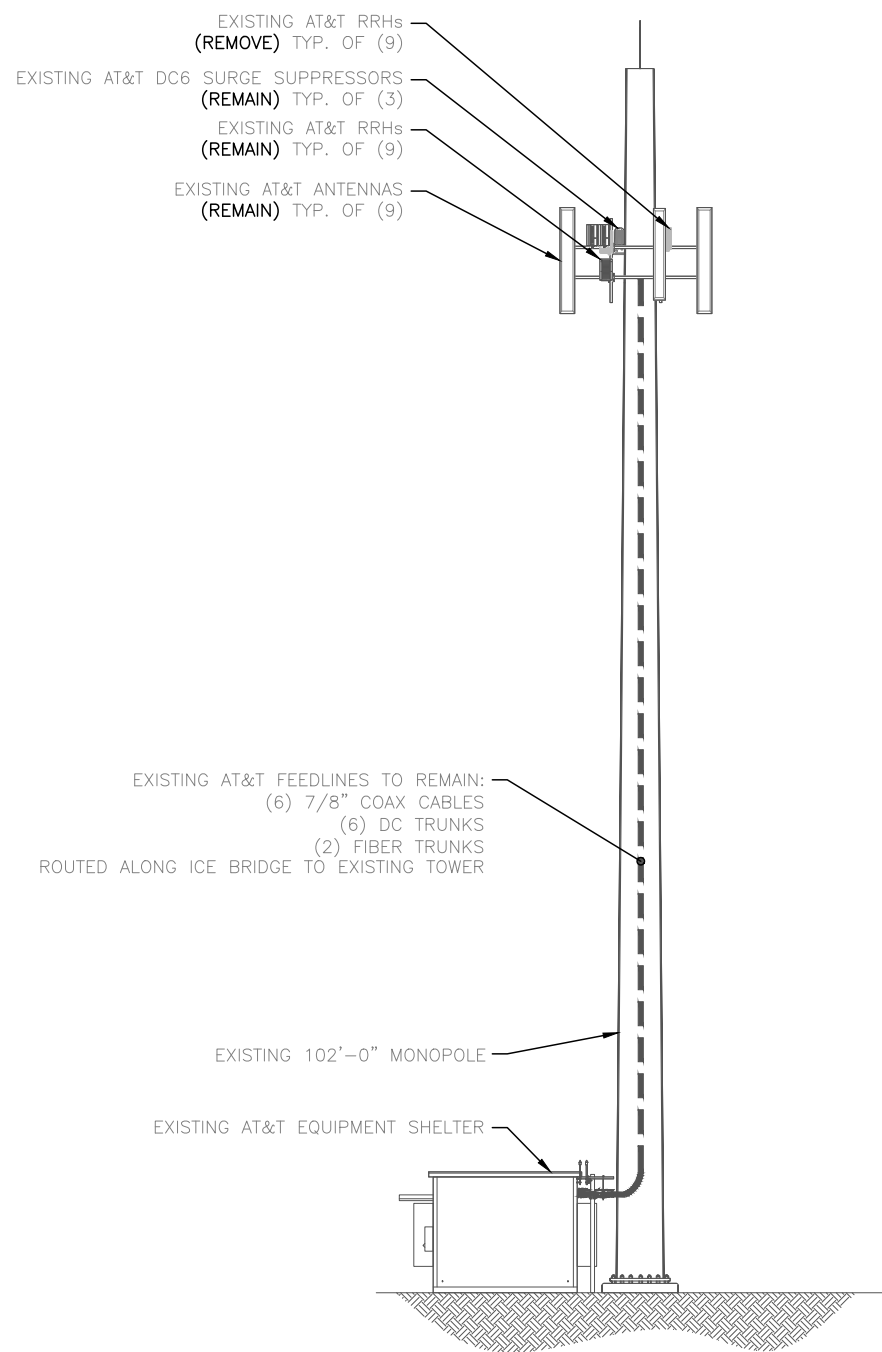
11"x17" SCALE: 1" = 3'
24"x36" SCALE: 1" = 1'-6"



PROPOSED EQUIPMENT PLAN

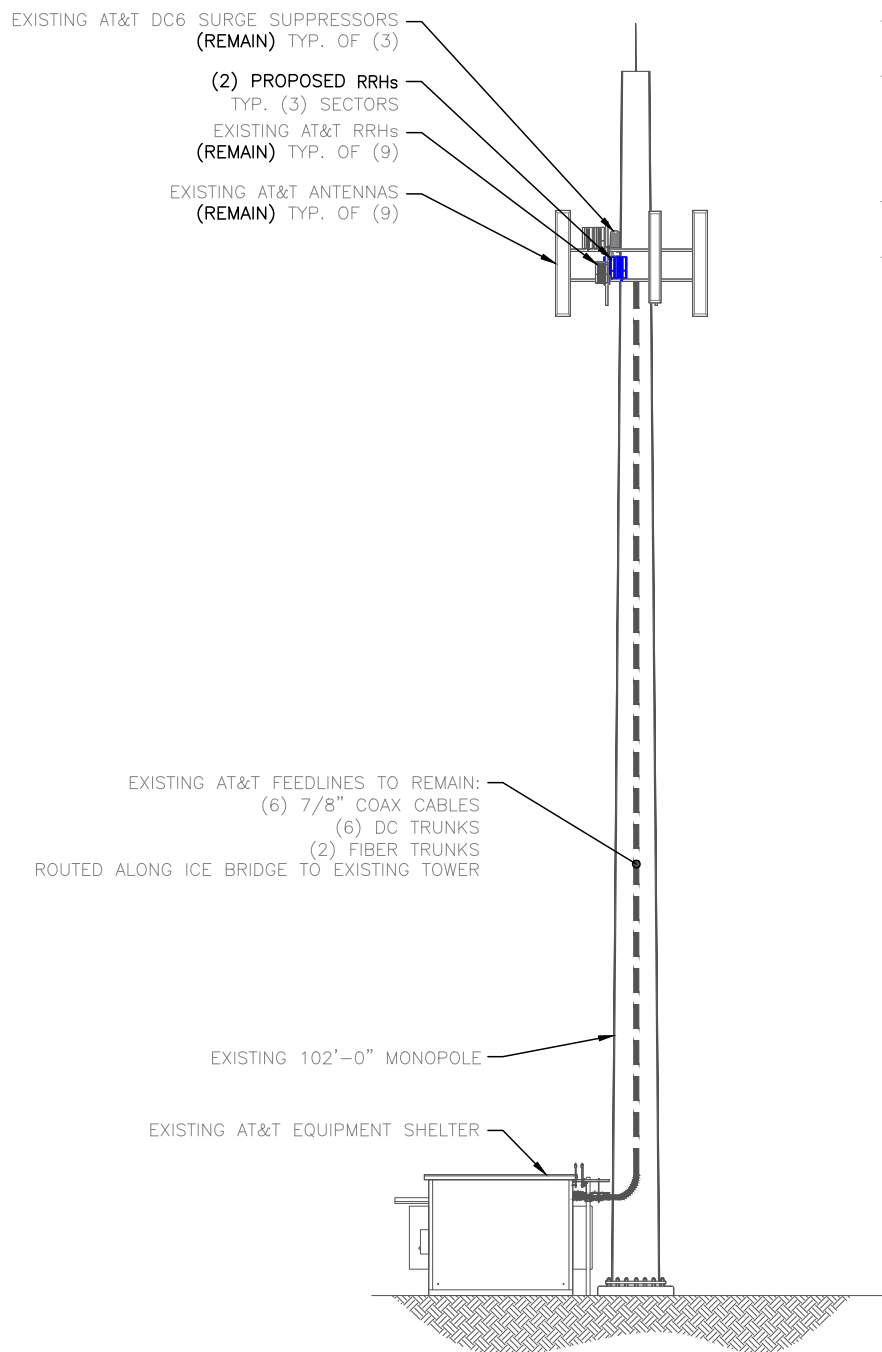
11"x17" SCALE: 1" = 3'
24"x36" SCALE: 1" = 1'-6"





EXISTING TOWER ELEVATION
 11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.

- T.O. EXISTING APPURTENANCE 106'-0"±
- T.O. EXISTING MONOPOLE 102'-0"±
- TIP HEIGHT OF EXISTING AT&T ANTENNAS 90'-4"±
- ☐ OF EXISTING AT&T ANTENNAS 86'-0"±



PROPOSED TOWER ELEVATION
 11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.

- EXISTING AT&T DC6 SURGE SUPPRESSORS (REMAIN) TYP. OF (3)
- (2) PROPOSED RRHs TYP. (3) SECTORS
- EXISTING AT&T RRHs (REMAIN) TYP. OF (9)
- EXISTING AT&T ANTENNAS (REMAIN) TYP. OF (9)

- T.O. EXISTING APPURTENANCE 106'-0"±
- T.O. EXISTING MONOPOLE 102'-0"±
- TIP HEIGHT OF EXISTING AT&T ANTENNAS 90'-4"±
- ☐ OF EXISTING AT&T ANTENNAS 86'-0"±

MOUNT ANALYSIS BY KIMLEY HORN DATED 09/29/2022.
 GC TO ENSURE ANY MODIFICATIONS ARE MADE PRIOR TO CONSTRUCTION

AT&T SITE NUMBER:
UTL06086

BU #: 845665

152 SOUTH MAIN
 HEBER CITY, UT 84032

EXISTING 102'-0" MONOPOLE

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SHEET NUMBER: **C-3** REVISION: **0**

THE TOWER DRAWING IS ONLY A GRAPHIC REPRESENTATION OF THE STRUCTURE. THE ACTUAL TOWER MAY VARY IN THE FIELD

THE TOWER DRAWING IS ONLY A GRAPHIC REPRESENTATION OF THE STRUCTURE. THE ACTUAL TOWER MAY VARY IN THE FIELD

(P) = PROPOSED

FINAL ANTENNA & CABLE SCHEDULE

SECTOR	MARK	BAND	ANTENNA MAKE/MODEL	ANTENNA HEIGHT	ANTENNA AZIMUTH	TMA QTY./TYPE	RADIO QTY./TYPE	SURGE PROTECTION QTY./TYPE	CABLE QTY./TYPE
ALPHA	A1	LTE 850/1900/AWS	KATHREIN - 800 10992 K	86'-0"	60°	-	(1) NOKIA RRH 4T4R B5 160W AHCA (1) NOKIA DUAL RRH 4T4R B25/66 320W AHFIB	(1) DC6-48-60-18-8F	(2) 7/8" COAX CABLES (1) FIBER TRUNK (2) DC TRUNKS
	A2	LTE 700	KNW - ET-X-UW-70-16-70-18-IR-AT-RA			-	-		
	A3	-	-			-	-		
	A4	LTE 700/1900/WCS	KATHREIN - 800 10992 K			-	(1) B25 RRH4X30-4R (P) (1) AIRSCALE RRH 4T4R B30 100W AHNA (P) (1) AIRSCALE TRI RRH 4T4R B12/14/29 370W AHLBBA		
BETA	B1	LTE 850/1900/AWS	KATHREIN - 800 10992 K	86'-0"	180°	-	(1) NOKIA RRH 4T4R B5 160W AHCA (1) NOKIA DUAL RRH 4T4R B25/66 320W AHFIB	(1) DC6-48-60-18-8F	(2) 7/8" COAX CABLES (1) FIBER TRUNK (2) DC TRUNKS
	B2	LTE 700	KNW - ET-X-UW-70-16-70-18-IR-AT-RA			-	-		
	B3	-	-			-	-		
	B4	LTE 700/1900/WCS	KATHREIN - 800 10992 K			-	(1) B25 RRH4X30-4R (P) (1) AIRSCALE RRH 4T4R B30 100W AHNA (P) (1) AIRSCALE TRI RRH 4T4R B12/14/29 370W AHLBBA		
GAMMA	C1	LTE 850/1900/AWS	KATHREIN - 800 10992 K	86'-0"	300°	-	(1) NOKIA RRH 4T4R B5 160W AHCA (1) NOKIA DUAL RRH 4T4R B25/66 320W AHFIB	(1) DC6-48-60-18-8F	(2) 7/8" COAX CABLES (1) FIBER TRUNK (2) DC TRUNKS
	C2	LTE 700	KNW - ET-X-UW-70-16-70-18-IR-AT-RA			-	-		
	C3	-	-			-	-		
	C4	LTE 700/1900/WCS	KATHREIN - 800 10992 K			-	(1) B25 RRH4X30-4R (P) (1) AIRSCALE RRH 4T4R B30 100W AHNA (P) (1) AIRSCALE TRI RRH 4T4R B12/14/29 370W AHLBBA		



AT&T SITE NUMBER:
UTL06086

BU #: 845665

152 SOUTH MAIN
HEBER CITY, UT 84032

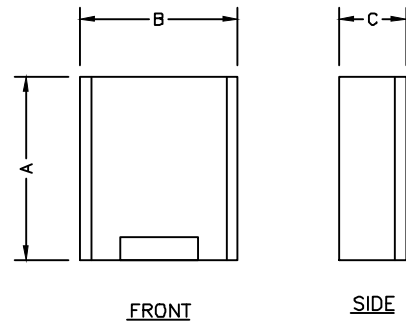
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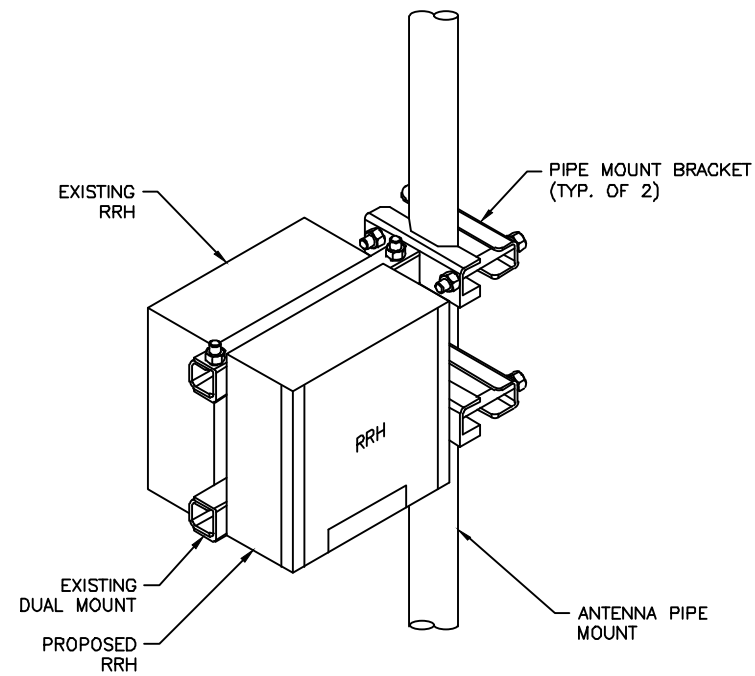
SHEET NUMBER: **C-5** REVISION: **0**



RADIO SPECIFICATIONS				
MODEL	LENGTH (A)	WIDTH (B)	DEPTH (C)	WEIGHT (lb)
NOKIA - 4T4R B30 AHNA	16.83"	12.76"	7.22"	39.02
NOKIA - 4T4R B12/14/29 AHLBBA	14.84"	24.72"	8.26"	102.1

RADIO SPECIFICATIONS

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



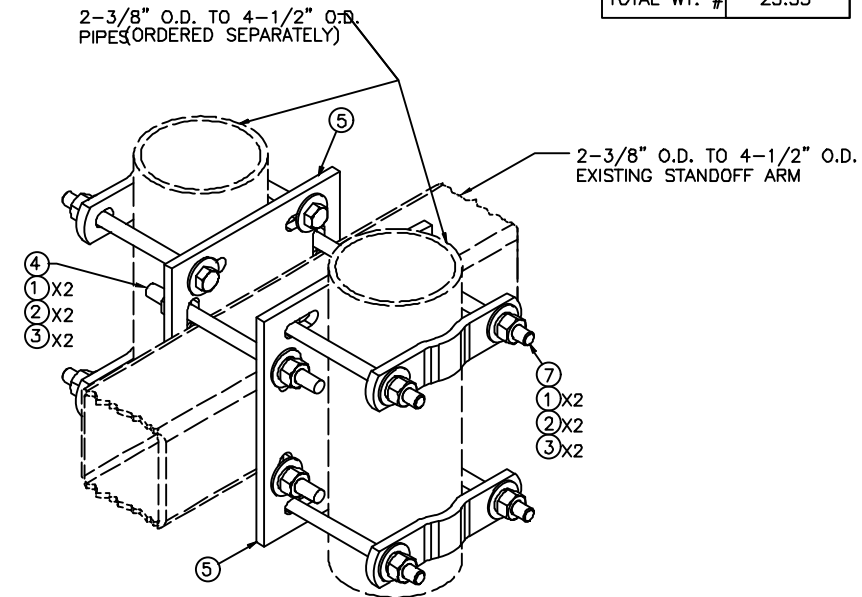
NOTES:

- RRH MANUFACTURER VIA AT&T SUPPLIES RRH, RRH PIPE-MOUNTING BRACKET. SUBCONTRACTOR SHALL SUPPLY PIPE AND INSTALL ALL MOUNTING HARDWARE INCLUDING RRH PIPE-MOUNTING BRACKET.
- FOR PIPE DIAMETERS FROM 6" TO 15", AT&T CAN SUPPLY A PAIR OF PIPE MOUNTING METAL BANDS WITH BOLTING WELDMENT.
- NO PAINTING OF THE RRH OR SOLAR SHIELD IS ALLOWED

RRH MOUNTING DETAIL

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

PARTS LIST						
ITEM	QTY	PART NO.	PART DESCRIPTION	LENGTH	UNIT WT.	NET WT.
1	24	G12FW	1/2" HDG USS FLATWASHER		0.03	0.82
2	16	G12LW	1/2" HDG LOCKWASHER		0.01	0.22
3	16	G12NUT	1/2" HDG HEAVY 2H HEX NUT		0.07	1.15
4	4	G12R-B	1/2" x 8" THREADED ROD		0.35	1.41
5	2	SCX3	(HDG.) CROSSOVER PLATE	9 1/4 in	7.19	14.38
6	4	X-115765	5" V-CLAMP		1.02	4.07
7	8	G12065	1/2" x 6-1/2" HDG HEX BOLT GR5 FULL THREAD	6 1/2 in	0.41	3.28
TOTAL WT. #						25.33



SITE PRO 1 BBMP-U BACK TO BACK PIPE MOUNT DETAIL

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



AT&T SITE NUMBER:
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152 SOUTH MAIN
HEBER CITY, UT 84032

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SHEET NUMBER:

C-6

REVISION:

0

AT&T SITE NUMBER:
UTL06086

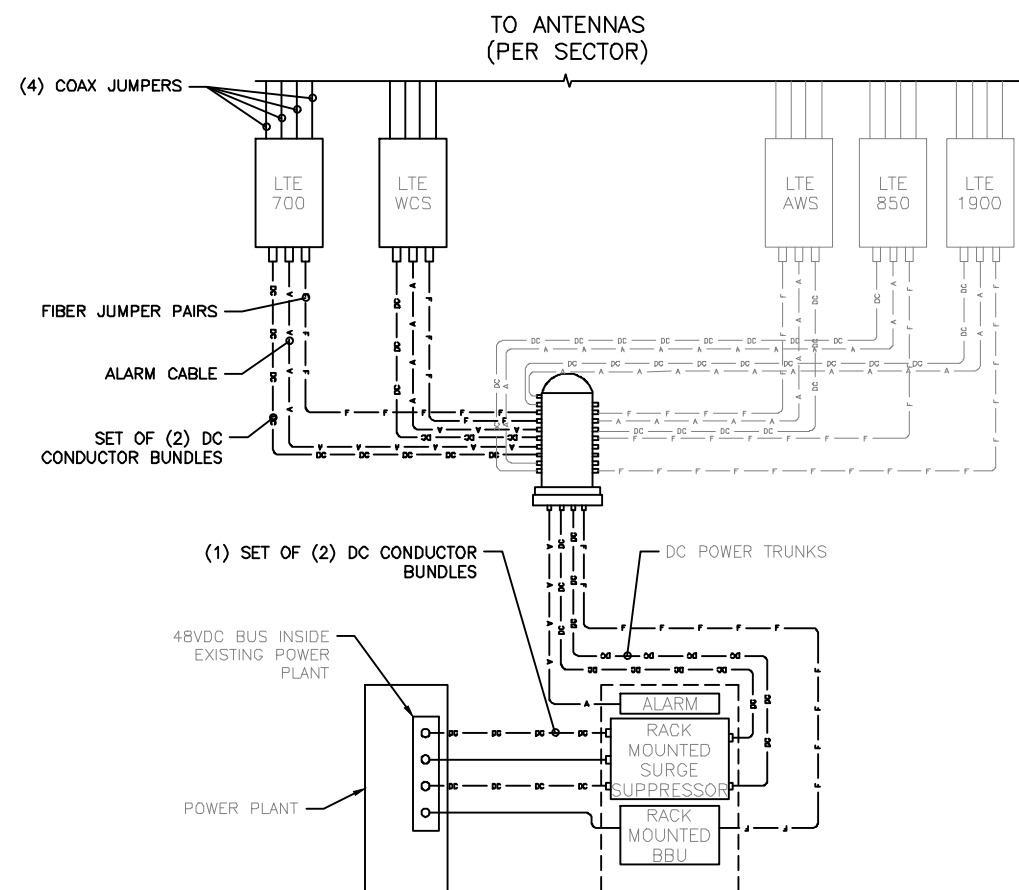
BU #: 845665

152 SOUTH MAIN
HEBER CITY, UT 84032

EXISTING 102'-0" MONOPOLE

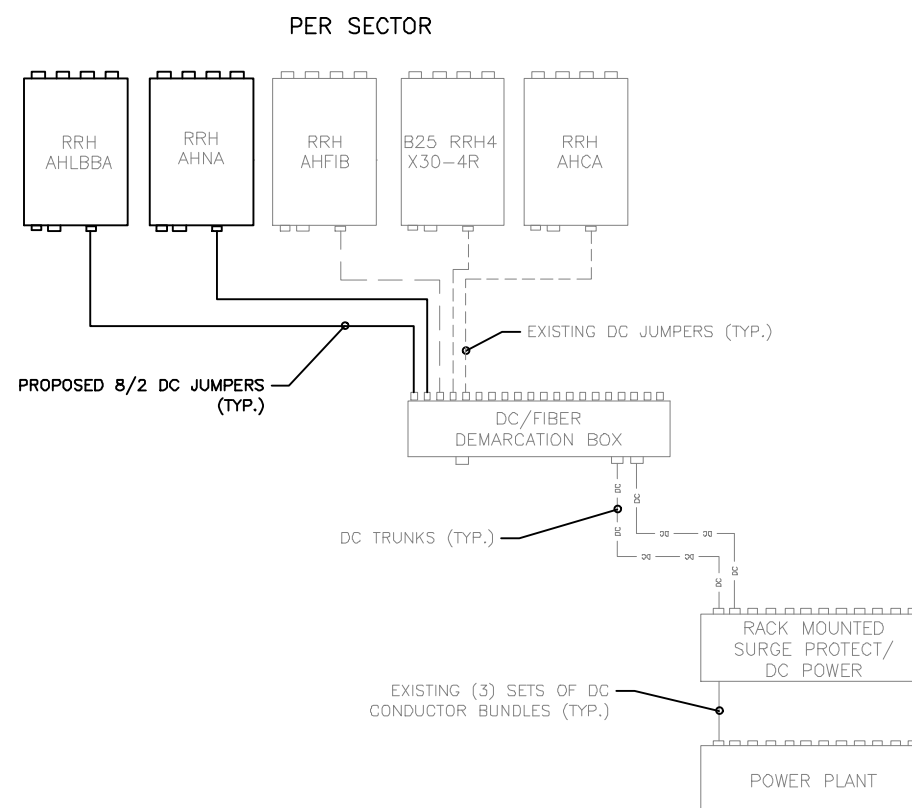
ISSUED FOR:

REV	DATE	DRAWN	DESCRIPTION	Q.A.
A	4/27/22	MM	PRELIMINARY	JD
B	08/05/22	MK	CLIENT CORRECTIONS	JD
0	10/21/22	MP	CLIENT CORRECTIONS	JD



DC & FIBER SYSTEM SCHEMATIC

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

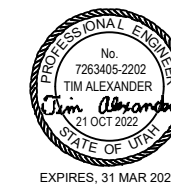


DC WIRING DIAGRAM

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

NOTES:

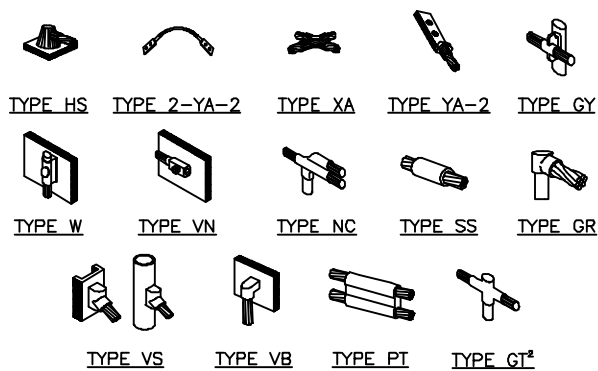
- REFER TO CHART FOR CABLE QUANTITIES, SIZES AND LENGTHS.
- CABLE LENGTH CALCULATIONS ASSUMES TRUNK CABLE SIZE CIVIL VENDORS TO VERIFY LENGTH & SIZE OF CABLE PRIOR TO CONSTRUCTION



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SHEET NUMBER: REVISION:

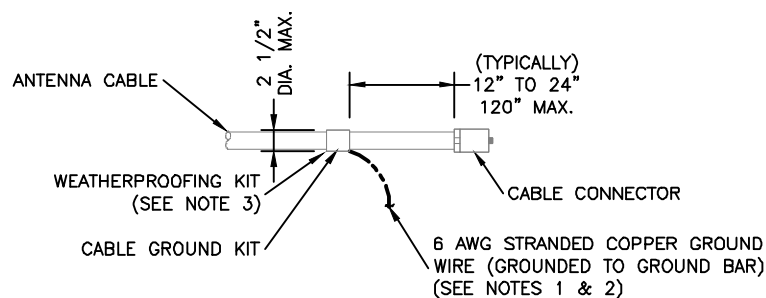
G-1 **0**



NOTE:
 1. ERICO EXOTHERMIC "MOLD TYPES" SHOWN HERE ARE EXAMPLES. CONSULT WITH CONSTRUCTION MANAGER FOR SPECIFIC MOLDS TO BE USED FOR THIS PROJECT.
 2. MOLD TYPE ONLY TO BE USED BELOW GRADE WHEN CONNECTING GROUND RING TO GROUND ROD.

CADWELDED GROUNDING CONNECTIONS

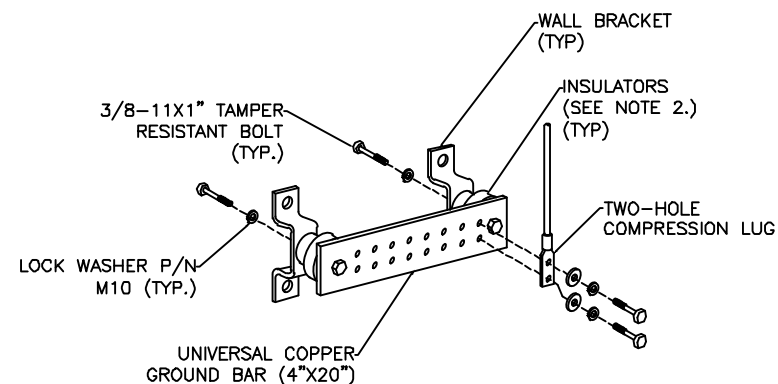
11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.



NOTES:
 1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR.
 2. GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.
 3. WEATHERPROOFING SHALL BE TWO-PART TAPE KIT, COLD SHRINK SHALL NOT BE USED.

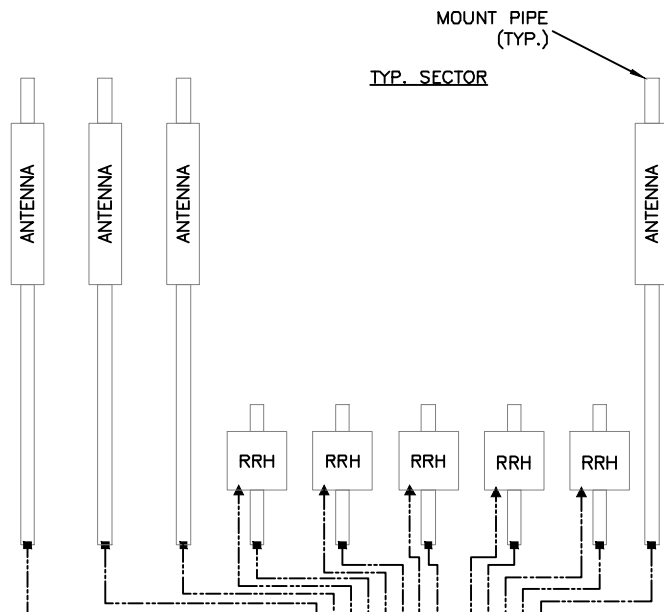
CABLE GROUND KIT CONNECTION

11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.



GROUND BAR DETAIL

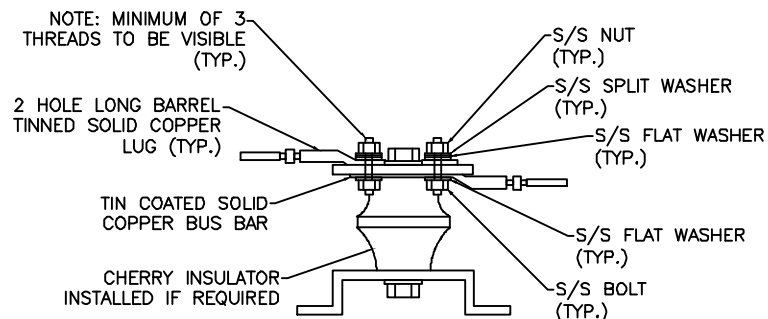
11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.



CABLE AND GROUNDING RISER DIAGRAM

11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.

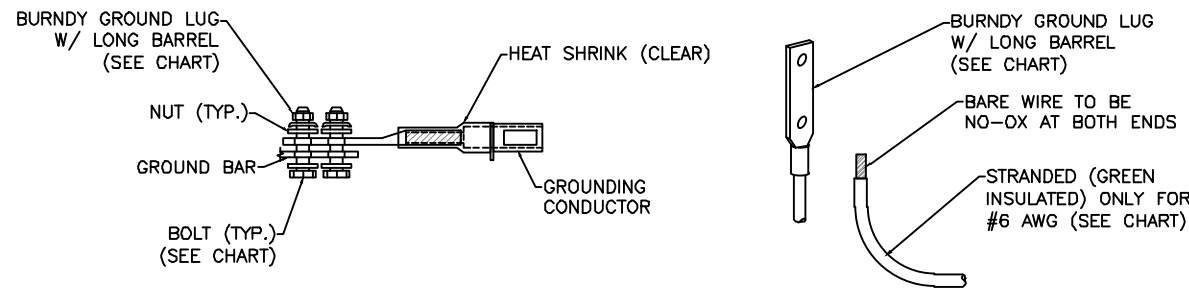
REFER TO PROPOSED ANTENNA LAYOUT ON SHEET C-4 FOR EXACT # OF RRHs



LUG DETAIL

11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.

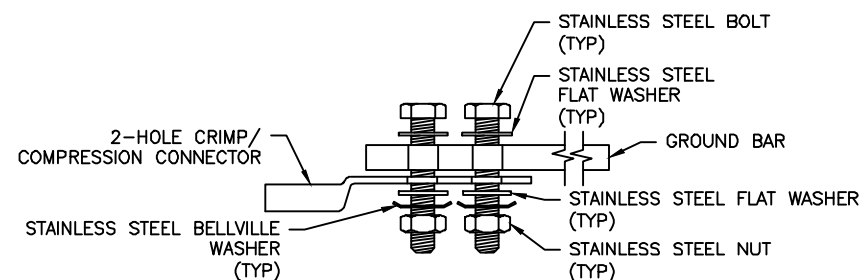
WIRE SIZE	BURNDY LUG	BOLT SIZE
#6 AWG GREEN INSULATED	YA6C-2TC38	3/8" - 16 NC S 2 BOLT
#2 AWG SOLID TINNED	YA3C-2TC38	3/8" - 16 NC S 2 BOLT
#2 AWG STRANDED	YA2C-2TC38	3/8" - 16 NC S 2 BOLT
#2/0 AWG STRANDED	YA26-2TC38	3/8" - 16 NC S 2 BOLT
#4/0 AWG STRANDED	YA28-2N	1/2" - 16 NC S 2 BOLT



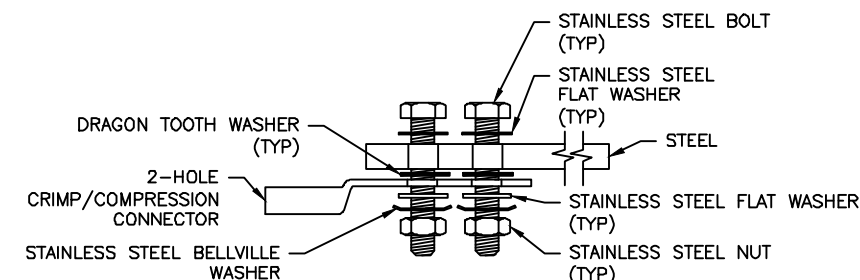
NOTE:
 1. ALL GROUNDING LUGS ARE TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. ALL HARDWARE BOLTS, NUTS, LOCK WASHERS SHALL BE STAINLESS STEEL. ALL HARDWARE ARE TO BE AS FOLLOWS: BOLT, FLAT WASHER, GROUND BAR, GROUND LUG, FLAT WASHER AND NUT.

MECHANICAL LUG CONNECTION

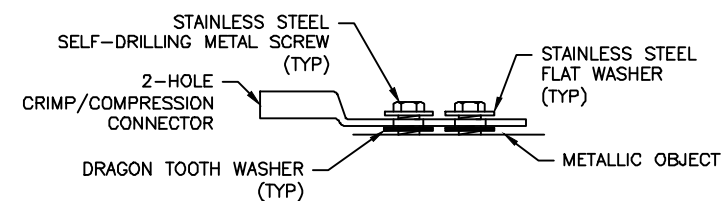
11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.



SINGLE CONNECTOR AT GROUND BARS



SINGLE CONNECTOR AT STEEL OBJECTS



SINGLE CONNECTOR AT METALLIC/STEEL OBJECTS

HARDWARE DETAIL FOR EXT. CONNECTIONS

11"x17" SCALE: N.T.S.
 24"x36" SCALE: N.T.S.



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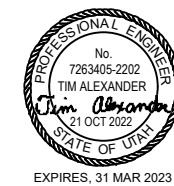
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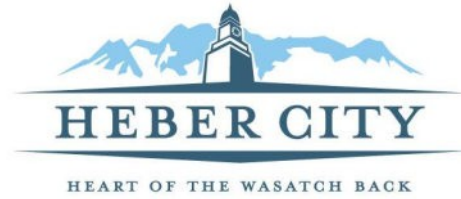


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SHEET NUMBER: REVISION:

G-2 **0**

Planning Commission Staff Report



MEETING DATE: December 13, 2022
SUBJECT: **Heber City Business Park Request for Condominiumization – Subdivision Preliminary**
RESPONSIBLE: Mark Vlasic
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Necessary Administrative Action

SUMMARY

Heber City Business Park was previously reviewed and approved by the Planning Commission. The approved project consists of two industrial buildings, each containing eight units. The application site located on the northwest corner of Airport Road and Daniels Road (84 West Airport Road).

The application is to subdivide the two approved buildings onto two separate lots (Lot 1A and Lot B) and convert Lot A building into eight condominium units; Lot 1B building and units will remain rental units as originally proposed. The building on Lot 1A has yet to be constructed.

PROCESS

The application was reviewed by the DRM on October 12, 2022. According to those discussions, each unit of the proposed condominium building will be assigned four parking spaces; staff indicated that those need to be identified on the plan be identified on the plan. The applicant also indicated that no changes regarding vehicular entry have been made, as approved previously. Since the proposed condominium building is not yet constructed, the design will be modified to meet building code and fire codes applicable to condominiums. It was noted that a copy of the proposed CC&R's and Bylaws are required, which have since been provided.

This application includes two requests.

- Converting the building on Lot A into a condominium, which is addressed in Section 17.19 Condominiums, which indicates that such requests shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council.

Staff Finding: Consistent. *The Planning Commission shall make a recommendation to the City Council.*

- Subdividing the existing lot into two lots is addressed in Section 17.18 Property Line Adjustments. According to that section of the code, the Planning Director or its designee, shall serve as the Land Use Authority for approving Plat Amendments as described in

Section 608 and 609 of LUDMA. Since the subdivision does not result in a violation of a land use ordinance or a development condition, no public hearing is required if

Staff Finding: Consistent. *The subdivision application is before the Planning Commission as the designee of the Planning Director. The Planning Commission shall make a recommendation to the City Council*

CODE COMPLIANCE

The following is a summary of the code compliance of the application. See the attached Planning Review Checklist for a full analysis.

The application **Complies** with Sections **17.20, 17.64, 18.43, 18.44**

The application **Can Comply** with the development code as outlined below:

17.19 Condominiums

17.19.050 Review By The Planning Commission

The Planning Commission shall review the proposed application and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

- If the Planning Commission finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all violations have been corrected.
- The proposed project shall be consistent with the International Fire Code and Adopted Building Codes.
- The Planning Commission may require additional parking that shall be based on occupancy levels and proposed customer demand. But in no way shall it be less than what is required under the zoning district in which the project is proposed.
- The Planning Commission may also require additional exits or driveways including the approval of shared driveways.
- The Planning Commission may require additional open space and landscaping to assure appropriate buffering and compatibility with adjacent uses.
- Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility .
- Water meters shall be installed according to City Standards and Specifications at street right-of-ways.
- All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the Planning Commission deems them essential for the feasibility of the project and the City Council approves said easement.
- Water meters shall be installed according to City Standards and Specifications at street right-of-ways.

- Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
- The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey map and project plan which may enhance or protect the environment of the project and the neighborhood in which it is located.

17.19.060 City Council Final Approval

Upon receipt of the recommendations and findings of the Planning Commission, the City Council shall consider approval or denial of the proposed project. Approval of a condominium project shall remain in effect and expire pursuant to Section 17.16.010(l).

FISCAL IMPACT

N/A

CONCLUSION

With the conditions outlined, the application complies with the code, Staff recommends that a positive recommendation is made to the City Council with the following findings and conditions:

Findings:

1. With conditions, the application Complies with the Development Code.
2. The application is consistent with the General Plan.

Conditions:

1. Revise plat drawing indicating the specific location of the four parking spaces assigned to each condominium unit within Lot 1A.
2. Revise drawings ensuring that the condominium building are consistent with the International Fire Code and Adopted Building Codes.
3. Provide each condominium unit with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
4. All City Engineering and Fire shall be met.
5. Any other conditions indicated by the Planning Commission shall be met.

POTENTIAL MOTIONS

Staff Recommended Option – Approval

“I move to **approve the Heber City Business Park Condominiumization – Subdivision Preliminary application** with the Findings and Conditions in the conclusions of the Staff Report.”

Alternative 2 – Continuance

“I move to **continue the Heber City Business Park Condominiumization – Subdivision Preliminary application** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:”

Alternative 3 – DENIAL

“I move to **deny the Heber City Business Park Condominiumization – Subdivision Preliminary application** with the following findings:

ACCOUNTABILITY

Department: Planning Department
Staff Member: Jamie Baron

EXHIBITS

1. Planning Review Checklist
2. Drawings and Attachments

Exhibit 1

Planning Review Checklist

ATTACHMENT TRACKER		
#	File Name	Date Received
1	Heber City Business Park Condo Plat.pdf	09/28/2022

Project Details

Project Name: Heber City Business Park Request for Condominiumization
Project Type: Subdivision Preliminary
GL CODE: 10-2664
DRM Date: 10/12/2022
Project Address: 84 West Airport Road
Property Owner / Name: Ryan Dowdle
Company Name / Agent: Colliers / Brent Haight
Project Description: Two Industrial Buildings on a single lot, one of which is yet to be constructed. Application is to subdivide the lot into two lots, each of which will contain a single building and associated parking. The westernmost building/lot (Lot 1A) will be constructed as a condominium.

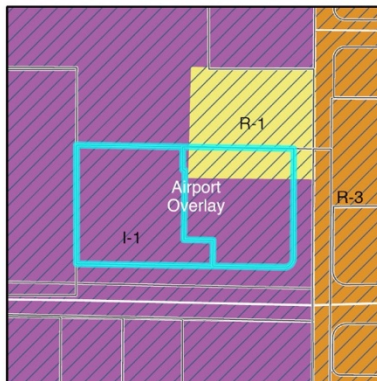
Acres: 2 (see parcel descriptions below)
Number of Lots: One— application is to subdivide it into two lots, each containing an approved buildings; the westernmost (proposed Lot 1A) will be constructed as condominiums.

Current Zone: I-1 (I-1 Industrial Zone)
Parcel(s): Parcel 1a 21-7743 – 1.05 acres
 Parcel 1b 21-7744 – 0.95 acres
Zone: I-1 Industrial Zone / AP Overlay Zone
General Plan Designation: I Industrial

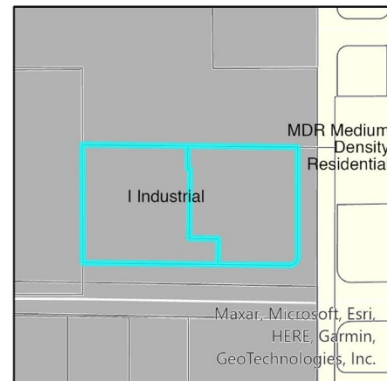
World Imagery



Zone/ Parcel(s)



General Plan Designation



Current Use: Vacant/Agriculture
Adjacent Uses: North – Heber City Storage (2022 Google Imagery)
East – Residential (2022 Google Imagery)
West – Commercial / Industrial (2022 Google Imagery)
South – Industrial, Commercial, Vacant (2022 Google Imagery)
Land Use Authority: Condominium - Planning Commission Recommendation to City Council
Lot Adjustment – Planning Commission
Action Type: Administrative
Planner: Mark Vlastic, Landmark Design (Jamie Baron, Planner)

10/12 DRM Notes

Two buildings – east building is not for condo/ it is for rent. They are identical buildings.

CUWCD – nothing on this one

Public Works – Nothing at this time.

Engineering – None

Planning - Each unit of the west (condo) building will be assigned 4 spaces, needs to be identified on the plan. No additional entry point was previously approved, although emergency fire access was approved. The condo building is not yet constructed, which means it can be modified to meet building code and fire code. Requirements for condominium units.

Code Review

17.14 Requirement of Adequate Public Facilities: Will connect to City Infrastructure. Will be reviewed by Engineering.

17.19 Condominium

17.19.010 Purpose

Utah State Code establishes condominiums as a form of subdivision and requires that all condominium projects be reviewed by the Planning Commission and the City Council. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit residential condominium dwelling units of for legal non-conforming multi-family dwellings.

17.19.020 Definitions

For the purposes of this ordinance, the following definitions shall apply:

1. "Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

2. "Condominium or Condominium Projects" shall mean a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed buildings or structures, or otherwise are separately offered or proposed to be offered for sale. Condominium Project shall also mean the property when the context so requires.
3. "Condominium Unit" shall mean a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference to a condominium unit includes both physical unit together with its appurtenant individual interest.
4. "Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership into a "condominium project" as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.
5. "Declaration" shall mean a recorded declaration containing covenants, conditions, and restrictions relating to the condominium project, which shall be prepared in conformance with provisions of Section 57-8-10, Utah Code, as amended.

17.19.030 Approval Required

Prior to the construction or conversion of any building or use as determined as a condominium, a survey map or project plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

17.19.040 Submission Of Application

The owner or developer of a proposed condominium project or conversion project shall file an application with the Planning Commission. Such application shall be accompanied by and be in accordance with the following:

1. The application or survey map shall be drawn to scale in accordance with the Heber City subdivision plan process and current Standards and Specifications as adopted by the City. Such survey map or application shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, present and proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or property owners organization.
4. Where conversions of existing buildings are proposed as part of the project, a property report containing information shall be submitted as part of the application together with a plan of all proposed improvements and repairs.
5. To assist the City in defraying the cost involved in the publication and review of a condominium project, a fee shall be submitted with the application in accordance with Heber City's fee schedule as adopted by the Heber City Council.

17.19.050 Review By The Planning Commission

The Planning Commission shall review the proposed application and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

- If the Planning Commission finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all violations have been corrected.
- The proposed project shall be consistent with the International Fire Code and Adopted Building Codes.
- The Planning Commission may require additional parking that shall be based on occupancy levels and proposed customer demand. But in no way shall it be less than what is required under the zoning district in which the project is proposed.
- The Planning Commission may also require additional exits or driveways including the approval of shared driveways.
- The Planning Commission may require additional open space and landscaping to assure appropriate buffering and compatibility with adjacent uses.
- Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility .
- Water meters shall be installed according to City Standards and Specifications at street right-of-ways.
- All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the Planning Commission deems them essential for the feasibility of the project and the City Council approves said easement.
- Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
- The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey map and project plan which may enhance or protect the environment of the project and the neighborhood in which it is located.

17.19.060 City Council Final Approval

Upon receipt of the recommendations and findings of the Planning Commission, the City Council shall consider approval or denial of the proposed project. Approval of a condominium project shall remain in effect and expire pursuant to Section 17.16.010(I).

17.19.070 Unlawful To Sell Or Lease

It is unlawful for any person, firm, corporation, partnership, or association to sell, contract to sell, or to lease any unit of any condominium or any other portion thereof until final record of survey plats, in full compliance with the provisions of this Ordinance, have been certified and signed by the Mayor, the Planning Commission Chair, City Engineer and City Attorney, attested by the City Recorder and duly recorded in the Office of the County Recorder.

17.20 Plans

17.20.020 Preliminary Plans

The preliminary plan shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets and shall show:

- A. The proposed name of the subdivision; **Complies**
- B. Vicinity map-the location of the subdivision. Where the plan submitted covers only a part of the subdivider's tract, the Land Use Authority may require the subdivider to prepare a preliminary plan covering all of the subdivider's tract before even considering a preliminary plan covering only part of the tract; **Complies**
- C. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner(s) of the land immediately adjoining the land to be subdivided; **Complies**
- D. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments; **Complies**
- E. Contour map at intervals required by the Land Use Authority at concept approval; **Complies**
- F. The boundary lines of the tract to be subdivided; **Complies**
- G. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be subdivided; **Need more dimensions**
- H. Existing sanitary sewers, storm drains, culinary and secondary water supply mains, and bridges within the tract or within two hundred feet thereof; **Complies**
- I. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision; **Need more dimensions**
- J. Northpoint, scale and date; **Complies**
- K. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot. **Not Applicable?**
- L. All easements of record shall be shown on the preliminary map; Statements regarding the anticipated density and number of dwelling units to be constructed on each lot. **Not Applicable?**
- M. All lot numbers and bearings, distances, and curve data of all lot lines, street center lines, right-of-way lines, etc. **Complies**
- N. Unless waived by the City Engineer, the following shall be included with the preliminary plans:
 1. A development agreement that addresses:
 - a. The dedication and maintenance of public and private open space, natural features, trails, amenities, streets and other common areas;
 - b. Implementation of the development's affordable housing plan;
 - c. Conditions of approval necessary to implement the intent and requirements of the Utah State Code, Subdivision Ordinance, Zoning Ordinance, General Plan or Capital Facilities Plan; and

- d. Measures necessary to mitigate land hazards and sensitive lands as required by the Subdivision Ordinance, Zoning Ordinance or General Plan.
- 2. A title report for all lands proposed to be subdivided;
- 3. A Preliminary Environmental Impact Assessment evaluating potential/anticipated environmental impacts of the project, including planned measures to limit or mitigate such impacts, addressing each of the following areas:
 - a. Wetlands
 - b. Flood Plains
 - c. Vegetation and Natural Features
 - d. Rivers & Streams
 - e. Slopes and Erosion Control
 - f. Endangered and Threatened Species
 - g. Historic Properties
 - h. Cultural Resources
 - i. Water Quality
 - j. Air Quality
 - k. Hazardous Materials and Operations
 - l. View shed analysis where applicable per Section 18.106 Ridgeline Protection

Following review of the Preliminary Environmental Impact Assessment, the City Engineer will determine the need for a full Environmental Impact Statement (EIS) or other potentially necessary environmental work.

- 4. A Geotechnical Report including the following information:
 - a. Summary of Proposed Construction
 - b. Evaluation of Geologic Hazards
 - c. Subsurface Soil Profiles for the Site
 - d. Groundwater
 - e. Soil Classifications
 - f. Soil Properties
 - g. Design Recommendations
 - h. Construction Recommendations
- 5. A Storm Water Drainage Report meeting the requirements of the City Engineer.
- 6. A Traffic Impact Study meeting the requirements of the City Engineer.
- 7. Water Action Report as required by Section 15.16.090
- 8. "Will Serve" letters from all serving utilities.
- 9. Affordable Housing Plan as required by Section 18.102.030.

17.64.010 Criteria for Plat Amendment Approval

Before approving a preliminary plan for a final plat of a subdivision, the planning commission may require amendments or modification of the plan if it finds that:

- 1. The layout of the subdivision does not conform to acceptable standards of design as set forth in this title;
- 2. The subdivision is not provided with adequate ingress or egress;
- 3. The subdivision contains geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the city;

4. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this chapter. Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this chapter.

18.43 Airport Overlay Zone1

18.43.030 – Establishment of Airport Overlay Zones: The project is located in the Horizontal Surface.

18.43.050 – Height Limits: Maximum of 150' in height in the Horizontal Surface.

Complies. The building is 31' tall.

18.43.060 – Land Use Regulations:

- Regulations applicable to all Airport Land Use Surfaces. All uses in all established airport surfaces shall comply with the following:
 - Determination of No Hazard. If submission of FAA Form 7460 is required pursuant to 14 CFR Part 77, the use must have received a Determination of No Hazard from the FAA or a variance pursuant to section 18.43.050 (B).
 - Outdoor Lighting. No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

Complies.
 - Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within airport approach and landing paths or on nearby lands
 -

18.44 I-1 Industrial Zone

18.44.010 Objectives -- Characteristics

- A. The I-I industrial zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.
- B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.
- C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-I industrial zone.

18.44.020 Permitted Primary Uses

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section:

- A. Accessory buildings and parking lots incidental and accessory to other permitted uses;
- B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;
- C. Airport and associated activities;
- D. Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs;
- E. Fences, walls and hedges;
- F. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.;
- G. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.
- H. Scenic railroads and railroad maintenance yards;
- I. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;
- J. Commercial storage sheds; however, no commercial transaction nor business may be conducted within any storage shed.

18.44.025 Permitted Secondary Uses

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-1 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Nursery, day care, or preschools in support of a primary activity.
- C. Public Facilities for Special Events. Public Facilities for Special Events is defined as follows: A parcel used for overnight parking and lodging using RVs, travel trailers, temporary housing units, in conjunction with governmentally sanctioned, or sponsored public events.

18.44.030 Area Requirements

- A. There is no minimum lot area requirement and no maximum building size in the I-1 Industrial Zone.
- B. Each project approved under this section must be fully located within the I-1 industrial Zone.
- C. Limitations of Buildings Used for Retail Business.
 - 1. Findings. The Heber City Council makes the following findings:
 - a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and

directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

- b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.
- c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.
- d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross Floor Limitation, I-1 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-1 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum 60,000 square feet shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section, 18.44.030:

- a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:
 - (1) are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or
 - (2) share check stands, storage facilities, a warehouse, or a distribution facility, or
 - (3) otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.
- b. "Combination of Buildings" means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.
- c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,
 - (1) by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or
 - (2) by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or

entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

- d. "Gross Floor Area" shall mean the sum of:
 - (1) the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and
 - (2) the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.
- e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.44.040 Setback Requirements

In the I-1 Zone, all buildings shall be set back at least thirty (30) feet from any public street right-of-way line. A ten (10) foot wide landscaped berm is required along all public street right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

18.44.050 Height And Size Requirements

All buildings in the I-1 Industrial Zone shall be limited in height to thirty-five (35) feet. No buildings taller than thirty-five (35) feet shall be permitted in the I-1 Industrial Zone except as recommended by the Planning Commission pursuant to approval as a conditional use and approved by the City Council.

Upon application for a conditional use to exceed the thirty-five (35) foot height limitation for developments, the Planning Commission shall consider at a minimum, but shall not be limited to the following mitigating options and building restrictions as requirements for such conditional use permits.

- A. Airport land zone height restrictions.
- B. Proximity to residential zones.
- C. Access to solar, air, and light for nearby properties.
- D. Building design (roof height step downs, eaves).
- E. Roof design.
- F. Aesthetics.
- G. Compatibility with adjoining properties.

No building that receives a conditional use permit shall be approved over 60 feet in height.

18.44.060 Special Provisions

- A. Trees shall be planted along all street frontages. Trees should be planted at least one for every fifty (50) feet of street frontage.
- B. All storage doors, entrances into storage and warehousing, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.
- C. All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access.
- D. For Commercial Storage Sheds, the building elevation facing a public right-of-way shall have multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade.
- E. All outdoor lighting shall be shielded to direct light and glare only onto the premises.
- F. All off-street parking shall be hard-surfaced.
- G. Properties shall be kept in a clean and orderly manner. The storage of goods and materials shall occur within a building or behind an eight foot tall sight obscuring fence.

18.44.065 Compatibility With Residential Zones

When any industrial building or use adjoins any residential zone, a setback area containing a landscaped berm of at least four (4) foot tall and/or an eight (8) foot tall site obscuring fence shall be erected as a buffer between all industrial and residential zones, as determined by the Planning Commission. In the event the Planning Commission elects to require a landscaped berm, such berm shall contain evergreen trees at least four (4) foot tall and deciduous trees having a caliper of at least three (3) inches. In determining whether to require a fence, berm, or both, the Planning Commission shall consider at a minimum, but shall not be limited to the following factors:

- A. Compatibility with adjoining properties.
- B. The future use of the land.
- C. Intensity of industrial use.
- D. Proximity of residential units.
- E. Additional landscaping and screening.
- F. Fences and setbacks being used.

18.44.070 Supplementary Requirements

See also supplementary requirements and procedures applicable within the I-1 Industrial Zone.

18.44 I-1 Industrial Zone

- **18.44.020 – Uses:** Warehouse, business park
- **18.44.025 – Secondary Uses:** There are no secondary uses proposed.
- **18.44.040 – Setbacks:** 30' setback and 10' wide landscaped berm from public right of ways. **Complies.** The buildings are setback 30' from the sidewalk and there is a 10' berm in the 30' setback with landscaping.
- **18.44.050 – Height and Size Requirements:** 35' height maximum.
- **18.44.060 – Special Provisions:**
 - Trees shall be planted along all street frontages a minimum of 50' on center.

- All storage doors, entrances into storage and warehousing, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.
- All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access.
- For Commercial Storage Sheds, the building elevation facing a public right-of-way shall have multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade
- All outdoor lighting shall be shielded to direct light and glare only onto the premises.

Exhibit 2

WHEN RECORDED RETURN TO:
 SEB Legal Attorneys at Law
 5200 S. Highland Dr. STE 303
 Salt Lake City, Utah 84117

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 FOR
 HEBER CITY BUSINESS PARK
 (INCLUDING ASSOCIATION BYLAWS)**

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THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEBER CITY BUSINESS PARK is made and executed by Heber City Business Park, L.L.C., (hereinafter referred to as "**Declarant**"), pursuant to the provisions of the Utah Condominium Ownership Act (the "Act"), Title 57-8-1 et seq. of the Utah Code, as may be amended from time to time.

Recitals

A. Declarant is the record owner of the real property situated in Wasatch County, Utah, which is more particularly described in **Exhibit "A"** of this Declaration, attached hereto and incorporated herein by reference (the "Property");

B. The Property will have two office/industrial buildings. The Declarant desires, by filing the Declaration and the Map, to submit the Property and all improvements now or hereafter constructed thereon to the provisions of the Act as a Commercial Condominium Project to be known as Heber City Business Park;

C. The Declarant intends to sell the fee title to the individual parcels contained in the Project, subject to the following covenants, conditions, restrictions, easements and limitations herein set forth which are hereby declared to be for the benefit of the whole tract and all of the property described herein and the owners thereof, their successors and assigns;

D. These covenants, conditions, restrictions, easements and limitations will run with the said real property and will be binding on all parties having or acquiring any right, title or interest in the described real property or any part thereof and will inure to the benefit of each owner thereof and are imposed upon said real property and every part thereof as a servitude in favor of each and every parcel thereof as the dominant tenement or tenements;

E. It is intended and required that the Association will be an incorporated non-profit association pursuant to Utah's Nonprofit Corporations Act. However, the failure to incorporate will not prevent the Association from operating as an unincorporated entity;

NOW, THEREFORE, Declarant hereby executes this Declaration of Covenants, Conditions and Restrictions for Heber City Business Park so that title to all of the Property against which this Declaration has been recorded will be subject to the protective covenants, conditions and restrictions hereinafter set forth.

ARTICLE I. DEFINITIONS

When used in this Declaration (including in that portion hereof headed "Recitals" and in the Bylaws attached hereto as **Exhibit "D"**) the following terms will have the meaning indicated.

Section 1.01 Act

Act shall mean the Utah Condominium Ownership Act (Section 57-8-1, *et seq.*, Utah Code Annotated), as amended from time to time.

Section 1.02 Articles of Incorporation or Articles

Articles of Incorporation or Articles mean the Articles of Incorporation for Heber City Business Park Owners Association, Inc. ("Association"), on file with the Utah State Department of Commerce, as amended.

Section 1.03 Association

Association means the HCBA, Inc. It is intended that the Association be a Utah non-profit corporation. Failure of the Association to maintain its corporate status will not result in dissolution of the association or a waiver from renewing corporate status. Every Owner will automatically be a member of the Association. Membership in the Association will be appurtenant to the Lot in which the Owner has the necessary interest and will not be separated from the Lot to which it appertains. The Board shall govern the property, business and affairs of the Association.

Section 1.04 Board

Board means the Board of Directors or governing body of the Association as it exists at any given time.

Section 1.05 Buildings

Buildings mean all buildings and associated structures and improvements built upon and affixed to the Property at any time and from time to time.

Section 1.06 Common Areas

Common Areas means and refers to all portions of the Project that are not a Unit and which are intended for the use and benefit of the Project and/or its Owners. Common Areas will be restricted for use primarily by the Owners, their lessees, and invitees. Such Common Areas will include:

- (a) All Property necessary for the common use and enjoyment of the Owners, such as undedicated roads or streets, walks, curbing, guttering, parking stalls, landscaped spaces, trash enclosures, and any other open spaces, together with all easements appurtenant thereto.
- (b) In general, all apparatus, installations, and facilities included within the Project and existing for common use, including the walls, roofs, and all exterior parts of the buildings within the Project;
- (c) All utility installations or lines serving more than one Lot or Building.

Section 1.07 Common Expenses

Common Expenses mean all sums which are expended on behalf of all the Owners and all sums which are required by the Board to perform or exercise its functions, duties, or rights under the Act, the Project Documents or the management agreement for operation of the Project.

Section 1.08 Declarant

Declarant means Heber City Business Park, L.L.C., and/or any successors to said limited liability company which, either by the operation of law, or through a voluntary conveyance, transfer, or assignment, comes to stand in the same relation to the Project (or a portion thereof) as did its predecessor, but will not include members of the public purchasing Units for individual or investment uses.

Section 1.09 Declaration

Declaration means this instrument, as amended.

Section 1.10 Eligible Mortgagee

Eligible Mortgagee means a Mortgagee which has made a written request for notice in accordance with this

Declaration.

Section 1.11 Manager

Manager means the manager (if any) retained by the Board to oversee the day-to-day operations of the Association and to enforce the covenants, conditions, and restrictions applicable to the Project. A Manager may also be a full-time employee of the Association.

Section 1.12 Map

Map means the plat map filed herewith.

Section 1.13 Mortgage

Mortgage means any mortgage, deed of trust or other security instrument by which a Lot or any part thereof is encumbered.

Section 1.14 Mortgagee

Mortgagee means a holder, insurer or guarantor of a first mortgage on a Lot or the beneficiary, insurer or guarantor of a first deed of trust on a Lot.

Section 1.15 Occupant

Occupant means any Person occupying a Unit in the Project. This includes but is not limited to all lessees, tenants, sublessees, or subtenants.

Section 1.16 Owner

Owner means the owner of the fee in a Unit as shown on the records of the Wasatch County Recorder's Office. In the event a Unit is the subject of an executory contract of sale, the contract purchaser will be considered the Owner for purposes of voting and Board membership, unless the seller and the purchaser have otherwise agreed and have informed the Board in writing of such agreement.

Section 1.17 Person

Person means a natural person, corporation, partnership, trust, limited liability company, or other legal entity.

Section 1.18 Project Documents

Project Documents means the Declaration, Bylaws, Articles of Incorporation, the Map, and Rules and Regulations.

Section 1.19 Property or Project

Property or Project means the Heber City Business Park, as identified in the Map, including the land described in **Exhibit "A,"** the buildings, all improvements and the structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property, belonging to the Association, intended for use in connection therewith.

Section 1.20 Proportionate Share

Proportionate Share means the total square footage of a Unit divided by the total square footage of all Units

combined.

Section 1.21 Unit

Unit means a separate physical part of the Property intended for independent use. Units are located within a Building and may be separately identified on the Map. Each Unit is comprised of an individual air space unit, consisting of enclosed rooms occupying part of the Building in which the Unit is located, and interior walls within the perimeter boundaries of such air space, and bounded by the interior surfaces of the walls, floors, ceilings, windows and doors along the perimeter boundaries of such air space, together with all interior partitions, fixtures and improvements contained within such air space. Furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other material constituting part of the finished surface of an interior wall, floor or ceiling on interior surfaces will be deemed to be a part of the Unit concerned; but not any other portion of such a wall, floor or ceiling not listed is part of the Building or Lot Property for the Lot in which the Unit is located. Notwithstanding the fact that they may be within the boundaries of such air space, the following are not part of a Unit insofar as they are necessary for the support or the use and enjoyment of another Unit, and will be part of the Lot Property for the Lot or the Building in which the Unit is located: (a) bearing walls (except for bearing walls located solely within the perimeter boundaries of the Unit air space); (b) common walls, floors and ceilings between Units or between a Unit and another portion of Lot Property or the Building (except for the interior surfaces of walls, floors and ceilings, which interior surfaces will be part of the Unit, as described above); (c) roofs; and (d) foundations. The interior surfaces of a window or door means the location of such surface when such window or door is closed. The internal staircases and water heaters within each of the Units (if any) are part of the respective Units and are not Lot Property or part of the Building.

Mechanical equipment, ducts, pipes, and appurtenances located within any one Unit or located outside said Unit but designated and designed to serve only the Unit, such as appliances, electrical receptacles and outlets, air conditioning compressors and other air conditioning apparatus, furnaces, boilers, water heaters, fixtures and the like, shall be considered part of the Unit. All pipes, wires, conduits, or utility lines or installations serving only the Unit shall be considered part of the Unit whether or not located within the boundary of the Unit.

Section 1.22 Unit Number

Each Unit shall be numbered as shown on the Map.

ARTICLE II. SUBMISSION

Section 2.01 Property Submitted

There is hereby submitted to the provisions of the Act, as the Property associated with the Heber City Business Park, the real property situated in Wasatch County, State of Utah, particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference; subject to the easements, reservations and other provisions set forth in said **Exhibit "A."**

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across and through and under the above-described tract and any improvements now or hereafter constructed thereon as may be reasonably necessary for Declarant or any assignee of Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): to improve the Common Areas as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservation, the above-described tract or any improvement thereon is traversed or partially occupied by a permanent improvement

or utility line, a perpetual easement for such improvement or utility line will exist. With the exception of such perpetual easements, the reservation hereby effected will, unless sooner terminated in accordance with its terms, expire three (3) years after the date on which this Declaration, or any amendment or supplement hereto, is filed for record in the office of the County Recorder of Wasatch County, Utah.

ARTICLE III. MEMBERSHIP AND VOTING RIGHTS

Section 3.01 Membership

Every Owner will be a Member of the Association. Membership in the Association will be mandatory, be appurtenant to the Unit, and will not be separated from the Unit to which it appertains.

Section 3.02 Voting Rights

(a) Members will be entitled to a number of votes equal to their total Proportional Share rounded up to the nearest whole number. All votes for each Unit must be cast as a Voting Bloc.

Section 3.03 Multiple Ownership Interests

In the event there is more than one Owner of a particular Unit, the vote relating to such Unit will be exercised as such Owners may determine among themselves. A vote cast at any Association meeting by any of such Owners, whether in person or by proxy, will be conclusively presumed to be the vote attributable to the Unit concerned unless an objection is immediately made by another Owner of the same Unit. In the event such an objection is made, the vote involved will not be counted for any purpose whatsoever other than to determine whether a quorum exists.

Section 3.04 Record of Ownership

Every Owner shall promptly cause to be duly filed of record the conveyance document (or in the case of contract buyer, a copy of the sales contract) to its Unit. Each Owner shall file a copy of such conveyance document (or contract) with the Association.

ARTICLE IV. ENFORCEMENT

Section 4.01 Compliance

Each Occupant of a Unit and all Owners shall comply with the provisions of the Project Documents and any applicable statute. Failure to comply therewith will be grounds for sanctions (i.e., fines) and/or an action or suit maintainable by the Association or by an aggrieved Owner.

Section 4.02 Remedies

Violation of any provisions of the Project Documents, or of any decision of the Association made pursuant to such documents, will give the Board acting on behalf of the Association, in addition to any other rights set forth in the Project Documents, or under law, to do any or all of the following after giving notice and an opportunity to be heard:

(a) After fifteen (15) days written notice, to enter any Unit which or as to which such violation exists and to summarily abate and remove, at the expense of the defaulting Owner or Occupant, any structure, thing, or condition that may exist contrary to the intent and meaning of such provisions, and the Board will

not thereby be deemed guilty of any manner of trespass, provided that judicial proceedings are instituted before any items of construction are altered or demolished;

(b) To enjoin, abate, or remedy such thing or condition by appropriate legal proceeding;

(c) To levy reasonable fines pursuant to a schedule of fines adopted by resolution of the Board a copy of which has been delivered to each Owner in accordance with the Bylaw provisions for notice;

(d) The right of the Association to suspend the voting rights of the Owners, after notice and a hearing, for any infraction of any of the published rules and regulations of the Association or of this Declaration until such time as the infraction is cured;

(e) Bring suit or action against the Owner or Occupant on behalf of the Association and other Owners to enforce the Project Documents.

Section 4.03 Action by Owners

Subject to any limitation imposed under this Declaration, the Bylaw or Utah law, an aggrieved Owner may bring an action against such other Owner, Occupant, or the Association, to recover damages or to enjoin, abate, or remedy such thing or condition by appropriate legal proceedings.

Section 4.04 Injunctive Relief

Nothing in this section shall prevent an Owner, the Association, or any other interested party from resorting to a court of competent jurisdiction in those instances where injunctive relief may be appropriate.

Section 4.05 Hearings

The Board shall, by resolution, promulgate procedures for hearings. When a hearing is requested or required, the hearing will be conducted in accordance with the Board's resolution on hearings.

ARTICLE V. IMPROVEMENTS

Section 5.01 Description of Improvements

The improvements included in the Project are now located or will be located on the Property described in said **Exhibit "A,"** and all such improvements are described on the appropriate Map.

Section 5.02 Description and Legal Status of Units

The Map shows the Units and building designation, their locations, dimensions from which its area may be determined, and the Common Areas to which each Unit has immediate access, if any. All Units will be capable of being independently owned, encumbered, and conveyed.

Each conveyance or installment contract for the sale of a Unit and every other instrument affecting title to a Unit may describe that Unit by the number shown on the Map with appropriate reference to the Map and to this Declaration, as each will appear on the records of the County Recorder of Wasatch County, State of Utah, and in substantially the following form:

"Unit ___ shown in the Map for the Newport Business Park, appearing in the records of the Wasatch County Recorder, as Entry No. ___, Map No. ___ and as identified and described in the Declaration of Covenants, Conditions and Restrictions, as amended and supplemented, appearing as Entry No. ___, of the official

records of Wasatch County Recorder and Map. This conveyance is subject to the Provisions of the aforesaid Declaration, including any amendments thereto.”

ARTICLE VI. COMMON AREAS; UNIT MAINTENANCE

Section 6.01 Common Areas

(a) The Common Areas contained in the Project are described and identified in this Declaration and the Map.

(b) The use of the Common Areas will be limited to the Owners and Occupants in residence and to their guests, invitees and licensees.

The use of the Common Areas will be governed by the Declaration and the Rules and Regulations as initially established by Declarant and as adopted and amended from time to time by the Board.

Section 6.02 Maintenance of Parking Areas and Sidewalks

The Association will be responsible to maintain, repair and replace all parking areas, sidewalks, curbs, drainage gutters, and paved cement or asphalt areas within the Project, including but not limited to lighting fixtures and apparatuses that are not affixed to a building (the “Parking Areas”). To avoid doubt, the intent of this provision is to require that the Association maintain, repair, and replace all sidewalks or paved areas, including light fixtures not affixed to a building.

ARTICLE VII. GENERAL AND SPECIFIC EASEMENTS

Section 7.01 Easement for Encroachment

If any part of the Common Areas encroaches on a Unit or Units, an easement for such encroachment and for the maintenance for the same will be deemed to exist. If any part of a Unit encroaches or hereafter encroaches on the Common Areas, or upon an adjoining Unit, an easement for such encroachment and for the maintenance will be deemed to exist.

Section 7.02 Right of Ingress, Egress

Each Owner, Occupant, guest, or invitee, will have the right to ingress and egress over, on and across the Common Areas as necessary for access to its Unit. To the extent that the foregoing easements pertain to Owners, such rights will be appurtenant to and pass with the title to each Unit.

Section 7.03 Easement to Board and Manager

The Board and Manager will have non-exclusive easements to make such use of the Property for each Unit and the Common Areas as may be necessary or appropriate to perform the duties and functions which it is obligated or permitted to perform pursuant to this Declaration. The Board will have a right of access to each Unit and to inspect the same, and to remove violations therefrom.

Section 7.04 Easement for Utility Services

There is hereby created a blanket easement upon, across, over and under the property described in “**Exhibit A**” for ingress, egress, installation, replacing, repairing and maintaining all utilities, including but not limited to, water, sewers, gas, telephones, electricity, and other utility services.

ARTICLE VIII. USE RESTRICTIONS

Section 8.01 Use of Units

Each of the Units in the Project is limited to office, retail, manufacturing, and/or warehouse use only. Each Unit and Owner is subject to the uses and restrictions imposed by such restrictions.

Section 8.02 Prohibited Uses

No portion of the Project may be developed or occupied for any use which is in violation of the ordinances, laws, and regulations of any governmental entity.

Section 8.03 No Obstruction of Property or of Common Areas

There must not be any obstructions of the Property, Unit, or of the Common Areas by the Owners or Occupants, or their tenants, guests or invitees without the prior written consent of the Board. The Board may enact Rules and Regulations to prohibit or limit the use of the Common Areas as may be reasonably necessary for protecting the interests of all the Owners or protecting the Unit, Units, or the Common Areas.

Nothing will be kept or stored on any part of the Common Areas without the prior written consent of the Board, except as specifically provided herein. Nothing will be altered on, constructed in, or removed from the Common Areas except with the prior written consent of the Board.

Section 8.04 Cancellation of Insurance

Nothing will be done or kept in any Unit, or in the Common Areas, or any part of any of the foregoing which would result in the cancellation of the insurance held by any Owner in the Project or increase of the rate of the insurance for any Owner.

Nothing will be done or kept in any Unit, or in the Common Areas, or any part of any of the foregoing which would be a violation of any statute, rule, ordinance, regulation, permit, or other validly imposed requirement of any governmental body. No damage to, or waste of, the Common Areas or any part of any of the foregoing will be committed by any Owner or any invitee of any Owner, and each Owner will indemnify and hold the Board and the Owners harmless against all loss resulting from any such damage or waste caused by it, its guests, or its invitees.

No noxious, destructive, or offensive activity will be carried on in any Unit, on the Property, or in the Common Areas, or any part of any of the foregoing, nor will anything be done therein or thereon which may be or may become an annoyance or nuisance to any other Owner or to any person at any time lawfully residing in the Project.

Section 8.05 Rules and Regulations

No Owner or Occupant will violate the Rules and Regulations for the use of the Common Areas as adopted from time to time by the Board. Said Rules and Regulations will be adopted and enforced pursuant to the terms of Utah's Condominium Ownership Act, as amended.

Section 8.06 Window Coverings

Under no circumstances will any cardboard or tinfoil be used as window coverings in the Project.

Section 8.07 Signs

No signs whatsoever will be erected or maintained in the Common Areas without the prior written consent of the Board.

Section 8.08 Storage and Parking of Vehicles

The Board shall make parking rules and regulations. The Board may, at its sole discretion, assign parking spaces via resolution and may thereby alter and adjust easement rights held by the Owners as long parking spaces are assigned in proportion roughly equal to each Owner's Proportionate Share. Motor Vehicles parked in unauthorized areas or in violation of the parking rules and regulations established by the Board, may, at Owner's expense, be towed away. The Board shall follow all municipal ordinances and codes regarding towing enforcement prior to towing a vehicle.

All parking spaces shall be used for the purpose of parking operable and licensed motor vehicles and shall not be used as storage facilities.

ARTICLE IX. BOARD: POWERS, COMPOSITION

Section 9.01 Status and General Authority of Board

Notwithstanding anything herein contained to the contrary, the Project will be managed, operated, and maintained by the Board exclusively as agent of, and in the name of, the Association and any act performed by the Board pursuant to the Project Documents, as the same may be amended from time to time, will be deemed to be performed by the Board for and on behalf of the Association as its agent.

Any instrument executed by the Board that recites facts which, if true, would establish the Board's power and authority to accomplish through such instrument what is purported to be accomplished thereby, will conclusively establish said power and authority in favor of any person who in good faith and for value relies upon said instrument.

Section 9.02 Composition of Board and Selection Thereof

The Board will be established in accordance with the Bylaws.

ARTICLE X. ASSESSMENTS

Section 10.01 Covenant for Assessment

By accepting a deed or other conveyance, each Owner covenants and agrees to pay the Association all regular assessments, special assessments, supplemental assessments, individual assessments, late penalties, and collection costs (including attorney's fees) whether or not a lawsuit is commenced. No Owner may exempt themselves from liability for assessments by abandonment of their Unit, failure of the Association to maintain the Common Areas, or non-use of the Common Areas. Except for foreclosures, the personal obligation for unpaid assessments, late fees, interest, and collection costs, including attorney's fees, will pass to the successor in title. A successor in title is entitled to a statement from the Association setting forth the amounts due by the prior owner. The amounts set forth in the statement will be binding upon the Association. If an Owner loses their Unit to foreclosure or voluntarily conveys it, they will remain personally liable for unpaid assessments, late fees, interest, and collection costs (including attorney's fees).

Section 10.02 Annual Budget

The Board shall prepare an annual budget for the Association. The annual budget will provide for: the maintenance, repair, and replacement of the Common Areas; maintenance of other areas required to be maintained by the Association; all other Common Expenses; and the administration, management, operation, and reserves of the Association. If the Board fails to adopt an annual budget, the last adopted budget will continue in effect.

Section 10.03 Reserve Account

The Association shall establish a reserve account to fund long-term maintenance and replacement items. The Board shall use reasonable efforts, subject to the Owners rights under the Act, to fund the reserve account. The Board will not be personally liable for failure to fund the reserve unless gross negligence or intentional misconduct is proven in a court of law.

Section 10.04 Regular Assessment

The Association may collect the regular assessment on an annual basis, semi-annual basis, quarterly basis, or monthly basis. Written notice of the regular assessment amount and payment schedule will be sent to Owners at least 30 days in advance of the beginning of the fiscal year for which the regular assessment will be due. Apart from the initial notice of regular assessment, the Association is not obligated to send periodic invoices for regular assessments. If the Board fails to adjust a regular assessment, the amount of the last regular assessment and payment schedule will continue in effect, whether or not notice is sent. Each Owner shall pay for their Proportionate Share of Regular Assessments.

Section 10.05 Special Assessment

The Association may levy a special assessment for the purpose of defraying in whole or in part the cost of any construction, reconstruction, maintenance, repair, or replacement of the Common Areas or any other areas which are the responsibility of the Association. Each Owner shall for their Proportionate Share of Special Assessments.

Section 10.06 Supplemental Assessment

If the regular assessments are inadequate to pay the Common Expenses, the Board shall determine the amount of the shortfall. Once the amount of the shortfall is determined, the Board shall adopt a supplemental budget. The Association may levy a supplemental assessment to fund the supplemental budget. The Association may levy a supplemental assessment up to 50% of the original annual budget without approval from the Owners. If a supplemental assessment exceeds 50% of the original annual budget, it must be approved by a majority of a quorum of Owners. Each Owner shall pay for their Proportionate Share of Supplemental Assessments.

Section 10.07 Individual Assessment

Any expenses attributable to less than all the Units may be assessed exclusively against the affected Units. Individual assessments include, without limitation:

- (a) Assessments levied against a Unit to reimburse the Association for costs incurred in correcting a violation of the Project Documents;
- (b) Fines, late fees, interest, collection costs (including attorney's fees);
- (c) Services provided to a Unit due to an Owner's failure to maintain, for emergency repairs, or to

protect the health, safety, and welfare of adjoining Units and Common Areas;

- (d) Reinvestment or transfer fees due at the transfer of a Unit; and
- (e) Any charge described as an individual assessment by the Project Documents;

Section 10.08 Apportionment of Assessments

Regular, special, and supplemental assessments will be apportioned based on the total combined Proportionate Share of each Owner. Individual assessments will be apportioned exclusively to the Units benefitted or affected.

Section 10.09 Nonpayment of Assessment

Assessments not paid within 10 days after the due date established by the Board will be late and subject to interest at 18% per annum on any delinquent balance and a \$25.00 late fee. Late fees may only be charged once per missed payment.

Section 10.10 Application of Payments

Payments will be credited first to collection costs (including attorney's fees), then to interest and late fees, then to the oldest assessments, then the most recent assessments.

Section 10.11 Acceleration

If an Owner fails to pay their assessments for 61 days or more, the Board may elect to accelerate the remainder of the Assessments due that year.

Section 10.12 Suspension of Voting Rights

If an Owner has a delinquent assessment balance, the Association may suspend their right to vote.

Section 10.13 Lien for Assessment

All assessments, late fees, interest, and collection costs (including attorney's fees) not timely paid will be a charge and continuing lien upon each Lot against which the assessment is made. The Association shall file a notice of lien with the county recorder as evidence of nonpayment.

Section 10.14 Enforcement of Lien

Without waiving its right to personally pursue an Owner for unpaid assessments, the Association may foreclose its lien in the same manner as deeds of trust, mortgages, or any other manner permitted by Utah law.

Section 10.15 Appointment of Trustee

The Owners hereby convey and warrant pursuant to U.C.A. Sections 57-1-20 and 57-8a-302 to a member of the Utah State Bar, with power of sale, the Unit and all improvements to the Lot for the purpose of securing payment of assessments under the terms of the Declaration.

Section 10.16 Subordination of Lien

A lien for assessments will be subordinate to a first Mortgage now or hereafter placed upon a Unit. The sale of a Unit pursuant to foreclosure of a first Mortgage will extinguish the lien for assessments which became due prior to the foreclosure sale. A foreclosure will not relieve the purchaser's obligation to pay

six (6) months of assessments, late fees, and penalties.

ARTICLE XI. INSURANCE

Section 11.01 Types of Insurance Maintained by the Association

Commencing not later than the date a Unit is conveyed to a Person other than Declarant, the Association will have the authority to and shall obtain and maintain, to the extent reasonably available, the insurance specified below:

The Board may adopt General Insurance Rules, Policies, and Procedures intended as a guide for Owners and Occupants in order to maintain the insurability of the Project, keep the insurance premium reasonable, and enforce the maintenance responsibilities of the individual owners. The Association shall obtain the following insurance coverages (“The Association Master Policy”):

D&O. Directors and officers in an amount acceptable to the Board; and

Fidelity Bond. Fidelity bond or equivalent insurance, in an amount not less than the reserves and operating capital of the Association.

Section 11.02 Insurance Company.

The Association shall use a responsible insurance company or companies duly qualified and licensed in the State of Utah.

Section 11.03 Premium as a Common Expense.

The premium for the Association’s insurance; including but not limited to: directors and officers, and fidelity bond coverage is to be a Common Expense.

Section 11.04 Insurance by Owner.

Each Owner shall obtain and maintain the following types of insurance coverages:

Public Liability Insurance. Each Owner shall obtain public liability insurance for its Unit which covers all of that Owner’s Unit, including any portions of the Common Areas which is located on the Owner’s Unit, and shall provide the Association with a Certificate of Insurance upon request;

Building Coverage. Each Owner shall have property, fire, and extended hazard insurance for the full replacement value of their Unit and any Common Right or Way or structures thereon;

Premium. The insurance premium on the Owner’s policy must be paid by the Owner.

Maintenance of Coverage. The Owner shall obtain and keep in full force and effect at all times the required insurance coverage provided by companies duly authorized to do business in Utah.

Not a Limitation. The provisions of this subsection will not be construed to limit the power or authority of the Owner to obtain and maintain insurance coverage in addition to any insurance coverage required hereunder, in such amounts and in such forms as he may deem appropriate.

Default. If an Owner fails to maintain the required insurance or fails to provide a Certificate of Insurance within three (3) days of a request and fails to remedy a default within ten (10) days of written notice, the Association may but is not obligated to, without further notice, purchase the required insurance and treat the cost as an Individual Assessment.

Section 11.05 Insurance of Lost Rents.

Providing insurance to cover lost rents or rental income is the responsibility of the individual Owner or Occupant.

Section 11.06 Damages.

Each Owner is responsible for the maintenance of its Unit and for the repair of any damage he causes to another Unit, the Parking Areas, or Common Areas.

Section 11.07 Damage to Project

In the event of damage of or destruction to all of the improvements in the Project, the following procedures will apply:

(a) If proceeds of the insurance maintained by the Owners is alone sufficient to repair or reconstruct the damage or destroyed improvement, such repair or reconstruction will be carried out and paid through the insurance of the affected Owners.

(b) If less than 75% of the Project's improvements are destroyed or substantially damaged, and if the proceeds of the insurance maintained by the Owners are not alone sufficient to accomplish repair or reconstruction, restoration of the Common Areas and all improvements thereon will be carried out and all the Owners will be assessed pro rata for any deficiency, with such pro rata determination to be made by placing the number of square feet of on an Owner's Unit or Units in the numerator and the total number of square feet in all the Units in the Project in the denominator, and multiplying the resulting fraction by the amount of the deficiency. The Association will not be responsible for the repair and restoration of any Buildings or other elements of the Owners' Unit or personal property that are not part of the Common Areas.

(c) If 75% or more of the Project's improvements or Common Areas are destroyed or substantially damaged, and if proceeds of the insurance maintained by the Owners are not alone sufficient to accomplish restoration, and if the Owners within 100 days after the destruction or damage by a vote of at least 65% elect to repair or reconstruct the affected improvements or Common Areas, restoration shall be accomplished in the manner directed under subparagraph (b) above.

(d) If 75% or more of the Project's improvements are destroyed or substantially damaged, and if proceeds of the insurance maintained by the Owners are insufficient to accomplish restoration, each Owner will be responsible for any costs above that which is covered by insurance to repair and restore all Buildings structures on that individual Owner's Unit. If any Owner does not, within 100 days after the destruction or damage, elect to repair or reconstruct the affected Unit, the Board may elect to undertake said repair or reconstruction work on the Owner's Lot and may levy an individual special Assessment on said Owner for the costs incurred therein.

(e) Any reconstruction or repair which is required to be carried out by this Article regarding the extent of damage to or destruction of Project improvements will be made by three appraisers selected by the Board.

The decision of any two such appraisers will be conclusive.

ARTICLE XII.MORTGAGEE PROTECTION

Section 12.01 Notices of Action

Eligible Mortgagees, upon written request to the Association, which request must contain the name and address of the Mortgagee and a description of the applicable Unit, will be given timely notice of the following:

Any proposed amendment to the Project Documents effecting a change in:

- (a) The boundaries of any Unit or the exclusive easement rights appertaining thereto;
- (b) The interests in the Common Areas appertaining to any Unit or the liability for Common Expenses appertaining thereto;
- (c) The number of votes in the Association appertaining to any Lot; or
- (d) The purposes to which any Unit or the Common Areas are restricted.
- (e) Any proposed termination of the Declaration or Project;
- (f) Any condemnation loss or any casualty loss which affects a material portion of the Project or which affects any Lot on which there is a mortgage held, insured or guaranteed by an Eligible Mortgagee;
- (g) Any delinquency in the payment of assessments or charges owed by an Owner of a Unit subject to the mortgage of the Mortgagee where such delinquency has continued for a period of at least sixty (60) days;
- (h) Any lapse, cancellation or material modification of any insurance policy required to be maintained by the Owners or Association under this Declaration.

Section 12.02 Eligible Mortgagees

Any Mortgagee failing to provide the Association with a written request for notice will not be an Eligible Mortgagee and will lose its entitlement to notice, and any other rights extended to Eligible Mortgagees in the Project Documents until such time as it provides the Association with a proper written request for notice.

ARTICLE XIII. AMENDMENTS

Section 13.01 Amendment/Termination

Owners representing at least sixty-five (65%) of the votes of the Association will be required to terminate or amend the Declaration.

Section 13.02 Amendment Effective Date

No amendment to this Declaration will be effective until it has been duly recorded in the County Recorder's Office.

ARTICLE XIV. MISCELLANEOUS

Section 14.01 Votes Without a Meeting

Notwithstanding anything to the contrary, in those cases in which the Project Documents requires the vote of a stated percentage of the Owners for the authorization or approval of a transaction, such requirement may be fully satisfied by obtaining the necessary percentage of votes in any manner authorized by the Bylaws.

Section 14.02 Service of Process

The registered agent of the Association, as described on the Utah State Department of Commerce's records is the person authorized to receive service of process in cases authorized by the Act.

If the corporate status of the Association expires, then the President of the Board will be the successor substitute process agent. If the corporate status expires, the Board will specify such successor or substitute agent and its address by written instrument to be kept at the Association's principal place of business.

Section 14.03 Duty of Owner to Pay Taxes on Lot Owned

It is understood that under the Act each Unit in the Project is subject to separate assessment and taxation of each taxing authority and the special district(s) for all types of taxes and assessments authorized by law, and that as a result thereof, no taxes will be assessed or levied against the Project as such, except for certain personal properties thereof. Accordingly, each Owner shall pay and discharge any and all taxes and assessments which are assessed against it on its Unit.

Section 14.04 Covenants to Run With Land; Compliance

This Declaration and all the provisions hereof will constitute covenants which run with the land and constitute equitable servitudes, as the case may be, and will be binding upon and will inure to the benefit of the Association, all parties who hereafter acquire any interest in or occupy a Unit or any part of in the Project, and their respective grantees, transferees, heirs, devisees, personal representatives, successors, assigns, guests and invitees. Each Owner or Occupant of a Unit shall comply with, and all interests in all Units will be subject to, the terms of the Act, the terms of the Project Documents, agreements, instruments, and determinations adopted pursuant thereto, (hereinafter referred to collectively as the "Declaration"), and failure to comply will be grounds for an action to recover sums due for damages or injunctive relief or both, maintainable by the Board on behalf of the Association, or, in a proper case, by an aggrieved Owner. By acquiring any interest in a Unit, each Owner consents and agrees to be bound by and subject to every provision of the Declaration. By occupying a Unit, each Occupant consents and agrees to be bound by and subject to every provision of the Declaration. Should the Association be required to act hereunder or by applicable law, whether such remedy is pursued by filing a lawsuit or otherwise, the Association may recover all costs and expenses, including reasonable attorney fees, which may arise or accrue.

Section 14.05 Information Regarding Transferee of Lot

Any Owner who sells, leases, or otherwise disposes of its Unit shall submit to the Board pertinent information concerning the transferee or new occupant within one week of any transfer of title or possession on a form furnished by the Board.

Section 14.06 Indemnification of Board

Each member of the Board will be indemnified and held harmless by the Owners against all costs, expenses, and fees, reasonably incurred by them in connection with any proceeding to which he may become involved by reason of its negligent act or omission in relation to their being a member of said Board.

Section 14.07 Invalidity

The invalidity of any provisions of this Declaration, or any portion thereof, will not be deemed to impair or affect in any manner the validity, enforceability, or effect of the remainder of this Declaration and, in such event, all of the other provisions of this Declaration will continue in full force and effect as if such invalid provision had never been included herein.

Section 14.08 Waiver

No provision contained in this Declaration will be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 14.09 Gender

The use of the masculine gender in this Declaration shall be deemed to refer to the feminine gender and the use of the singular shall be deemed to refer to the plural, and vice versa, whenever the context so requires.

Section 14.10 Topical Headings

The headings appearing at the beginning of the paragraphs of this Declaration are only for convenience of reference and are not intended to describe, interpret, define, limit, extend, or otherwise affect the content, meaning or intent of this Declaration or any paragraph or provision hereof.

Section 14.11 Conflicts

This Declaration is set forth to comply with the requirements of the Act. In the event of any conflict between this Declaration and the provisions of the Act, the provisions of the latter will control.

Section 14.12 Effect of Recorded Instruments

At any point in time, the Declaration and the Map concerning each phase which is then a part of the Project will constitute the constituent parts of a single Declaration and Map affecting the Project. Accordingly, in the event the provisions of the separate instruments conflict irreconcilably, the terms of that instrument which is last recorded shall control.

Section 14.13 Effective Date

This Declaration shall take effect upon recording in the office of the Wasatch County Recorder.

ARTICLE XV. DECLARANT RIGHTS

In addition to any other rights under the Governing Documents, as long as Declarant owns at least one Unit within the Property, Declarant has the following rights, as long as Declarant's ownership of a Unit within the Project is continuous:

Section 15.01 Administrative Control of Association

Declarant shall assume full administrative control of the Association through an appointed interim Board, which shall serve until the Turnover Meeting. The Turnover Meeting will be held at the Declarant's option

and sole discretion but will not be held later than three (3) years from the date the last Unit to be developed on the Property is sold. Declarant may elect to relinquish control of the Association at an earlier time by written notice to the Owners and the Turnover Meeting will be held within ninety (90) days of such notice.

Section 15.02 Declarant Exemption

Unless specifically and expressly bound by a provision of the Governing Documents, Declarant will be exempt from the provisions of the Governing Documents.

Section 15.03 Easements Reserved to Declarant

(a) The reservation to Declarant, its successors and assigns, of non-exclusive easements and rights of way over those strips or parcels of land designated or to be designated on the Map as "public utility easement," or otherwise designated as an easement area over any road or Common Area on the Project, and over those strips of land running along the front, rear, side and other Lot lines of each Lot shown on the Map.

(b) An easement for the installation, construction, maintenance, reconstruction and repair of public and private utilities to serve the Property and the Units therein, including but not limited to the mains, conduits, lines, meters and other facilities for water, storm sewer, sanitary sewer, gas, electric, telephone, cable television, and other public or private services or utilities deemed by Declarant necessary or advisable to provide service to any Unit, or in the area or on the area in which the same is located, together with the right.

(c) An easement granting the privilege of entering upon the Common Areas for such purposes and making openings and excavations thereon, which openings and excavations shall be restored in a reasonable period of time, and for such alterations of the contour of the land as may be necessary or desirable to affect such purposes.

(d) The reservation to Declarant and its successors and assigns, of a non-exclusive easement and right-of-way in, through, over and across the Common Area for the purpose of the storage of building supplies and materials, and for all other purposes reasonably related to the completion of construction and development of the project and the provision of utility services, and related services and facilities.

(e) The Declarant further reserves unto itself, and its successors and assigns, the right to grant easements, rights-of-way and licenses to any person, individual, corporate body or municipality, to install and maintain pipelines, underground or above-ground lines, with the appurtenances necessary thereto for public utilities, or quasi-public utilities or to grant such other licenses or permits as the Declarant may deem necessary for the improvement of the Project in, over, through, upon and across any and all of the roads, streets, avenues, alleys, and open space and in, over, through, upon and across each and every Lot in any easement area set forth in this Declaration or as shown on the Map.

(f) The Declarant reserves unto itself and its successors and assigns, the right to dedicate all of said roads, streets, alleys, rights of way or easements, including easements in the areas designated as "open space" and storm water management reservation, to public use all as shown on the Map. No road, street, avenue, alley, right of way or easement will be laid out or constructed through or across any Unit in the Project except as set forth in this Declaration, or as laid down and shown on the Map, without the prior written approval of the Board.

(g) Declarant further reserves unto itself and its successors and assigns, the right at or after the time of grading of any street or any part thereof for any purpose, to enter upon any part of the Property, provided such grading does not materially interfere with the use or occupancy of any structure built on the property, but Declarant will not be under any obligation or duty to do such grading or to maintain any slope.

(h) Declarant further reserves unto itself, for itself and any Builder and their successors and assigns, the right, notwithstanding any other provision of the Declaration, to use any and all portions of the Property other than those Units conveyed to Owners, including any Common Area which may have previously been conveyed to the Association, for all purposes necessary or appropriate to the full and final completion of construction of the Project.

*****SIGNATURES AND ACKNOWLEDGEMENT TO FOLLOW*****

(Space Below Intentionally Left Blank)

IN WITNESS WHEREOF, the Declarant, has caused this Declaration to be executed by its duly authorized officers on the _____ day of _____, 2020.

DECLARANT:

By: Ryan Dowdle, on behalf of Heber City Business Park, L.L.C.
Its: President

STATE OF UTAH)
 :ss.
County of _____)

On this ___ day of _____, 2022, personally appeared before me _____ who being by me duly sworn, did say that they are the agent of Declarant authorized to execute this Declaration.

NOTARY PUBLIC

EXHIBIT A
(Legal Property Description)

ALL OF LOT 1, HEBER CITY STORAGE SUBDIVISION AS RECORDED IN THE OFFICE OF THE WASATCH COUNTY RECORDER, SAID LOT 1 BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING SOUTH 0°06'01" EAST ALONG THE SECTION LINE 798.66 FEET AND NORTH 89°22'52" WEST 36.00 FEET FROM THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE ALONG THE PERIMETER OF SAID LOT 1, THE FOLLOWING FIVE COURSES: 1) SOUTH 0°06'01" EAST 202.01 FEET TO A POINT OF CURVATURE, 2) THENCE SOUTHWESTERLY ALONG THE ARC OF A 16.00 FOOT RADIUS CURVE TO THE RIGHT CURVE A DISTANCE OF 25.33 FEET THROUGH A CENTRAL ANGLE OF 90°43'09" (CHORD BEARS SOUTH 45°15'33" WEST 22.77 FEET), 3) NORTH 89°22'52" WEST 383.42 FEET, 4) NORTH 0°06'01" WEST 218.21 FEET, 5) SOUTH 89°22'52" EAST 399.62 FEET TO THE POINT OF BEGINNING.

CONTAINS: 87,138 SQUARE FEET OR 2.000 ACRES (2 LOTS)

EXHIBIT B
BYLAWS OF HCBA, LLC

ARTICLE I. PLAN OF UNIT OWNERSHIP

Section 1.01 Project Submission

The Property is located in Wasatch County, Utah, has been submitted to the provisions of the Act by a Declaration recorded in the Office of the County Recorder of Wasatch County, Utah, simultaneously herewith, and will hereafter be referred to as the "Project."

Section 1.02 Bylaws Applicability

The Provisions of these Bylaws are applicable to the Project as the same may be expanded as provided in the Declaration and the use, occupancy, sale, lease or other transfer thereof. All Owners of any fee or leasehold interest, all occupants or users of the Project, and the agents and servants of any of them are subject to the provisions of the Project Documents.

Section 1.03 Personal Application

All present and future Owners, tenants, future tenants, their guests, licensees, servants, agents, employees and any other person or persons who are permitted to use the facilities of the Project or any part thereof, will be subject to the Project Documents. Acquisition, rental or occupancy of any of the Units in the Project will constitute an acknowledgment that such Owner, tenant or occupant has accepted and ratified these Bylaws, the provisions of the Project Documents and will comply with them.

Section 1.04 Office

The office of the Association and of the Board will be located at the Project or at such other place as may be designated from time to time by the Board.

ARTICLE II. ASSOCIATION

Section 2.01 Composition

All of the Owners acting as a group in accordance with the Act, the Declaration, and these Bylaws, will constitute the Association. Except as to those matters which the Act specifically requires to be performed by the vote of the Owners, the administration of the Project will be performed by the Board.

Section 2.02 Voting

Each Owner will have one vote for every percent of their Proportionate Share rounded up to the nearest whole number ("Votes"). For example, if an Owner of a particular Unit has a Proportionate Share of 11.5%, that Owner would have 12 Votes. All Votes generated for a particular Unit must be cast together as a single bloc during any one vote ("Voting Bloc"). Since an Owner may be more than one person, if only one of such persons is present at a meeting of the Association that person will be entitled to cast the vote appertaining to that Unit. But if more than one of such persons is present, the vote appertaining to that Unit will be cast only in accordance with the agreement of a majority of them, and such consent will be conclusively presumed if any one of them purports to cast the vote appertaining to that Unit without protest being made immediately by any of the others to the person presiding over the meeting.

Since a person need not be a natural person, the word "person" will be deemed for the purposes of this Section to include, without limitation, any natural person having authority to execute deeds on behalf of any person, excluding natural persons, which is, either alone or in conjunction with another person or persons, an Owner.

Except where a greater number is required by the Act, the Declaration, or these Bylaws, a majority of the votes of Owners present in person or represented by proxy in good standing and entitled to vote is required to adopt decisions at any meeting of the Association.

Section 2.03 Place of Meeting

Meetings of the Association will be held at the principal office of the Association or at such other suitable place as may be designated by the Board and stated in the notice of the meeting.

Section 2.04 Annual Meeting

Annual meetings for any other purpose than the election of the Board may be held at any time on call of the President of the Board, by a majority of the Board, or by Owners representing a majority of the Owners. Notice of such meeting will be given in accordance with the provisions of the Act or the Project Documents.

Section 2.05 Special Meetings

The President shall call a special meeting of the Association if so directed by resolution of the Board or, after all of the Board has been elected by Owners, upon a petition signed and presented to the Secretary by Owners having at least one-third (1/3) of the votes of all Owners. The notice of any special meeting must state the time and place of such meeting and the purpose thereof. No business will be transacted at a special meeting except as stated in the notice.

Section 2.06 Notice of Meetings

The Secretary shall mail, by United States mail, postage prepaid, a notice of (a) each annual meeting of the Owners, at least twenty (20) days in advance of such meeting and (b) each special meeting of the Owners at least ten (10) days in advance of such meeting, stating the purpose thereof as well as the time and place where it is to be held, to each Owner of record, at such address as each Owner may have designated by notice in writing to the Secretary. All Owners must designate an address to which notices may be sent, otherwise they forfeit their right to notice. The mailing of a notice of meeting in the manner provided in this Section shall be considered service of notice.

Section 2.07 Voting Requirements

An Owner will be deemed to be in "good standing" and "entitled to vote" at any annual meeting or at any special meeting of the Association if the Owner has fully paid all due installments of assessments made or levied against it and its Unit(s) by the Board as hereinafter provided, together with all interest, costs, attorney fees, penalties and other expenses, if any, properly chargeable to it and against its Unit, at least three (3) days prior to the date fixed for such annual or special meeting.

Section 2.08 Proxies

The votes appertaining to any Unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the Owner, or, in cases where the Owner is more than one person, by or on behalf of all such persons. Such proxy will not be revocable except by actual notice to the person presiding over the meeting, by the

Owner or by any of such persons, that the proxy is revoked. Any proxy is void if it is not dated or if it purports to be revocable without notice as noted above. The proxy of any person is void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy will terminate automatically ten years after the date on the proxy, or if an Owner transfers any portion of their interest in the Unit to another person.

Section 2.09 Absentee Ballots

(a) A Member who is incapacitated, or who will be absent, on the date set for balloting may cast an absentee ballot at the place or time of balloting, or by mail, but if the vote is cast more than fourteen (14) days prior to the voting date it will not be valid.

(b) Ballot boxes containing absentee votes will be opened and the ballots tabulated at the same time and place and under the same conditions as the regular ballots. To verify the accuracy of the vote, any Owner may request that the votes be counted at a meeting of the Owners and that each vote can be inspected by any Owner at the meeting.

Section 2.10 Mail-in Ballots

(a) Any action that may be taken by the Unit Owners, except election of Board members, may be taken by written consent in accordance with the procedure established in the Utah Revised Nonprofit Corporation Act Section 16-6a-709, as amended.

(b) A combination of mail-in ballots and “in person” ballots may be used.

Section 2.11 Written Consent in Lieu of Vote

Any action that may be taken by the Owners, except election of Board members, may be taken by written consent in accordance with the procedure established in the Utah Revised Nonprofit Corporation Act Section 16-6a-707, as amended.

Section 2.12 Quorum

The presence of a majority of Owners will constitute a quorum for the adoption of decisions.

Section 2.13 Order of Business

The order of business at all meetings of the Association will be as follows: (a) roll call; (b) proof of notice of meeting; (c) reading of minutes of preceding meeting; (d) reports of officers; (e) report of special committees, if any; (f) unfinished business; and (g) new business. In its sole discretion, the Board may change the order of business.

Section 2.14 Title to Lot

Title to Units may be taken in the name of a natural person or in the names of two or more natural persons, or in the name of a corporation, partnership, association or other entity capable of holding title to real property, or any combination thereof.

Section 2.15 Conduct of Meeting

The President shall, or in his absence the Vice-President shall, preside over all meetings of the Association and the Secretary shall keep the minutes of the meeting and record in a minute book all resolutions adopted by the meeting as well as a record of all transactions occurring at such meeting.

ARTICLE III. BOARD

Section 3.01 Powers and Duties

The affairs and business of the Association will be managed by the Board which will have all of the powers and duties necessary for the administration of the affairs of the Association in accordance with the provisions of the Declaration and may do all such acts and things as are not by the Act or by these Bylaws directed to be exercised and done by the Association.

The Board will have the power from time to time to adopt any Rules and Regulations deemed necessary for the enjoyment of the Project provided such Rules and Regulations must not conflict with the Act, the Declaration or these Bylaws. The Board shall delegate to one of its members the authority to act on behalf of the Board on all matters relating to the duties of the Manager, if any, which might arise between meetings of the Board. Subject to any limitations or provisions contained in the Declaration, the Board shall:

- (a) Prepare an annual budget, which will establish the contribution of each Owner to the Common Expenses based on their Proportional Share;
- (b) Make assessments against Owners to defray the cost and expenses of the Association, establish the means and methods of collecting such assessments from the Owners, and establish the period of the installment payment of the annual assessment for Common Expenses. Unless otherwise determined by the Board, the annual assessment against each Owner for its share of the Common Expenses will be payable in equal monthly installments, each such installment to be due and payable in advance on the first day of each month for said month;
- (c) Provide for the operation, care, upkeep, replacement, maintenance and surveillance of all of the Common Areas, Parking Area, and services of the Association;
- (d) Open bank accounts on behalf of the Association and designate the signatories required therefor
- (e) Design, hire, and dismiss the personnel necessary for the maintenance, operation, repair and replacement of the Common Areas and Parking Area, and provide services for the Property, and, where appropriate, provide for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties, which supplies and equipment will be deemed the common property of the Owners;
- (f) Collect the assessments against the Owners, deposit the proceeds thereof in a bank depository which will be chosen by the Board, and use the proceeds to carry out the administration of the Property;
- (g) Make and amend Rules and Regulations respecting the use of the Property, including but not

limited to regulating use of the Parking Areas;

- (h) Make, or contract for the making of, repairs, additions, and improvements to, or alterations of, the Property and repairs to, and restoration of, the Property, in accordance with the Declaration and other provisions of these Bylaws, after damage or destruction by fire or other casualty
- (i) Enforce by legal means the provisions of the Project Documents for the use of the Property adopted by it and bringing any proceedings which may be instituted on behalf of the Owners;
- (j) Pay the cost of all services rendered to the Association or Property and not billed to Owners of individual Units;
- (k) Keep books with detailed accounts of the receipts and expenditures affecting the Property, and the administration of the Association, specifying any maintenance and repair expenses of the Common Areas and any other expenses incurred ("Records"). The Records and vouchers accrediting the entries thereupon will be available for examination by the Owners, their duly authorized agents or attorneys, during general business hours on working days at the times and in the manner that will be set and announced by the Board for the general knowledge of the Owners. All books and records will be kept in accordance with generally accepted accounting practices, and the same, upon resolution of the Association, will be audited by an outside auditor employed by the Board who will not be an Occupant of the Association, or an Owner therein. The cost of such audit will be a Common Expense. Within five (5) days of written request, a copy of the annual audit report (if applicable) will be supplied to any first mortgagee of any Unit in the Project who requests the same in writing from the Secretary.
- (l) Do other things and acts not inconsistent with the Act, the Declaration or the Bylaws, or by a resolution of the Association.

Section 3.02 Manager

The Board may employ for the Association a Manager at a compensation established by the Board, to perform such duties and services as the Board authorizes, including, but not limited to, the duties listed in the Project Documents.

The Board may delegate to the Manager all the powers granted to the Board by these Bylaws; provided that any actions by the Manager with respect to the powers set forth in paragraphs (b), (d), (f), (g) and (i), of Section 3.01 will require the written consent of the Board.

Section 3.03 Number of Board Members

The Board will be composed of one (1) to three (3) Owners' representatives. If less than three (3) Owners run for board positions, those Owners running for Office will be deemed elected to the Board. Board positions will be created and filled if more than one (1) Owner's representatives run for Board positions, up to the maximum of three (3) board positions.

Section 3.04 Selection and Term of Office of the Board

Board members will serve until the Board Member transfers any interest in their Unit, the Board Member resigns, is removed, or more than three Owners run for Office and the incumbent does not receive enough

votes to place them in the top three in votes received. Written notice will be given to the Association any time a Board Member transfers any interest in their Unit to another person.

Section 3.05 Organization Meeting

The Board will meet annually at the time and place of their choosing to elect officers of the Board.

Section 3.06 Regular Meetings

Regular meetings of the Board may be held at such time and place as are determined, from time to time, by a majority of the Board, but at least one (1) such meetings will be held during each fiscal year after the first annual meeting of the Association.

Section 3.07 Special Meetings

The President on three (3) business days' notice to each Owner may call special meetings of the Board. Such notice will be given personally, by mail or by telephone, and such notice must state the time, place and purpose of the meeting. The President or Secretary will call special meetings of the Board in like manner and on like notice on the written request of at least one (1) Board Member.

Section 3.08 Waiver of Notice

Before or at any meeting of the Board, any Board Member may, in writing, waive notice of such meeting and such waiver will be deemed equivalent to the giving of such notice. Attendance by a Board Member at any meeting of the Board will be a waiver of notice by the Board Member of the time and place thereof. If all the Board Members are present at any meeting of the Board, no notice will be required, and any business may be transacted at such meeting.

Section 3.09 Board's Quorum

At all meetings of the Board, the attending Board members will constitute a quorum if a majority of the Board is present ("Quorum") and the Board may then transact whatever business it may lawfully attend to at that meeting. At such meeting, the acts of the Board at meetings in which a Quorum is present will be the acts of the Board. If, at any meeting of the Board, there is less than a quorum present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business, which might have been transacted at the meeting as originally called, may be transacted without further notice.

Section 3.10 Vacancies

Vacancies in the Board will be filled by the next regularly scheduled election, or if less than one Board member is left to serve on the Board after the vacancy, an election will be called immediately.

Section 3.11 Compensation

Board members will not be compensated for their work. However, they may seek reimbursement for actual costs incurred associated with their service.

Section 3.12 Conduct of Meetings

The President will preside over all meetings of the Board and the Secretary (if one is serving—otherwise the President will keep the Minute Book) keep a book wherein all resolutions adopted by the Board and all transactions and proceedings that occur at meetings of the Board will be recorded ("Minute Book").

Section 3.13 Report of Board

The Board will present at each annual meeting, and when called for by vote of the Association at any special meeting of the Association, full and clear statement of the business and condition of the Project.

Section 3.14 Fidelity Bonds

The Board shall require that all officers, agents (including professional Manager and its employees) and employees of the Association handling or responsible for funds furnish adequate fidelity bonds. The premiums on such bonds will constitute a Common Expense. The Board shall provide a fidelity insurance coverage as required by the Declaration.

Section 3.15 Dispensing with Vote

Any action by the Board required or permitted to be taken at any meeting may be taken without a meeting if all the members of the Board individually or collectively consent in writing to such action. Such written consent or consents will be filed with the minutes of the proceedings of the Board.

Section 3.16 Liability of the Board

The members of the Board will not be liable to the Owners for any mistake of judgment, negligence, or other liability except for their own individual willful misconduct or bad faith. The Owners shall indemnify and hold harmless each of the Board members from and against all contractual liability to others arising out of contracts made by the Board on behalf of the Owners unless any such contract was made in bad faith or contrary to the provisions of the Declaration or these Bylaws.

ARTICLE IV. OFFICERS

Section 4.01 Designation

The principal officers of the Association are President and Secretary/Treasurer, all of whom will be elected by the Board. The same person may hold two or more offices, except that the President will not hold any other office.

Section 4.02 Election of Officers

The officers of the Association will be elected annually by the Board at the organization meeting of each Board and will hold office at the pleasure of the Board. The Board at a regular meeting or special meeting called for such purpose shall fill any vacancy in an office.

Nevertheless, the Board Members may serve as the officers of the Association, with such positions therein determined amongst themselves.

Section 4.03 Removal of Officers

The officers shall hold office until their respective successors are chosen and qualify in their stead. Any officer elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the Board, and such successor may be elected at any regular meeting of the Board, or at any special meeting of the Board called for such purpose.

Section 4.04 President

The President will be the chief executive officer; the President shall preside at meetings of the Association

and the Board and will be an ex officio member of all committees; the President will have general and active management of the business of the Association and shall see that all orders and resolutions of the Board are carried into effect.

Section 4.05 Secretary/Treasurer

If the Association has a serving Secretary, the Secretary shall attend all sessions of the Board and all meetings of the Association and record all votes and the minutes of all proceedings in a book to be kept by the Secretary for that purpose and shall perform like duties for committees when required. The Secretary shall give, or cause to be given, notice of all meetings of the Association, the Board and committees and shall perform such other duties as may be prescribed by the Board.

The Secretary shall compile and keep current at the principal office of the Association a complete list of the Owners and their last known post office addresses. This list will be open to inspection by all Owners and other persons lawfully entitled to inspect the same, at reasonable hours during regular business days. The Secretary shall keep current and retain custody of the minute book of the Association, containing the minutes of all annual and special meetings of the Association and all sessions of the Board including resolutions. If there is no serving Secretary, all duties described above in this section will be performed by the President.

The Treasurer will have the custody of all funds and securities that are not under the control of the Manager, and, with the assistance of the Manager, shall keep full and accurate records of receipts and disbursements, shall prepare all required financial data, and shall deposit all moneys and other valuable effects in such depositories as may be designated by the Board. The Treasurer shall disburse funds as ordered by the Board taking proper vouchers for such disbursements, and shall render to the President and Board members, at the regular meetings of the Board, or whenever they may require it, an account of all of the Treasurer's transactions as Treasurer and of the financial condition of the Association.

Section 4.06 Agreement, Contracts, Deeds, Checks, etc.

All agreements, contracts, deeds, leases, checks and other instruments of the Association for expenditures or obligations of over \$1,000.00 will be executed by any two officers of the Board or by such other person or persons as may be designated by the Board. All such instruments for expenditures or obligations of less than \$1,000.00 may be executed by any one officer of the Board or by such other person as may be designated by the Board.

ARTICLE V. FISCAL YEAR

Section 5.01 Fiscal Year

The fiscal year of the Association will consist of the twelve (12) month period commencing on January 1 of each year and terminating on December 31 of the same year. The fiscal year herein established may be subject to change by the Board if it deems it advisable or in the best interests of the Association.

ARTICLE VI. AMENDMENT TO BYLAWS

Section 6.01 Amendments

Except as otherwise provided in this Section, these Bylaws may be modified or amended by the Board at any time as long as the same is approved by a majority of the Board members. If there is only one Board Member, these Bylaws may be modified only if the same is approved by a majority vote by the Owners.

Section 6.02 Recording

A modification or amendment of these Bylaws will become effective only if such modification or amendment is recorded in the office of the County Recorder of Wasatch County, Utah.

Section 6.03 Conflicts

No modification or amendment of these Bylaws may be adopted which is inconsistent with the provisions of the Act or with the provisions of the Declaration. A modification or amendment once adopted and recorded as provided for herein will then constitute part of the official Bylaws of the Association and all Owners will be bound by such modification or amendment.

ARTICLE VII. NOTICE

Section 7.01 Manner of Notice

All notices, demands, bills, statements or other communications provided for or required under these Bylaws will be in writing and will be deemed to have been duly given if delivered personally or if sent by U.S. Mail, first class postage prepaid, or by email (i) if to an Owner, at the address the Owner has designated by notice in writing to the Secretary, or (ii) if to the Board or the Manager, at the principal office of the Manager or at such other address as designated by notice in writing to the Owners pursuant to this Section. The Association may also give notice via facsimile or electronic mail, to an Owner's facsimile or electronic mail address as shown on the records of the Association. Notices given by facsimile or electronic mail will be deemed received when sent.

Section 7.02 Waiver of Notice

Whenever any notice is required to be given under the provisions of the statutes, the Declaration or of these Bylaws, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether signed before or after the time stated therein, will be deemed equivalent thereto, unless such waiver is ineffective under the provisions of the Act.

ARTICLE VIII. COMPLIANCE, CONFLICT, AND MISCELLANEOUS PROVISIONS

Section 8.01 Compliance

These Bylaws are set forth in compliance with the requirements of the Act.

Section 8.02 Conflict

These Bylaws are subordinate and subject to all provisions of the Declaration and to the provisions of the Act. All of the terms hereof, except where clearly in conflict with the context of this document, will have the same meaning as they are defined to have in the Declaration or the Act. If there is any conflict between these Bylaws and the Declaration, the provisions of the Declaration will control; and in the event of any conflict between the Declaration and the Act, the provisions of the Act will control.

Section 8.03 Severability

These Bylaws are set forth to comply with the requirements of the State of Utah. In case any of the Bylaws conflict with the provisions of any of its statutes, the provisions of the states will apply. If any provisions of these Bylaws or any section, sentence, clause, phrase, or word, or the application thereof in any

circumstance are held invalid, the validity of the remainder of these Bylaws will not be affected thereby and to this end, the provisions hereof are declared to be severable.

Section 8.04 Waiver

No restriction, condition, obligation or provision of these Bylaws will be deemed to have been abrogated or waived by reason of any failure or failures to enforce the same.

Section 8.05 Captions

The captions contained in these Bylaws are for convenience only and are not part of these Bylaws and are not intended in any way to limit or enlarge the terms and provisions of these Bylaws.

Section 8.06 Gender, etc.

Whenever in these Bylaws the context so requires, the singular number shall include the plural and the converse; and the use of any gender will be deemed to include all genders.

IN WITNESS WHEREOF, the Declarant has caused these Bylaws to be executed by its duly authorized officers on the date first stated above.

DECLARANT:

By: Ryan Dowdle, on behalf of Heber City Business Park, L.L.C.
Its: President

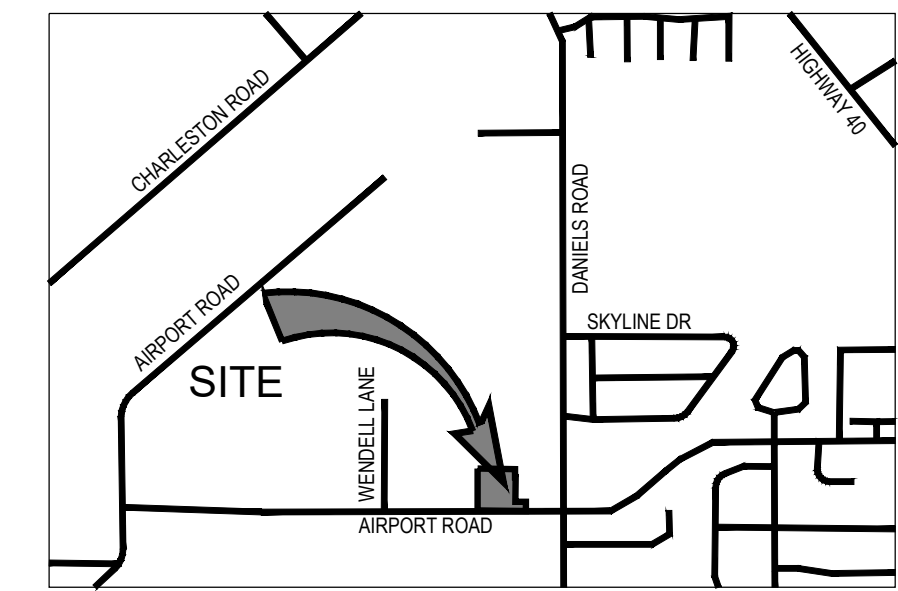
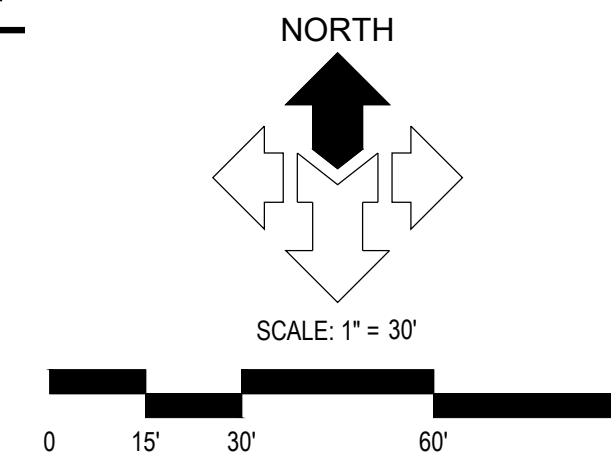
STATE OF UTAH)
 :SS
County of _____)

On this ___ day of _____, 2022, personally appeared before me _____, who being by me duly sworn, did say that they are the agents of Declarant authorized to execute these Bylaws on behalf of the Declarant.

NOTARY PUBLIC

HEBER CITY WAREHOUSE CONDOMINIUM

AMENDING LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE AND MERIDIAN
 HEBER CITY, UTAH



VICINITY MAP

SCALE: N.T.S.

SURVEYOR'S CERTIFICATE

I, DAVID B. DRAPER DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6861599, 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 PLAN AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS:

HEBER CITY WAREHOUSE CONDOMINIUM

AMENDING LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED

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

BOUNDARY DESCRIPTION

ALL OF LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED, AS RECORDED WITH THE WASATCH COUNTY RECORDER, SAID PARCEL BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1A, SAID POINT BEING SOUTH 0°06'01" EAST ALONG THE SECTION LINE 798.66 FEET AND NORTH 89°22'52" WEST 240.24 FEET ALONG THE NORTH LINE OF SAID HEBER CITY STORAGE SUBDIVISION AMENDED AND ITS EASTERLY EXTENSION FROM THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE ALONG THE PERIMETER THE FOLLOWING EIGHT COURSES: 1) SOUTH 0°37'08" WEST 42.61 FEET, 2) SOUTH 89°22'52" EAST 3.89 FEET, 3) SOUTH 0°37'08" WEST 128.08 FEET, 4) SOUTH 89°22'52" EAST 54.05 FEET, 5) SOUTH 0°37'08" WEST 47.50 FEET, 6) NORTH 89°22'52" WEST 250.59 FEET, 7) NORTH 0°06'01" WEST 218.21 FEET, 8) SOUTH 89°22'52" EAST 195.39 FEET TO THE POINT OF BEGINNING.

CONTAINS: 45,583 SQUARE FEET OR 1.046 ACRES (1 LOT)

DAVID B. DRAPER
 L.S. LICENSE NO. 6861599
 (SEAL BELOW)

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENT THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH THE BE HEREAFTER KNOWN AS:

HEBER CITY WAREHOUSE CONDOMINIUM

AMENDING LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED

AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF I (WE) HAVE HEREUNTO SET OUR HAND(S) THIS _____ DAY OF _____ A.D. 20____

AIRPORT ROAD SELF STORAGE, LLC

BY:
 ITS:

ACKNOWLEDGMENT

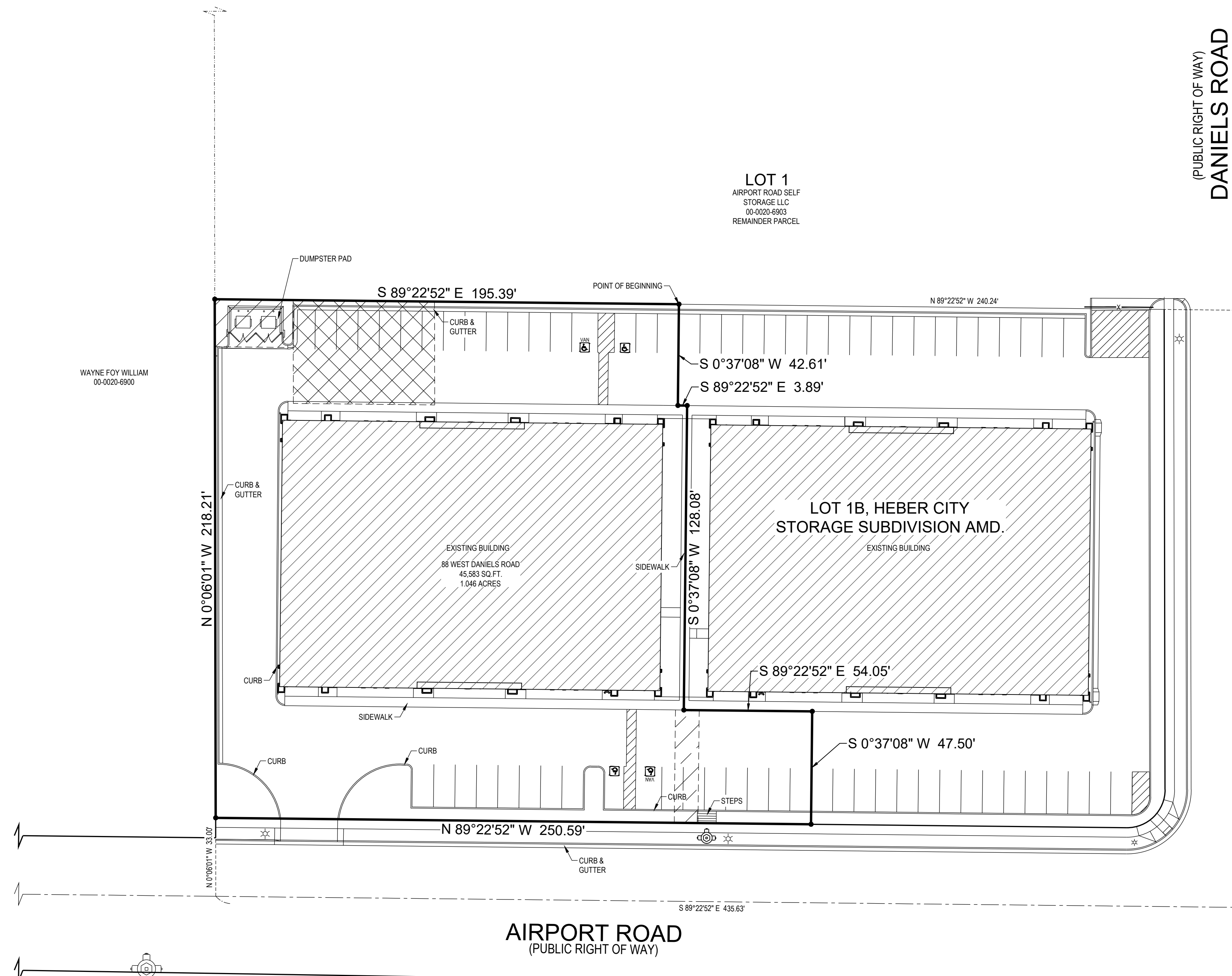
STATE OF UTAH }
 COUNTY OF SALT LAKE } S.S.
 ON THE _____ DAY OF _____ A.D., 20____, BEFORE ME _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO IN THE FOREGOING OWNER'S DEDICATION AND CONSENT TO RECORD REGARDING THE HEBER CITY STORAGE SUBDIVISION AND ACKNOWLEDGE THAT THEY EXECUTED THE SAME.
 COMMISSION NUMBER _____
 MY COMMISSION EXPIRES: _____
 PRINT NAME: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH

HEBER CITY WAREHOUSE CONDOMINIUM

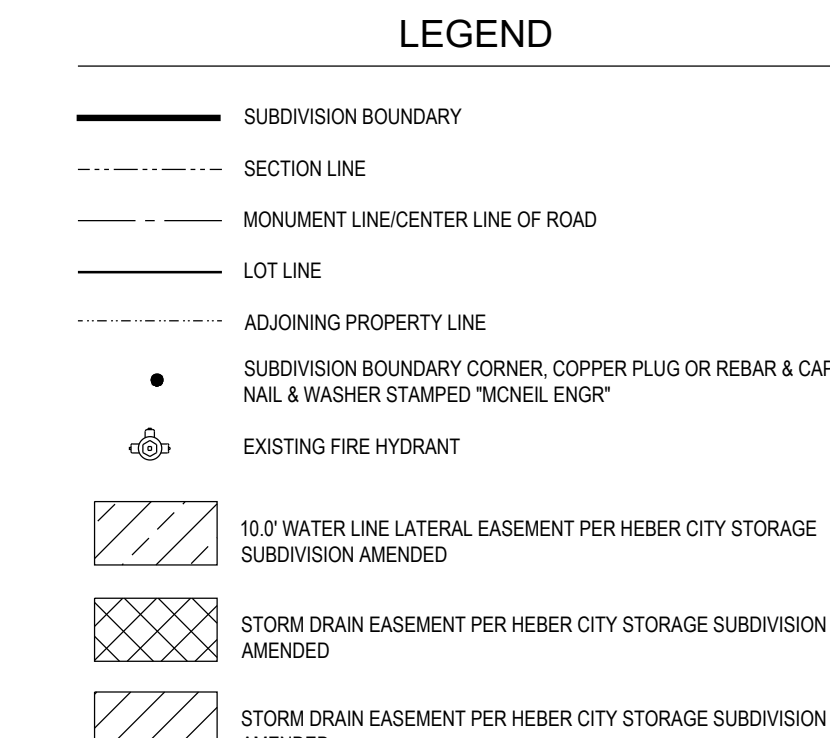
AMENDING LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE AND MERIDIAN
 HEBER CITY, UTAH

SHEET

1
 OF
 2



PUBLIC RIGHT OF WAY
 DANIELS ROAD
 BASIS OF BEARING: N 0°07'11" W 2882.27'



FOUND SOUTHEAST CORNER OF SECTION 7,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE AND MERIDIAN

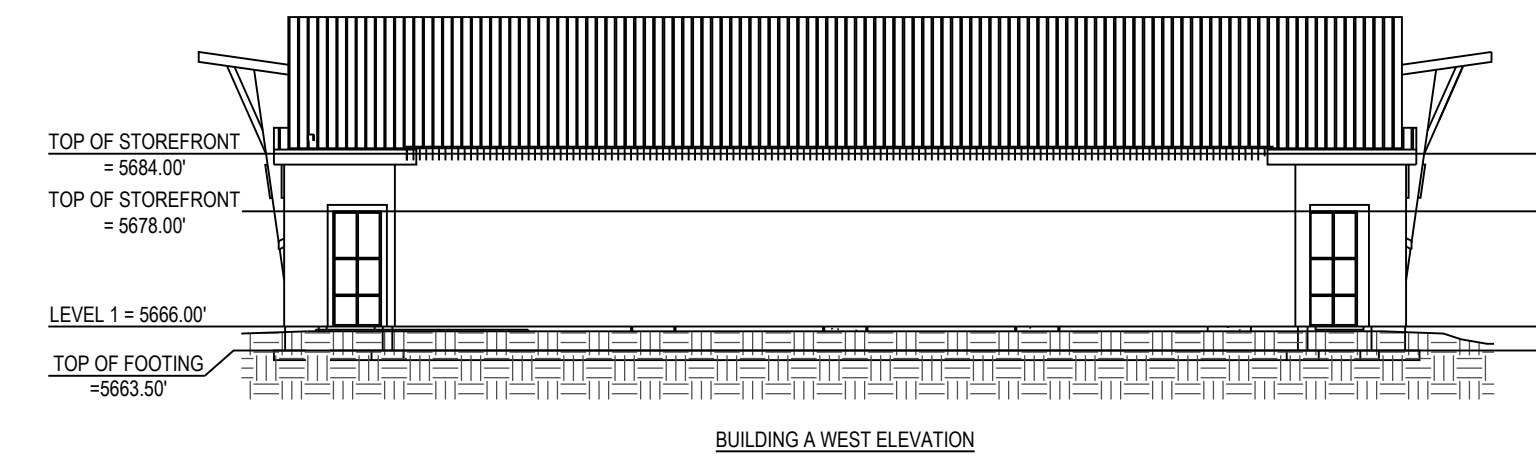
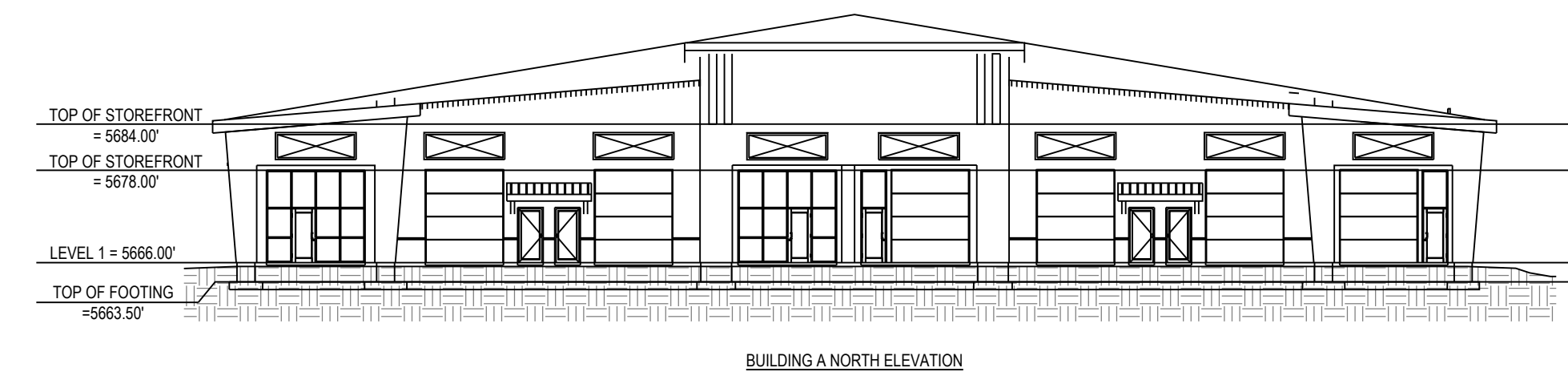
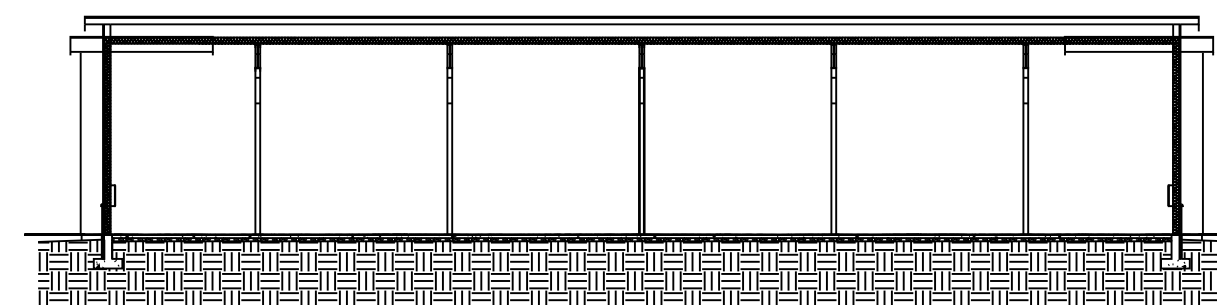
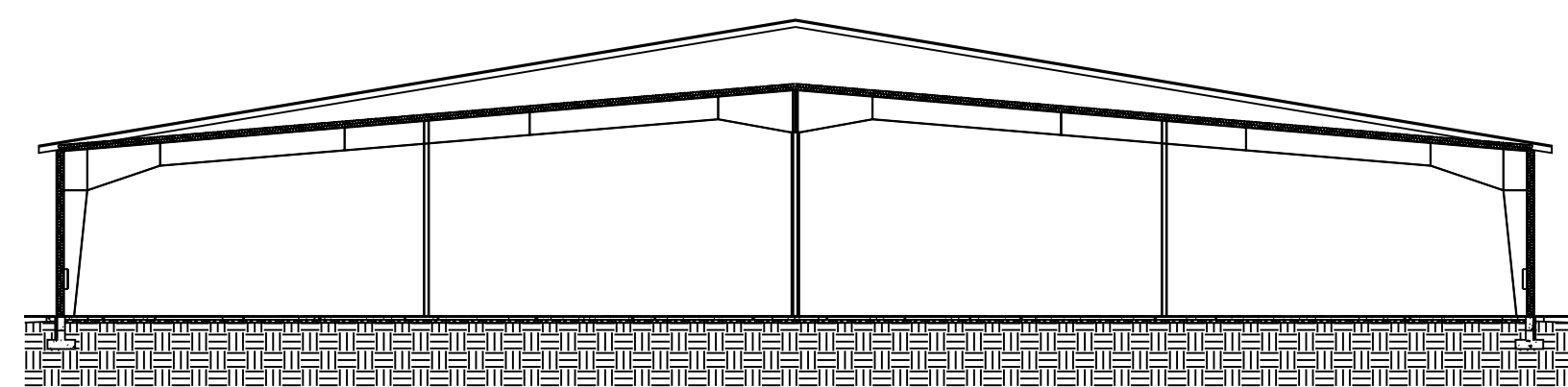
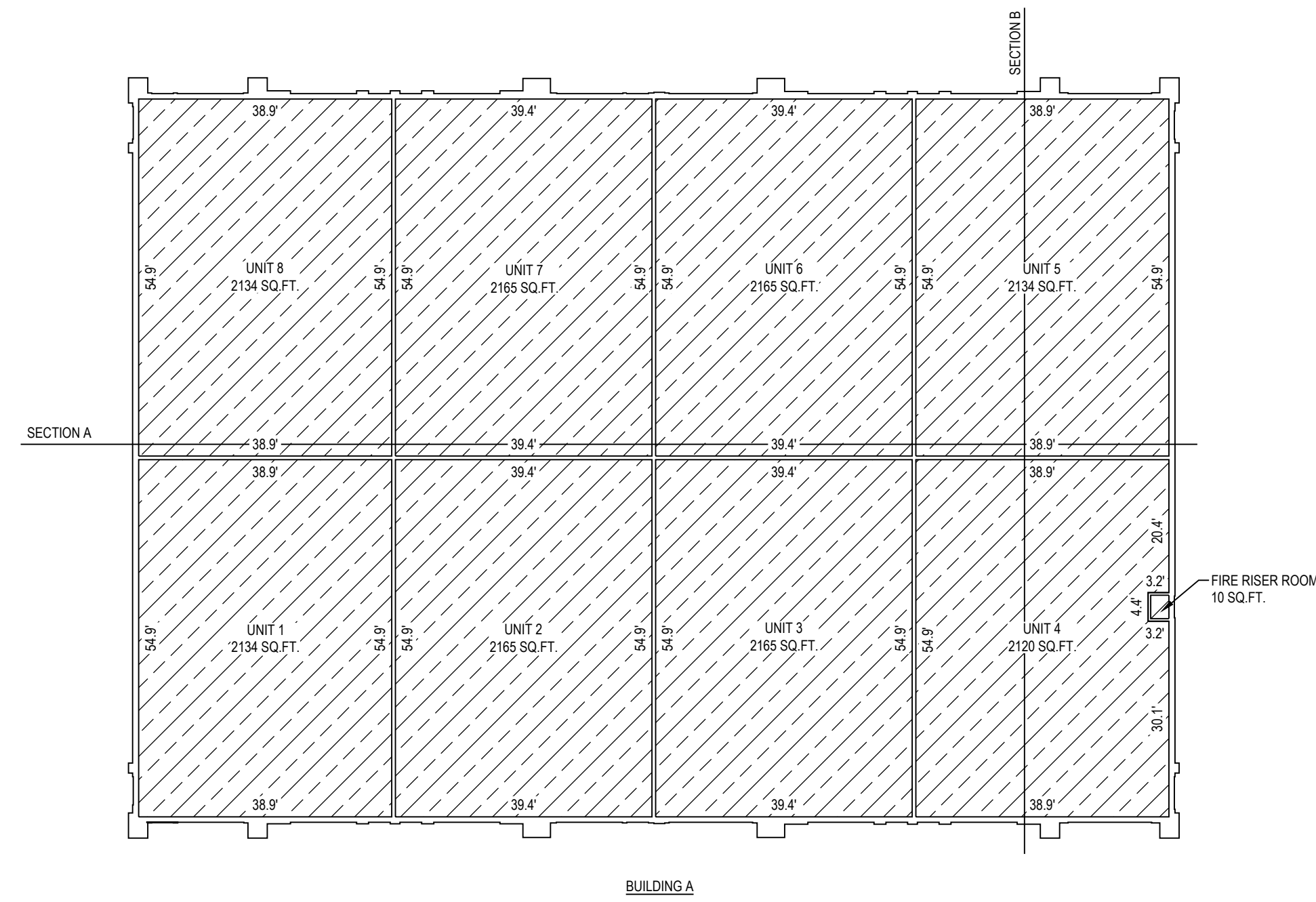
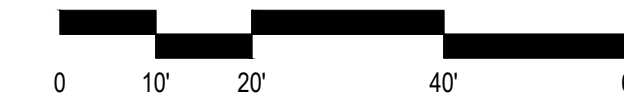
WAYNE FOY WILLIAM
 00-0020-4900

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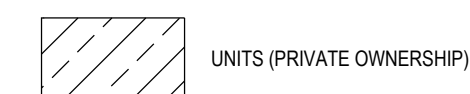
<p>COUNTY RECORDER</p> <p>ENTRY # _____ BOOK _____ PAGE _____ DATE _____ TIME _____ FEE _____ FOR _____ BY _____ WASATCH COUNTY RECORDER PEGGY SULSER</p>	<p>COUNTY SURVEYOR</p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____ ROSE _____ COUNTY SURVEYOR</p>	<p>PLANNING APPROVAL AUTHORITY</p> <p>APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE PLANNING COMMISSION OF HEBER CITY. DIRECTOR/SECRETARY _____ CHAIRMAN, PLANNING COMMISSION _____</p>	<p>CITY ENGINEER APPROVAL</p> <p>APPROVED THIS _____ DAY OF _____ A.D., 2020, BY HEBER CITY'S ENGINEER, _____ ENGINEER _____</p>	<p>PREPARED BY: McNEIL ENGINEERINGTM Economic and Sustainable Designs, Professionals You Know and Trust 8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcnellengineering.com Civil Engineering • Consulting & Landscape Architecture Structural Engineering • Land Surveying & HDS</p>		<p>NOTARY PUBLIC SEAL</p>	<p>ENGINEER'S SEAL</p>	<p>CLERK-RECORDERS SEAL</p>
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HEBER CITY WAREHOUSE CONDOMINIUM

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE AND MERIDIAN
 HEBER CITY, UTAH



LEGEND



SHEET
 2
 OF
 2

HEBER CITY WAREHOUSE CONDOMINIUM

AMENDING LOT 1A, HEBER CITY STORAGE SUBDIVISION AMENDED
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7,
 TOWNSHIP 4 SOUTH, RANGE 5 EAST,
 SALT LAKE BASE AND MERIDIAN
 HEBER CITY, UTAH

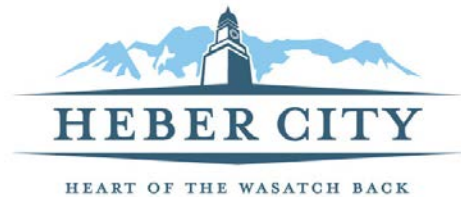
PREPARED BY:

McNEIL ENGINEERING™
 Economic and Sustainable Designs, Professionals You Know and Trust

8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcneilengineering.com

Civil Engineering • Consulting & Landscape Architecture
Structural Engineering • Land Surveying & HDS

Planning Commission Staff Report



MEETING DATE: 12/13/ 2022
SUBJECT: Master Development Agreement Amendment for LRemington Development
RESPONSIBLE: Denna Woodbury (Jamie Baron)
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community Development

SUMMARY

This item is for discussion and recommendation on whether a Master Development Agreement should be amended.

The policy questions include the following:

- Should the Master Development Agreement be amended?

RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation, with or without changes, to the City Council.

BACKGROUND

This item was heard with a public hearing at the November 8, 2022, Planning Commission meeting. At the meeting questions were asked relating to the fire department being okay with 31 units versus 30 unit requirement for a secondary access. There were questions on whether the four affordable units were not counted because they access directly off of 500 North. There was also discussion regarding a turnaround for the fire department on the property. There were concerns about where the snow would be stored. There was a question raised on if the affordable housing parking was being counted toward the landscaping requirement because the landscape exhibit showed the parking spaces as green.

The public expressed concern regarding the height of the building, lack of privacy with the height of the building, traffic, kids going to school, and it adds a lot more traffic, parking, density, and the location of the trash dumpsters. Affordable housing was also discussed. The

public expressed support for affordable housing and also expressed being against affordable housing.

There was some discussion about the approval process and how the current MDA was approved.

There was also a question if the units will be a rental project or if it will be an owner project. Planning Commission also expressed a desire to come up with some mitigation of this project and the homeowners.

G.C. Garcia, Inc. has reviewed the request for a Master Development Agreement for LRemington Development, located at 160 West and 500 North.

The proposed project location was previously Rocky Mountain Care facility. A Zone Change and General Plan Amendment, and a Master Development Agreement has been approved for garden apartments to be built on the same footprint as the care facility.

The current Master Development Agreement allows for a development density to not exceed 35 units. It also limited the height of the structures to two stories above the existing grade. The Master Development Agreement also required 48 parking spaces for the 32 dwelling units including 3 guest parking spaces. The architecture and building elevations are required to brick, stucco and Hardplanck siding with earthtone colors. The approved site plan provides 30.6% of the site to be landscaped. The approved Master Development Agreement also provides for three of the units to be affordable housing.

On July 6, 2021, this parcel was rezoned to COSZ/R-3 Residential with an accompanying development agreement.

DISCUSSION

The proposed application differs from the approved Master Development Agreement. This proposal includes building 27 new townhome units in seven buildings, instead of building over the existing footprint. The proposed buildings will be 3 stories, with two car garages in each building with 6 guest parking spaces being provided.

The conceptual site plan shows a majority of the units (23) are 2 and 3 bedroom, and four affordable units are 1 bedroom. The two and three-bedroom units are 1,945 square feet and 1953 square feet, including the garages. The units are being staggered, which assists visually in the bulk of the building. There are no architecture/elevations provided at this time, except for the concept of an end unit of the two- and three-bedroom units. The site plan shows that they are providing the required 30% open space and they will be providing a play area that will incorporate benches, picnic tables and a pergola.

The COSZ zoning district requires a minimum of 30% of the site to be open space. Land proposed to be devoted to vehicular streets or roads, parking, and drives shall not be included in the computation of open space.

FISCAL IMPACT

None.

CONCLUSION

The proposed request to amend the Master Development Agreement for LRemington meets the City Code and is recommended for approval subject to findings and conditions.

Findings

1. The application is consistent with the Municipal Zoning Code.
2. The application is consistent with the General Plan.
3. The proposed Site Plan shall comply with City ordinances, Federal, State Law, as applicable to the site where the conditional use is located.
4. The Landscaping Plan needs to provide plant location and schedule and demonstrates that it meets the Code Required percentages for plant cover.
5. Provide a photometric plan showing the outside lighting for the project.
6. Provide an exterior materials board, calling out the materials on the buildings.

Conditions:

- 1 All requirements of the City Engineer shall be met.
2. All other Code Requirements shall be met.
3. Any other conditions or changes as articulated by the Planning Commission.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Staff Recommended Option – Approval

I move to forward a **positive recommendation** of the Master Development Agreement Amendment for LRemington Development as presented, with the findings and conditions as presented in the conclusion of the staff report.

Alternative 2 – Continuance

I move to **continue** the Master Development Agreement Amendment for LRemington Development to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

Alternative 3 – DENIAL

I move to forward a **denial recommendation** the Master Development Agreement Amendment for LRemington Development with the following findings.

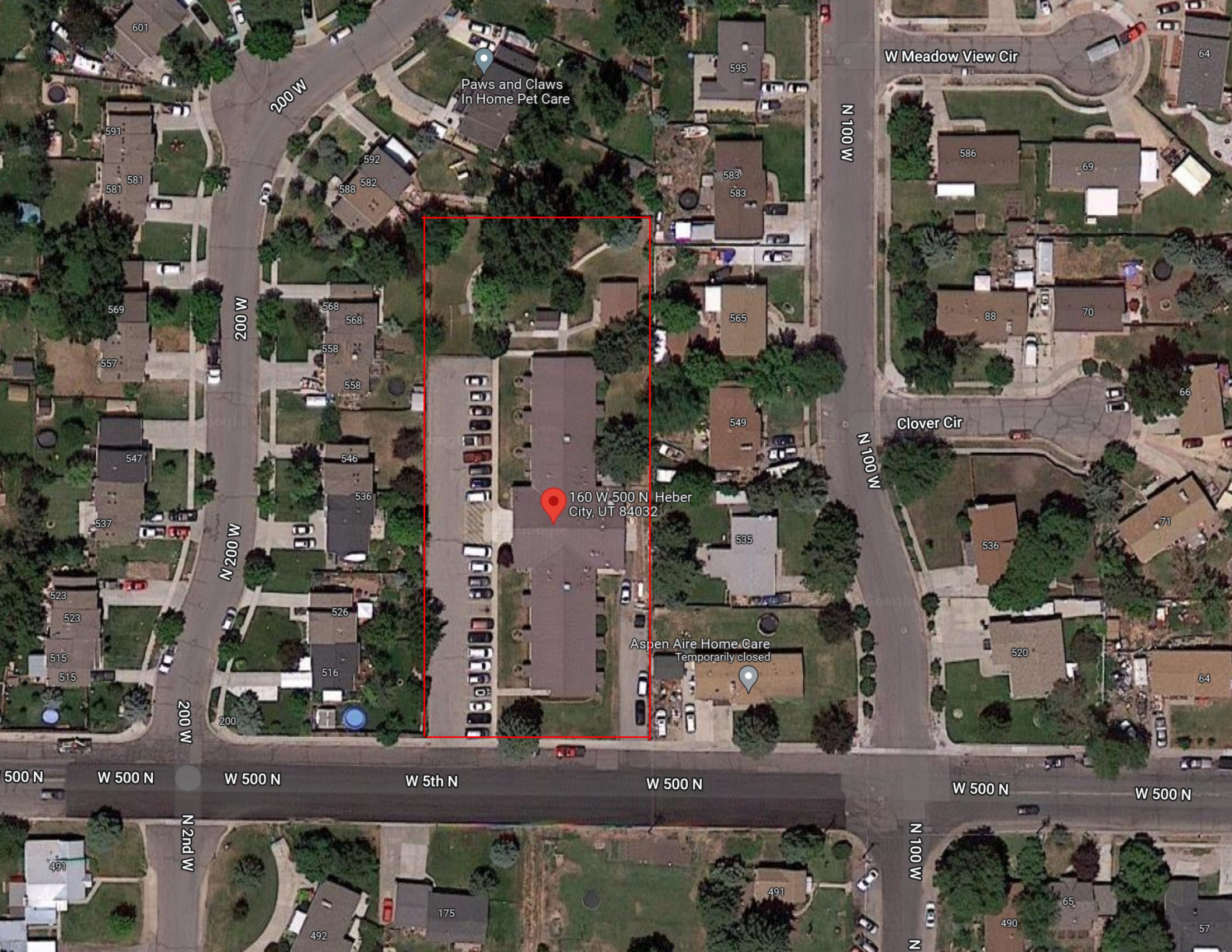
ACCOUNTABILITY

Department: Planning Department
Staff Member: Denna Woodbury (Jamie Baron)

EXHIBITS

1. Project location (aerial)
 2. Existing MDA site plan
 3. Proposed site plan
 4. Proposed Elevations
 5. Proposed open space and parking plan
 6. Code References
-

Exhibits



Paws and Claws
In Home Pet Care

160 W 500 N Heber
City, UT 84032

Aspen Aire Home Care
Temporarily closed

W Meadow View Cir

Clover Cir

N 100 W

200 W

N 200 W

200 W

500 N W 500 N

W 500 N

W 5th N

W 500 N

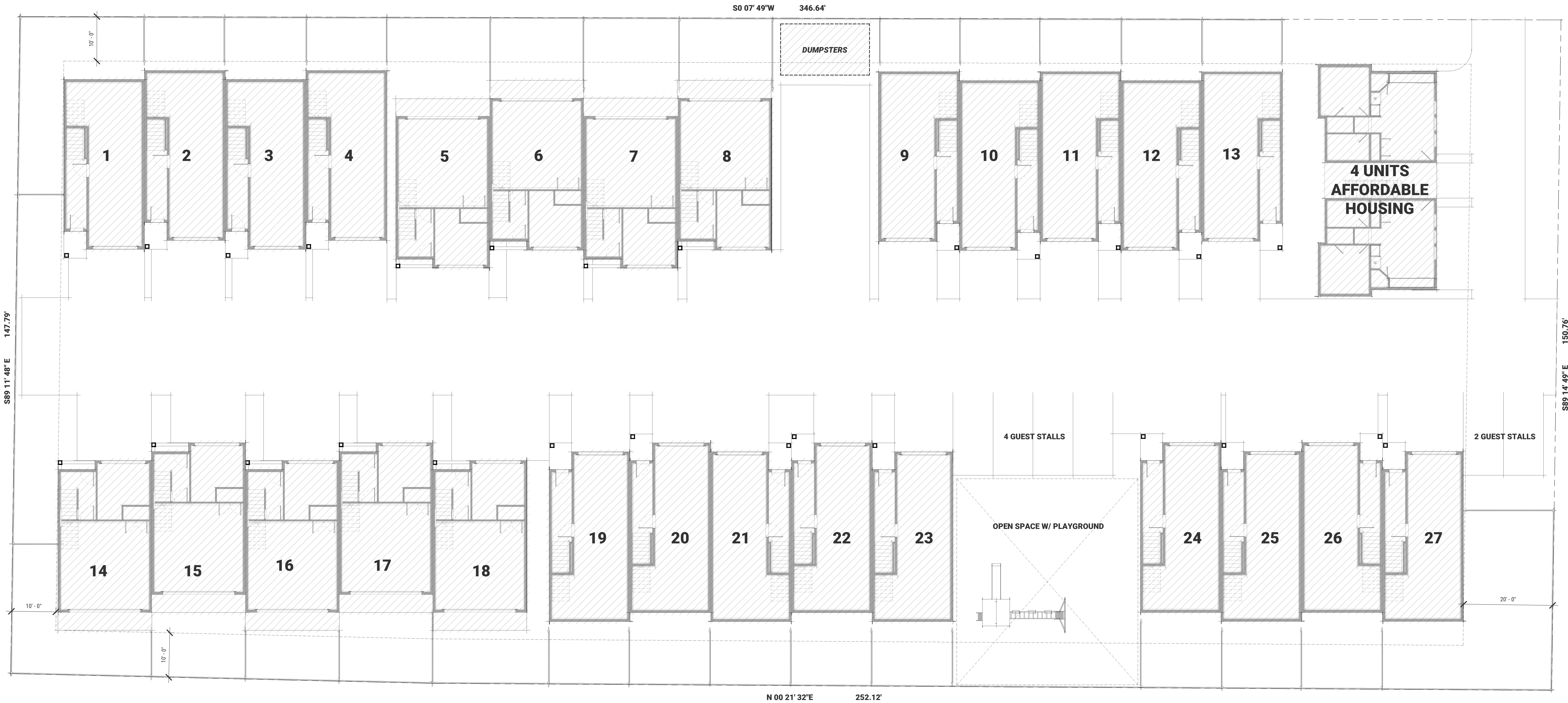
W 500 N

W 500 N

N 2nd W

N 100 W

N



OPEN SPACE REQUIREMENTS:

TOTAL LOT SIZE = 51,944.30 SQFT / 1.19 AC
 OPEN SPACE REQUIREMENT (30%) = 15,583.29 SQFT / 0.36 AC

OPEN SPACE CALCULATION

BUILDINGS = 20,452.12 SQFT
 ROAD/PARKING SURFACE = 15,341.15 SQFT

TOTAL COVERED SPACE = 35,793.27 SQFT
 TOTAL OPEN SPACE PERCENTAGE = 31.0%

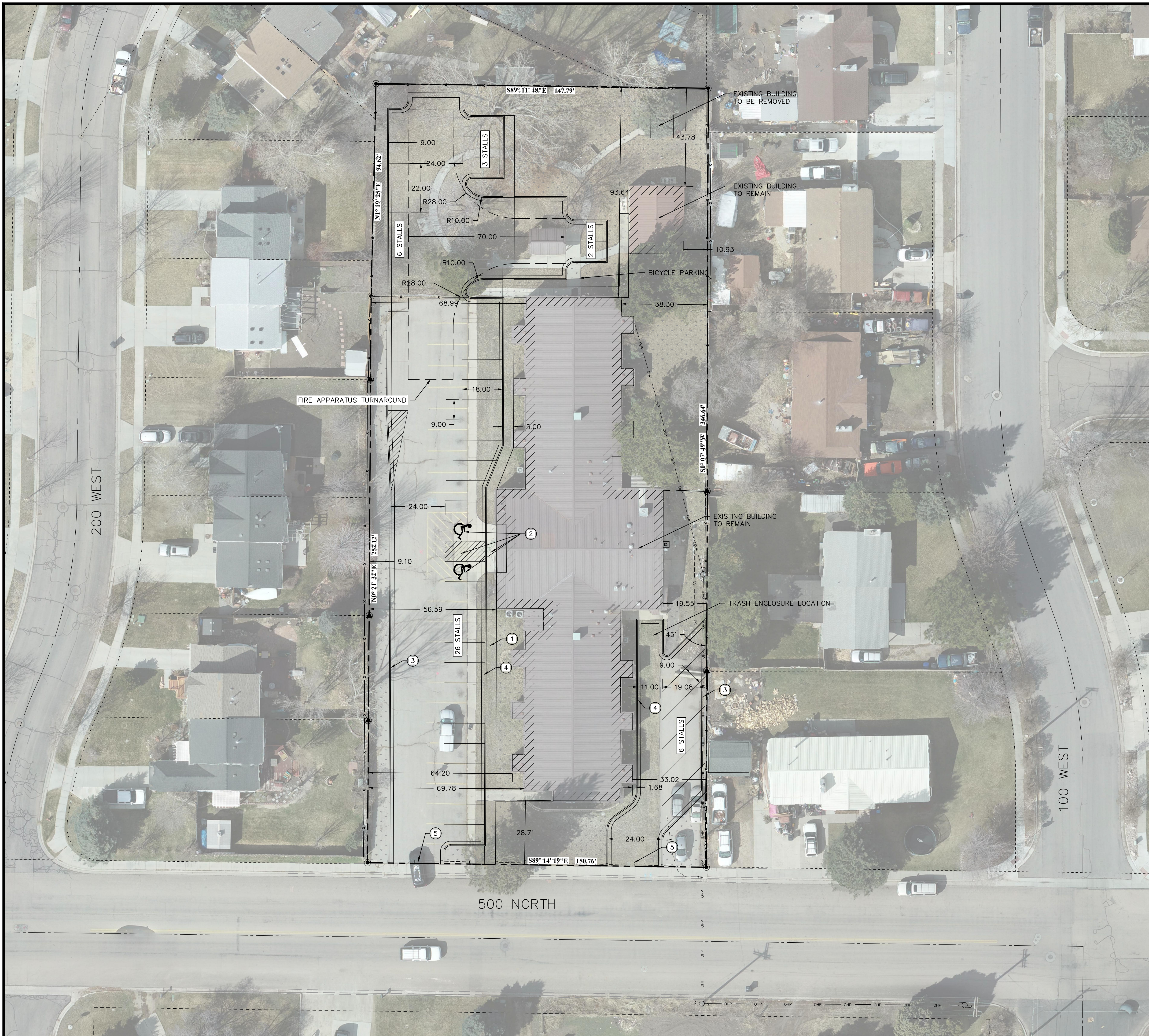
BUILDING INFORMATION

TOTAL UNITS = 31 (4 AFFORDABLE HOUSING UNITS)
 BUILDING COVERAGE = 20,452.12 SQFT

BUILDING HEIGHT = 35'

PARKING INFORMATION

TOTAL DEDICATED PARKING = 54 SPACES (2 PER UNIT, 1 PER AFF. HOUSING)
 TOTAL GUEST PARKING = 6 SPACES (ALSO 1 PER UNIT ON DRIVEWAY)



LOT LINES (PROPERTY)

EXISTING CURB AND GUTTER

PROPOSED CURB AND GUTTER

SETBACK LINE

EXISTING FENCE

LANDSCAPE AREA

CONCRETE AREA

GRADE BREAK GB

INVERT ELEVATION IE

TOP OF GRATE TOG

TOP OF ASPHALT TA

TOP BACK OF CURB TBC

PROPOSED PROP

EXISTING EX

FINISHED GRADE FG

FINISHED FLOOR ELEVATION FFE

BACK OF SIDEWALK BOW

SITE DATA

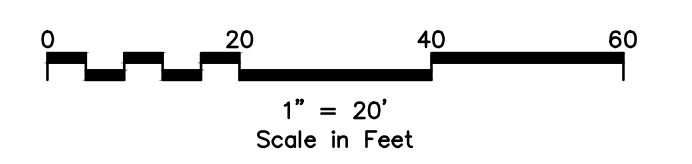
LOT AREA:	51,952	SF (1.19 ACRES)
BUILDING AREA:	12,107	SF± 23.3%
PAVEMENT AREA:	22,506	SF± 43.3%
LANDSCAPE AREA:	17,339	SF± 33.4%

PARKING TABULATION

REQUIRED:	42 STALLS
PROVIDED:	43 STALLS 2 ADA STALLS

- NOTES:**
- ① PROPOSED SIDEWALK PER HEBER CITY STANDARD DRAWING STREETS-4. SEE SHEET C-4 FOR DETAIL.
 - ② ALL ADA STALLS AND RAMPS TO BE INSTALLED PER ADA STANDARDS AND HEBER CITY STANDARD DRAWING STREETS-6. SEE SHEET C-4 FOR DETAILS.
 - ③ PROPOSED HIGH BACK CURB AND GUTTER PER HEBER CITY STANDARD DRAWING STREETS-4. SEE SHEET C-4 FOR DETAIL.
 - ④ PROPOSED REVERSE PAN CURB AND GUTTER PER DETAIL 1, SEE SHEET C-4.
 - ⑤ PROPOSED DRIVE APPROACH.

- GENERAL NOTES:**
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
 2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
 3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
 4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
 5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
 6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
 7. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.



SITE CONCEPT

NO.	REVISIONS	BY	DATE

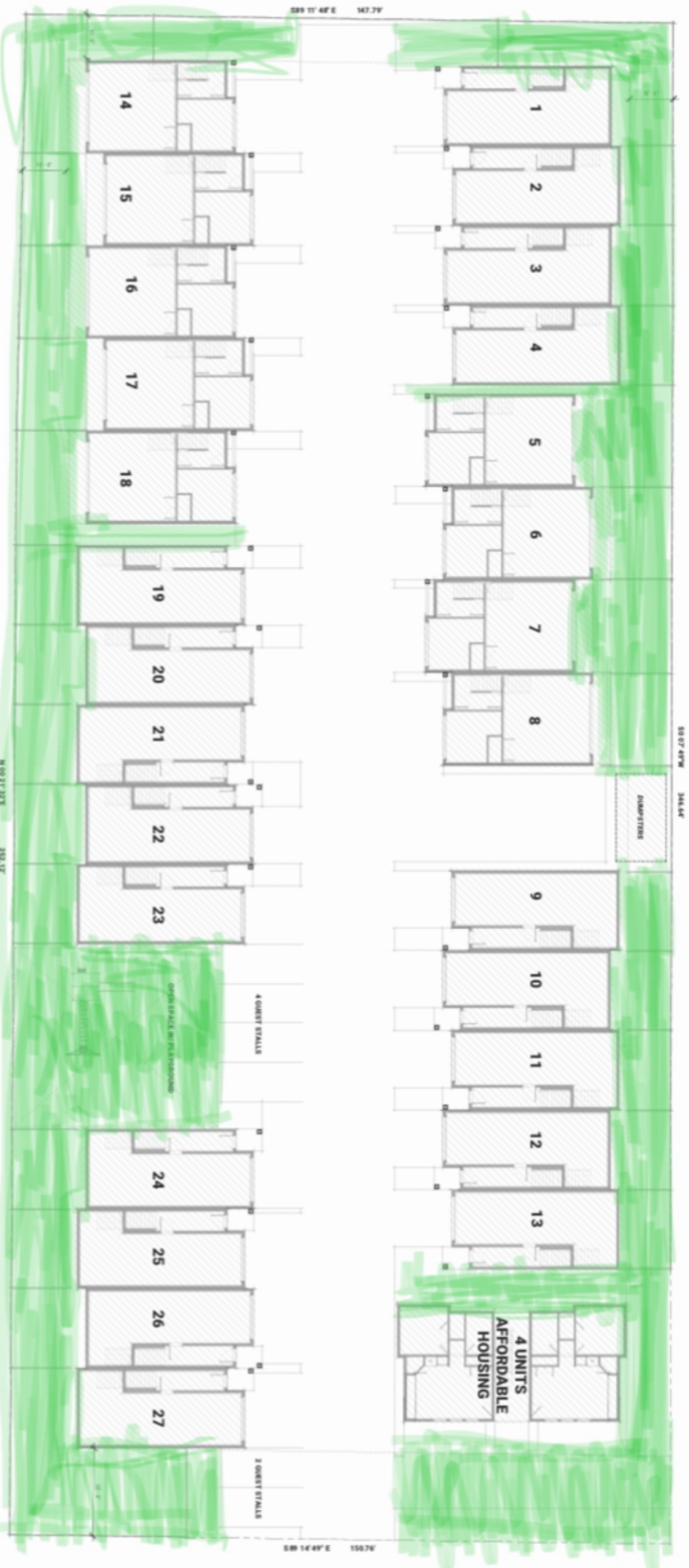
LEGEND ENGINEERING
 52 WEST 100 NORTH
 HEBER CITY, UT 84032
 PHONE: 435-654-4828
 www.legendengineering.com



LREMINGTON - ROCKY MOUNTAIN
 SITE PLAN
 160 W 500 N HEBER CITY, UTAH 84032

SHEET: **C-1**
 DATE: 4/28/2021





OPEN SPACE REQUIREMENTS:

TOTAL LOT SIZE = 82,544.20 SQFT / 1.89 AC
 OPEN SPACE REQUIREMENT (OSR) = 15,583.29 SQFT / 0.36 AC

OPEN SPACE CALCULATION

BUILDING = 26,452.72 SQFT
 ROAD/PARKING SURFACE = 15,341.15 SQFT
 TOTAL COVERED SPACE = 41,793.87 SQFT
 TOTAL OPEN SPACE PERCENTAGE = 51.5%

BUILDING INFORMATION

TOTAL UNITS = 31 (24 AFFORDABLE HOUSING UNITS)
 BUILDING COVERAGE = 26,452.72 SQFT

PARKING INFORMATION

TOTAL DEDICATED PARKING = 54 SPACES (2 PER UNIT, 1 PER AFF. HOUSING)
 TOTAL GUEST PARKING = 8 SPACES (ALSO 1 PER UNIT ON DRIVEWAY)

X1

CPM | Rocky Mtn Townhomes
 ARCHITECTURAL SITE PLAN | 28 OCT 2022





ZONING CODES

18.52.040 Area, Width, Height, And Setback Requirements

Front: 30' from ROW, except that alfresco porches may encroach 10' into the setback

Side: 10' total with no side less than 4' / 20' for a corner lot

Rear: 20' / 20' for corner lots

From other main buildings: 12' Max. building height 40 feet

18.22.070 Standards And Requirements

The following standards, requirements and conditions shall apply to all COSZ's:

- G. With the following exceptions, dwelling and permitted structures may be located as recommended by the Planning Commission and approved by the City Council in the final development plans. Buildings should be arranged as to best comply with the intent of this Ordinance. These exceptions shall be considered, as minimum requires as they apply:
1. Set-backs along the peripheral property lines of the COSZ shall be a minimum of thirty (30) feet. For safety reasons, buildings may be required to be set back further from recreational areas, such as golf courses, ball fields, etc.
 1. Where a development contains multiple zones, including the COSZ, and a peripheral property line of the COSZ is internal to the same development as the adjacent zone, the setback shall be 15', unless reduced by the City Council.
- H. Not less than fifty (50) percent of the area of the COSZ shall be retained in permanent open space, parks and playgrounds. For developments that have less than 10 acres with buildings that do not exceed 1 story, the minimum open space requirement shall be at least thirty (30) percent. Land proposed to be devoted to vehicular streets or roads, parking, and drives shall not be included in the computation of open space. Uncovered recreational facilities such as football fields, baseball diamonds, and playgrounds will be allowed in the open space requirements. Entry features such as roundabouts, median planter strips, fountains, etc. may count as open space if the design of such features is approved by the Planning Commission and City Council. To the greatest extent possible, open space areas shall be placed so as to be visible from both inside and outside the COSZ. Open space shall be either appropriately and attractively landscaped or actively used for agricultural purposes. An acceptable landscaping plan, including a noxious weed plan, must be submitted before preliminary approval of the subdivision and complied with thereafter. COSZ's shall be required to either (1) deed to each owner in the COSZ an undivided ownership interest in the open space contained within the COSZ and form a homeowners association which shall be responsible for maintaining such open space according to Covenants, Conditions and Restrictions recorded with the plat or (2) place the open space in a perpetual conservation easement granted to an established conservation organization. If the open space is placed in a conservation easement, a maintenance agreement shall be entered into with the conservation organization to guarantee proper maintenance of the open space.
- O. No building shall exceed 42 feet in height, measured from finished top back of curb to the highest point of the building, excluding chimneys and antenna.

Planning Commission Staff Report



MEETING DATE: December 13, 2022
SUBJECT: Subdivision Ordinance
RESPONSIBLE: Anthony L. Kohler,
Planning Director
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community Development

SUMMARY

As part of the Phase 3 Envision Heber Code Update, the Planning Commission is reviewing the entire Code and Subdivision Ordinance. As part of that process the Subdivision Ordinance is being updated, simplified, and coordinated with the goals of the Envision Heber 2050 General Plan. This is close to the last major ordinance to update. After this the process is more of a formatting and syncing of references to assure everything fits together.

This work session report addresses changes to the subdivision ordinance including the removal of the Trail Design Guidelines, section 17.30, removal of engineering design standards, removal of the Large Scale Development sections which are not subdivisions usually, and State Law updates. The revised subdivision ordinance becomes more of a chapter that address processing and approval standards. Subdivisions are an administrative decision – not a discretionary decision-making process. If the development meets the ordinance standards, it gets approved. If it doesn't meet the ordinance standards, then processing stops until it does or it simply is denied (staff would inform the applicant about the standards that the application does not meet).

RECOMMENDATION

Staff recommends the Planning Commission study the proposed changes consider making a recommendation to the City Council after a public hearing.

BACKGROUND

Envision Heber Phase 3, includes updates, simplifications and clarifications in most of the Code chapters.

These ordinance amendments are a result of the contract with People + Place, John Janson, Meg Ryan and the Planning Department staff. The proposals within the drafts include policy suggestions, State Law updates, and edits for greater clarity. It is also the intent of these updates to simplify the ordinances, and to refer to the Heber City Standard Specifications instead of listing engineering requirements in the Zoning Ordinance.

DISCUSSION

Although a very long chapter, a lot is being removed. Trail Design moves to the Parks, Trails, and Open Space Master Plan. Engineering standards are almost all already in the Heber City Standard Specifications and those that are not, are being moved there. Engineering will need to have another hearing to update their Standard Specifications. Large Scale developments are covered by the conditional use process and may occur in rezoning requests via MURCZ, which has considerable requirements and a DA requirement.

Coordination and collaboration with the Engineering staff has been accomplished.

Summary of changes

1. Concept plans are required, but non-binding, and reviewed by staff. Then an application for a preliminary plat is reviewed by staff for compliance with the City ordinances, before coming before the Planning Commission. Planning Commission reviews the preliminary plat for larger subdivisions as part of a public meeting (not a public hearing) and staff manages the final plat.
2. Definitions move to the Definitions Chapter
3. Subdivisions with 10 lots or less are proposed to be processed by staff.
4. Defines who the "Land Use Authority" is when previously left unclear
5. Condominium applications are suggested to follow the same subdivision process except for submittal of minor additional paperwork required by State Law
6. Various State Law updates and clarifications have been made
7. Trail Design section removed
8. Sensitive Lands section is removed and becomes its' own chapter
9. Landscape requirements are provided in the Landscape chapter and in the zoning district in which the subdivision is proposed
10. Large Scale development/commercial site planning is removed
11. Engineering standards removed and replaced with references to the Standard Specifications. Engineering coordination has been accomplished in the current draft which provided important updates and changes
12. Fees section removed and now is proposed as a reference to the annual fee schedule

FISCAL IMPACT

No fiscal impact is anticipated

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

Work session only

ACCOUNTABILITY

Department: Planning Department, Planning Director
Staff Member: Anthony L. Kohler

EXHIBIT 1

Subdivisions

[17.04 General Provisions](#)
[17.06 Supplemental Subdivision Requirements](#)
[17.08 Definitions](#)
[17.12 Recording](#)
[17.14 Requirement Of Adequate Public Facilities](#)
[17.16 General Subdivision Procedures](#)
[17.18 Property Line Adjustments](#)
[17.19 Condominiums](#)
[17.20 Plans](#)
[17.24 Street Design Standards](#)
[17.28 Block Design Standards](#)
[17.30 Trail Design Guidelines](#)
[17.32 Lot Design Standards](#)
[17.34 Sensitive Lands Regulations](#)
[17.36 Large Scale Development](#)
[17.38 Commercial Developments](#)
[17.40 Improvements](#)
[17.44 Platting Requirements](#)
[17.48 General Subdivision Requirements](#)
[17.52 Guarantee Of Performance](#)
[17.56 Costs And Charges](#)
[17.60 Variances](#)
[17.64 Amendments](#)
[17.68 Substantial Completion Of Subdivisions](#)

[17.04 General Provisions](#)

[17.04.010 Title Of Provisions](#)

[17.04.020 Purpose And Intent](#)

[17.04.030 Amendments To Subdivision Ordinance](#)

[17.04.010 Title Of Provisions](#)

This title shall be entitled the "The Heber City Subdivision Ordinance" and may be so cited and pleaded.

[17.04.020 Purpose And Intent](#)

1. The purposes of this title shall be to:

1. Promote the health, safety, convenience, and general welfare of the present and future inhabitants of the City;
 2. Facilitate the transfer of land having accurate legal descriptions;
 3. Bring about the development of a more attractive and wholesome environment within and about the City;
 4. Establish the rights, duties, and responsibilities of subdividers with respect to land subdivision;
 5. Facilitate the implementation of the general plan.
2. It is declared to be the public policy that these subdivision regulations shall be promulgated for the purpose of facilitating the platting of land and the construction and sale of dwellings **buildings** rather than for the purpose of facilitating the sale of building lots only.

17.04.030 Amendments To Subdivision Ordinance

1. ~~Amendments to this Subdivision Ordinance shall occur in accordance with §10-9a-602 of the Utah Code, as amended. Under these provisions, the Planning Commission shall prepare and recommend amendments to the Subdivision Ordinance following a public hearing reasonably noticed for at least ten (10) calendar days. In addition, a copy of said notice should also be specifically submitted to the City Manager, City Attorney, Chief of Police, Building Official, City Engineer, City Fire Official, and City Recorder, and must include notice to affected entities as required by the Utah State Code, at least ten (10) calendar days prior to the hearing for review and comments. No material change in or departure from the recommendation of the Planning Commission can be made after such public hearing unless the change or departure be submitted to the Planning Commission for its consideration and recommendations.~~
2. ~~The Planning Commission recommendation will be forwarded to the City Council who will hold a public meeting reasonably noticed for at least 24 hours. Following the public meeting, the City Council may approve, amend and approve, or deny the recommendation of the Planning Commission.~~

17.06 Supplemental Subdivision Requirements

17.06.010 Supplemental **General** Subdivision Requirements For Subdivision Approval

17.06.010 Supplemental Subdivision Requirements For Subdivision Approval

Any proposed subdivision developments applied for after June 2, 1994, shall be subject to such amendments as are adopted within the next six months by the Heber City Council. Once adopted, said amendments shall be retroactive to the effective date of this ordinance. Application to develop shall constitute an agreement to abide by all reasonable ordinances and regulations so imposed.

17.08 Definitions

17.08.010 Generally

17.08.020 Arterial Street

17.08.030 Collector Street

17.08.035 Subdivision, Twin Home

17.08.040 Easement

17.08.050 Final Plat

17.08.060 Large-Scale Development

17.08.070 Metes And Bounds

- [17.08.080 Minor Street](#)
- [17.08.090 Off-Site Facilities](#)
- [17.08.100 On-Site Facilities](#)
- [17.08.110 Over-Size Facilities](#)
- [17.08.120 Preliminary Plan](#)
- [17.08.130 Subdivider](#)
- [17.08.140 Subdivision](#)

Commented [GU1]: drop

17.08.010 Generally

For the purpose of this title, the definitions set out in this chapter shall apply.

17.08.020 Arterial Street

"Arterial street" means a street, existing or proposed, which serves, or is intended to serve, as a major traffic way and which is designated as an arterial street on the City major street plan.

17.08.030 Collector Street

"Collector street" means a street, existing or proposed, which is supplementary to an arterial street or which connects minor streets with significant traffic generators and which is shown as a collector street on the City's major street plan.

Commented [GU2]: these all move to defs section - drop

17.08.035 Subdivision, Twin Home

"Twin Home Subdivision" means a proposed subdivision of a two-unit building built upon one lot zoned as a twin home lot, creating two lots, each lot containing one unit of the two-unit building. Both lots on the proposed subdivision must correspond with the common wall, must abut a City street or road which has been accepted for maintenance, and must be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

17.08.040 Easement

"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage, separate from the ownership of the land, is granted to the public or some particular person or part of the public.

17.08.050 Final Plat

"Final plat" means a map or chart of the land division which has been accurately surveyed, and such survey marked on the ground, so that streets, alleys, blocks, lots and other divisions thereof can be identified.

17.08.060 Large-Scale Development

"Large-scale development" means a tract of land which is planned, developed, and maintained as a single entity wherein the requirement applying to all buildings and improvements within the development are modified to conform to the approved plan.

Commented [JJ3]: P - drop - covered elsewhere whether it is large or small as a conditional use

17.08.070 Metes And Bounds

"Metes and bounds" means the description of a lot or parcel of land by courses and distances.

17.08.080 Minor Street

"Minor street" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.

17.08.090 Off-Site Facilities

"Off-site facilities" means facilities designed or located so as to also serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.

17.08.100 On-Site Facilities

"On-site facilities" means facilities installed within or on the perimeter of the subdivision or development site.

17.08.110 Over-Size Facilities

"Over-site facilities" means facilities with added capacity designed to serve other's property, in addition to the land within the boundaries of the subdivision or development site.

17.08.120 Preliminary Plan ~~Plat~~

"Preliminary plan ~~plat~~" means a map or chart of a proposed land division.

17.08.130 Subdivider

"Subdivider" is any person or legal entity layout or making a land division for the purpose of sale, offering for sale, a gift, or selling for himself/herself or others a subdivision or any part thereof.

17.08.140 Subdivision

1. "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.
2. "Small subdivision" means a subdivision containing less than ten lots and conforming to all of the other conditions set forth in Section 17.12.010 of this title.

Commented [GU4]: check def

17.12 Recording

17.12.010 Procedures - Exemptions - Required Signatures

17.12.010 Procedures - Exemptions - Required Signatures

1. From the effective date of the ordinance codified in this Title, no person shall subdivide any tract of land which is located wholly or in part within the City, nor shall any person sell,

exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein, unless he has first produced and submitted an executed plat thereof, which plat must be approved by the Land Use Authority and recorded in the office of the County Recorder before such sale or exchange or purchase is affected. Approval of the final plat shall be obtained by complying with all of the requirements of this Chapter; ~~provided, however, that land may be subdivided and land may be sold without the necessity of recording a plat if all of the following conditions are met:~~

- ~~1. The subdivision contains less than ten lots;~~
 - ~~2. A plan has been submitted to and approved in writing by the Land Use Authority;~~
 - ~~3. The subdivision is not traversed by the lines of a proposed street shown on a comprehensive plan of the City, and does not require the dedication of any land for street or other public purposes;~~
 - ~~4. Each lot in the subdivision meets the frontage, width, and area requirements of Title 18 of this Code;~~
 - ~~5. Requirements under Section 17.48.040 of this Title are complied with. These exceptions are intended to apply to the divisions of land into a small number of lots (up to nine inclusive), where all necessary streets have already been improved and deeded to the City, and where the frontage, width, and area of the lots meet the requirements of the zone in which the subdivision is located.~~
2. All large scale subdivision plats and all lots or parcels created by small lot subdivision plats or by lot splits reflected in a certified survey, shall, before taking effect and being placed of record in the Wasatch County Recorder's Office, contain the following signatures:
1. Certified licensed land surveyor
 2. All parties owning any rights, title or interest in the property contained within the survey
 3. Wasatch County Surveyor
 4. Land Use Authority
 5. City Engineer
 6. City Recorder
 7. Applicable Special Service Districts Mylar plats shall be submitted to the Wasatch County Surveyor to initiate the recordation process. All non-City signatures shall be obtained prior to submitting the plat to the County Surveyor.
3. All small lot subdivisions and lot splits shall require the formal consent of the Land Use Authority as shown by the signature of the Land Use Authority, Planning Director or designee

Commented [GU5]: Policy - we want the sub to be recorded

Commented [JJ6]: P - drop - large scale is covered by a CUP

[17.14 Requirement Of Adequate Public Facilities](#)

[17.14.010 Adequate Public Facilities Required](#)

[17.14.020 Essential Public Facilities](#)

[17.14.030 Procedures](#)

[17.14.040 Level Of Service Standards](#)

[17.14.050 Adequate Public Facilities Not Available](#)

[17.14.010 Adequate Public Facilities Required](#)

Adequate public facilities required to be available concurrent with subdivision approval. From and after the effective date of this Amendment to the Heber City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards

to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

17.14.020 Essential Public Facilities

Essential public facilities to which this requirement will apply include the following:

1. ~~Culinary waterworks~~ Drinking water system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer and wastewater system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities;
5. Recreational facilities, including parks and trails.
6. Secondary pressurized irrigation system, including quantity, quality, storage capacity, and transmission/distribution system capacity.
7. Broadband access

17.14.030 Procedures

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein and in the Heber City Standards and Specifications as they may, from time to time, be amended. The City Engineer, the Planning Commission and City Council may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process. Processing shall follow the requirements of Section 17.16.010.

17.14.040 Level Of Service Standards

~~The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies shall be as established in the Heber City Standards and Specifications as they may, from time to time, be amended.~~

17.14.050 Adequate Public Facilities Not Available

If it is determined that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the Planning Commission ~~the City Council, in the exercise of its discretion,~~ as part of the preliminary plat review, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, ~~as deemed appropriate,~~ provisions for credits or reimbursement of any expenses

- incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.
2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
 3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
 4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

[17.16 General Subdivision Procedures](#)

[17.16.010 Required Procedures For Approval](#)

17.16.010 Required Procedures For Approval

The following steps or procedure must be followed in order to obtain approval of a subdivision:

1. Application Submittal Deadline. All applications shall be made at least 16 (sixteen) calendar days before the next regular Development Review Committee (DRM) meeting. Applications must be complete in order to be considered to have met the submittal deadline.
2. Staff Review. Staff will review the application and provide a written review to the applicant following the DRC meeting. Staff shall consider the following items in their review:
 1. Relationship of the proposal to the General Plan;
 2. Zoning of the proposed development [and general requirements of the zone](#);
 3. Third-party utility considerations;
 4. Roads, [blocks](#), and general transportation;
 5. Flood zones, [sensitive lands](#), and potential flood hazards;
 6. Drinking water requirements;
 7. Pressurized irrigation requirements;
 8. Sanitary sewer requirements;
 9. Storm water system requirements;
 10. Park and Trail requirements;
 11. Capital improvement plans;
 12. Other items [as required in the subdivision application](#). ~~deemed necessary by the planning or engineering staff.~~
3. Outsourcing of Plan Reviews. The City may outsource the review of any application to contracted consultants. Unless consultants are the primary reviewer for all applications, the City will notify the applicant that their application review will be outsourced. Outsourced reviews will follow the provisions of the Staff Review above.
4. Development Review Committee. The Development Review Committee (DRM) is an administrative committee consisting of staff from the City, local utilities, and other organizations as applicable. The role of the DRC is to review development applications for compliance with development standards, coordination between jurisdictions, utilities, and organizations as applicable, and meet with applicants to provide guidance and understanding of the requirements of their application. The DRM is not a Land Use Authority.
5. Concept Plan Submission. Applicant prepares Concept Plan, makes application, pays fees, and submits concept plans prior to application submittal deadline. ~~This applies to concept plans for commercial, industrial, and multiple unit residential.~~ Applicant shall provide electronic copies of the proposed concept plans in PDF format. Planning Staff shall deliver the copies to each Planning Commission member, engineering, public works, applicable utility agencies, school district, City fire official, postal service, police chief, City Manager, building official, UDOT (if applicable), and affected entities as required by Utah State Code;

6. Concept Plan Review Approval. For Single Use Zones as defined by Section 18.16.010, the Planning Director, or its designee, is the Land Use Authority approving along with the Design Review Committee are the reviewing bodies for the Concept Plan. The Concept Plan is a non-binding, general review of a potential application for a Preliminary Plat, with appeals going to the Planning Commission. For Mixed Use Zones and Overlay Zones as defined by Section 18.16.010, the Planning Commission is the Land Use Authority, with appeals going to the City Council. Approval, disapproval or modification of The Concept Plan suggestions and corrections, when shown to be contrary to this Subdivision Ordinance shall ~~occur~~ be made before the Preliminary Plan is allowed to be submitted. Prior to preliminary approval, the applicant shall be given an application with a informal list of what the Land Use Authority expects is expected on the preliminary plans plat, including contour intervals and any special concerns. Concept approval review does not guarantee final project approval;
7. Preliminary Plan Plat Submission. Applicant prepares preliminary plan and Preliminary Environmental Impact Assessment (see Section 17.20.020) and submits electronic copies in PDF format, makes application, and pays fees prior to application submittal deadline. ~~Commercial projects are not required to submit Preliminary Plans;~~
8. Preliminary Plan Approval. The Planning Commission reviews preliminary plan as per items discussed at concept review approval and for compliance with the ordinance. The Planning Commission is the Land Use Authority for approving the Preliminary Plat Plan, with appeals going to the City Council. If approval is given at this time, the applicant shall be given a list which has been revised from the one given at the concept stage. This list shall pertain to items the ~~Planning Commission~~ the City expects on the final plans as per the final plat application checklist. Preliminary approval does not guarantee final subdivision approval;
9. Final Plat Submission. Applicant prepares and submits final plat, makes application, and pays fees prior to application submittal deadline. Final plat shall consist of items required at preliminary stage, City Standards and Specifications, and by this ordinance in electronic PDF format. ~~All commercial developments that don't involve a subdivision require the submission of a Final Plan for review and approval by the Planning Commission. Exception: On a single commercial building, built in an approved development or on a lot of record, the Zoning Administrator and City Engineer may give final approval based on direction from the Planning Commission given at the time of concept approval.~~
10. Final Plat Approval. For Single Use Zones, the Planning Director along with the City Engineer, or its designee, is the Land Use Authority responsible for approving the final Plat, with appeals going to the City Council. For Mixed Use and Overlay Zones as defined by Section 18.16.010, the City Council is the Land Use Authority responsible for approving the final Plat as recommended by the Planning Commission, with appeals going to the Board of Adjustment. For subdivisions which require variances as per Chapter 17.60, the City Council shall be the Land Use Authority, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court. The Land Use Authority reviews the final plat plan and approves the final plat if it is complete and if all requirements from preliminary plat approval are met or disapproves it. The final plat shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval; ~~Final Plans shall not have a material departure from Preliminary approval.~~ Any material departures regarding the rights and obligations of the parties shall require a modified Preliminary approval by the Planning Commission ~~Land Use Authority~~.
11. Recordation of Final Plat. Applicant records plat in office of County Recorder within one (1) year from the date receiving final approval and before selling or conveying any lots within the subdivision. Final plats not recorded within one (1) year from the date receiving Final approval shall be null and void unless physical construction has started or an extension has been requested and granted prior to the original plat expiration date. In cases where construction has started, plat approval shall automatically be extended for a second year from the date of the final approval. If physical construction has not started, applicants may request and be granted a

one (1) year extension. Such extensions shall be given if the applicant can show financial delays, and/or material, or labor shortages. However, if an extension is granted, the requirement to incorporate updated City standards, or reevaluate bonds or other assurances may be enforced as a condition of approval for the extension. Plat extensions are granted by the Planning Director applicable Land Use Authority for Final Plats.

17.18 Property Line Adjustments and Plat Amendments

1. Lot Line Adjustments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Lot Line Adjustments, as defined by LUDMA, ~~with appeals going to the Board of Adjustment.~~ with appeals going to the Appeal Authority
2. Approval criteria for a Lot Line Adjustment

A. The following approval criteria must be complied with in order to approve a boundary line adjustment.

1. The change in boundary lines does not result in the creation of a new lot or parcel;
2. The proposed change to a lot or parcel does not result in the creation of a parcel of size or shape that does not conform to all City zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming parcel, the change may not increase the nonconformity;
3. The proposed change to a lot or parcel does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement;
4. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment; and

B. In the case of an adjustment of a boundary line adjusting property lines that affect more than 2 lots in a subdivision previously approved by the City, the applicant shall submit a plat, and in the case of an adjustment of a property line between two parcels, the applicant shall submit a record of survey.

C. The boundary line adjustment may not adjust the boundary line between a parcel and an existing public street or right-of-way, or propose a new public street or right-of-way.

3. Plat Amendments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Plat Amendments, as described in Section 608 and 609 of LUDMA, ~~with appeals going to the Board of Adjustment.~~
 - ~~1. If a Public Hearing is required by LUDMA for approval of a Plat Amendment, then the City Council shall serve as the Land Use Authority, upon recommendation by the Planning Director or its designee, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court. If all adjacent owners~~

provide a written notarized statement that they agree with the lot line adjustment, the plat may be recorded after receiving the Planning Director's signature.

[17.19 Condominiums](#)

[17.19.010 Purpose](#)

[17.19.020 Definitions](#)

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[17.19.070 Unlawful To Sell Or Lease](#)

[17.19.010 Purpose](#)

Utah State Code establishes condominiums as a form of subdivision and requires that all condominium projects be reviewed by the Planning Commission and the City Council. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit residential condominium dwelling units. ~~of For~~ [Conversions of legal and legally non-conforming multi-family dwellings may also be approved as per this ordinance.](#)

[17.19.020 Definitions](#)

For the purposes of this ordinance, the following definitions shall apply:

1. ~~"Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.~~
2. ~~"Condominium or Condominium Projects" shall mean a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed buildings or structures, or otherwise are separately offered or proposed to be offered for sale. Condominium Project shall also mean the property when the context so requires.~~
3. ~~"Condominium Unit" shall mean a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference to a condominium unit includes both physical unit together with its appurtenant individual interest.~~
4. ~~"Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership into a "condominium project" as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.~~
5. ~~"Declaration" shall mean a recorded declaration containing covenants, conditions, and restrictions relating to the condominium project, which shall be prepared in conformance with provisions of Section 57-8-10, Utah Code, as amended.~~

[17.19.030 Approval Required](#)

Prior to the construction or conversion of any building or use as determined as a condominium, ~~a survey map or project plan~~ [a subdivision plat and site plan](#) shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

[17.19.040 Submission Of Application](#)

Commented [JJ7]: P - this can be the same process as a sub but just have them submit the additional State required paperwork

The owner or developer of a proposed condominium project or conversion project shall file an application with the ~~City Planning Commission~~. Such application shall be accompanied by and be in accordance with the following:

1. The ~~application or surveyed map~~ subdivision plat shall be drawn to scale in accordance with the Heber City subdivision ~~plan~~ process and current Standards and Specifications as adopted by the City. Such ~~survey map or application~~ subdivision plat shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, ~~it shall present and display~~ proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or ~~property~~ home owners organization (HOA).
4. Where conversions of existing buildings are proposed as part of the project, a ~~property~~ building condition report containing information that compares the existing construction to the International Building Code requirements shall be submitted as part of the application together with a plan of all proposed improvements and repairs.
5. ~~To assist the City in defraying the cost involved in the publication and review of a condominium project, a fee shall be submitted with the application in accordance with Heber City's fee schedule as adopted by the Heber City Council.~~

17.19.050 Review By The Planning Commission

After DRM/staff review and application revisions, if needed, the Planning Commission shall review the proposed application, processed as a preliminary plat, and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

1. For conversions of existing buildings to condominiums, if the Planning Commission finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all life/safety violations have been corrected.
2. The proposed project shall be consistent with the International Fire Code and Adopted Building Codes, verified by inspections through the Building Department
3. ~~The Planning Commission may require~~ Depending on the current use parking demand, additional parking needs that shall be based on occupancy levels and proposed customer demand, but in no way shall it be less than what is required under the zoning district in which the project is proposed.
4. ~~The Planning Commission~~ Site access shall be evaluated and modified to meet the needs of the new proposed use, considering traffic patterns, traffic generations, and the anticipated population of the development. ~~may also require additional exits or driveways including the approval of shared driveways.~~
5. ~~The Planning Commission may require additional~~ A minimum of 20% of the gross area of the site shall be open space ~~open space and~~
6. If not already in compliance with the Zoning Ordinance, additional landscaping to assure appropriate buffering and compatibility with adjacent uses, is required.
7. Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility.

8. Water meters shall be installed according to City Standards and Specifications at street right-of-ways.
9. All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the ~~City Engineer~~ ~~Planning Commission~~ deems them essential for the feasibility of the project, by a determination that other means are infeasible and the City Council approves said easement.
10. Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
11. ~~The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey map and project plan which may enhance or protect the environment of the project and the neighborhood in which it is located.~~ Prior to recording the final plat, building deficiencies shall be corrected or bonded for.

HISTORY

Adopted by Ord. [2004-04](#) on 2/19/2004

Amended by Ord. [2018-05](#) on 2/1/2018

17.19.060 City Council Final Approval

~~Upon receipt of the recommendations and findings of the Planning Commission, the City Council shall consider approval or denial of the proposed project. Approval of a condominium project shall remain in effect and expire pursuant to Section 17.16.010(I).~~

HISTORY

Adopted by Ord. [2004-04](#) on 2/19/2004

17.19.070 Unlawful To Sell Or Lease

~~It is unlawful for any person, firm, corporation, partnership, or association to sell, contract to sell, or to lease any unit of any condominium or any other portion thereof until final record of survey plats, in full compliance with the provisions of this Ordinance, have been certified and signed by the Mayor, the Planning Commission Chair, City Engineer and City Attorney, attested by the City Recorder and duly recorded in the Office of the County Recorder.~~

HISTORY

Adopted by Ord. [2004-04](#) on 2/19/2004

17.20 Required Plans

[17.20.010 Concept Plans](#)

[17.20.020 Preliminary Plans](#)

[17.20.030 Final Construction - Plans And Final Plat](#)

17.20.010 Concept Plans

A concept plan is required to be submitted according to the application online and at the City offices generally including: The Concept Plan shall be drawn to a scale no smaller than one inch equals one hundred (100) feet and shall include:

1. Conceptual layout drawn to a scale no smaller than one-inch equals one hundred (100) feet with the following:
 1. Proposed streets, in relation to the existing and planned streets within one-fourth mile of the subdivision
 2. Lots, including lot sizes
 3. Building pads for residential projects
 4. Buildings for multi-family or nonresidential projects, including building area
 5. Parking for nonresidential and multi-family residential projects
 6. Open space, as required by the zone
 7. Landscaping, as required by the zone
 8. Existing topography with at least 2-foot contours.
 9. Utility plan showing how the project can be served by each utility.
 10. A Sensitive Lands analysis, identification, and avoidance design, if such lands are found on the site
2. Data Table containing the following:
 1. Uses
 2. Density
 3. Open space calculations, as required by the zone
 4. Landscaping calculations, as required by the zone
 5. Parking analysis

HISTORY

Adopted by Ord. [201 §03.0501\(1\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [2020-09 Amending Chapter 17.12, 16, 20](#) on 3/17/2020

17.20.020 Preliminary Plat

The preliminary plat is required to be submitted according to the application online and at the City offices generally including: shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets and shall show:

1. Drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets
2. The proposed name of the subdivision;
3. Vicinity map-the location of the subdivision. Where the plan submitted covers only a part of the subdivider's tract, the Land Use Authority may require the subdivider to prepare a preliminary plan covering all of the subdivider's tract before even considering a preliminary plan covering only part of the tract;
4. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner(s) of the land immediately adjoining the land to be subdivided;
5. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments;
6. Contour map at intervals required by the Land Use Authority at concept approval;

7. The boundary lines of the tract to be subdivided;
8. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be subdivided;
9. Existing sanitary sewers, storm drains, drinking and ~~secondary~~ pressurized irrigation, water supply mains, and bridges within the tract or within two hundred feet thereof;
10. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision;
11. Northpoint, scale and date;
12. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
13. All easements of record shall be shown on the preliminary map; Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
14. All lot numbers and bearings, distances, and curve data of all lot lines, street center lines, right-of-way lines, etc.
15. ~~Unless waived by the City Engineer,~~ In addition, if a rezone is part of this application, the following shall be included with the preliminary plans:
 1. A development agreement that addresses:
 1. The dedication and maintenance of public and private open space, natural features, trails, amenities, streets and other common areas;
 2. Implementation of the development's affordable housing plan;
 - ~~3. Conditions of approval necessary to implement the intent and requirements of the Utah State Code, Subdivision Ordinance, Zoning Ordinance, General Plan or Capital Facilities Plan; and~~
 4. Measures necessary to mitigate land hazards and sensitive lands as required by the Subdivision Ordinance, Zoning Ordinance ~~or General Plan.~~
 2. A title report for all lands proposed to be subdivided;
 - ~~3.~~ If sensitive lands are identified on the site, a mitigation design and request for density transfers within the site, as per Chapter 18.67. ~~A Preliminary Environmental Impact Assessment evaluating potential/anticipated environmental impacts of the project, including planned measures to limit or mitigate such impacts, addressing each of the following areas:~~
 - ~~1. Wetlands~~
 - ~~2. Flood Plains~~
 - ~~3. Vegetation and Natural Features~~
 - ~~4. Rivers & Streams~~
 - ~~5. Slopes and Erosion Control~~
 - ~~6. Endangered and Threatened Species~~
 - ~~7. Historic Properties~~
 - ~~8. Cultural Resources~~
 - ~~9. Water Quality~~
 - ~~10. Air Quality~~
 - ~~11. Hazardous Materials and Operations~~
 - ~~12. View shed analysis where applicable per Section 18.106 Ridgeline Protection~~

~~Following review of the Preliminary Environmental Impact Assessment, the City Engineer will determine the need for a full Environmental Impact Statement (EIS) or other potentially necessary environmental work.~~

4. A Geotechnical Report, as required by the Standard Specifications and generally including the following information:

- a. Summary of Proposed Construction
- b. Evaluation of Geologic Hazards
- c. Subsurface Soil Profiles for the Site
- d. Groundwater
- e. Soil Classifications
- f. Soil Properties with an identification of those prone to movement
- g. Design Recommendations, including road pavement designs
- h. Construction Recommendations

5. A Storm Water Drainage Report meeting the requirements of the Storm Water Design Manual of the ~~City Engineer.~~

6. A Traffic Impact Study for developments with over 50 lots. meeting the requirements of the City Engineer. Traffic Trip Generation Letter from a Utah-Licensed professional engineer to determine whether a Traffic Impact Study is required. For developments with over ~~50 lots~~ 100 average daily trips, a Traffic Impact Study is required

7. Water Action Report as required by Section 15.16.090

Commented [JJ8]: P - what is this? Water Impact fee?

8. "Will Serve" letters from all serving utilities.

9. Affordable Housing Plan as if required by Section 18.102.030.

HISTORY

Adopted by Ord. [201 §03.0501\(2\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [2010-01](#) on 1/21/2010

Amended by Ord. [2019-07 Amending the Procedures for Development Approval and Designating a Land Use Authority for Lot Line Adjustments, Plat Amendments, Small Subdivisions and Large Scale Subdivisions.](#) on 8/20/2019

Amended by Ord. [2020-09 Amending Chapter 17.12, 16, 20](#) on 3/17/2020

17.20.030 Final Construction - Plans And Final Plat

1. See the application online and at the City offices, for a more detailed list of requirements. In general, the Final plat shall be drawn to a scale no smaller than one inch equals one hundred (100) feet and shall show:
 1. The name of the subdivision;

2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An Owner's dedication block.
 3. Signature lines for the City Engineer, Land Use Authority and Water and Sewer Service Providers.
 4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labelled and referenced;
 5. Northpoint, scale and date;
 6. All easements of record shall be shown on the final plat;
 7. Street numbers and names;
 8. All lot numbers and situs addresses. Also, all bearings, distances, and curve data for all lot lines street center lines, right-of-way lines, etc.
 9. All public utility easements as required by the Planning Commission;
 10. A vicinity map showing the location of the subdivision in relationship to the City;
 11. Any notices to purchasers required by the Planning Commission;
 12. Any notes required by the City Engineer.
2. The Final Plans shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets. In addition to all of the requirements of the preliminary plans, the following shall also be included with the final plans:
1. An updated title report for all lands proposed to be subdivided;
 - ~~2. A revised Environmental Impact Assessment or EIS if required by the City Engineer at preliminary approval. Additional environmental work will be necessary if:~~
 - ~~1. The proposed development did not adequately mitigate hazards identified in the Preliminary Environmental Impact Assessment.~~
 - ~~2. Other sensitive land issues as identified by Chapter 17.34, impact the proposed development and were not identified in the Preliminary Environmental Impact Assessment or were not adequately mitigated by the proposed development.~~
 3. Tax clearance from county assessor;
 4. Hard copy and electronic sets of Engineered construction drawings as required by the City Engineer. In addition to all requirements of the preliminary plans, the final plans shall include typical street cross-sections, road, sewer, and other underground utility profiles and plans. Details showing the width and type of pavement. Location, size, and type of off-site and on-site water and sewer facilities and other improvements, such as sidewalks, curbs and gutters, parks, street lighting, and fire hydrants, etc;
 - ~~5. Data Table containing the following:~~
 - ~~1. Uses~~
 - ~~2. Density~~
 - ~~3. Open space calculations, as required by the zone~~
 - ~~4. Parking analysis, as applicable~~
 - ~~6. Landscaping plan, including a data table relating to the applicable landscaping requirements of Chapter 18.76.~~
 - ~~7. Lighting plan as outlined in Section 18.78.050, including a data table relating to the applicable lighting requirements of Chapter 18.78.~~
 - ~~8. Exterior materials Board for all non residential and multi family buildings.~~
 - ~~9. Sealed color elevations of all non residential and multi family buildings, including a data table relating to the applicable design standards.~~
 - ~~10. Record of survey map;~~
 11. Checklist of all items discussed at preliminary approval.

HISTORY

Adopted by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [2019-07 Amending the Procedures for Development Approval and Designating a Land Use Authority for Lot Line Adjustments, Plat Amendments, Small Subdivisions and Large Scale Subdivisions](#), on 8/20/2019

Amended by Ord. [2020-09 Title 17 Amending Final Subdivision Construction Process](#) on 3/17/2020

Amended by Ord. [2020-09 Amending Chapter 17.12, 16, 20](#) on 3/17/2020

[17.24 Street Design Standards](#)

[17.24.010 Widths](#)

[17.24.020 Cul-De-Sacs](#)

[17.24.030 Easements](#)

[17.24.040 Curves](#)

[17.24.050 Intersections](#)

[17.24.060 Grades](#)

[17.24.070 Curbs](#)

[17.24.080 Names](#)

[17.24.090 Dedications](#)

[17.24.100 Bridges And Culverts](#)

[17.24.110 Relations To Adjoining Street System](#)

[17.24.120 Cuts In Pavement](#)

[17.24.130 Subdivision -- Single Cul-De-Sac -- Ingress/Egress Requirements](#)

[17.24.140 Street Plan Approval](#)

[17.24.010 Widths](#)

Arterial and collector streets shall conform to the widths [as described in the Master Transportation Plan and the Heber City Standard Specifications](#) assigned on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plans have not been completed at the time the preliminary plan of the subdivision is submitted to the Planning Commission, street dedications shall be provided as follows:

1. ~~Minor street dedications shall be a minimum width of sixty feet;~~
2. ~~Collector street dedications shall have a minimum width of seventy two feet;~~
3. ~~Arterial street dedications shall have a minimum width of eighty six feet or as shown on the major street plan, whichever is greater;~~
4. ~~Minimum width of roadway wherever curb and gutters are installed (edge of pavement to edge of pavement) shall be as follows:~~
 1. ~~For minor or local streets, forty feet;~~
 2. ~~For collector streets, forty four feet or conform to major street plan, whichever is greater;~~
 3. ~~For arterial streets, sixty feet or conform to arterial street plan, whichever is greater.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(a\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [95-04](#) on 7/6/1995

17.24.020 Cul-De-Sacs

A publicly dedicated Cul-de-sac shall follow the Standard Specifications and Drawings. Private cu-de-sacs are subject to approval of the Fire Marshall have a right of way width of at least 60 feet; shall have a length of not in excess of 800 feet; shall be terminated by a right of way turnaround of not less than 80 feet in diameter; and shall be identified as such by appropriate signage within 20 feet of the entrance thereof, measured from the frontage street property line. Surface water must drain away from the turnaround—exception: where surface water cannot be drained along a street away from the turnaround due to the grade, a necessary catch basin and drainage easement shall be provided. Cul-de-sacs will only be approved as permitted by Section Single Cul-De-Sac -- Ingress/Egress Requirements

Because of the need for snow and solid waste removal cul-de-sacs will not be permitted within a subdivision unless approved by the Planning Commission as part of the preliminary plat and with a decision based on the unusual shape of the property, steep slopes/topography, avoidance of sensitive lands, and manmade barriers. The opening of a cul-de-sac must face on a street which provides at least two separate ingress-egress roadways to and from the subdivision.

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(b\)](#) on 10/2/1973

Amended by Ord. [93-07](#) on 11/18/1993

Amended by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [2000-26](#) on 12/7/2000

17.24.030 Easements

Easements of not less than ten feet on rear lot lines, side lines, and front lines will be required where deemed necessary by to serve ing utility companies for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of sewer mains or similar utilities. For residential subdivisions, public utility easements, of not less than ten feet in width, are required on front lot lines. Public utility and/or drainage easements, of not less than ten feet, are required on side lot lines and on rear lot lines where needed, when requested by public utility companies, or as otherwise required or approved by the City Engineer. City utilities shall normally be placed in City rights-of-way. When approved by the City Engineer, City utilities may be placed beneath private streets, private parking areas or in other common open space in an exclusive City utility easement of not less than 20 feet in width. Easements shall be provided to the City using the City's standard utility easement language in use at the time such easements are provided. Easements for commercial or industrial development shall generally follow the same requirements.

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(c\)](#) on 10/2/1973

Amended by Ord. [90-14](#) on 12/20/1990

Amended by Ord. [94-13](#) on 8/4/1994

17.24.040 Curves

- ~~1. Reverse curves shall have a tangent of at least one hundred feet unless, in the opinion of the Planning Commission, such is not necessary.~~
- ~~2. Two curves in the same direction shall be separated by a tangent of at best two hundred feet except that the Planning Commission may authorize a tangent of less than two hundred feet where it can be shown that no appreciable traffic hazard will result therefrom.~~
- ~~3. Where the street lines within a block deflect from each other at any one point more than ten degrees, there should be a connecting curve. The radius of the curve for the inner street line shall be not less than three hundred fifty feet for arterial streets, two hundred fifty feet for collector streets, and one hundred feet for minor streets.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(d\), \(g\)](#) on 10/2/1973

17.24.050 Intersections

Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty degrees for a distance of at least one hundred feet. Offsets across streets in street alignment between ten feet and one hundred fifty feet shall be prohibited.

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(e\)](#) on 10/2/1973

17.24.060 Grades

~~Minimum street grades of 0.3 percent will be required and a maximum grade of ten percent will be allowed, except that the Planning Commission shall have the power to allow a steeper or lesser grade when, in the opinion of the Planning Commission, the best development of the land is thereby secured.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(f\)](#) on 10/2/1973

17.24.070 Curbs

~~Curbs at all intersections shall be rounded with curves having a minimum radius of twenty feet. Property lines at street intersections shall be rounded with a curve where necessary.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(h\)](#) on 10/2/1973

17.24.080 Names

New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All streets shall be designated by number if straight and running North and South or East and West. Such streets may also be designated by name. All other streets shall be named. All street designations shall be ~~approved~~ **reviewed** by the **City Engineer and submitted to Wasatch County for final review** ~~Planning Commission~~. Number and name (if named) shall be signed and said signing shall conform **to the Heber City Standards and Specifications**. ~~be discernable from the street.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(j\)](#) on 10/2/1973

Amended by Ord. [93-07](#) on 11/18/1993

Amended by Ord. [94-13](#) on 8/4/1994

17.24.090 Dedications

All streets, ~~except private streets,~~ shall be dedicated for public use, ~~except in large-scale developments.~~ The dedication of half streets in any subdivision is prohibited except ~~park strip and sidewalk may be omitted on the opposite sides of the streets~~ on the borders of the subdivision.

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(j\)](#) on 10/2/1973

17.24.100 Bridges And Culverts

All bridges and culverts shall be constructed ~~to support gross vehicle weight of twenty-six thousand pounds.~~ [as per the Heber City Standards and Specifications](#)

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(k\)](#) on 10/2/1973

17.24.110 Relations To Adjoining Street System

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets ~~in~~ [to connect with](#) adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) ~~unless street cross sections have changed as per the Heber City Standards and Specifications~~ [unless](#) ~~variations are deemed necessary by the Planning Commission. Where the Planning Commission determines that it is desirable to provide for street access to adjoining property in order to provide an orderly development of a street system,~~ [Proposed street connections](#) shall be extended by dedication to the boundary of such property.

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(1\)](#) on 10/2/1973

17.24.120 Cuts In Pavement

No cuts shall be made in street pavement for at least five years after hardsurfacing without [City Planning Commission approval by the City Engineer or designee](#), ~~except in cases when public safety is at risk.~~ Curbs and gutters, sidewalks, and the treatment of drainage courses shall comply with the [Heber City Standards and specifications](#) as adopted by the City ~~and administrated by the Planning Commission.~~

HISTORY

Adopted by Ord. [201 §03.0501\(3\)\(m\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.24.130 Subdivision — Single Cul-De-Sac — Ingress/Egress Requirements

~~Because of the need for snow and solid waste removal cul-de-sacs will not be permitted within a subdivision unless approved by the Planning Commission. The opening of a cul-de-sac must face on~~

a street which provides at least two separate ingress-egress roadways to and from the subdivision. In order for a cul-de-sac to be approved it must be shown and the Planning Commission must find the following:

1. that the use of the cul-de-sac is necessary to effectively utilize the parcel of land, and
2. that there exists topographical, hydrological or unique configurations that justify the use of a cul-de-sac.

See Section 17.24.020 for signage, dimensions, and drainage requirements.

HISTORY

Adopted by Ord. [93-07](#) on 11/18/1993

Amended by Ord. [94-13](#) on 8/4/1994

Amended by Ord. [2000-26](#) on 12/7/2000

17.24.140 Street Plan Approval

A subdivision will not be approved if it conflicts with the [Master Transportation Plan](#) ~~General Street Plan~~. A subdivision shall not be platted over any strip of land which is shown [as a future street](#) on the [Master Transportation Plan](#) ~~General Street Plan~~ as an existing or potential collector or arterial street.

HISTORY

Adopted by Ord. [2000-26](#) on 12/7/2000

17.28 Block Design Standards

17.28.010 Length

17.28.020 Width

17.28.010 Length

The maximum length of blocks shall be eight hundred feet and the minimum length of blocks shall be four hundred feet. The Planning Commission may approve a [modification](#) ~~a variance~~ to this requirement if deemed ~~necessary~~ [reasonable](#) when the natural contour of the land makes this requirement unsafe or not practical.

HISTORY

Adopted by Ord. [201 §03.0501\(4\)\(a\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.28.020 Width

The width of blocks shall be sufficient to allow two tiers of lots. The Planning Commission may approve a [modification](#) ~~variance~~ to this requirement if deemed necessary when the natural contour of the land makes this requirement unsafe or not practical [or when a subdivision backs onto an arterial or major collector road](#).

HISTORY

Adopted by Ord. [201 §03.0501\(4\)\(b\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

[17.30 Trail Design Guidelines](#)

[17.30.010 Purpose](#)

[17.30.015 Standards](#)

[17.30.020 Trail Design](#)

[17.30.030 Construction Standards](#)

17.30.010 Purpose

As noted in the Heber City general plan, our goal is to develop and incorporate a public non-motorized trail system into the future and existing infrastructure of Heber City to provide safe transportation and recreation facilities, compatible with the rural and mountainous environments of Heber City.

These trail standards have been implemented to accomplish the following:

1. Create a seamless and consistent trail network.
2. Improve the opportunity for alternative transportation.
3. Provide safe facilities for all users.
4. Enhance recreation opportunities for both residents and visitors.
5. Create design and construction standards for trails in Heber City.
6. Enhance recreation opportunities for both residents and visitors.
7. Create design and construction standards for trails in Heber City.
8. Provide enough trail options to keep traffic on trails at acceptable levels.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.015 Standards

1. In the event of a conflict between this Chapter and other adopted trails standards, the most restrictive shall apply.
2. The standards of this Chapter may be modified by the City Engineer when trails are proposed to pass through developed subdivisions, established neighborhoods or lots containing existing buildings. In such instances, when it is legal to establish such trails in developed subdivisions, established neighborhoods or lots containing existing buildings, all reasonable efforts shall be made to establish trails, walkways, paths connecting trail systems, or trail connections, with existing sidewalks as connectors between standard trail sections, and, to locate or orient such trails, or connectors to trails on and along the outside property boundaries, at the farthest distance from homes and yards of private property, and to minimize infringement and encroachment upon existing homes, property lines and private property.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.020 Trail Design

1. **Trail Function.** Anticipated trail use will essentially determine what type of trail to construct and where it will be built. There are two (2) general categories of trails: transportation and recreation, yet it is perfectly acceptable and common for the uses to be concurrent.

Commented [GU9]: All to be moved to the Parks and Trails Master Plan as an appendix. In addition engineering to create three cross section diagrams for the three major trail types - multi-use, pedestrian, backcountry

1. Transportation trails are generally built as destination trails and primarily connect neighborhoods with one another or with public facilities, which may include schools, recreation centers, parks, town or resort centers, shopping areas, libraries, etc. The purpose is to allow a non-motorized user a corridor that limits interference with motor vehicle traffic and promotes non-motorized alternatives for short local trips. User types may include cyclists, disabled users, walkers and a variety of other youth type activities.
2. Trails for recreation typically provide a connection to natural spaces and provide a range of challenges and features for the trail user. Loop trails are the preferred design that will allow users to begin and end at the same trailhead location. These trails typically connect to open spaces, national forests, state parks and neighborhood parks. User groups may include mountain and road cyclists, trail runners, equestrians, joggers, hikers and walkers. Trail surfaces are generally soft surface or natural surfaces.
2. **Trail Users.** These standards are set for non-motorized use and focused on all age groups, all levels of ability and generally include the following activity types: walkers, runners, joggers, hikers, cyclists (both mountain and road), skateboarders, disabled users, wheelchairs, equestrians, skiers, in-line skaters and baby movers (carriages, strollers, joggers, etc.). While it is clearly not practical for all types of trails in a mountainous environment to be fully accessible to the disabled, where reasonably appropriate, trails should comply with the requirements of the Americans with disabilities act of 1990 (ADA).
3. **Americans With Disabilities Act.** A trail is considered ADA accessible if it meets the following criteria:
 1. Five foot (5') minimum width.
 2. Hard surfaces. Asphalt and concrete are the most accessible. Compacted crushed stone with a diameter less than three eighths inch (3/8") is also acceptable.
 3. Trail grade less than five percent (5%).
 4. Ramps, not stairs, should be provided for grades exceeding the five percent (5%) maximum.
 5. Ramp grades should not exceed eight percent (8%) and have a level landing for every thirty inches (30") of vertical rise and have a slip resistant surface.
 6. Thirty two inch (32") high handrails should be installed on all ramps and bridges.
 7. Trails should have a rest area every three hundred feet (300'), preferably cleared with a bench.
 8. One or more accessible parking spaces should be provided at trail parking lots.
 9. If gate or bollards are used to prevent motorized vehicle access to the trail, thirty two inch (32") clearance is necessary for wheelchair access.
4. **Trail Location.** The following are guidelines for how trails should be routed to reduce maintenance needs and environmental impacts while maximizing the trail experience:
 1. **General Guidelines:**
 1. Trails should be located and constructed in such a manner as to minimize maintenance and maximize access. Alignment should utilize the natural topography of the land and should follow natural contours where possible with respect to surrounding landforms.
 2. Design features should preserve and promote natural elements, including geologic, scenic, wildlife and historic.
 3. Construction must factor in erosion related to use and weather.
 4. Trail design should consider the trail users experience. Alignments should avoid excessive switchbacks or lengthy steep grades. When creating alignments, consider intended volume, ability and type of user.
 5. Locate trails for both summer and winter activities giving consideration to terrain and climate. Identify snow retention areas for possible cross country ski trails. In open areas, use trail alignments that take advantage of wind protection and shaded canyon areas.

- 6. Because each trail site is unique, specific trail proposals through sensitive areas need to be considered on a case by case basis.
- 7. Trails should be clearly separated from vehicle traffic. Users are generally safer and travel experiences are enhanced on separated trails. Snow removal and general maintenance are less costly when trails are separated from roads and parking lots. At grade crossings at roads should be limited.
- 8. The trail grade should not exceed half the grade of the hillside the trail is traversing. This is primarily to limit erosion and is a general guideline. For example, if you build across a hillside with a side slope of twenty percent (20%), the trail grade should not exceed ten percent (10%).

2.—Standards For Grades, Vertical Clearance And Curve Radii:

- 1. Grades. Grades of five percent (5%) and below are acceptable for standard trail sections. Grades above five percent (5%) cannot be considered wheelchair accessible. Intersections should not exceed three percent (3%). Avoid sharp curves on grades exceeding five percent (5%) to avoid confrontations between different levels of users. The following table identifies lengths of trail for grades above five percent (5%) (backcountry or natural surface trails may exceed these grades for short distances, but must factor in appropriate erosion control measures):

Grade (Percent)	Limit On Length At That Grade
<5	None
5-6	800 feet
6-7	400 feet
7-8	200 feet
8-9	100 feet
9-10	50 feet
>10	0 feet

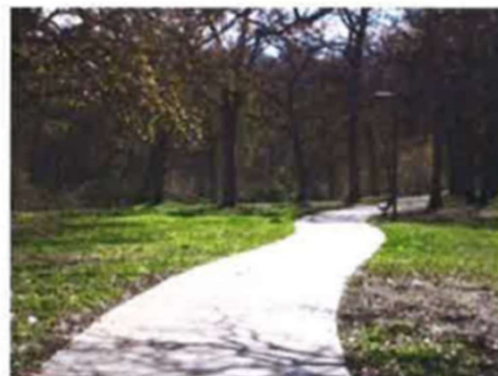
- 2. Line of Sight. Trail users need adequate sight line distances to anticipate changes in the trail and trail users coming from the opposite direction. An optimal clear view distance for bicyclists (the trail user traveling at the highest speed) is one hundred fifty feet (150'). If this distance cannot be met, appropriate signing must be placed to warn the user of curve ahead.
- 3. Vertical Clearance. Vertical clearance (or ceiling) is a ten foot (10') minimum. This allows for all types of non-motorized users. If pathways will be prepared for use during winter months, clearances should anticipate snow loading and be increased to sixteen feet (16').
- 4. Curve Radii. Curve radii will vary between allowed uses on multiple user trails. Bicycle standards should be followed, as this is the fastest moving user group requiring longer sight distances. Refer to the "AASHTO Guide for Development of Bicycle Facilities" for stopping distances, curve radii and intersection coordination.

3.—Trail Types:

1. **Improved Multi-Use Trail.** Multi-use trails are major community arterial routes that are non-motorized, independent of vehicular routes and provide adequate separation from vehicles. They may bisect parks and open space, as well as parallel natural features, such as rivers and streams. These trails are both transportation and recreation-oriented and should provide connections to cities, towns, back country trails and trailheads, parks, points of interest, and other transportation nodes. Where possible these trails should comply with AASHTO standards.



2. **Improved Pedestrian Trail.** Improved pedestrian trails are collector trails (including sidewalks) that are non-motorized and connect users to community trails. They may bisect neighborhoods, open space, commercial developments, parks, schools, etc., and parallel rivers and streams. Many existing pedestrian trails were designed and constructed prior to the regional trails master plan. Where possible, trails less than 8 feet wide should be widened and brought into current standards to improve access to more users.



Future construction of major sidewalks that connect to the core trail network should be adapted to meet the standards of improved pedestrian trails, which will include an 8 foot wide tread surface. Efforts should be made to maintain a consistent width and for residential sidewalks to remain between 4 to 8 feet.

3. **Backcountry Trail.** Backcountry trails (single-track type) are defined as trails that provide access for users to explore areas outside of the urban trail network. These non-motorized trails are typically designed and constructed for a variety of recreational users, such as hikers, trail runners, mountain bikers, and

equestrians.



Because they are located outside of the urban network, the surface typically consists of natural dirt, creating an undeveloped feel for users. In some rare cases, other materials, such as gravel, may be implemented to aid in erosion control or stabilization. Backcountry trails are to be cut at a width of 4 feet.

In some cases, bridges, and boardwalks may be necessary to traverse through or over natural features in the backcountry. These structures should be designed and constructed to be compatible with all backcountry uses.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.030 Construction Standards

- Trail Surfacing.** Heber City surfacing guidelines are provided for Improved Multi-Use Trails, Improved Pedestrian Trails and Back-country Trails.

Table 1: Trail Construction Standards Summary

Trail Type	Sizing	Materials
Improved Multi-Use	10 ft. trail within a 20 ft. easement (can be up to 14 ft. for regional connections as determined by staff and trails map)	Asphalt—weed barrier, 3" of asphalt on top of 6" road base
		Concrete and pavers can be used in appropriate areas such as intersections or plazas
Improved Pedestrian	8 ft. trail within a 20 ft. easement	Concrete—weed barrier, 4" thick concrete pavement on top of a 6" depth of 3/4" gravel
		Or Asphalt with weed barrier, 3" of asphalt on top of 6" of road base

Back-country

4 ft. trail within a 10 ft. easement

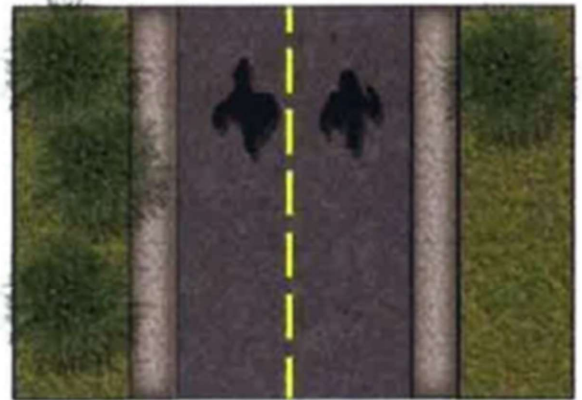
Natural Surface

2. **Improved Multi-use Trails.** Improved multi-use trails are major community arterial routes within the urban network. Because improved multi-use trails are designed for large volumes of users with varying uses, the surface materials should be a durable pavement. Asphalt is the preferred pavement type due to cost, ease of maintenance, and surface smoothness.

Typical pavement cross sections for an asphalt multi-use trail should consist of the following:

1. a properly graded and compacted sub-grade that has been stripped of all organics and;
2. lined with a structural weed barrier fabric;
3. a 6" depth of compacted road base material; and
4. a 3" depth of hot mix asphalt (HMA) pavement.

In some circumstances, concrete or concrete masonry unit (CMU) pavers may be used to create a unique look or feel. These surfaces should be avoided in most areas due to the uneven joints and score lines that cause undesirable riding experiences for cyclists.



For improved multi-use trails in Heber City, a tread width between 10 and 13 is recommended. Trails with a 10-foot width should be actively pursued where cost and space permit. A lesser width may be required by the planning department where appropriate. 14 foot wide trails shall be used on trails identified on the trails plan as being a collector trail or a regional connection. By constructing wider trails initially, the county, cities, and other agencies will have made preparations for a growing population in the area. Wider trails will also accommodate larger trail specific competitions and events (see Figure 32). Maximum slope shall not exceed 5% except for short distances. All improved multi-use trails should be constructed within a 20 foot easement.

3. **Improved Pedestrian Trail.** Improved pedestrian trails are more commonly referred to as sidewalks. The objective of the master plan is that future construction of major sidewalks will be adapted to meet the standards of improved pedestrian trails. The typical cross-section of an

improved pedestrian trail in Heber City should include an 8 foot wide tread surface. Trail construction should consist of a properly graded and compacted subgrade that has been stripped of all organics and lined with a structural weed barrier fabric followed by a 4" thick concrete pavement on top of a 6" depth of 3/4" gravel or can be constructed with asphalt with a weed barrier, and a 3" layer of hot mix asphalt over 611 compacted road base.



Efforts should be made to update all existing improved pedestrian routes in the urban system to meet these standards. Residential and collector sidewalks can remain at 4 to 6 foot widths, but primary sidewalks should be constructed at 8 feet wide. All improved pedestrian trails should be constructed within a 20 foot easement.

4. **Backcountry Trails.** Backcountry trails, as classified in this document, are recreational trails outside of the urban network. Because they are located outside the urban network, tread material is often created from the natural sub-grade. In some cases other materials such as gravel may be implemented to aid in erosion control and/or stabilization. In all cases, these materials should be derived from adjacent areas to maintain a natural look and feel. Tread width of back country trails will vary based on vegetation, obstacles, and use. In most cases, backcountry trails should not exceed 48 inches wide within a 10 foot easement. Most backcountry trails will have a tread width of 12 to 24 inches, depending on use. The slope of backcountry trails is ideally less than 8%, with a maximum of 10% for runs of less than 100 ft. Back country trails should only exceed 10% in rare circumstances as approved by the county.



All backcountry trails should be designated with a rating to allow potential riders to make safe and informed decisions. The IMBA has developed a standard trail difficulty rating system applicable to mountain bike trails. By providing ratings on trail signs in accordance with IMBA's standards and by providing general trail characteristics such as total length, elevation change, and projected trip times at trailheads, all potential users can make educated decisions about the trails they use.

5. Backcountry trail construction standards

1. Backcountry trails should be built to IMBA standards. Surface treatment shall be a natural surface constructed with a bench width of 2 to 4 feet, which ensures environmental stewardship and allows for long term sustainability by:
 1. Incorporating bench cut construction with a tread surface that has an outward slope to the outer edge from a grade of 2 to 8% in the downhill direction; and
 2. Incorporating grade reversals and dips to reduce water erosion; these grades should average between 5 and 8%, with a maximum grade of no more than 10%, into the trail design and construction specifications.

Adding these features will help minimize tread erosion by allowing water to drain in a gentle, non-erosive manner and ensuring the soil stays on the trail where it belongs.

Figure 1: Trails constructed without proper cross slope.

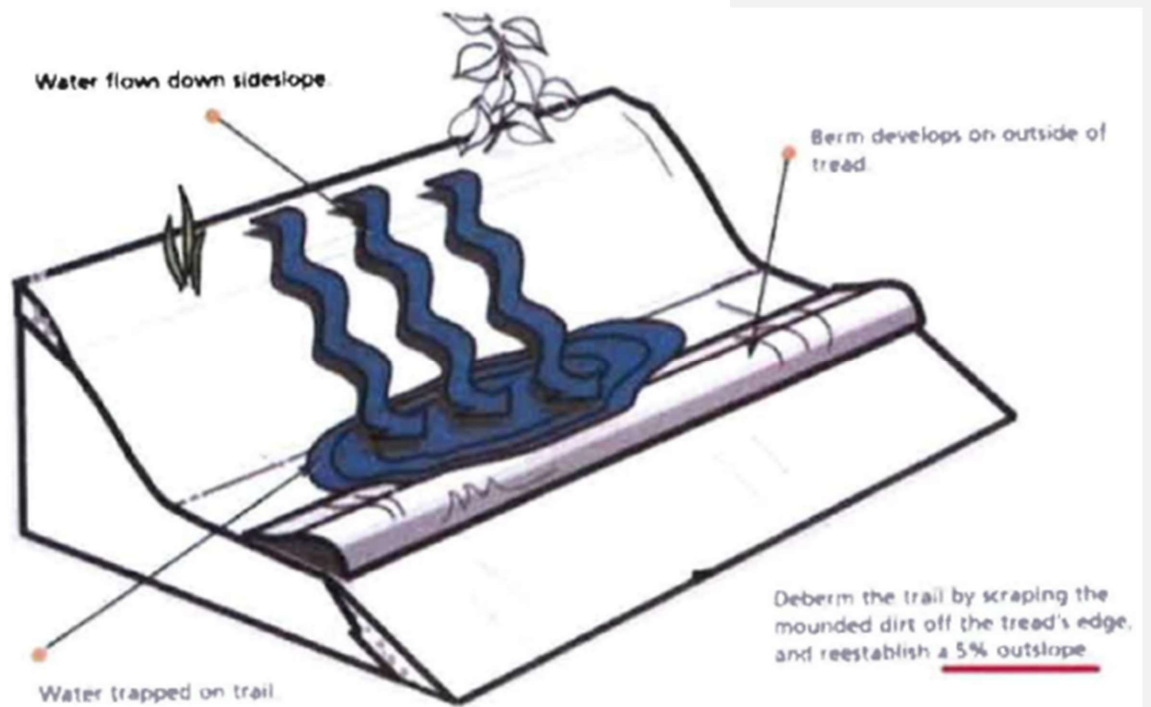
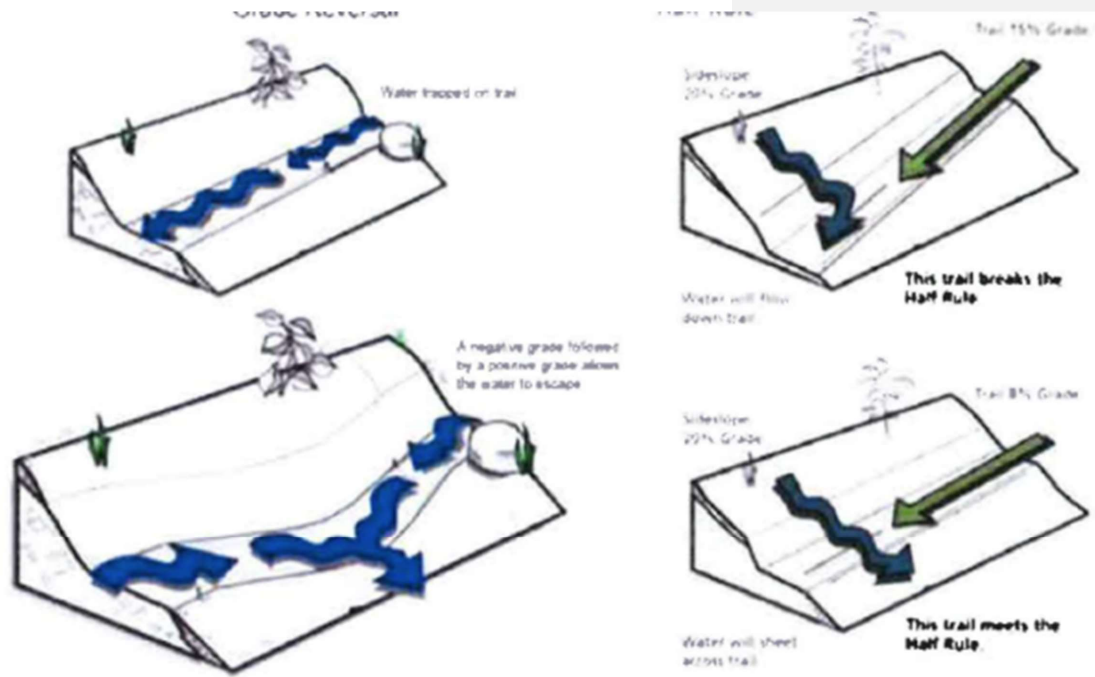
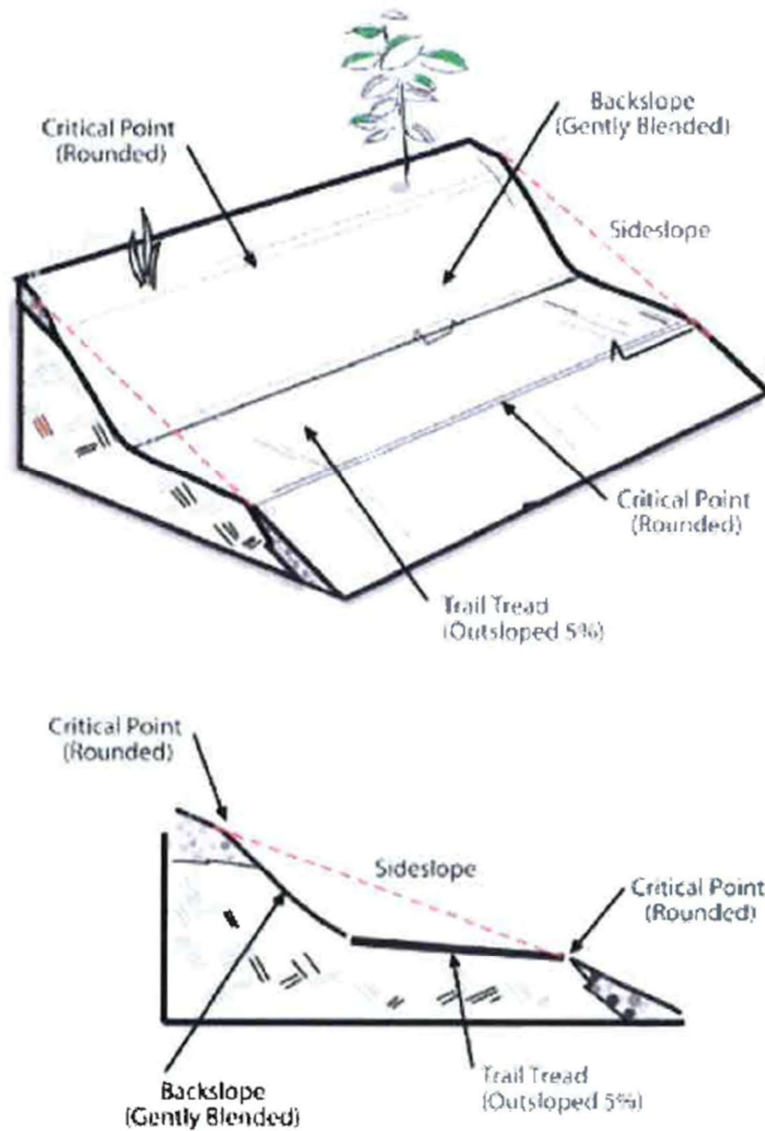


Figure 2: Proper grade reversal and bench cut construction.



2.—Surface And Width: The original trail cut should be four feet (4") wide. The tread surface will compact and revegetate leaving a two foot (2') wide usable tread surface. Terrain and levels of expected use should determine width. The trail surface (tread) must be free of all organic material. All vegetation debris should be dispersed downhill of the tread and be noticeable to users. Corridor should be clear of all branches and tree stumps within two feet (2') of the tread surface. Full bench construction is required (Figure 3).

Figure 3: Trail Cross Section

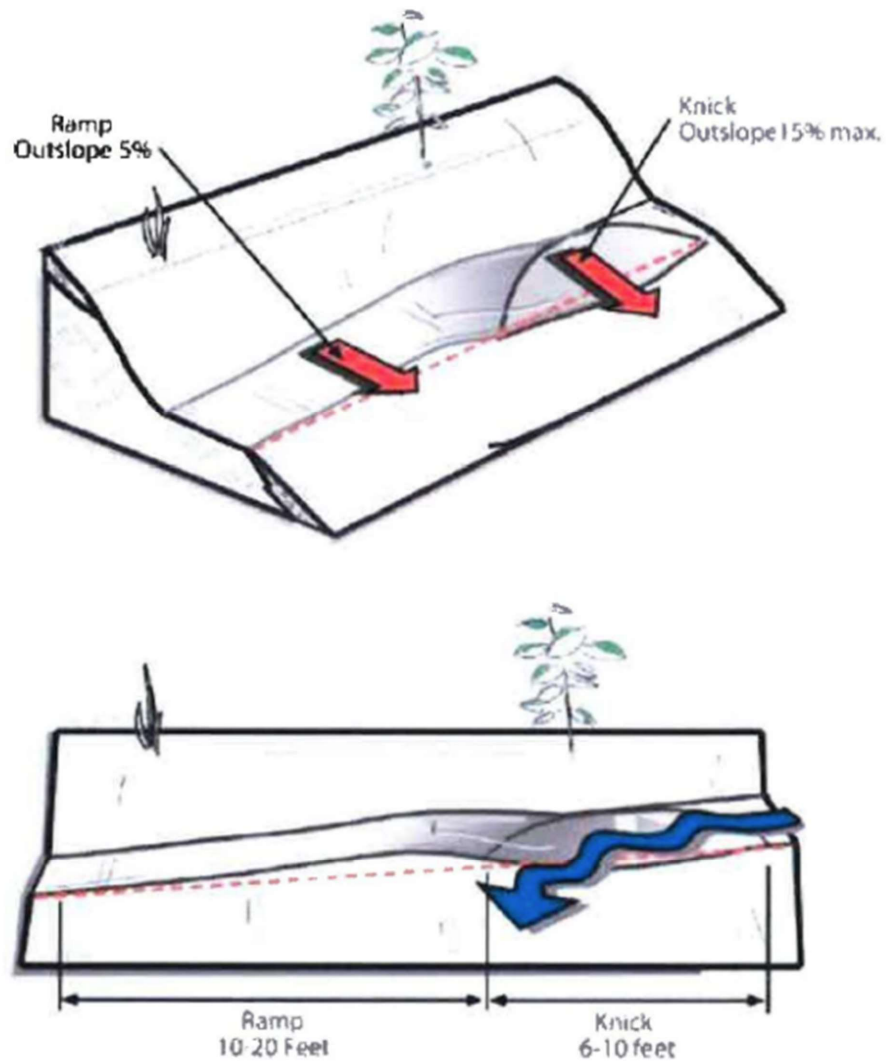


(Courtesy of IMBA)

3. **Grade:** Grades should not exceed ten percent (10%). Optimal grades are between five (5) and eight percent (8%). If grades exceed ten percent (10%), which is only permitted on a limited basis, consideration must be given to the maintenance issues that may arise and the sustainability of the trail over time.
4. **Drainage:**
 1. **Outslope** is two percent (2%) to five percent (5%).

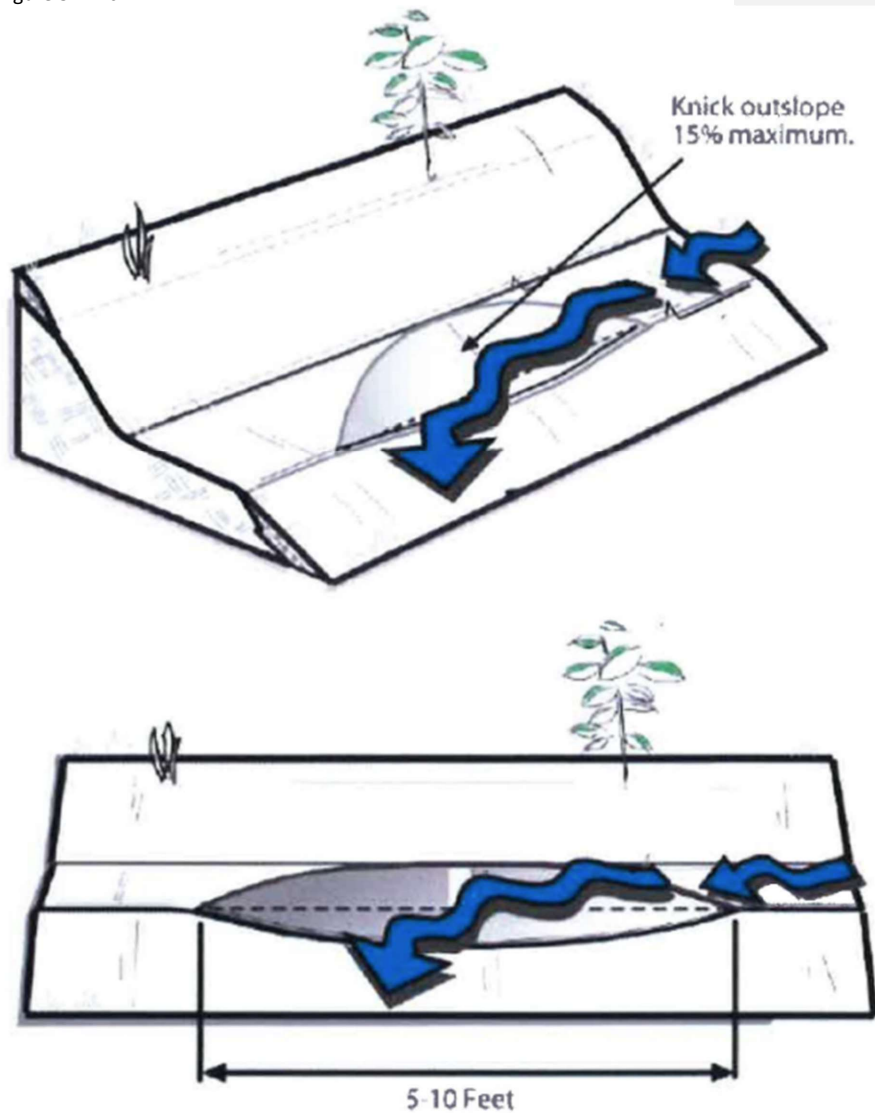
2. Rolling grade dips are the preferred water diversion feature (diagram 3).
3. Knicks can also be used. These are six (6) to ten (10) feet long and have a fifteen percent (15%) outslope (diagram 4).
4. Swells can be used where drainage is possible.
5. Drain dips cannot be constructed on grades exceeding ten percent (10%).
6. Water bars can be used in rare circumstances where terrain is prohibitive to above.
7. All topsoil removed to create the tread must be sidecast and dispersed.

Figure 4: Rolling Grade Dip



Rolling grade dips are a sustainable alternative to water bars. Dips are large enough to be self-cleaning and subtle enough that cyclist will not steer around them. A dip is longer than a bike and shaped like a knick. Use bondable soil from a dip to make a long, gentle ramp just past it. The ramp should be nearly twice as long as the dip.

Figure 5: Knick

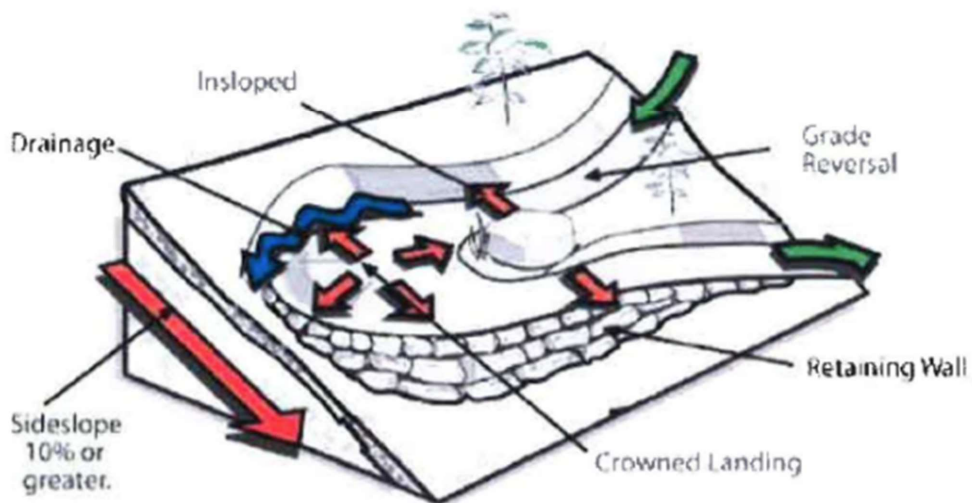
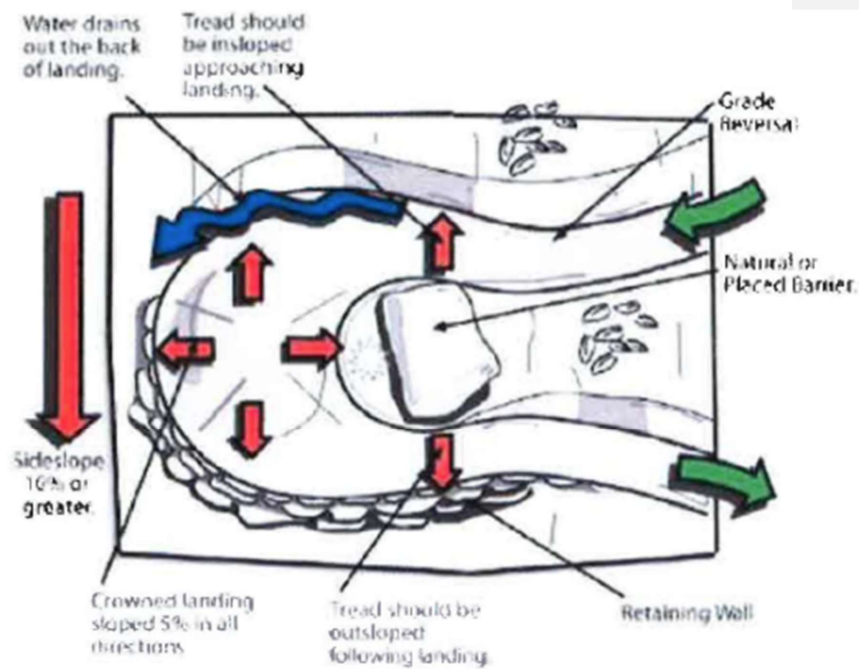


Kincks are used on gentle terrain to direct sheet flow off the trail. In contrast to rolling grade dips, soil from the knick is spread downslope off trail. The goal is sheet flow, not concentrated runoff.

Knicks can be used on contour trails, to accentuate natural grade breaks and direct water off trails. Knicks should be long and subtle to be self-cleaning, yet unobtrusive to trail users.

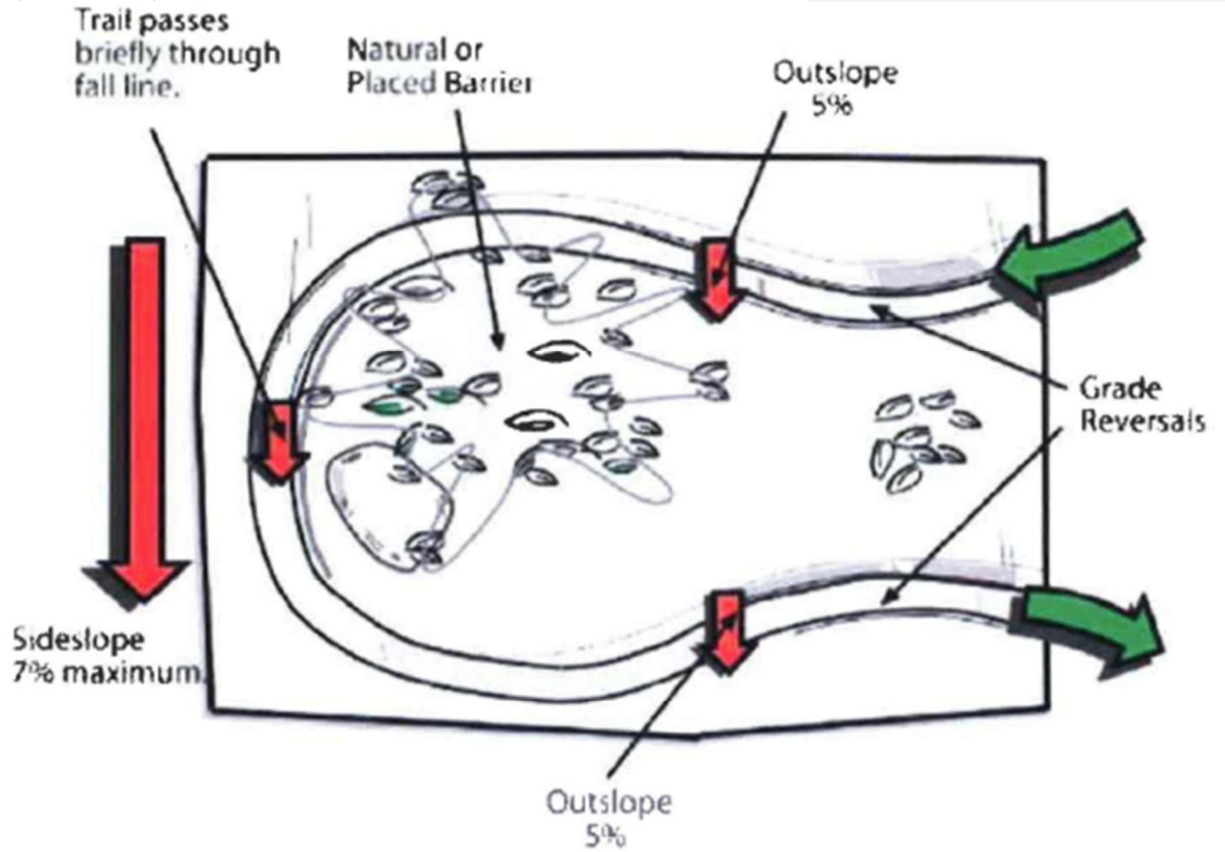
5. Switchbacks and Climbing Turns

Figure 6: Rolling Crown Switchback



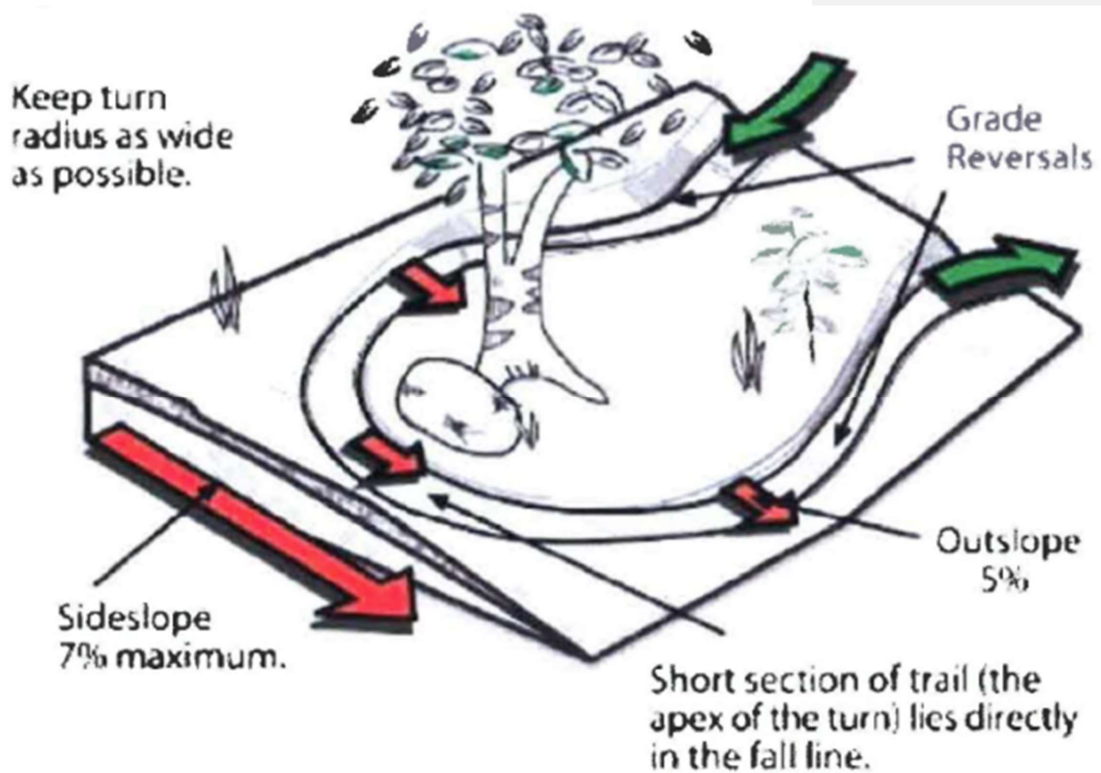
This shows the most sustainable type of turn of steep sideslopes. Inslope the trail bed only on the upper leg as it transitions to the crowned landing. The landing should have a 12 to 18 foot diameter, depending on trail width. The landing is outsloped in all directions. Build a grade reversal just before the upper leg to move water off the trail before it reaches the landing.

Figure 7: Climbing Turn



Maintain constant grade and radius through the turn section. Climbing turns may not be sustainable on sideslopes exceeding 7 percent grade.

Figure 8: Grade Reversal



A climbing turn is any turn that ascends (or descends) on the fall line of a sideslope. Improve sustainability by placing climbing turns on gentle slopes and using grade reversals to drain water above them. Climbing turns should have a large turning radius and barriers between legs to prevent shortcutting.

6. Trail Construction

1. **Guarantee for Trail Construction.** Trail construction that is required as part of a development project will be subject to a security or bond that covers one hundred ten percent (110%) of the trail construction cost. This will be required at the same time the bonding is done for the other infrastructure requirements. All requirements and bonding will be completed with the Heber City Engineering Department.
2. **Trail Easements.** All public trails will require a recorded easement. All trail easements shall be noted and defined on a plat map or by recorded easement. Backcountry trails and some soft surface trails will be recorded as built, and will be included as an exhibit in the development agreement when receiving plat approvals from Heber City. Before bonds for the trails will be release the as-built trail easements must be recorded.
3. **Phasing.** When trails are part of a phased project, the phasing of various trail segments will follow a logical sequence for trail users. This phasing and expected dates of completion for trails shall be noted in the development agreement with Heber City.
4. **Measures to Reduce Trail Construction Impacts.** As stated previously, a good site selection for your trail will prevent most construction impacts. Water drainage and erosion must first be addressed during the trail location phase, allowing for the use of natural features to be incorporated into the trail design. The following may or may not be required for trail construction:

1. In ecologically sensitive areas, temporary fencing may be used to protect these features.
2. Trails located near wetlands, may require boardwalk-style construction.
3. If using machinery to cut the trail, the right size equipment must be used. Different products are available specific to trail construction needs.
4. If building near waterways or critical runoff points, trail layout will need to be reviewed on a case by case basis. Erosion matting or other device may be required for construction.
5. In visually sensitive areas, work with hand tools may be necessary to reduce visual impacts.
6. Indigenous materials should be used to the greatest extent possible for construction and revegetation practices. Seed mixes should be native; and care should be taken to not introduce nonnative materials into construction areas.
7. Revegetation should occur quickly after construction dependent on the location, season and availability of water. Use of a native seed mix will be necessary. Trees and shrubs will need to be replaced if removed for construction purposes. For recommended seed mix and native vegetation please contact: Utah State University Extension Service, Heber City Branch, 55 South 500 East, Heber City, UT 84032.

7. Trailheads. Trailheads generally provide four essential purposes: signing, off street parking, restroom facilities and trail access. Any access into the trail system is considered a trailhead. New development that includes public trails, must consider how the public will get to these facilities and how it will coordinate with other plans in the development. Trailheads should be visible, easily accessible and designed to accommodate the type of trail uses allowed. Equestrian trails will require more space than hiking or biking only trails for trailer parking and maneuvering.

1. **Trailhead Classification.** Access to a trail system is one of the primary elements for a successful trail network. Trailheads serve the local and regional population who access the trail network by car, transit, bicycle, foot, and/or other modes of travel. These access points provide essential connections to the system and serve as an information hub to educate and provide users with directions, maps, rules and regulations of the trails and area, closures, events, etc. Where appropriate, support facilities, such as resting areas, interpretive signs specific to the area, public art, restrooms, fountains, and bike racks, may be provided. To plan proposed trailheads and improve existing ones, the following classification standard was created. Three different classes are proposed based on capacity, location, trail access, and amenities.

1. **Class 1 Trailheads.** Class 1 trailheads are classified as major developed parking hubs for both community and regional trails where heavy use is anticipated. Class 1 trailheads should include, but are not limited to, a minimum of 25 paved parking stalls, direct and safe trail access, restrooms, information kiosks, with maps and educational information, drinking fountains, bike racks, security lighting, public art, and monument signs, as determined at the time of approval, evaluation, and development. Class 1 trailheads should address good circulation patterns, site distances, proper drainage and storm water runoff, and

landscaping, as required.



2. **Class 2 Trailheads.** Class 2 trailheads are classified as trail parking areas that include less than 25 parking stalls but more than six. Parking surfaces may be improved with road base, gravel, or pavement. Amenities may include, but are not limited to, restrooms, map kiosks, signs, safe and direct trail access, and other items, as determined at the time of approval, evaluation, and development. These trailheads should address good circulation patterns, site distances, and proper drainage and storm water runoff, if necessary.



3. **Class 3 Trailheads.** Class 3 trailheads are classified as small, undeveloped, legal trail parking areas that provide six or less parking stalls and accommodates off-street parking. There are typically no trailhead amenities, such as restrooms, bike racks, etc. They do provide direct access to trails and often provide a map kiosk with trail information.



8. **Bridges.** Bridges can be a great attraction for trail users and most likely highlight a scenic vantage point. In Heber City, bridges may be used to span rivers, streams, canals, roadways, and steep topographic features.

Two (2) design types can be used: custom made or a factory built steel truss. Both styles have advantages and disadvantages and some general recommendations have been made here.

A custom bridge will use treated lumber that is resistant to decay for long term durability. A typical custom bridge span is less than twenty (20) to twenty five feet (25). Longer spans for low

bridges can be formed using piers, creating the aesthetically desirable possibility of aligning the bridge on a curve.

Factory built bridges should be used for clear spans over twenty (20) to twenty five feet (25). These bridges can be ordered in any length and width, with several competing manufacturers. Decks can be wooden or concrete and all engineering is done by the manufacturer.

1. General Design Features.

1. Width of bridge should be the equivalent of the trail. This refers to the usable width of the bridge and does not consider construction requirements.
2. Bridge alignments should allow for adequate sight distances and where possible be constructed to avoid the need for users to make sharp turns at either end of the bridge.
3. Railings are required if the decking is farther than thirty inches (30) above the feature being spanned. Railings should be fifty four inches (54) high, with railings spaced not greater than fifteen inches (15) (if drop offs are hazardous, this is limited to 4 inch spacing).
4. All exposed bolt and screw heads should be countersunk to be flush with the wood surface.
5. Breakaway design features must be used if the bridge is constructed in an area prone to flooding.
6. The design must be structurally sound and approved by a licensed engineer. Design must factor in both live and dead load.
7. Design and materials should fit in with surrounding development.
8. Contact with state of Utah Division of Water Rights, Army Corp of Engineers and Heber City Engineer may be necessary, depending on location.

9. **Fencing.** Fencing should be installed only where physical separation is necessary for safety and/or to preserve adjacent landowner privacy. Fences should not create a narrow corridor effect for long stretches along the trail. Where possible, fencing should be located only on one side of the trail at a time.

Fences should be no closer than five feet (5') from the trail edge and must also be located within the trail easement. Where fences are necessary along both sides of a trail, the minimum width should be twenty feet (20') as is consistent with the required trail easement.

Gates are required for trails that cross stock grazing areas. Said gates will be a self-closing lever latch type.

10. **Signing.** The signing standards include three (3) types: informational, regulatory and interpretive. All types should be straightforward and simple to read and understand.
1. **Informational Signs at Trailheads.** These signs are primarily located at trailheads or areas where the user may experience a change in the trail experience. These signs should be located in such a way as to not interfere with the trail surface but be accessible to the users.
 2. **Interpretive Signs.** These signs benefit the users by explaining some feature available on the trail route. The features may include historical, biological, natural resources, or cultural facts about an area. Often these signs are educational and will serve to relay management goals of an area. These must be located in appropriate areas.
 3. **Regulatory Signs.** The following are some of the signs likely to be needed, along with their identification number and size. Some unusual signs may have to be custom made. These examples are taken from the "Manual on Uniform Traffic Control Devices", December 2000 edition (MUTCD). The MUTCD should be referenced for complete signing standards.
 4. **Stop and Yield Warnings.**

1. "Stop" signs are intended for use where bicyclists are required to stop.
2. "Yield" signs shall be installed on shared use paths at points where bicyclists have an adequate view of conflicting traffic as they approach the sign and where bicyclists are required to yield to the right of way. The visibility of approaching traffic must be adequate to permit the bicyclist to stop or take other measures to avoid that traffic.
3. "Stop Ahead" and "Yield Ahead" signs should be used where an intersection cannot be seen on approach. They may also be used to emphasize the right of way at busy or dangerous intersections.
4. "Driveway Crossing" should be used where a driveway crossing cannot be seen on approach. This sign can also emphasize busy or potentially dangerous driveway crossings.
5. Unexpected or Hazardous Conditions Warnings. These should be used only when necessary to warn of unexpected or potentially hazardous conditions. The signs should be placed to least fifty feet (50') before the hazard.



6. Turn and Curve Warnings. If the trail changes direction unexpectedly and the change is not readily apparent on approach, use appropriate turn or curve signs to warn bicyclists. They should normally be installed no less than fifty feet (50') in advance of the beginning of change of alignment.

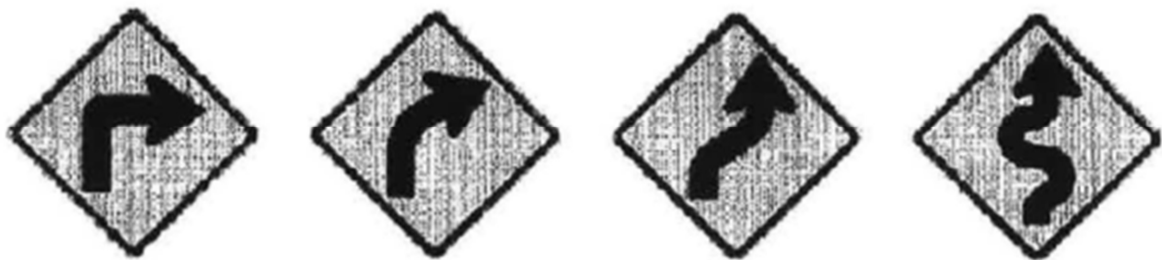


Figure 2: Sign Sizes for Shared Use Paths

Sign	MUTCD Code	Minimum Sign Size	
Millimeters	Inches		
Stop	R1-1	450 x 450	18 x 18
Yield	R1-2	600 x 600 x 600	24 x 24 x 24

Bicycle lane	R3-16, 16a, 17, 17a	600 x 750	24 x 30
Movement restriction	R4-1, 2, 3, 7	300 x 450	12 x 18
Begin right turn lane yield to bikes	R4-4	900 x 750	36 x 30
No motor vehicles	R5-3	600 x 600	24 x 24
Bicycle prohibition	R5-6	600 x 600	24 x 24
No parking bike lane	R7-9-9a	300 x 450	12 x 18
Pedestrians prohibited	R9-3a	450 x 450	18 x 18
Bicycle regulatory	R9-5, 6	300 x 450	12 x 18
Shared use path restriction	R9-7	300 x 450	12 x 18
Railroad crossbuck	R15-1	600 x 112	24 x 4.5
Turn and curve warning	W1-1, 2, 3, 4, 6	450 x 450	18 x 18
Arrow warning	W1-6, 7	600 x 300	24 x 12
Intersection warning	W2-1, 2, 3, 4, 5	450 x 450	18 x 18
Stop, yield, signal ahead	W3-1a, 2a, 3	450 x 450	18 x 18
Road narrows	W5-2a	450 x 450	18 x 18
Bikeway narrows	W5-4	450 x 450	18 x 18
Hill sign	W7-5	450 x 450	18 x 18
Bump or dip	W8-1, 2	450 x 450	18 x 18
Bicycle surface condition	W8-10	450 x 450	18 x 18
Advance grade crossing	W10-1	450 diameter	18 diameter
Bicycle crossing	W11-1	450 x 450	18 x 18
Low clearance	W12-2	450 x 450	18 x 18
Shared the road plaque	W16-1	600 x 750	24 x 30

Supplemental bike route plaque	D1-1	600 x 150	24 x 6
Bicycle parking	D4-3	300 x 450	12 x 18
Bike route	D11-1	600 x 450	24 x 18
Bicycle route marker	M1-8	300 x 450	12 x 18
Bicycle route marker	M1-9	450 x 600	18 x 24
Supplemental bicycle route guide	M4-11, 12, 13	300 x 100	14 x 4
Route marker supplemental plaques	M7-1, 2, 3, 4, 5, 6, 7	300 x 225	12 x 9

7.— Sign Construction Features (Sample Bollards and Mile Markers).

- 1.— Sign Posts: There are many design solutions to signage along a trail; below is one commonly used design. Post location will conform to the standards set forth in the MUTCD section on "Traffic Control Devices for Bicycle Facilities". Signposts will be four by four (4 x 4) pressure treated Douglas fir, embedded into the ground a minimum of twenty four inches (24") unless other materials are specifically approved. Attachment Systems: Signs should be attached to wood posts with three eighths inch (3/8") diameter galvanized carriage bolts in a minimum of two (2) locations per post.
- 2.— Sign Bollards: These should be located at all trail access points. Posts should be constructed of Redwood or pressure treated Douglas fir. The individual symbols are three inches (3") square reflective decals that can be ordered from Carsonite International. They should be mounted on heavy gauge aluminum plate routed into the post a minimum of two inches (2") and epoxied into place.

11.— Crossings and Roadway Interface. Heber City and the Heber Valley are dissected by US 189 and US 40, regional highways which connect the County to the Wasatch Front and the Uintah Basin. These highways carry a significant volume of semi trucks, which makes crossing these roads a challenge. To improve trail connectivity between communities within the valley, three types of crossings, at grade, elevated, or underpass, will need to be considered for each location (see Figure 3). Construction type will be based on the average daily trips (ADT) projected at build out.

- 1.— At Grade Crossings. Of the three crossing options, building an at grade crossing may be the least expensive. Several multi-use trails in the urban area of the Wasatch Front cross major collectors that carry high volumes of traffic. These crossings may be a cost effective solution since they can be used at signalized intersections within downtown

Heber City where speeds are lower.



2. Trail Overpasses. When trails need to cross higher speed roadways, grade separation is required for safety. A trail bridge over US 189 or on US 40 north or south of the Heber City limits would be recommended as it will allow for trail users to cross safely. Trail bridges can be expensive (typically exceeding \$1 million) as additional property is needed to build the ramps and meet height requirements.



3. Trail Underpasses. Building a tunnel or underpass is another solution to safely separate trails from high volume/high speed roadways. Depending on the number of underground utilities, the level of groundwater in the area, and soil types, an underpass can be a cost effective solution for the proposed trail crossing on US 40 and US 189. These underpasses will require lighting for safety.



Figure 3: Pros and cons table for trail crossings

Crossing Type	Pros	Cons
At-Grade Crossing	Low Cost	Traffic Disruption
	Low Visual Impact	Pedestrian Safety
	No Grade Change	
Pedestrian Overpass	Pedestrian Safety	Cost
	Potential Land Mark	Large Footprint
	Unique Feature	High Visual Impact
Pedestrian Underpass	Small Footprint	Cost
	Low Visual Impact	Potential for Flooding
	Safety	-

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

[17.32 Lot Design Standards](#)

[17.32.010 Building Sites](#)

[17.32.020 Lot Sizes](#)

[17.32.030 Lots Must Abut On Public Streets](#)

[17.32.040 Corner Lots](#)

[17.32.050 Parts Of Lots](#)

[17.32.060 Divided Lots](#)

[17.32.010 Building Sites](#)

The lot arrangement, design and shape shall be such that lots will provide a compact body **suitable area** of land for buildings and be properly related to topography and conform to requirements set forth in

this title. Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage, which would be unusable for normal purposes.

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(a\)](#) on 10/2/1973

17.32.020 Lot Sizes

All lots shown on the subdivision plat must conform to the minimum requirements of Title 18 of this code for the zone in which the subdivision is located, ~~except when approved by the Planning Commission and City Council as a large scale development.~~

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(b\)](#) on 10/2/1973

17.32.030 Lots Must Abut On Public Streets

Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street ~~which if sixty feet wide, or more, except~~ **when private streets are** approved by the Planning Commission and City Council as a large scale development. ~~Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.~~ **Flag lots may be considered as development on a private street/driveway.**

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(c\)](#) on 10/2/1973

17.32.040 Corner Lots

Corner lots in single family zones shall be 10% larger than the minimum lot size required by the zone.

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(d\)](#) on 10/2/1973

Amended by Ord. [2021-13 Amending Section 17.32.040 Corner Lots](#) on 3/16/2021

17.32.050 Parts Of Lots

All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, rather than be allowed to remain as ~~usable~~ parcels **that may be non-conforming or inherently unusable.**

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(e\)](#) on 10/2/1973

17.32.060 Divided Lots

Where the land contained within one lot is divided into two or more parcels in separate ownership, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the Planning Commission by the subdivider. ~~Thereafter, no lot in the subdivision shall be partitioned.~~

HISTORY

Adopted by Ord. [201 §03.0501\(5\)\(f\)](#) on 10/2/1973

[17.34 Sensitive Lands Regulations](#)

[17.34.010 Sensitive Lands](#)

[17.34.010 Sensitive Lands](#)

See Chapter 18.67

Commented [GU10]: new chapter covering this is before the City Council - section to be removed

1. ~~Development Prohibited.~~ New subdivisions and new development shall avoid the following areas:
 1. ~~Natural slopes over thirty percent (30%) grade; each lot must have a contiguous building area that is a minimum of five thousand (5,000) square feet at or below thirty percent (30%) natural grade;~~
 2. ~~Avalanche tracks;~~
 3. ~~Fault lines, scarps, landslides, rock fall and mudflow areas; and~~
 4. ~~Stream beds, canals, ditches, flood channels, areas of springs, seeps and surface water.~~
2. ~~Development Discouraged.~~ The following hazard areas should be avoided by new subdivisions and new development and developer shall provide mitigation for such hazards when they apply. The City may require a notice of such hazard and required mitigation to future property owners in a development agreement, subdivision plat or other device.
 1. ~~Alluvial fan flood debris flow, collapsible soils, and shrink swell soils. Mitigation techniques shall follow the advisement of a qualified Geotechnical Engineer.~~
 2. ~~Shallow ground water. Mitigation techniques should include the installation of a foundation drain and sump pump, prohibition of basements, or the advisement of a qualified Geotechnical Engineer.~~
 3. ~~100 year flood zones. Mitigation techniques shall follow the procedures of Chapter 18.109 Flood Damage Prevention Ordinance.~~
 4. ~~Culinary Water Source Protection. Mitigation techniques shall follow the advisement of the source delineation report, current engineering practice, and/or applicable state statutes.~~

HISTORY

Adopted by Ord. [2018-41](#) on 7/19/2018

[17.36 Large-Scale Development](#)

[17.36.010 Compliance With Zoning Provisions](#)

[17.36.020 Costs And Charges](#)

[17.36.010 Compliance With Zoning Provisions](#)

Commented [GU11]: section becomes part of the CUP process - dropped - not a subdivision always

Where a subdivision is in the form of a large scale development, all plans and development in connection therewith shall be made to comply with the requirements for large scale developments as set forth in Title 18 of this code. Wherever conflict occurs between the regulations contained in this title and the regulations contained in Title 18 of this code the most restrictive regulation shall govern.

HISTORY

Adopted by Ord. [201](#) on 10/2/1973

[17.36.020 Costs And Charges](#)

When a subdivision is in the form of a large-scale development all costs and charges in connection therewith shall be the responsibility of the subdivider and shall be made to comply with the requirements for large-scale developments as set forth in Title 18 of this code.

HISTORY

Adopted by Ord. [201](#) on 10/2/1973

[17.38 Commercial Developments](#)

[17.38.010 Submission And Approval Process](#)

[17.38.020 Compliance With Zoning Provisions](#)

[17.38.030 Improvements](#)

[17.38.040 Landscape Requirements](#)

[17.38.050 Design Requirements](#)

[17.38.060 Additional And Special Requirements And Incentives](#)

[17.38.070 Platting Requirements](#)

[17.38.080 Supplementary Requirements](#)

[17.38.090 Guarantees Of Performance](#)

[17.38.100 Costs And Charges](#)

[17.38.010 Submission And Approval Process](#)

All applications for commercial development approval are required to follow the submission, review, and approval process found in Chapter 17.16 and Chapter 17.20 herein, even in the circumstance where no subdivision is created by the development proposal, except that commercial projects are not required to submit a Preliminary Plan. Commercial Development shall mean any nonresidential development building greater than 1,000 total square feet, including but not limited to public, commercial, industrial and non-profit organization buildings or facilities. Exception: public buildings under 1,000 square feet are exempt. Each commercial project will be required to submit a Concept Plan and a Final Plat. This requirement is intended to provide adequate project review in a manner consistent with other Heber City review processes.

The Concept Plan for a commercial development should include sufficient information about the project to allow the Planning Commission to complete a thorough review of the proposed project. Because the nature of each commercial project is different, consultation with planning staff will help each applicant to prepare the Concept Plan. If properly completed, the Concept Plan may be used as the Final Plat for a commercial project.

Exception to this Subdivision Ordinance for commercial development are limited to the following:

1. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.
2. The owner of commercial property does not need to provide a name for the commercial development.
3. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.

In addition to the requirements listed above, all commercial developments within Heber City are subject to Chapter 17.14 Adequate Public Facilities, herein.

Each commercial development shall satisfy all applicable requirements of this Subdivision Ordinance, also known as Title 17 of the Heber City Code, and the Heber City Zoning Ordinance,

also known as Title 18 of the Heber City Code-

As with all Ordinances of Heber City, if this Chapter is found to be in conflict with any other Heber City Ordinance or Resolution, the stricter of the two shall apply. Likewise, if any portion of this Chapter is found to be unlawful or invalid by a court of law, that section alone shall be removed and the remaining sections of this Chapter shall remain in effect.

4. Commercial Concept Approval becomes null and void if not acted upon within six (6) months of its approval, and Commercial Final Approval becomes null and void if not acted upon within one year of its approval. Either Concept or Final Approvals may receive one extension upon written permission by the Planning Commission. The duration of the extension for Concept Approval shall not exceed six (6) months. The duration of the extension for Final Approval shall not exceed twelve (12) months.

HISTORY

Adopted by Ord. [96-048](#) on 6/20/1996

Amended by Ord. [2003-04](#) on 4/3/2003

Amended by Ord. [2003-11](#) on 8/21/2003

17.38.020 Compliance With Zoning Provisions

All applications for commercial development are required to satisfy the applicable requirements found in the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code. Of particular note for commercial developments are Chapter 18.72, Off Street Parking, Chapter 18.76, Landscaping, and Chapter 18.104, Signs.

HISTORY

Adopted by Ord. [96-048](#) on 6/20/1996

17.38.030 Improvements

Improvements required for commercial developments shall be consistent with Chapter 17.40 herein. In addition to these requirements, all applications for commercial development will be required to submit all necessary information to determine the effect that approval of the project will have upon the transportation system of Heber City and what actions the City will need to impose, if any, in order to create, or maintain, a safe and efficient transportation system.

HISTORY

Adopted by Ord. [96-048](#) on 6/20/1996

17.38.040 Landscape Requirements

Each application for commercial development approval shall satisfy the requirements found in Chapter 18.76 of the Zoning Ordinance, also known as Title 18 of the Heber City Code, and the following requirements.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at no less than twenty (20) feet on center, on average, and shall have no less than a two (2) inch caliper, except that no trees shall be planted within forty five (45) feet of an intersection clear

view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged.

All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis. Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.

All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the property owner. The Zoning Administrator will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a Class C misdemeanor charge against the property owner under the authority of the Utah Code §10-9-1003 and Chapter 17.68 herein.

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

17.38.050 Design Requirements

In addition to the requirements of the Heber City Subdivision and Zoning Ordinances, the following design requirements shall apply to each commercial development approved under this Chapter.

1. ~~TRASH STORAGE.~~ No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.
2. ~~TRASH COLLECTION AREAS.~~ All trash collection areas shall be designed to be compatible with the proposed project.
3. ~~LIMITED ACCESS.~~ Generally speaking, commercial zones in Heber City are located in areas with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. Access should be addressed in an appropriate manner in accordance with section 17.38.030 herein.
4. ~~COMPATIBILITY.~~ The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development. This requirement is intended to ensure future compatibility with the subject proposal as well, and should be viewed in that manner by each applicant. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.
5. ~~ADOPTION OF DESIGN CRITERIA.~~ The March 2006 Heber City Design Compatibility Criteria for Commercial Development in the "Historic" Commercial C-3 Zone, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City Design Criteria shall be on file in the City Recorder's Office for the use and examination of the public.
 1. ~~APPLICABILITY.~~ General. Where, in any specific case, differences between the Heber City Design Compatibility Criteria for the C-3 Zone and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable.

~~6.—ADOPTION OF DESIGN CRITERIA. The November, 2006, Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City C-2 and C-4 Design Standards and Guidelines shall be on file in the City Recorder's Office for the use and examination of the public.~~

~~1.—APPLICABILITY. Where, in any specific case, differences between the Heber City C-2 and C-4 Zone Design Standards and Guidelines and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable.~~

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

Amended by Ord. [2001-13](#) on 8/16/2001

Amended by Ord. [2006-13](#) on 6/15/2006

Amended by Ord. [2006-29](#) on 11/16/2006

17.28.060 Additional And Special Requirements And Incentives

The following requirements are supplemental to the other requirements of this Chapter and are intended to address more specific commercial development concerns.

~~1.—INGRESS and EGRESS. Each commercial development is required to incorporate two points of ingress and egress to the proposed development. The ingress and egress shall be consistent to Chapter 17.24.130 herein. In addition to Chapter 17.24.130, no point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.~~

~~2.—STORAGE and WAREHOUSE DEVELOPMENTS. All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.~~

~~Heber City acknowledges the need for adequate security in these types of developments. However, provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.~~

~~All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. Fencing other than chain link which is similar in design to other structures within the development is highly desirable. The rear sides of buildings which provide adequate security may satisfy this requirement.~~

~~3.—DENSITY INCENTIVES. Storage and warehouse developments which provide design features that enhance the aesthetic appearance of the project are entitled to consideration of an increase in the density of the project. Density incentives shall be as follows:~~

~~1.—Developments which provide fencing that is not chain link and use materials compatible with the materials and colors used in the construction of the structures within the development, or are constructed from wood or other attractive material, as determined by the Planning Commission, are entitled to a ten (10) percent increase in~~

~~total project density. The rear sides of buildings which provide adequate security may be used for this purpose.~~

- ~~2. Developments which provide multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade shall be entitled to a ten (10) percent increase in total project density. In order to qualify for a density bonus under this paragraph, the structure must contain a break in pitch, which is roughly perpendicular to the roof line, at intervals of not more than forty (40) lineal feet of vertical roof line.~~
- ~~3. Developments which use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials as found acceptable to the Planning Commission in the construction of all structure(s) in the commercial development which face onto public streets shall be entitled to a ten (10) percent increase in total project density. These incentives are provided in order to encourage a higher standard of development. If the Planning Commission determines that a project is not enhanced positively through the efforts of a developer to obtain a density incentive, the Planning Commission may reduce the percentage, or deny the increase in total project density.~~

~~Each of the incentives are exclusive of the other. Therefore, an applicant may receive a total of thirty (30) percent increased project density.~~

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

17.38.070 Platting Requirements

All commercial developments must prepare a final plat in accordance with Chapter 17.44 herein. In addition to the requirements of Chapter 17.44, commercial developments shall include with the plat the approved landscaping plan, and traffic information in accordance with Chapter 17.38.030 herein shall be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.

In the case of storage and warehouse developments, if a density incentive was approved, information pertaining to the incentive and all conditions relating thereto shall also be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.

(Ord. 96-04B, 1996)

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

17.38.080 Supplementary Requirements

Each of the following requirements are supplementary to this part. They constitute requirements for Chapter 17.38 only and are adopted under Chapter 17.06 of this Title. Each of these supplementary requirements must be satisfied prior to approval of an application for commercial development.

1. **LAYOUT OF BUILDINGS.** Unlike other developments approved under this Title, commercial developments may have more than one main structure per parcel. In such cases the applicant shall provide a project master plan to the Planning Commission indicating the location

- and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Each structure in the commercial development is required to satisfy the building permit requirements of Title 18.12.
2. ~~SETBACKS.~~ Setback requirements in commercial zones may be flexible, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.
 3. ~~SURFACE WATER DRAINAGE.~~ Surface water from roof tops, parking lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets except after written agreement between the parties involved.
 4. ~~FUTURE DEVELOPMENT.~~ Whenever a front or side yard is required for a building which abuts on a proposed street which has not been constructed but which has been designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.
 5. ~~CONCESSIONS.~~ Concessions, including but not limited to amusement devices, recreational buildings or refreshment stands, shall be required to obtain approval from the Planning Commission and purchase a business license prior to operating such a business on any commercial site. Such operations may be denied by the Planning Commission if deemed inappropriate due to location, hazard, appearance, etc.
 6. ~~SOLID WASTE AND SEWAGE.~~ Each commercial development shall be reviewed by the Solid Waste Department for recommended solid waste disposal. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the Health Department before a building permit is issued.
 7. ~~GASOLINE PUMP ISLAND LOCATION.~~ Gasoline pump islands shall be set back not less than fifteen (15) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle to the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps set closer than twelve (12) feet from any street lines, not closer than ten (10) feet from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five (75) by one hundred (100) feet in size. Canopies over pump islands may extend to within five (5) feet of the property lines.
 8. ~~MOTOR VEHICLE ACCESS.~~ Access to all buildings in a commercial project shall be controlled as follows:
 1. ~~Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angles to centerline of the driveway. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the front property line which abuts upon a street.~~
 2. ~~Each commercial development shall install curb and gutter to facilitate surface drainage.~~
 9. ~~POLLUTION PREVENTION.~~ Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.
 10. ~~Each commercial development shall present a plan for public utilities and services. These plans may be reviewed by utility providers for recommendations.~~
 11. ~~Each commercial development shall satisfy the parking requirements found in Title 18.72 for the appropriate zone.~~
 12. ~~Each commercial development shall satisfy all applicable requirements of both the Subdivision (Title 17) and Zoning (Title 18) Ordinance of Heber City.~~

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

17.38.090 Guarantees Of Performance

All commercial projects are subject to the guarantees of performance requirements listed in Chapter 17.52 herein.

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

17.38.100 Costs And Charges [see Heber City Annual Fee Schedule](#)

All commercial projects are subject to the fee schedule listed in Chapter 17.56 herein. However, review fees under section 17.56.015 for commercial projects shall be as follows: Concept Plat \$75; Final Plat \$75 + \$25 per acre. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the Standard performance bond to insure the payment of the cost of inspection.

All other costs, fees, and charges shall be consistent with Chapter 17.52 herein.

HISTORY

Adopted by Ord. [96-04B](#) on 6/20/1996

[17.40 Improvements](#)

[17.40.010 Requirements](#)

17.40.010 Requirements

The following improvements, [designed as per the Heber City Standards and Specifications](#), shall be installed in all subdivisions. A subdivider may post a bond or other assurance satisfactory to the [City Engineer](#) ~~City Council~~. The purpose of the bond or other assurance is to ensure installation of the required improvements within two years from the date of approval without cost to the City. The improvements shall include:

1. Water, Sewer, [Storm Drain](#), Solid Waste:
 1. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;
 2. The installation of water ~~and sewer~~ mains and water ~~and sewer~~ laterals to each lot property line ~~shall be required in accordance with City standards as directed by the Planning Commission;~~
 3. [Sewer mains, and sewer laterals to each lot property line;](#)
 4. ~~The installation of~~ Fire hydrants ~~in accordance with City standards~~ [and locations](#) as directed by the ~~City Fire Marshal and Planning Commission;~~
 5. Solid waste disposal facilities ~~shall be provided in accordance with City standards.~~
 6. [Storm drain system](#)

7. Secondary pressurized irrigation system ~~in accordance with City standards as directed by the Planning Commission.~~
2. Streets:
 1. The grading and graveling of all streets and the installation of all required culverts ~~in accordance with City standards as directed by the Planning Commission;~~
 2. The hard-surfacing of all streets ~~in accordance with City standards as directed by the Planning Commission.~~
 3. Curbs and gutters and sidewalks ~~in accordance with City standards.~~
3. **Public** Utilities. Electric, cable/**internet** television, natural gas, and telephone lines shall be installed ~~as directed by the Planning Commission.~~ These utilities shall be located underground ~~except when the subdivider can show the Planning Commission that underground lines are not feasible.~~
4. Survey Monuments. ~~The installation of survey monuments in accordance with City standards as directed by the Planning Commission.~~
5. **Sensitive lands** and environmental hazards **shall be addressed as per Chapter 18.67.** ~~Environmental hazards must be eliminated as required by the Planning Commission as follows:~~
 1. ~~Cut and fill slopes must be covered with topsoil and reseeded;~~
 2. ~~Location of streets and buildings on unstable soil shall be prohibited;~~
 3. ~~Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding;~~
 4. ~~Natural drainage channels shall be adequately taken into account in laying out the subdivision;~~
 5. ~~Other environmental hazards must also be eliminated or adequately handled as directed by the Planning Commission.~~
6. Street lighting shall be installed ~~as per City standards as directed by the Planning Commission.~~

HISTORY

Adopted by Ord. [201 §03.0502](#) on 10/2/1973

Amended by Ord. [93-07](#) on 11/18/1993

Amended by Ord. [94-13](#) on 8/4/1994

[17.44 Platting Requirements](#)

[17.40.010 Preparation](#)

[17.40.020 Material](#)

[17.40.030 Content](#)

[17.40.010 Preparation](#)

A final plat shall be prepared for all subdivisions ~~except as noted in Section 17.12.010 of this chapter.~~

HISTORY

Adopted by Ord. [201 §03.0600\(1\)\(a\)](#) on 10/2/1973

[17.40.020 Material](#)

The plat shall be ~~drawn shown~~ on mylar or linen material and shall conform to City standards as directed by the Planning Commission. In addition, an electronic GIS submittal is required. Details and workmanship shall be neat, clean cut and legible readable.

HISTORY

Adopted by Ord. [201 §03.0600\(1\)\(b\)](#) on 10/2/1973

17.40.030 Content

Final plat shall be as required in Heber City Standards and Specifications ~~Section 17.20.030~~ of this title.

HISTORY

Adopted by Ord. [201 §03.0600\(1\)\(c\)](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.48 General Subdivision Requirements

17.48.010 School Sites -- Public Spaces

17.48.020 Private Roads And Driveways -- Construction And Maintenance

17.48.030 Water Supply And Storage

17.48.040 Small Subdivisions

17.48.050 Work To Be Done By Engineer Or Surveyor

17.48.060 Continuity Of Dead-End Streets

17.48.070 Protection Of Scenic Features

17.48.080 Repealed

17.48.010 School Sites -- Public Spaces

In subdividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the General Plan and the Parks and Trails Master Plan ~~comprehensive plan~~. Any provision for such open spaces shall be indicated on the preliminary plat plan in order that it may be determined in what manner such areas will be dedicated to or acquired by the appropriate agency.

HISTORY

Adopted by Ord. [201 §03.0801](#) on 10/2/1973

17.48.020 Private Roads And Driveways -- Construction And Maintenance

1. The City shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the City shall refrain from laying utility lines in any street which has not:
 1. Been accepted by the City as a public street or alley; or
 2. Which has not received the approval of the City Council ~~as part of a final plat~~ of a subdivision, unless an easement is granted therefor.
2. The City shall not accept nor maintain a street or other public way unless said street has been accepted by the City Council ~~as a public street~~ and the street has been constructed in accordance with City standards.

HISTORY

Adopted by Ord. [201 §03.0802](#) on 10/2/1973

17.48.030 Water Supply And Storage

All lots within the subdivision shall be served by an approved central water system consisting of both a drinking water system and a secondary pressurized irrigation system, [that meets the Heber City Standard Specifications](#). The subdivider shall submit proof that the proposed ~~culinary~~ [drinking](#) water source and distribution system are capable of providing at least four hundred gallons per dwelling unit per day for indoor uses plus the amount of water required to provide fire protection as per City standards. Where water is to be used for lawn sprinkling and other outside uses, the subdivider shall submit proof the proposed secondary water source and distribution system [are capable of providing irrigation water according to State Standards from the Division of Drinking Water](#) ~~at least four hundred gallons per dwelling unit per day, but not less the amount required to adequately irrigate all lands to be landscaped within the development, as determined by the City engineer.~~

HISTORY

Adopted by Ord. [201 §03.0804](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.48.040 Small Subdivisions

1. Whenever a small subdivision [with ten or less lots](#), meeting the conditions as set forth in Section 17.12.010 of this chapter is proposed, a preliminary ~~plan~~ [plat](#) conforming to the requirements for preliminary ~~plans~~ [plats](#) as set forth in Section 17.20.020 shall be prepared and submitted to the Planning Commission for approval ~~at least 28 (twenty eight) days prior to the Planning Commission meeting.~~ Before preparing and submitting the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in 17.20.020 are not necessary to be submitted to the Planning Commission in order for it to make ~~an educated decision.~~ Staff will base its determination on the site conditions as well as surrounding conditions.
2. Before the [Planning Director](#) ~~the Planning Commission~~ shall approve any such small subdivision ~~plan,~~ all improvements required under Section 17.40.010 shall have been installed or assurances given to the City that the improvements will be installed without cost to the City as set forth in Chapter 17.52.
Exception: The applicant may petition for and the Planning Commission may, ~~upon recommendation from~~ the Planning and Engineering Departments [to delay the installation of curb, gutter, and sidewalk in areas where such improvements are lacking and distant. If approved, the eventual installation shall be assured by a formal delay agreement, recorded at the County or a recorded deed restriction.](#) ~~waive any of the required improvements in 17.40.010 excluding 17.40.010 A1 (Potable Water), A2 (water and sewer mains and laterals), A3 (fire hydrants), B2 (hard surfacing of streets) and C (utilities—except the Cable Television requirement may be waived).~~ In determining whether or not to waive said requirements, consideration shall be given to conditions on site, conditions surrounding the site, the availability of improvements in the area, the practicality of constructing said improvements, the respective capital improvements plans for each improvement, and whether or not the waiver(s) substantially affect the General Plan of the City. A financial hardship shall not be considered by the Planning Commission as reason to grant a waiver.

3. The Planning Director, or its designee, serves as the Land Use Authority approving Small Subdivisions (aka Lot Splits), with appeals going to the [Appeal Authority](#) Board of Adjustment. In the case of Small Subdivisions where a request is made for the waiver of improvements as per Subsection B above, the City Engineer shall serve as the Land Use Authority, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court.

HISTORY

Adopted by Ord. [201 §03.0804](#) on 10/2/1973

Amended by Ord. [98-18](#) on 11/5/1998

Amended by Ord. [2007-33](#) on 9/6/2007

Amended by Ord. [2019-07 Amending the Procedures for Development Approval and Designating a Land Use Authority for Lot Line Adjustments, Plat Amendments, Small Subdivisions and Large Scale Subdivisions.](#) on 8/20/2019

17.48.050 Work To Be Done By Engineer Or Surveyor

All engineering work or surveying of property must be done by or under direction of a registered [Utah licensed](#) professional engineer or [professional](#) land surveyor registered in the state.

HISTORY

Adopted by Ord. [201 §03.0806](#) on 10/2/1973

17.48.060 Continuity Of Dead-End Streets

~~Whenever a proposed subdivision has a street which terminates against private property of an individual, other than the subdivider, a strip of land at least one foot wide across the entire end of the subdivider's proposed street and on the subdivider's property, must be platted as a lot, and said lot shall be deeded to the City as a lot in the proposed subdivision for future street purposes.~~

HISTORY

Adopted by Ord. [201 §03.0807](#) on 10/2/1973

17.48.070 Protection Of Scenic Features

~~Where natural or scenic features and/or historic community assets exist, such features or community assets shall be safeguarded by dedication to a public or private agency.~~

HISTORY

Adopted by Ord. [201 §03.0808](#) on 10/2/1973

17.48.080 Repealed

[17.52 Guarantee Of Performance](#)

[17.52.010 Type And Amount](#)

[17.52.020 Duration](#)

[17.52.030 Default](#)

[17.52.040 Final Inspection And Release](#)

17.52.010 Type And Amount

The type of guarantee shall be in the form of an escrow account, cash bond, performance bond, or other assurance equal to the cost of the required improvements, ~~plus ten percent~~ as determined by the City Engineer and as defined in the Heber City Standard Specifications ~~by the Planning Commission~~ plus the estimated cost of inspection services. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the state ~~and approved by the Planning Commission~~. See Section 17.56.015 for the manner in which estimated inspection fees will be set. The subdivider shall enter into a bond agreement with the City.

HISTORY

Adopted by Ord. [201 §03.0701](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.52.020 Duration

1. The duration of the assurance required in 17.52.010 shall be for two years or as defined in the Standard Specifications from the date of approval of the final plat of the subdivision ~~by the City Council~~.
2. An extension of time may be granted by the City Engineer ~~City Council~~ upon application by the subdivider, provided such application is submitted at least sixty days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

Commented [GU12]: Policy - could also be the PW Director

HISTORY

Adopted by Ord. [201 §03.0702](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.52.030 Default

In the event the subdivider becomes in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the final plat by the City ~~Council~~ or to pay all liens in connection therewith the City Council shall declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the sale of the bonds or other assurance to defray the expense thereof. The subdivider will remain financially responsible for any deficiency.

HISTORY

Adopted by Ord. [201 §03.0703](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

17.52.040 Final Inspection And Release

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten days prior to the release date of the bond, the ~~Planning Commission or authorized representative~~ City Engineer or designee shall make a preliminary inspection of the improvements and shall submit a report to the City Council setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Engineer ~~City Council~~ shall release the bond upon the subdivider providing a separate maintenance bond; otherwise, the performance bond will be released one year thereafter if no quality defects exist, as per the conditions set in the bond agreement. If the condition of materials or workmanship show unusual depreciation or do not comply with the standards of the City, or if any outstanding liens are not paid, the City Council will declare the subdivider in default.

HISTORY

Adopted by Ord. 201 §03.0704 on 10/2/1973

Amended by Ord. 94-13 on 8/4/1994

17.56 Costs And Charges

17.56.010 Schedule

17.56.015 Fee Schedule For Proposed Developments

~~17.56.010 Schedule~~ Required improvements and processing costs/charges

Costs and charges in connection with the planning and development of subdivisions in the City shall be shared between the subdivider and the City according to the following schedule:

Plan or Facility	Subdivider	City
Concept Plan	100%	0%
Preliminary Plan	100%	0%
Final Plat Plans	100%	0%
Easements and rights-of-way, on-site and off-site	100%	0%
Grading and draining streets on-site	100%	0%
Grading and draining streets off-site	Special negotiations with City Council	
Bridges and culverts	100%	0%
Street paving on-site	100%	0%
Street paving off-site	Special negotiations with City Council	
Curb and gutter and curb cuts	100%	0%
Sidewalks	100%	0%
Street signs	100%	0%

Water Storage	0% if existing tanks can serve development; Special negotiations with the City Council if not	
Water Supply	100%	0%
Water shared to supply the amount of water required in Section 17.48.030	100%	0%
Water mains and laterals up to and including 10" diameter	100%	0%
Sewer mains and laterals up to and including 10" diameter	100%	0%
Oversize Water and sewer mains	Special negotiation with the City Council	
Street lighting maintenance and electricity expenses	0%	100%
Electric utilities	100%	0%
Parks	100%	0%
Monuments	100%	0%
Canal and flood channel protection	Special negotiations with the City Council	
Elimination of environmental hazards	100%	0%

HISTORY

Adopted by Ord. [201 503.0503](#) on 10/2/1973

Amended by Ord. [223](#) on 1/1/1978

Amended by Ord. [94 13](#) on 8/4/1994

17.56.015 Fee Schedule For Proposed Developments—[see annual fee schedule](#)

The Planning Commission shall charge a fee to cover the costs of platting proposed annexations, subdivisions, planned unit developments, manufactured home parks, and recreational vehicle parks in Heber City.

1. The fees charged shall be as follows:

1. ~~Subdivisions: Concept plat \$250; Preliminary plat \$200 + \$25 per lot; Final plat \$200 + \$25 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of inspection. The preliminary inspection fee or fund shall be set at the rate of 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).~~
2. ~~Manufactured Home Parks: Preliminary plat \$200 + \$10 per lot; Final plat \$200 + \$10 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval the estimated inspection fee shall be escrowed with the City or added to the performance bond. The deposit or bond to cover the cost of inspection services~~

shall be calculated as follows: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).

3. ~~Recreational Vehicle Parks: Preliminary plat \$100 + \$5 per pad; Final plat \$100 + \$5 per pad. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of the engineering inspection services. The preliminary inspection fund or fee shall be: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).~~
2. ~~In addition to the above fees, the developer shall pay for all engineering review fees, on-site inspection fees, and all costs related to preparation and filing of mylar.~~
3. ~~The above fees are estimates of the average costs involved in preparing, reviewing and inspecting a proposed development. If costs for plan review, studies, inspection, or other costs exceed the above fee, the developer is responsible for the additional costs. Thus, any surplus shall be refunded to developer and the developer shall be responsible for any deficiency. The filing of an application shall constitute consent to pay said inspection fees.~~
4. ~~Fees paid pursuant to this section are non-refundable except for any unused portion of deposited inspection fee.~~

HISTORY

Adopted by Ord. [92-01](#) on 1/2/1992

Amended by Ord. [94-13](#) on 8/4/1994

[17.60 Variances](#)

[17.60.010 Criteria For Approval](#)

~~[17.60.010 Criteria For Approval](#)~~

~~Where, because of topographical or other extreme physical conditions peculiar to the site, the strict adherence to the requirements contained in this title or adopted pursuant to this title would cause unnecessary hardship, the Planning Commission may recommend and the City Council may grant a variance from said requirements. Any variance shall be authorized by the City Council only after receiving the recommendation of the Planning Commission and upon the finding that such variance is justified and can be made without destroying the intent of these provisions. Variances granted under this section shall be limited to issues of design and layout only. No variance shall be authorized which would constitute a waiver of the improvement requirements for streets, water supply and facilities, sewage disposal, and solid wastes disposal.~~

HISTORY

Adopted by Ord. [201 §03.0810](#) on 10/2/1973

Amended by Ord. [94-13](#) on 8/4/1994

[17.64 Amendments](#)

[17.64.010 Criteria For Approval](#)

17.64.010 Criteria For Approval

Before approving a preliminary plat ~~for a final plat~~ of a subdivision, the Planning Commission may require amendments or modification of the plan if it finds that:

1. The layout of the subdivision does not conform to ~~acceptable~~ **the required** standards of design as set forth in this title **and in the Heber City Standard Specifications**;
2. The subdivision is not provided with adequate ingress or egress;
3. The subdivision **design** contains **sensitive lands such as** geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the City, **and which are not adequately addressed in the application**;
4. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this chapter **and in the Heber City Standard Specifications**. Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this chapter and the **Heber City Standard Specifications**.

HISTORY

Adopted by Ord. [201 §03.0811](#) on 10/2/1973

17.68 Substantial Completion Of Subdivisions

17.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

17.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

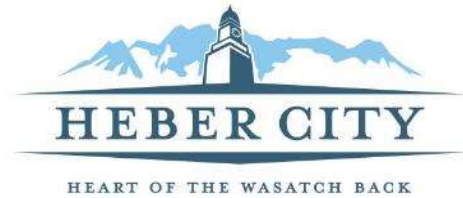
Building permits and approvals for occupancy will only be issued pursuant to the provisions of Sections 15.04.040 and 15.04.050 **and as required in the Heber City Standard Specifications**

HISTORY

Adopted by Ord. [99-05](#) on 5/7/1999

Planning Commission

Staff Report



MEETING DATE: December 13, 2022
SUBJECT: Parks, Trails, and Open Space Master Plan
RESPONSIBLE: Anthony L. Kohler, Planning Director
DEPARTMENT: Planning Department
STRATEGIC RELEVANCE: Community Development

SUMMARY

As part of the Phase 3 Envision Heber Code Update, the Planning Commission is reviewing the entire Code and Subdivision Ordinance. As part of that process the Planned Community Zone is being updated and coordinated with goals of the Envision Heber 2050 General Plan. Over the next six months more updates and revisions will be presented until the entire Code has been updated/revised.

This work session report addresses the removal of the Trail Design Guidelines, section 17.30, from the Subdivision Ordinance to be placed as appendix B within the Parks, Trails and Open Space Master Plan.

RECOMMENDATION

Staff recommends the Planning Commission study the proposed appendix and consider making a recommendation to the City Council after a public hearing.

BACKGROUND

Envision Heber Phase 3, includes updates, simplifications and clarifications in most of the Code chapters.

These ordinance amendments are a result of the contract with People + Place, John Janson, Meg Ryan and the Planning Department staff. The proposals within the drafts include policy suggestions, State Law updates, and edits for greater clarity. It is also the intent of these updates to simplify the ordinances, and to refer to the Heber City Standard Specifications instead of listing engineering requirements in the Zoning Ordinance.

DISCUSSION

In the updating process of the Subdivision Ordinance, in addition to removing engineering standards that either should be in the Heber City Standards Specifications or already are there, this section of the subdivision ordinance appeared more like a study of trails than an ordinance. Engineering will be creating three cross sections to add to the Standard Specifications reflecting

certain trail types. Those three are improved multi-use, improved pedestrian, and backcountry trails.

No changes to this section are proposed. It simply is being moved to the Parks, Trails, and Open Space Master Plan, which is a more appropriate location.

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning Department, Planning Director
Staff Member: Anthony L. Kohler

EXHIBIT 1

Proposed Appendix B to the Parks, Trails, and Open Space Master Plan

Trail Design Standards

17.30.010 Purpose

As noted in the Heber City general plan, our goal is to develop and incorporate a public non-motorized trail system into the future and existing infrastructure of Heber City to provide safe transportation and recreation facilities, compatible with the rural and mountainous environments of Heber City.

These trail standards have been implemented to accomplish the following:

1. Create a seamless and consistent trail network.
2. Improve the opportunity for alternative transportation.
3. Provide safe facilities for all users.
4. Enhance recreation opportunities for both residents and visitors.
5. Create design and construction standards for trails in Heber City.
6. Enhance recreation opportunities for both residents and visitors.
7. Create design and construction standards for trails in Heber City.
8. Provide enough trail options to keep traffic on trails at acceptable levels.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.015 Standards

1. In the event of a conflict between this Chapter and other adopted trails standards, the most restrictive shall apply.
2. The standards of this Chapter may be modified by the City Engineer when trails are proposed to pass through developed subdivisions, established neighborhoods or lots containing existing buildings. In such instances, when it is legal to establish such trails in developed subdivisions, established neighborhoods or lots containing existing buildings, all reasonable efforts shall be made to establish trails, walkways, paths connecting trail systems, or trail connections, with existing sidewalks as connectors between standard trail sections, and, to locate or orient such trails, or connectors to trails on and along the outside property boundaries, at the farthest distance from homes and yards of private property, and to minimize infringement and encroachment upon existing homes, property lines and private property.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.020 Trail Design

1. **Trail Function.** Anticipated trail use will essentially determine what type of trail to construct and where it will be built. There are two (2) general categories of trails: transportation and recreation, yet it is perfectly acceptable and common for the uses to be concurrent.
 1. Transportation trails are generally built as destination trails and primarily connect neighborhoods with one another or with public facilities, which may include schools, recreation centers, parks, town or resort centers, shopping areas, libraries, etc. The purpose is to allow a non-motorized user a corridor that limits interference with motor vehicle traffic and promotes non-motorized alternatives for short local trips. User types may include cyclists, disabled users, walkers and a variety of other youth type activities.
 2. Trails for recreation typically provide a connection to natural spaces and provide a range of challenges and features for the trail user. Loop trails are the preferred design that will allow users to begin and end at the same trailhead location. These trails typically connect to open spaces, national forests, state parks and neighborhood parks. User groups may include mountain and road cyclists, trail runners, equestrians, joggers, hikers and walkers. Trail surfaces are generally soft surface or natural surfaces.
2. **Trail Users.** These standards are set for non-motorized use and focused on all age groups, all levels of ability and generally include the following activity types: walkers, runners, joggers, hikers, cyclists (both mountain and road), skateboarders, disabled users, wheelchairs, equestrians, skiers, in-line skaters and baby movers (carriages, strollers, joggers, etc.). While it is clearly not practical for all types of trails in a mountainous environment to be fully accessible to the disabled, where reasonably appropriate, trails should comply with the requirements of the Americans with disabilities act of 1990 (ADA).
3. **Americans With Disabilities Act.** A trail is considered ADA accessible if it meets the following criteria:
 1. Five foot (5') minimum width.
 2. Hard surfaces. Asphalt and concrete are the most accessible. Compacted crushed stone with a diameter less than three-eighths inch (3/8") is also acceptable.
 3. Trail grade less than five percent (5%).

4. Ramps, not stairs, should be provided for grades exceeding the five percent (5%) maximum.
 5. Ramp grades should not exceed eight percent (8%) and have a level landing for every thirty inches (30") of vertical rise and have a slip resistant surface.
 6. Thirty two inch (32") high handrails should be installed on all ramps and bridges.
 7. Trails should have a rest area every three hundred feet (300'), preferably cleared with a bench.
 8. One or more accessible parking spaces should be provided at trail parking lots.
 9. If gate or bollards are used to prevent motorized vehicle access to the trail, thirty two inch (32") clearance is necessary for wheelchair access.
4. **Trail Location.** The following are guidelines for how trails should be routed to reduce maintenance needs and environmental impacts while maximizing the trail experience:
1. General Guidelines:
 1. Trails should be located and constructed in such a manner as to minimize maintenance and maximize access. Alignment should utilize the natural topography of the land and should follow natural contours where possible with respect to surrounding landforms.
 2. Design features should preserve and promote natural elements, including geologic, scenic, wildlife and historic.
 3. Construction must factor in erosion related to use and weather.
 4. Trail design should consider the trail users experience. Alignments should avoid excessive switchbacks or lengthy steep grades. When creating alignments, consider intended volume, ability and type of user.
 5. Locate trails for both summer and winter activities giving consideration to terrain and climate. Identify snow retention areas for possible cross country ski trails. In open areas, use trail alignments that take advantage of wind protection and shaded canyon areas.
 6. Because each trail site is unique, specific trail proposals through sensitive areas need to be considered on a case by case basis.
 7. Trails should be clearly separated from vehicle traffic. Users are generally safer and travel experiences are enhanced on separated trails. Snow removal and general maintenance are less costly when trails are separated from roads and parking lots. At-grade crossings at roads should be limited.
 8. The trail grade should not exceed half the grade of the hillside the trail is traversing. This is primarily to limit erosion and is a general guideline. For example, if you build across a hillside with a side slope of twenty percent (20%), the trail grade should not exceed ten percent (10%).
 2. Standards For Grades, Vertical Clearance And Curve Radii:
 1. Grades. Grades of five percent (5%) and below are acceptable for standard trail sections. Grades above five percent (5%) cannot be considered wheelchair accessible. Intersections should not exceed three percent (3%). Avoid sharp curves on grades exceeding five percent (5%) to avoid confrontations between different levels of users. The following table identifies lengths of trail for grades above five

percent (5%) (backcountry or natural surface trails may exceed these grades for short distances, but must factor in appropriate erosion control measures):

Grade (Percent)	Limit On Length At That Grade
<5	None
5-6	800 feet
6-7	400 feet
7-8	200 feet
8-9	100 feet
9-10	50 feet
>10	0 feet

2. Line of Sight. Trail users need adequate sight line distances to anticipate changes in the trail and trail users coming from the opposite direction. An optimal clear view distance for bicyclists (the trail user traveling at the highest speed) is one hundred fifty feet (1501). If this distance cannot be met, appropriate signing must be placed to warn the user of curve ahead.

3. Vertical Clearance. Vertical clearance (or ceiling) is a ten foot (101) minimum. This allows for all types of non-motorized users. If pathways will be prepared for use during winter months, clearances should anticipate snow loading and be increased to sixteen feet (161).

4. Curve Radii. Curve radii will vary between allowed uses on multiple user trails. Bicycle standards should be followed, as this is the fastest moving user group requiring longer sight distances. Refer to the "AASHTO Guide for Development of Bicycle Facilities" for stopping distances, curve radii and intersection coordination.

3. Trail Types:

1. Improved Multi-Use Trail. Multi-use trails are major community arterial routes that are non-motorized, independent of vehicular routes and provide adequate separation from vehicles. They may bisect parks and open space, as well as parallel natural features, such as rivers and streams. These trails are both transportation and recreation oriented and should provide connections to cities, towns, back county trails and trailheads, parks, points of interest, and other transportation nodes. Where possible these trails should comply with AASHTO standards.



2. Improved Pedestrian Trail. Improved pedestrian trails are collector trails (including sidewalks) that are non-motorized and connect users to community trails. They may bisect neighborhoods, open space, commercial developments, parks, schools, etc., and parallel rivers and

streams. Many existing pedestrian trails were designed and constructed prior to the regional trails master plan. Where possible, trails less than 8 feet wide should be widened and brought into current standards to improve access to more users.



Future construction of major sidewalks that connect to the core trail network should be adapted to meet the standards of improved pedestrian trails, which will include an 8 foot wide tread surface. Efforts should be made to maintain a consistent width and for residential sidewalks to remain between 4 to 8 feet.

3. Backcountry Trail. Backcountry trails (single-track type) are defined as trails that provide access for users to explore areas outside of the urban trial network. These non-motorized trails are typically designed and constructed for a variety of recreational users, such as hikers, trail runners, mountain bikers, and equestrians.



Because they are located outside of the urban network, the surface typically consists of natural dirt, creating an undeveloped feel for users. In some rare cases, other materials, such as gravel, may be implemented to aid in erosion control or stabilization. Backcountry trails are to be cut at a width of 4 feet.

In some cases, bridges, and boardwalks may be necessary to traverse through or over natural features in the backcountry. These structures should be designed and constructed to be compatible with all backcountry uses.

HISTORY

Adopted by Ord. [2018-33](#) on 7/19/2018

17.30.030 Construction Standards

1. **Trail Surfacing.** Heber City surfacing guidelines are provided for Improved Multi-Use Trails, Improved Pedestrian Trails and Back-country Trails.

Table 1: Trail Construction Standards Summary

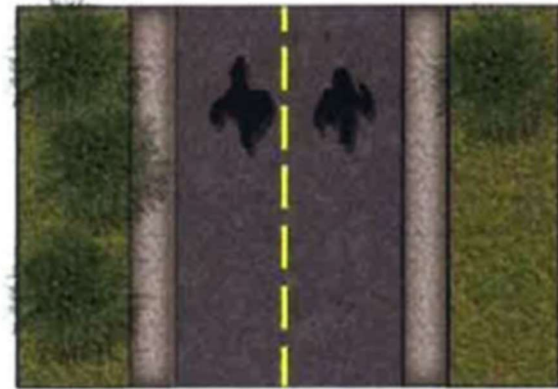
Trail Type	Sizing	Materials
Improved Multi-Use	10 ft. trail within a 20 ft. easement (can be up to 14 ft. for regional connections as determined by staff and trails map)	Asphalt - weed barrier, 3" of asphalt on top of 6" road base Concrete and pavers can be used in appropriate areas such as intersections or plazas Concrete - weed barrier, 4" thick concrete pavement on top of a 6" depth of 3/4" gravel
Improved Pedestrian	8 ft. trail within a 20 ft. easement	Or Asphalt with weed barrier, 3" of asphalt on top of 6" of road base
Back-country	4 ft. trail within a 10 ft. easement	Natural Surface

2. **Improved Multi-use Trails.** Improved multi-use trails are major community arterial routes within the urban network. Because improved multi-use trails are designed for large volumes of users with varying uses, the surface materials should be a durable pavement. Asphalt is the preferred pavement type due to cost, ease of maintenance, and surface smoothness.

Typical pavement cross sections for an asphalt multi-use trail should consist of the following:

1. a properly graded and compacted sub-grade that has been stripped of all organics and,
2. lined with a structural weed barrier fabric;
3. a 6" depth of compacted road base material; and
4. a 3" depth of hot mix asphalt (HMA) pavement.

In some circumstances, concrete or concrete masonry unit (CMU) pavers may be used to create a unique look or feel. These surfaces should be avoided in most areas due to the uneven joints and score lines that cause undesirable riding experiences for cyclists.



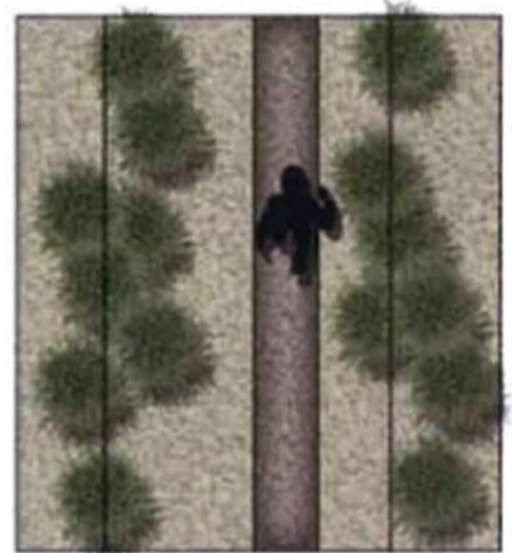
For improved multi-use trails in Heber City, a tread width between 10 and 13 is recommended. Trails with a 10-foot width should be actively pursued where cost and space permit. A lesser width may be required by the planning department where appropriate. 14 foot wide trails shall be used on trails identified on the trails plan as being a collector trail or a regional connection. By constructing wider trails initially, the county, cities, and other agencies will have made preparations for a growing population in the area. Wider trails will also accommodate larger trail specific competitions and events (see Figure 32). Maximum slope shall not exceed 5% except for short distances. All improved multi use trails should be constructed within a 20 foot easement.

3. **Improved Pedestrian Trail.** Improved pedestrian trails are more commonly referred to as sidewalks. The objective of the master plan is that future construction of major sidewalks will be adapted to meet the standards of improved pedestrian trails. The typical cross section of an improved pedestrian trail in Heber City should include an 8 foot wide tread surface. Trail construction should consist of a properly graded and compacted subgrade that has been stripped of all organics and lined with a structural weed barrier fabric followed by a 4" thick concrete pavement on top of a 6" depth of 3/4 " gravel or can be constructed with asphalt with a weed barrier, and a 3" layer of hot mix asphalt over 611 compacted road base.



Efforts should be made to update all existing improved pedestrian routes in the urban system to meet these standards. Residential and collector sidewalks can remain at 4 to 6 foot widths, but primary sidewalks should be constructed at 8 feet wide. All improved pedestrian trails should be constructed within a 20 foot easement.

4. **Backcountry Trails.** Backcountry trails, as classified in this document, are recreational trails outside of the urban network. Because they are located outside the urban network, tread material is often created from the natural sub-grade. In some cases other materials such as gravel may be implemented to aid in erosion control and/or stabilization. In all cases, these materials should be derived from adjacent areas to maintain a natural look and feel. Tread width of back country trails will vary based on vegetation, obstacles, and use. In most cases, backcountry trails should not exceed 48 inches wide within a 10 foot easement. Most backcountry trails will have a tread width of 12 to 24 inches, depending on use. The slope of backcountry trails is ideally less than 8%, with a maximum of 10% for runs of less than 100 ft. Back country trails should only exceed 10% in rare circumstances as approved by the county.



All backcountry trails should be designated with a rating to allow potential riders to make safe and informed decisions. The IMBA has developed a standard trail difficulty rating system applicable to mountain bike trails. By providing ratings on trail signs in accordance with IMBA's standards and by providing general trail characteristics such as total length, elevation change, and projected trip times at trailheads, all potential users can make educated decisions about the trails they use.

5. **Backcountry trail construction standards**

1. Backcountry trails should be built to IMBA standards. Surface treatment shall be a natural surface constructed with a bench width of 2 to 4 feet, which ensures environmental stewardship and allows for long-term sustainability by:

1. Incorporating bench-cut construction with a tread surface that has an outward slope to the outer edge from a grade of 2 to 8% in the downhill direction; and
2. Incorporating grade reversals and dips to reduce water erosion; these grades should average between 5 and 8%, with a maximum grade of no more than 10%, into the trail design and construction specifications.

Adding these features will help minimize tread erosion by allowing water to drain in a gentle, non-erosive manner and ensuring the soil stays on the trail where it belongs.

Figure 1: Trails constructed without proper cross slope.

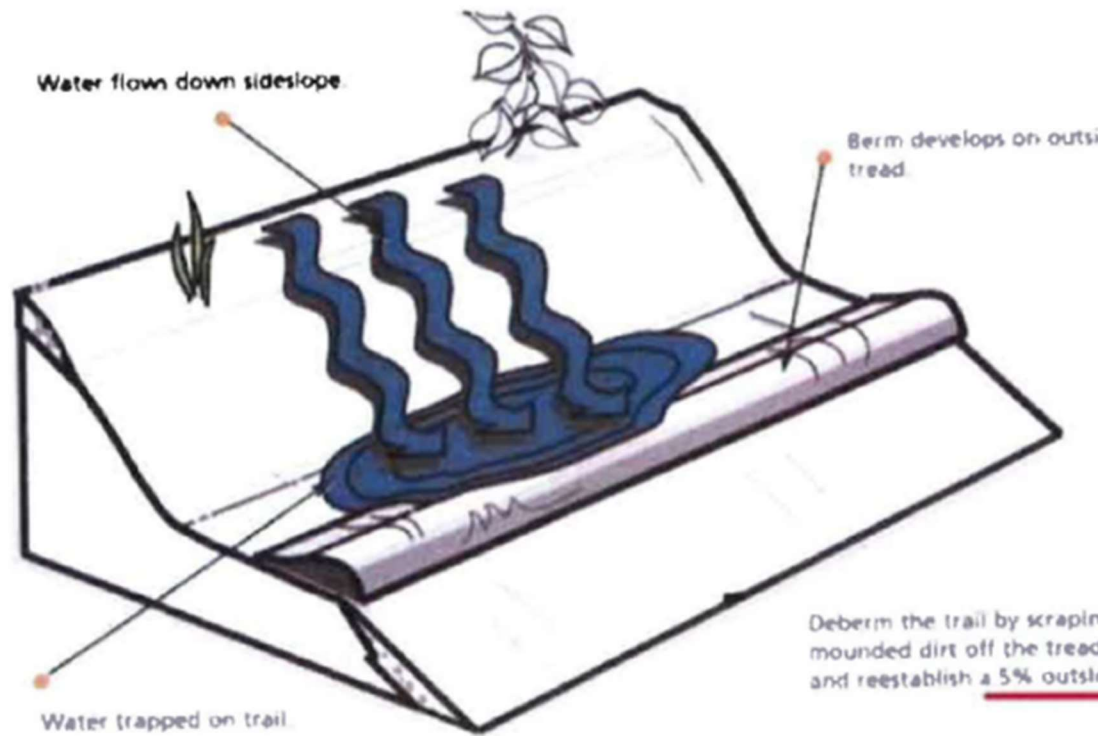
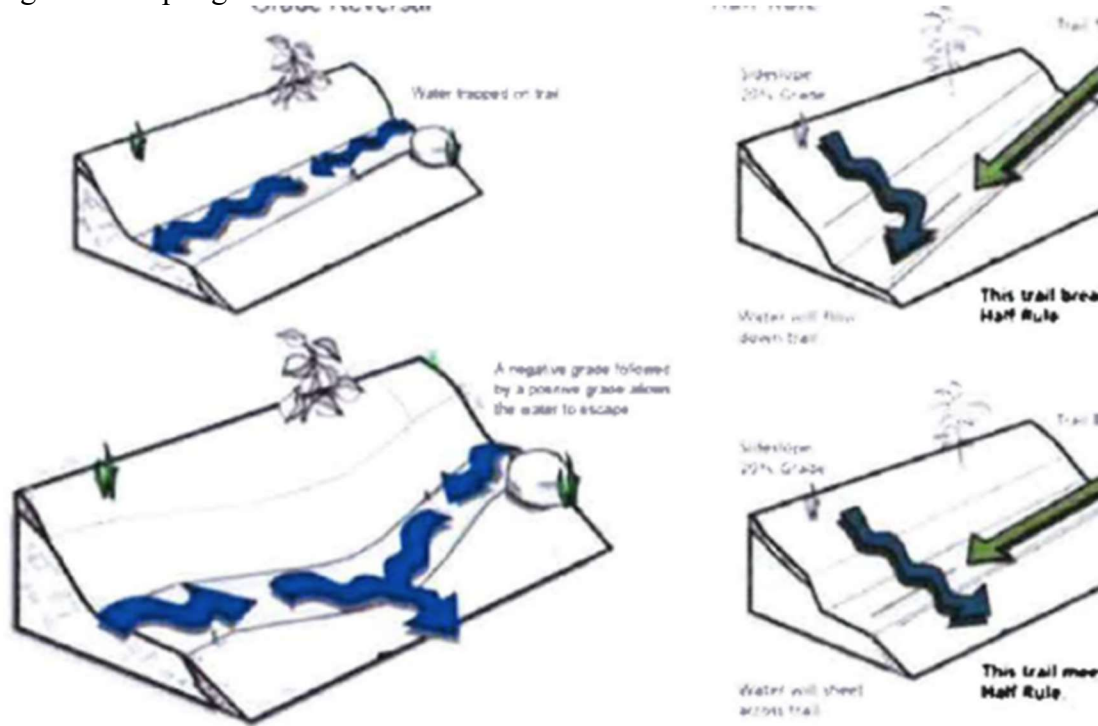
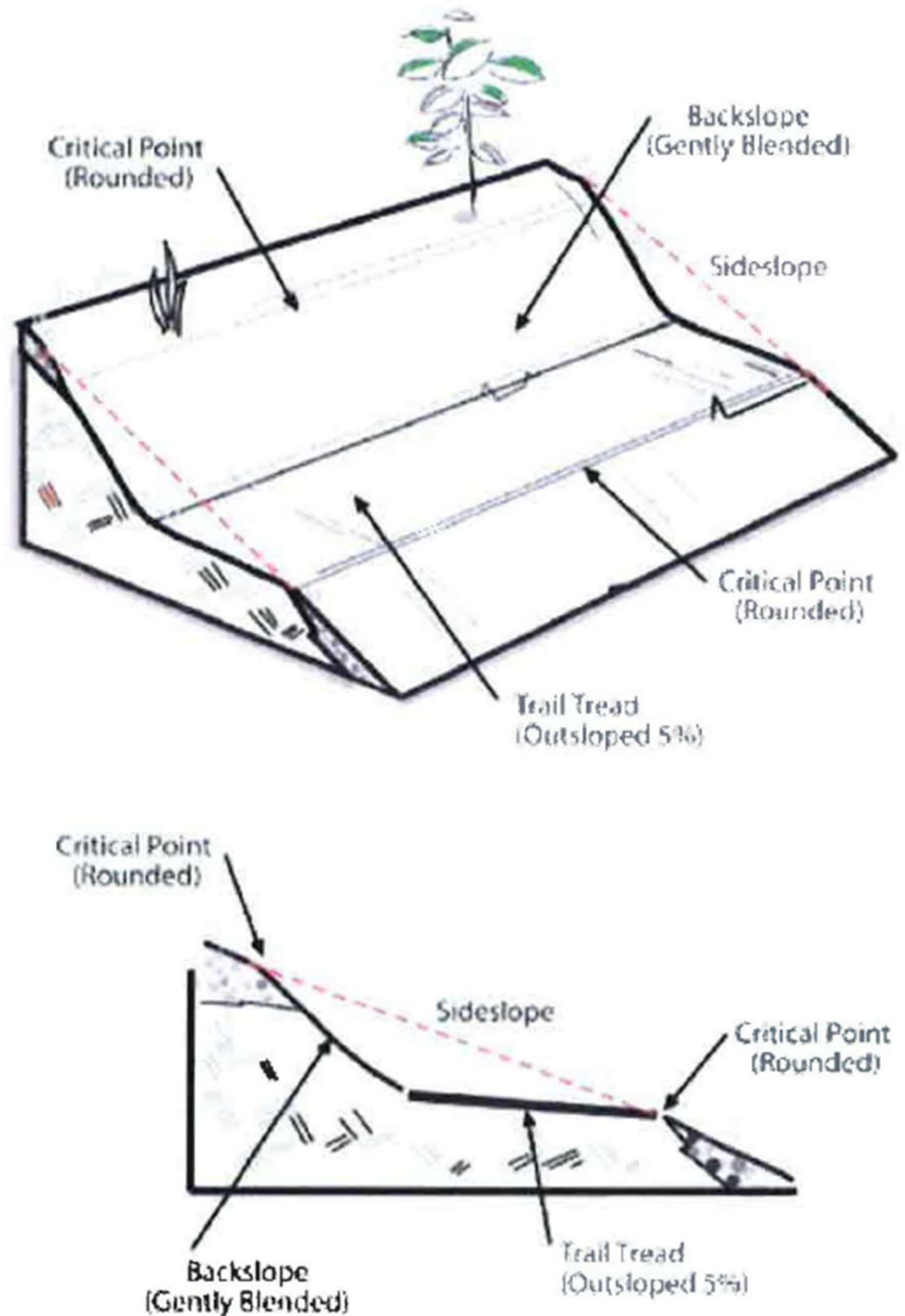


Figure 2: Proper grade reversal and bench cut construction.



2. Surface And Width: The original trail cut should be four feet (4") wide. The tread surface will compact and revegetate leaving a two foot (2') wide usable tread surface. Terrain and levels of expected use should determine width. The trail surface (tread) must be free of all organic material. All vegetation debris should be dispersed downhill of the tread and be noticeable to users. Corridor should be clear of all branches and tree stumps within two feet (2') of the tread surface. Full bench construction is required (Figure 3).

Figure 3: Trail Cross Section

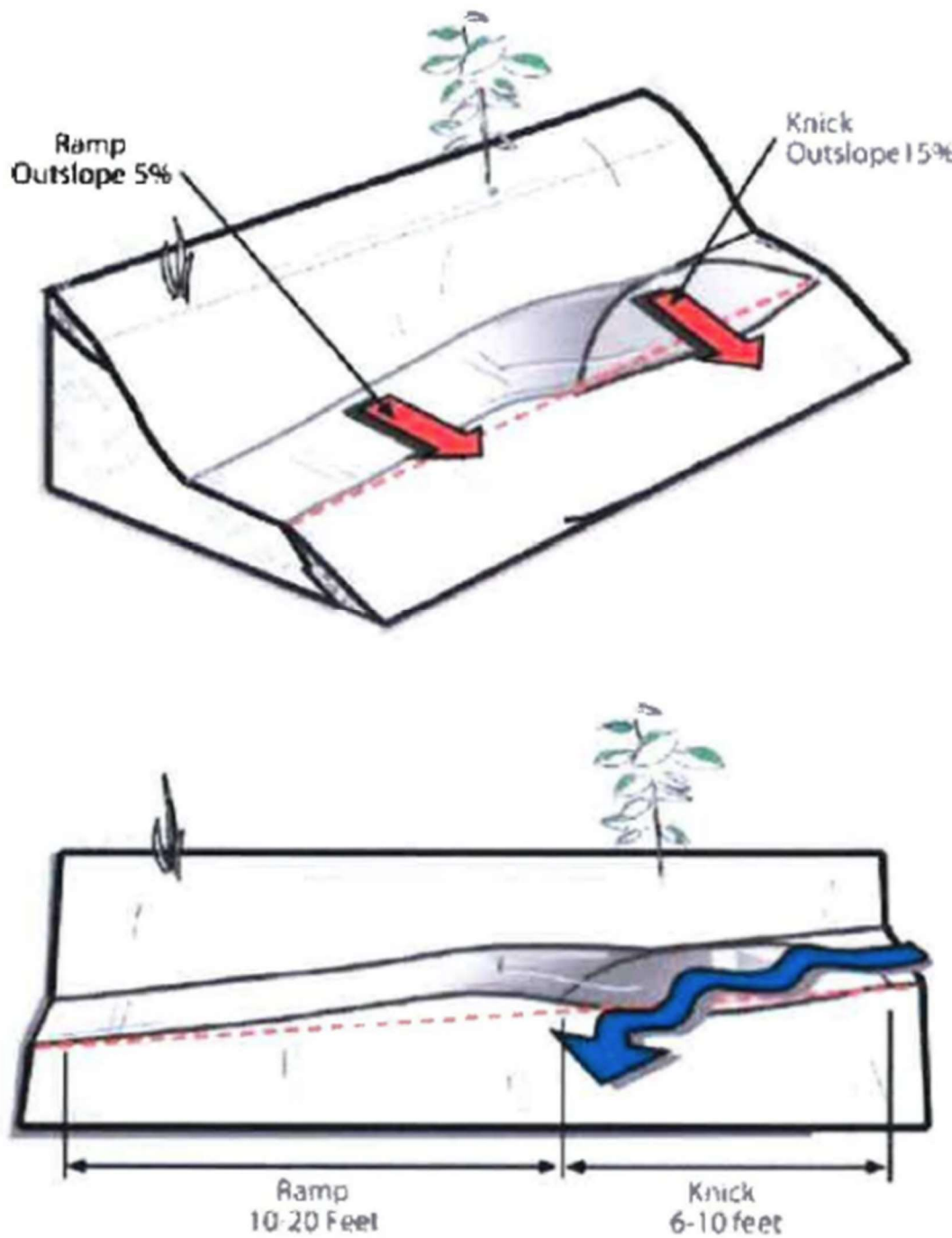


(Courtesy of IMBA)

3. Grade: Grades should not exceed ten percent (10%). Optimal grades are between five (5) and eight percent (8%). If grades exceed ten percent (10%), which is only permitted on a limited basis, consideration must be given to the maintenance issues that may arise and the sustainability of the trail over time.
4. Drainage:

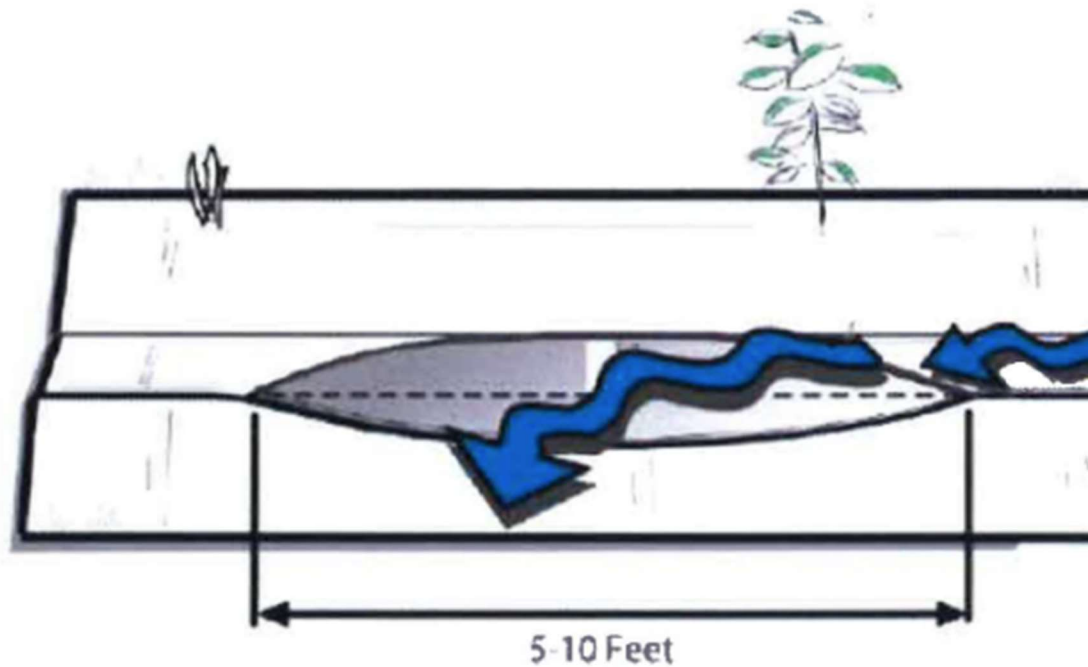
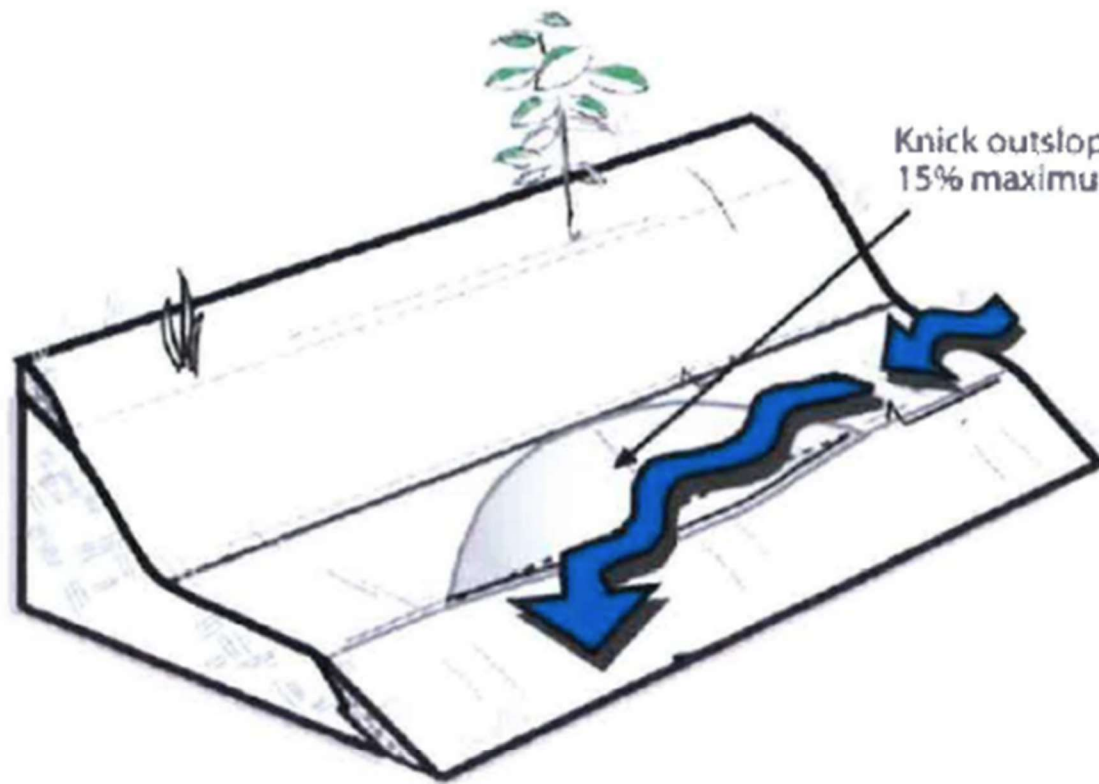
1. Outslope is two percent (2%) to five percent (5%).
2. Rolling grade dips are the preferred water diversion feature (diagram 3).
3. Knicks can also be used. These are six (6) to ten (10) feet long and have a fifteen percent (15%) outslope (diagram 4).
4. Swells can be used where drainage is possible.
5. Drain dips cannot be constructed on grades exceeding ten percent (10%).
6. Water bars can be used in rare circumstances where terrain is prohibitive to above.
7. All topsoil removed to create the tread must be sidecast and dispersed.

Figure 4: Rolling Grade Dip



Rolling grade dips are a sustainable alternative to water bars. Dips are large enough to be self-cleaning and subtle enough that cyclist will not steer around them. A dip is longer than a bike and shaped like a knick. Use bondable soil from a dip to make a long, gentle ramp just past it. The ramp should be nearly twice as long as the dip.

Figure 5: Knick

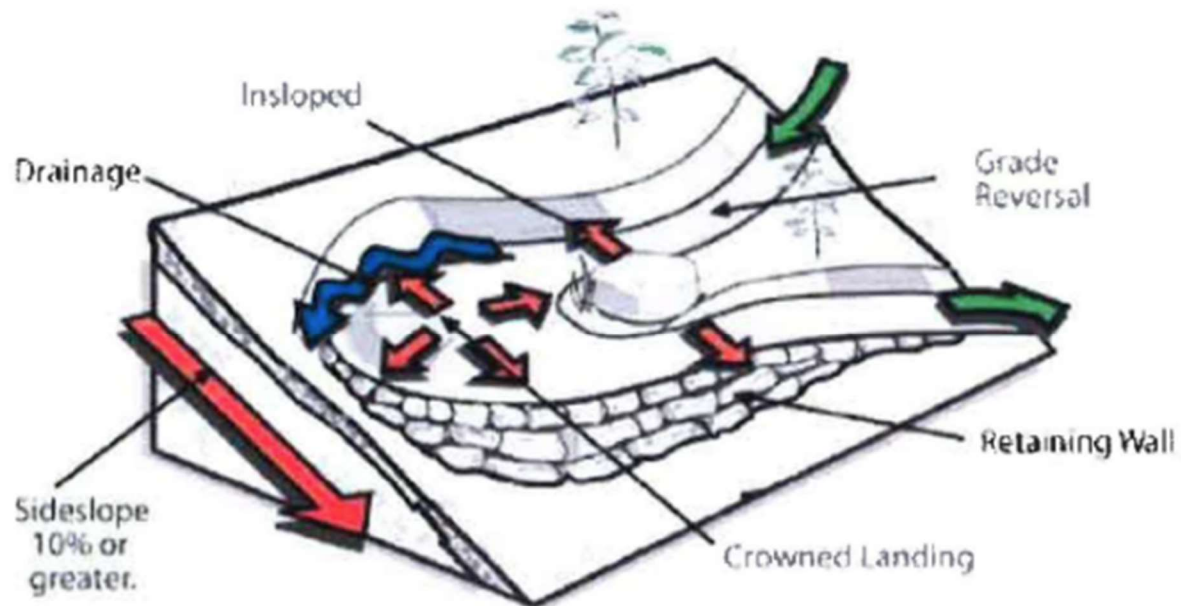
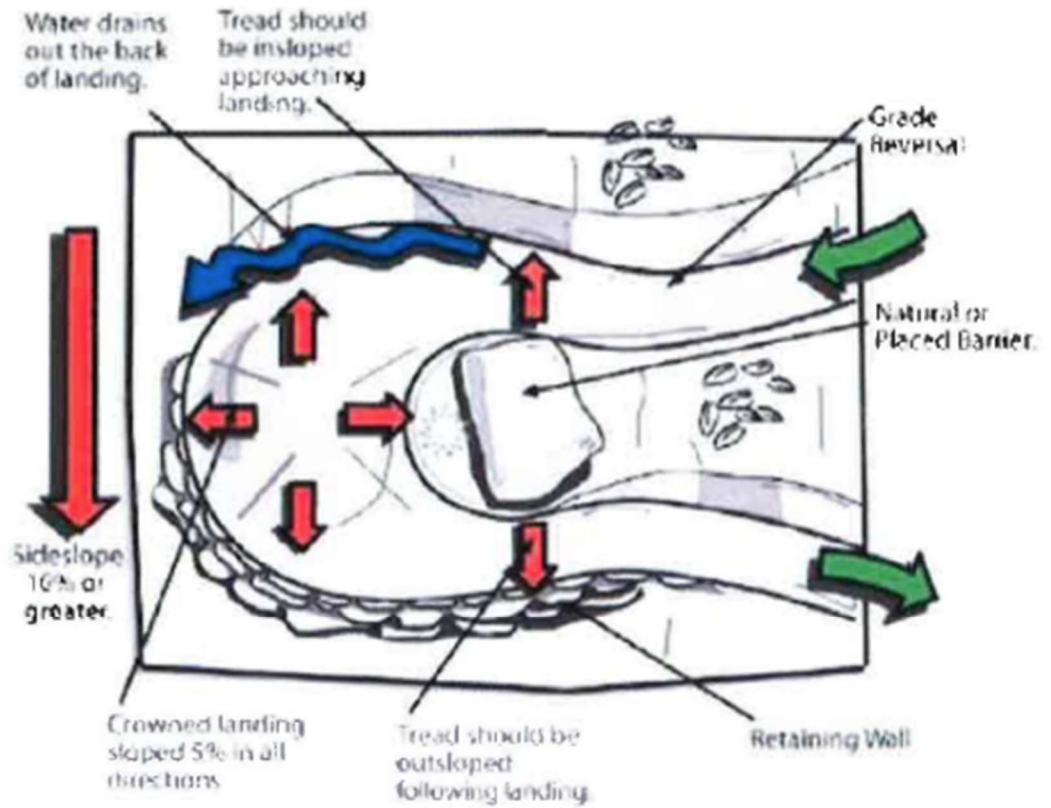


Kincks are used on gentle terrain to direct sheet flow off the trail. In contrast to rolling grade dips, soil from the knick is spread downslope off trail. The goal is sheet flow, not concentrated runoff.

Kincks can be used on contour trails, to accentuate natural grade breaks and direct water off trails. Kincks should be long and subtle to be self-cleaning, yet unobtrusive to trail users.

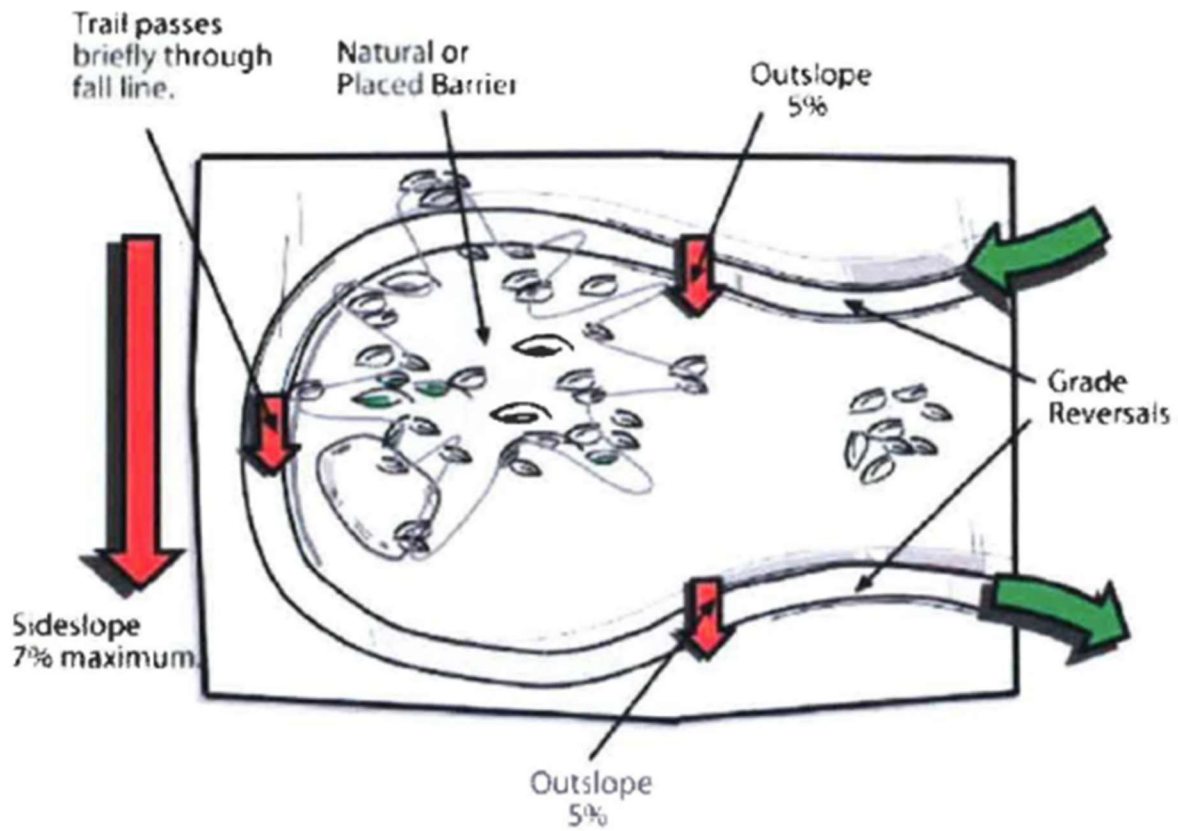
5. Switchbacks and Climbing Turns

Figure 6: Rolling Crown Switchback



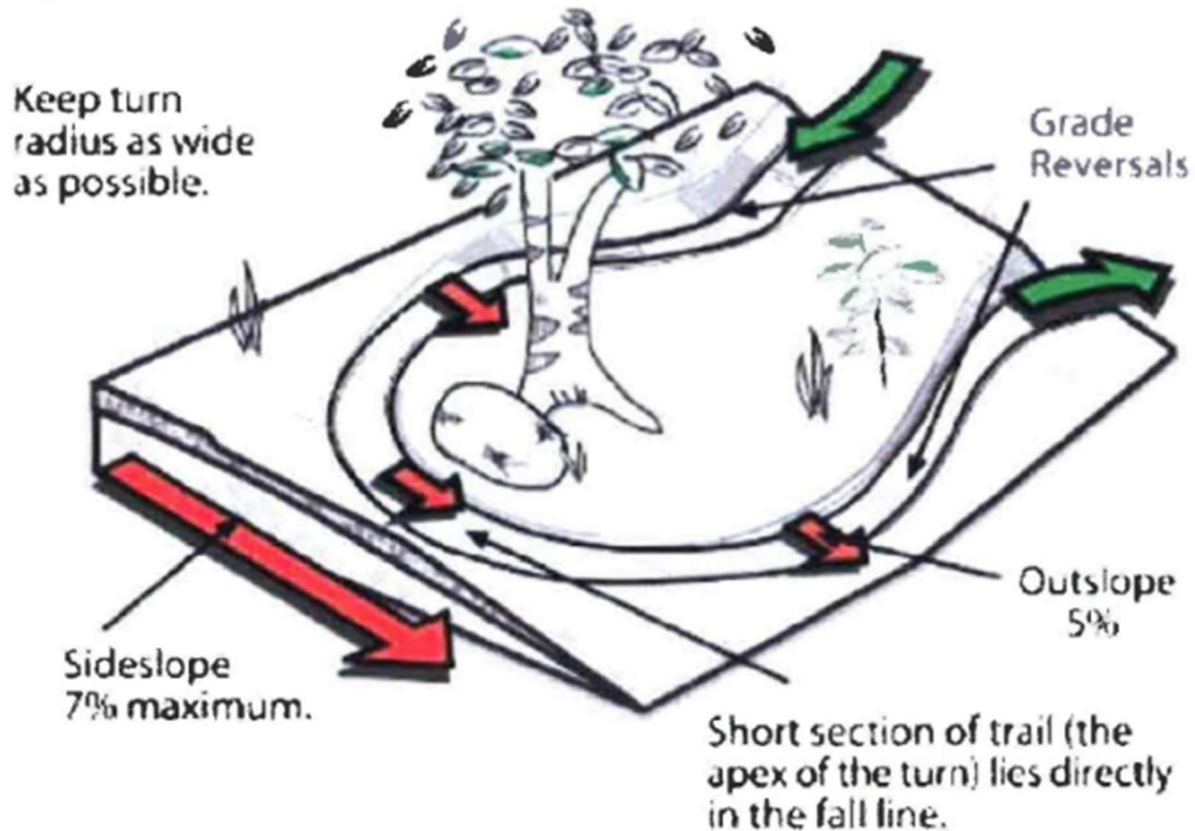
This shows the most sustainable type of turn of steep sideslopes. Inslope the trail bed only on the upper leg as it transitions to the crowned landing. The landing should have a 12 to 18 foot diameter, depending on trail width. The landing is outsloped in all directions. Build a grade reversal just before the upper leg to move water off the trail before it reaches the landing.

Figure 7: Climbing Turn



Maintain constant grade and radius through the turn section. Climbing turns may not be sustainable on sideslopes exceeding 7 percent grade.

Figure 8: Grade Reversal



A climbing turn is any turn that ascends (or descends) on the fall line of a

sideslope. Improve sustainability by placing climbing turns on gentle slopes and using grade reversals to drain water above them. Climbing turns should have a large turning radius and barriers between legs to prevent shortcutting.

6. **Trail Construction**

1. **Guarantee for Trail Construction.** Trail construction that is required as part of a development project will be subject to a security or bond that covers one hundred ten percent (110%) of the trail construction cost. This will be required at the same time the bonding is done for the other infrastructure requirements. All requirements and bonding will be completed with the Heber City Engineering Department.

2. **Trail Easements.** All public trails will require a recorded easement. All trail easements shall be noted and defined on a plat map or by recorded easement. Backcountry trails and some soft surface trails will be recorded as built, and will be included as an exhibit in the development agreement when receiving plat approvals from Heber City. Before bonds for the trails will be release the as-built trail easements must be recorded.

3. **Phasing.** When trails are part of a phased project, the phasing of various trail segments will follow a logical sequence for trail users. This phasing and expected dates of completion for trails shall be noted in the development agreement with Heber City.

4. **Measures to Reduce Trail Construction Impacts.** As stated previously, a good site selection for your trail will prevent most construction impacts. Water drainage and erosion must first be addressed during the trail location phase, allowing for the use of natural features to be incorporated into the trail design. The following may or may not be required for trail construction.

1. In ecologically sensitive areas, temporary fencing may be used to protect these features.
2. Trails located near wetlands, may require boardwalk style construction.
3. If using machinery to cut the trail, the right size equipment must be used. Different products are available specific to trail construction needs.
4. If building near waterways or critical runoff points, trail layout will need to be reviewed on a case by case basis. Erosion matting or other device may be required for construction.
5. In visually sensitive areas, work with hand tools may be necessary to reduce visual impacts.
6. Indigenous materials should be used to the greatest extent possible for construction and revegetation practices. Seed mixes should be native; and care should be taken to not introduce nonnative materials into construction areas.
7. Revegetation should occur quickly after construction dependent on the location, season and availability of water. Use of a native seed mix will be necessary. Trees and shrubs will need to be replaced if removed for construction purposes. For recommended seed mix and native vegetation please contact: Utah State University Extension Service, Heber City Branch, 55 South 500 East, Heber City, UT 84032.

7. **Trailheads.** Trailheads generally provide four essential purposes: signing, off street parking, restroom facilities and trail access. Any access into the trail system is considered a trailhead. New development that includes public trails, must consider

how the public will get to these facilities and how it will coordinate with other plans in the development. Trailheads should be visible, easily accessible and designed to accommodate the type of trail uses allowed. Equestrian trails will require more space than hiking or biking only trails for trailer parking and maneuvering.

1. Trailhead Classification. Access to a trail system is one of the primary elements for a successful trail network. Trailheads serve the local and regional population who access the trail network by car, transit, bicycle, foot, and/or other modes of travel. These access points provide essential connections to the system and serve as an information hub to educate and provide users with directions, maps, rules and regulations of the trails and area, closures, events, etc. Where appropriate, support facilities, such as resting areas, interpretive signs specific to the area, public art, restrooms, fountains, and bike racks, may be provided. To plan proposed trailheads and improve existing ones, the following classification standard was created. Three different classes are proposed based on capaCity, location, trail access, and amenities.

1. Class 1 Trailheads. Class 1 trailheads are classified as major developed parking hubs for both community and regional trails where heavy use is anticipated. Class 1 trailheads should include, but are not limited to, a minimum of 25 paved parking stalls, direct and safe trail access, restrooms, information kiosks, with maps and educational information, drinking fountains, bike racks, security lighting, public art, and monument signs, as determined at the time of approval, evaluation, and development. Class 1 trailheads should address good circulation patterns, site distances, proper drainage and storm water runoff, and landscaping, as required.



2. Class 2 Trailheads. Class 2 trailheads are classified as trail parking areas that include less than 25 parking stalls but more than six. Parking surfaces may be improved with road base, gravel, or pavement. Amenities may include, but are not limited to, restrooms, map kiosks, signs, safe and direct trail access, and other items, as determined at the time of approval, evaluation, and development. These trailheads should address good circulation patterns, site distances, and proper drainage and storm water runoff, if necessary.



3. **Class 3 Trailheads.** Class 3 trailheads are classified as small, undeveloped, legal trail parking areas that provide six or less parking stalls and accommodates off-street parking. There are typically no trailhead amenities, such as restrooms, bike racks, etc. They do provide direct access to trails and often provide a map kiosk with trail information.



8. **Bridges.** Bridges can be a great attraction for trail users and most likely highlight a scenic vantage point. In Heber City, bridges may be used to span rivers, streams, canals, roadways, and steep topographic features.

Two (2) design types can be used: custom made or a factory built steel truss. Both styles have advantages and disadvantages and some general recommendations have been made here.

A custom bridge will use treated lumber that is resistant to decay for long-term durability. A typical custom bridge span is less than twenty (20) to twenty five feet (25). Longer spans for low bridges can be formed using piers, creating the aesthetically desirable possibility of aligning the bridge on a curve.

Factory built bridges should be used for clear spans over twenty (20) to twenty five feet (25). These bridges can be ordered in any length and width, with several competing manufacturers. Decks can be wooden or concrete and all engineering is done by the manufacturer.

1. **General Design Features.**

1. Width of bridge should be the equivalent of the trail. This refers to the usable width of the bridge and does not consider construction requirements.
2. Bridge alignments should allow for adequate sight distances and where possible be constructed to avoid the need for users to make sharp turns at either end of the bridge.
3. Railings are required if the decking is farther than thirty inches (30) above the feature being spanned. Railings should be fifty four inches (54) high, with railings spaced not greater than fifteen inches (15) (if drop-offs are hazardous, this is limited to 4 inch spacing).
4. All exposed bolt and screw heads should be countersunk to be flush with the wood surface.
5. Breakaway design features must be used if the bridge is constructed in an area prone to flooding.
6. The design must be structurally sound and approved by a licensed engineer. Design must factor in both live and dead load.
7. Design and materials should fit in with surrounding development.

8. Contact with state of Utah Division of Water Rights, Army Corp of Engineers and Heber City Engineer may be necessary, depending on location.

9. **Fencing.** Fencing should be installed only where physical separation is necessary for safety and/or to preserve adjacent landowner privacy. Fences should not create a narrow corridor effect for long stretches along the trail. Where possible, fencing should be located only on one side of the trail at a time.

Fences should be no closer than five feet (5') from the trail edge and must also be located within the trail easement. Where fences are necessary along both sides of a trail, the minimum width should be twenty feet (20') as is consistent with the required trail easement.

Gates are required for trails that cross stock grazing areas. Said gates will be a self-closing lever latch type.

10. **Signing.** The signing standards include three (3) types: informational, regulatory and interpretive. All types should be straightforward and simple to read and understand.

1. **Informational Signs at Trailheads.** These signs are primarily located at trailheads or areas where the user may experience a change in the trail experience. These signs should be located in such a way as to not interfere with the trail surface but be accessible to the users.

2. **Interpretive Signs.** These signs benefit the users by explaining some feature available on the trail route. The features may include historical, biological, natural resources, or cultural facts about an area. Often these signs are educational and will serve to relay management goals of an area. These must be located in appropriate areas.

3. **Regulatory Signs.** The following are some of the signs likely to be needed, along with their identification number and size. Some unusual signs may have to be custom made. These examples are taken from the "Manual on Uniform Traffic Control Devices", December 2000 edition (MUTCD). The MUTCD should be referenced for complete signing standards.

4. **Stop and Yield Warnings.**

1. "Stop" signs are intended for use where bicyclists are required to stop.

2. "Yield" signs shall be installed on shared use paths at points where bicyclists have an adequate view of conflicting traffic as they approach the sign and where bicyclists are required to yield to the right of way. The visibility of approaching traffic must be adequate to permit the bicyclist to stop or take other measures to avoid that traffic.

3. "Stop Ahead" and "Yield Ahead" signs should be used where an intersection cannot be seen on approach. They may also be used to emphasize the right of way at busy or dangerous intersections.

4. "Driveway Crossing" should be used where a driveway crossing cannot be seen on approach. This sign can also emphasize busy or potentially dangerous driveway crossings.

5. **Unexpected or Hazardous Conditions Warnings.** These should be used only when necessary to warn of unexpected or potentially hazardous conditions. The signs should be placed to least fifty feet (50') before the hazard.



6. Turn and Curve Warnings. If the trail changes direction unexpectedly and the change is not readily apparent on approach, use appropriate turn or curve signs to warn bicyclists. They should normally be installed no less than fifty feet (50') in advance of the beginning of change of alignment.



Figure 2: Sign Sizes for Shared Use Paths

Sign	MUTCD Code	Minimum Sign Size	
Millimeters	Inches		
Stop	R1-1	450 x 450	18 x 18
Yield	R1-2	600 x 600 x 600	24 x 24 x 24
Bicycle lane	R3-16, 16a, 17, 17a	600 x 750	24 x 30
Movement restriction	R4-1, 2, 3, 7	300 x 450	12 x 18
Begin right turn lane yield to bikes	R4-4	900 x 750	36 x 30
No motor vehicles	R5-3	600 x 600	24 x 24
Bicycle prohibition	R5-6	600 x 600	24 x 24
No parking bike lane	R7-9 9a	300 x 450	12 x 18
Pedestrians prohibited	R9-3a	450 x 450	18 x 18
Bicycle regulatory	R9-5, 6	300 x 450	12 x 18
Shared use path restriction	R9-7	300 x 450	12 x 18
Railroad crossbuck	R15-1	600 x 112	24 x 4.5
Turn and curve warning	W1-1, 2, 3, 4, 6	450 x 450	18 x 18
Arrow warning	W1-6, 7	600 x 300	24 x 12
Intersection warning	W2-1, 2, 3, 4, 5	450 x 450	18 x 18
Stop, yield, signal ahead	W3-1a, 2a, 3	450 x 450	18 x 18
Road narrows	W5-2a	450 x 450	18 x 18
Bikeway narrows	W5-4	450 x 450	18 x 18
Hill sign	W7-5	450 x 450	18 x 18

Bump or dip	W8-1, 2	450 x 450	18 x 18
Bicycle surface condition	W8-10	450 x 450	18 x 18
Advance grade crossing	W10-1	450 diameter	18 diameter
Bicycle crossing	W11-1	450 x 450	18 x 18
Low clearance	W12-2	450 x 450	18 x 18
Shared the road plaque	W16-1	600 x 750	24 x 30
Supplemental bike route plaque	D1-1	600 x 150	24 x 6
Bicycle parking	D4-3	300 x 450	12 x 18
Bike route	D11-1	600 x 450	24 x 18
Bicycle route marker	M1-8	300 x 450	12 x 18
Bicycle route marker	M1-9	450 x 600	18 x 24
Supplemental bicycle route guide	M4-11, 12, 13	300 x 100	14 x 4
Route marker supplemental plaques	M7-1, 2, 3, 4, 5, 6, 7	300 x 225	12 x 9

7. Sign Construction Features (Sample Bollards and Mile Markers).

1. Sign Posts: There are many design solutions to signage along a trail; below is one commonly used design. Post location will conform to the standards set forth in the MUTCD section on "Traffic Control Devices for Bicycle Facilities". Signposts will be four by four (4 x 4) pressure treated Douglas fir, embedded into the ground a minimum of twenty four inches (24") unless other materials are specifically approved. Attachment Systems: Signs should be attached to wood posts with three-eighths inch (3/8") diameter galvanized carriage bolts in a minimum of two (2) locations per post.
2. Sign Bollards: These should be located at all trail access points. Posts should be constructed of Redwood or pressure treated Douglas fir. The individual symbols are three inches (3") square reflective decals that can be ordered from Carsonite International. They should be mounted on heavy gauge aluminum plate routed into the post a minimum of two inches (2") and epoxied into place.

11. Crossings and Roadway Interface. Heber City and the Heber Valley are dissected by US-189 and US-40, regional highways which connect the County to the Wasatch Front and the Uintah Basin. These highways carry a significant volume of semi-trucks, which makes crossing these roads a challenge. To improve trail connectivity between communities within the valley, three types of crossings, at-grade, elevated, or underpass, will need to be considered for each location (see Figure 3). Construction type will be based on the average daily trips (ADT) projected at build out.

1. At-Grade Crossings. Of the three crossing options, building an at-grade crossing may be the least expensive. Several multi-use trails in the urban area of the Wasatch Front cross major collectors that carry high volumes of traffic. These crossings may be a cost effective solution since they can be used at signalized intersections within downtown Heber City where speeds are lower.



2. Trail Overpasses. When trails need to cross higher speed roadways, grade separation is required for safety. A trail bridge over US-189 or on US-40 north or south of the Heber City limits would be recommended as it will allow for trail users to cross safely. Trail bridges can be expensive (typically exceeding \$1 million) as additional property is needed to build the ramps and meet height requirements.



3. Trail Underpasses. Building a tunnel or underpass is another solution to safely separate trails from high volume/high speed roadways. Depending on the number of underground utilities, the level of groundwater in the area, and soil types, an underpass can be a cost effective solution for the proposed trail crossing on US-40 and US-189. These underpasses will require lighting for safety.



Figure 3: Pros and cons table for trail crossings

Crossing Type	Pros	Cons
At-Grade Crossing	Low Cost	Traffic Disruption

	Low Visual Impact	Pedestrian Safety
	No Grade Change	
	Pedestrian Safety	Cost
Pedestrian Overpass	Potential Land Mark	Large Footprint
	Unique Feature	High Visual Impact
	Small Footprint	Cost
Pedestrian Underpass	Low Visual Impact	Potential for Flooding
	Safety	