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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
HERRIMAN CITY  
BY: LDT

# SOUTH HILLS DEVELOPMENT



- POOR COPY -  
CO. RECORDER

## Master Development Agreement (MDA)

3.19.09



**WHEN RECORDED, RETURN TO:**

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**MASTER DEVELOPMENT AGREEMENT  
FOR THE  
SOUTH HILLS MASTER PLANNED COMMUNITY**

DATED: March \_\_, 2009

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**MASTER DEVELOPMENT AGREEMENT  
FOR THE  
SOUTH HILLS MASTER PLANNED COMMUNITY**

THIS MASTER DEVELOPMENT AGREEMENT is made and entered as of the \_\_\_ day of March, 2009, by and between the City of Herriman, a Utah municipal corporation, and Wasatch South Hills Development Co., L.L.C., a Utah limited liability company.

**RECITALS**

- A. The capitalized terms used in these Recitals are defined in Section 1.2, below.
- B. The South Hills Property and other properties were lawfully disconnected from Bluffdale and, as of January 1, 2008, the South Hills Property was annexed into and became a part of the City.
- C. As a part of the annexation of the South Hills Property, the City zoned the South Hills Property as specified on the Zoning Map.
- D. On April 3, 2008 the City approved a General Plan for the Annexed Property.
- E. Master Developer and the City desire that the South Hills Property be developed in a unified and consistent fashion pursuant to the General Plan and the Approved PUD.
- F. Provision of infrastructure to the South Hills Property is vital and, therefore, Master Developer has prepared the Infrastructure Plan.
- G. Development of the South Hills Property will include the Intended Uses specified in the General Plan and the Approved PUD.

H. Development of the Project as a master planned community pursuant to this MDA is acknowledged by the parties to be consistent with the Act, and the Zoning Ordinance and to operate to the benefit of the City, Master Developer, and the general public.

I. The City Council has reviewed this MDA and determined that it is consistent with the Act, the Zoning Ordinance and the Zoning of the South Hills Property.

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

K. Development of the South Hills Property pursuant to this MDA will also result in significant benefits to Master Developer by providing assurances to Master Developer that it will have the ability to develop the South Hills Property in accordance with this MDA.

L. Master Developer and the City have cooperated in the preparation of this MDA.

M. The parties desire to enter into this MDA to specify the rights and responsibilities of the Master Developer to develop the South Hills Property into the Project as expressed in this MDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this MDA.

N. The parties understand and intend that this MDA is a "development agreement" within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-102



(2008).

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer hereby agree to the following:

**TERMS**

1. **Incorporation of Recitals and Exhibits/ Definitions.**

1.1. **Incorporation.** The foregoing Recitals and Exhibits “A” – “G” are hereby incorporated into this MDA.

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

1.2.1. **Act** means the Municipal Land Use, Development, and Management Act, Utah Code Ann. §§10-9a-101, *et seq.* (2008).

1.2.2. **Administrative Action** means and includes any amendment to the Exhibits to this MDA or other action that may be approved by the Administrator as provided in Section 20.

1.2.3. **Administrator** means the person designated by the City as the Administrator of this MDA.

1.2.4. **Annexed Property** means all of the approximately 4,000 acres annexed into the City on January 1, 2008 after being disconnected from Bluffdale including the South Hills Property.

1.2.5. **Applicant** means a person or entity submitting a Development Application, a Modification Application or a request for an Administrative Action.

1.2.6. **Approved PUD** means the plan for a Planned Use Development under the City's Vested Laws approved for the South Hills Property on January 15, 2009 a copy of which is attached as Exhibit "C".

1.2.7. **Assessment Area** means an area or areas to be created by the City pursuant to Utah Code Ann. § 11-42-101, et seq. (2008), or other applicable State Law, with the approval of Master Developer and other property owners, to fund the construction of some or all of the Backbone Improvements.

1.2.8. **Average Density** means 4.5 Residential Dwelling Units per acre.

1.2.9. **Backbone Improvements** means those improvements shown as such in the Infrastructure Plan and which are, generally, infrastructure improvements of a comprehensive scale that are a part of the overall development of the Annexed Property and not merely a part of the

development of any particular Subdivision or Commercial Site Plan.

Backbone Improvements are generally considered to be in the nature of “System Improvements,” as defined in Utah Code Ann. § 11-36-101, et seq. (2008).

1.2.10. **Building Permit** means a permit issued by the City to allow construction, erection or structural alteration of any building, structure, private or public infrastructure, On-Site Infrastructure on any portion of the Project, or to construct any Off-Site Infrastructure.

1.2.11. **Buildout** means the completion of all of the development on all of the Project.

1.2.12. **CC&R's** means the Conditions, Covenants and Restrictions regarding certain aspects of design and construction on the South Hills Property to be recorded in the chain of title on the South Hills Property.

1.2.13. **Capital Facilities Plan** means a plan to be adopted by the City in the future to substantiate the collection of Impact Fees as required by State law.

1.2.14. **City** means the City of Herriman, a Utah municipal corporation.

1.2.15. **City Consultants** means those outside consultants employed by the City in various specialized disciplines such as traffic, hydrology or

drainage for reviewing certain aspects of the development of the Project.

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

1.2.17. **City's Vested Laws** means the ordinances, policies, standards and procedures of the City related to zoning, subdivisions, development, public improvements and other similar or related matters that were in effect as of the date of this MDA, a digital copy of which is attached as Exhibit "D".

1.2.18. **Commercial Site Plan** means the plan submitted to the City for the approval of the development of a portion of the Project which may include multiple buildings that are not intended to be on individual subdivision lots and includes apartments, shopping centers or similar multi-building developments or plans for other developments on the Project which are allowed by the applicable Zone as a conditional use.

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

1.2.20. **Default** means a material breach of this MDA.

1.2.21. **Denied** means a formal denial issued by the final decision-making body of the City for a particular type of Development Application but does not include review comments or “redlines” by City staff.

1.2.22. **Density** means the number of Residential Dwelling Units allowed per acre.

1.2.23. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision, a Commercial Site Plan, a Building Permit or any other permit, certificate or other authorization from the City required for development of the Project.

1.2.24. **Development Report** means a report containing the information specified in Sections 4.4 and/or 4.5 submitted to the City by Master Developer for the development by Master Developer of any Parcel or for the sale of any Parcel to a Subdeveloper or the submittal of a Development Application by a Subdeveloper pursuant to an assignment from Master Developer.

1.2.25. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. §

10-9a-603 (2008), and approved by the City, effectuating a Subdivision of any portion of the Project.

1.2.26. **General Plan** means Exhibit “B”, a plan approved by the City on April 3, 2008, that sets forth general guidelines for the proposed future development of the Annexed Property.

1.2.27. **Homeowner Association(s) (or “HOA(s)”)** means one or more associations formed pursuant to Utah law to perform the functions of an association of property owners.

1.2.28. **Impact Fees** means those fees, assessments, exactions or payments of money imposed by the City as a condition on development activity as specified in Utah Code Ann. §§ 11-36-101, et seq., (2008).

1.2.29. **Infrastructure Plan** means Exhibit “E”, the plan adopted simultaneously with this MDA showing the Backbone Infrastructure for the South Hills Property for culinary water, secondary water, storm water, sanitary sewer and roads.

1.2.30. **Intended Uses** means the use of all or portions of the Project for single-family and multi-family residential units, hotels, restaurants, public facilities, businesses, commercial areas, professional and other offices, services, golf courses, open spaces, parks, trails and other uses

as more fully specified in the, Zoning Ordinance, Approved PUD, Technical Guidelines and as shown on the General Plan.

1.2.31. **Local Park** means a park that is planned and designed as an amenity to serve and necessary for the use and convenience of a particular Subdivision or Commercial Site Plan (or a group of related Subdivisions or Commercial Site Plans) and which is not a System Improvement.

1.2.32. **Master Developer** means Wasatch South Hills Development Co., L.L.C., a Utah limited liability company, and its respective assignees or transferees as permitted by this MDA.

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

1.2.34. **Maximum Residential Units** means the development on the South Hills Property of Two Thousand Two Hundred Nine (2209) Residential Dwelling Units.

1.2.35. **Modification Application** means an application to amend this MDA (but not including those changes which may be made by Administrative Action).

1.2.36. **Mountain View Corridor** means a “freeway” type transportation corridor proposed by the Utah Department of

Transportation that bisects the South Hills Property in a general northwest/southeast axis.

1.2.37. **South Hills Property** means the approximately Four Hundred Ninety One Acres (491) either owned or controlled by Master Developer which are a part of Annexed Property and which are more fully described in Exhibit "A".

1.2.38. **Non-City Agency** means a governmental or quasi-governmental entity, other than those of the City, which has jurisdiction over the approval of any aspect of the Project.

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

1.2.40. **Off-Site Infrastructure** means those items of public or private infrastructure specified in the Infrastructure Plan necessary for development of the South Hills Property such as roads and utilities that are not on the site of any portion of the South Hills Property that is the subject of a Development Application.

1.2.41. **On-Site Infrastructure** means those items of public or private infrastructure specified in the Infrastructure Plan or as a condition of the approval of a Development Application that are necessary for development of the South Hills Property such as roads or utilities and



that are located on that portion of the South Hills Property which is subject to a Development Application.

1.2.42. **Open Space** means those areas: without any buildings or other physical improvements except those customary and/or necessary to the provision of recreation; any natural space that provides appropriate breaks from building masses or which conserves or preserves natural, historic or other amenities with social or cultural values or which maintains the natural water table level or preserves wetlands; or, any other quasi-public area which the City determines to be considered as Open Space as a part of the approval of a Development Application. Open Space includes, but is not limited to, those areas identified as Open Space in the General Plan and/or the Approved PUD.

1.2.43. **Outsourc[e][ing]** means the process of the City contracting with City Consultants or paying overtime to City employees to provide technical support in the review and approval of the various aspects of a Development Application as is more fully set out in this MDA.

1.2.44. **Parcel** means an area identified on the General Plan for development of a particular type of Intended Use that is not an individually developable lot.

1.2.45. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer.

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

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

1.2.48. **Regional Park** means a park identified in the City's Capital Facilities Plan, Infrastructure Plan, Approved PUD or General Plan and that is intended to provide services to the community at large such that it would be considered to be a System Improvement.

1.2.49. **Residential Dwelling Unit** means, for purposes of calculating Density, a unit intended to be occupied for residential living purposes; one single-family residential dwelling and each separate unit in a multi-family dwelling, apartment building, condominium or time-share equals one Residential Dwelling Unit.

1.2.50. **Site Plan** means the plan submitted to the City for the first stage of the approval of a Subdivision or Commercial Development.

1.2.51. **Subdeveloper** means an entity not “related” (as defined by Internal Revenue Service regulations) to Master Developer which purchases a Parcel for development.

1.2.52. **Subdivision** means the division of any portion of the Project into a subdivision pursuant to State Law and/or the Zoning Ordinance.

1.2.53. **Subdivision Application** means the application to create a Subdivision.

1.2.54. **Subdivision Site Plan** means the plan submitted with a Subdivision Application.

1.2.55. **Substantial Completion** means a point in the progress of a construction project where the work has reached the point that it is sufficiently complete such that any remaining work will not interfere with the intended use or occupancy of the project. For work to be substantially complete it is not required that the work be 100% complete.

1.2.56. **System Improvement** means those elements of infrastructure that are defined as System Improvements pursuant to Utah Code Ann. §11-36-102(16) (2008).

1.2.57. **Technical Guidelines** means Exhibit “F” which are a set of guidelines approved by the City as a part of the approval of this MDA

controlling certain aspects of the design and construction of the development of South Hills Property including setbacks, building sizes, open space, height limitations, parking and signage; and, the design and construction standards for buildings, roadways and infrastructure.

1.2.58. **Zone** means the City's zoning district for any Parcel as specified on the Zoning Map.

1.2.59. **Zoning Map** means Exhibit "G" which is a map of the Zones of the South Hills Property .

1.2.60. **Zoning Ordinance** means the City's Land Use and Development Ordinance adopted pursuant to the Act that was in effect as of the date of this MDA as a part of the City's Vested Laws.

2. **Effect of this MDA.** This MDA shall be the sole agreement between the parties related to the South Hills Property and the Project.

3. **Development of the Project.** Development of the Project shall be in accordance with the City's Vested Laws, the City's Future Laws (to the extent that these applicable as otherwise specified in this MDA), the Approved PUD, this MDA and its Exhibits. The City acknowledges that the Approved PUD satisfies any requirements under the Zoning Ordinance for a concept plan for the development of the South Hills Property and the Project. The Approved PUD shall be valid and binding upon the parties throughout the term of this MDA.

4. **Development of the South Hills Property in Compliance with the General Plan.**

4.1. **Project Maximum Density.** At Buildout of the Project, Master Developer shall be entitled to have developed the Maximum Residential Units and to have developed the other Intended Uses as specified in the General Plan and the Approved PUD.

4.2. **Parcels Intended Uses and Densities.** Intended Uses and Densities for each Parcel are shown on the General Plan and the Approved PUD for the South Hills Property.

4.3. **Use of Density.** Master Developer may use any of the Maximum Residential Units in the development of any Subdivision (or any approved Commercial Site Plan allowing for residential uses) so long as the density requested in the proposed Development Application is no greater than the maximum density allowed for the proposed Subdivision or Commercial Site Plan by the Zone, the Approved PUD and the provisions of the PUD ordinance in the City's Vested Laws regarding the clustering of such density.

4.3.1. **Density Transfer Provisions** of Section 4.3 are intended to measure density by considering the entire acreage of property with the same zoning. For example, even though a particular acre may have R-2-10 zoning with a density of 8.7 residential dwelling units the actual number of units that may be constructed on that particular acre may

exceed 8.7 units so long as the density of the entire property carrying R-2-10 zoning does not exceed 8.7 units per acre. Further, apartments, condominiums, townhomes and other multi-family buildings are allowed as conditional uses under the PUD Chapter of the Zoning Ordinance with an underlying R-2-10 base zone and are considered by the City using the standards of the RM zone including height limitations and other design standards.

**4.4. Accounting for Density for Parcels Developed by Master Developer.**

At the recordation of a Final Plat, Commercial Site Plan allowing for residential uses or other approved and recorded instrument for any Parcel(s) developed by Master Developer, Master Developer shall provide the City a Development Report showing any Density used with the Parcel(s) and the Density remaining with Master Developer and for the remaining Project.

**4.5. Accounting for Density for Parcels Sold to Subdevelopers.**

Any Parcel sold by Master Developer to a Subdeveloper shall include the transfer of a specified portion of the Maximum Residential Units and, for any non-residential use, shall specify the amount and type of any such other use sold with the Parcel. At the recordation of a Final Plat or other document of conveyance for any Parcel sold to a Subdeveloper, Master Developer shall provide the City a Sub-Development Report showing the ownership of the

Parcel(s) sold, the portion of the Maximum Residential Units and/or other type of use transferred with the Parcel(s), the amount of the Maximum Residential Units remaining with Master Developer and any material effects of the sale on the General Plan.

4.5.1. Return of Unused Density. If any portion of the Maximum Residential Units transferred to a Subdeveloper are unused by the Subdeveloper at the time the Parcels transferred with such Density receives approval for a Development Application for the final portion of such transferred Parcels, the unused portion of the transferred Maximum Residential Units shall automatically revert back to Master Developer and the Master Developer shall file with the City a Development Report.

4.6. **Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular Parcel may not be known at the time of the sale of a Parcel. The City acknowledges that Master Developer may seek and obtain approval for the subdivision of a portion of the Project into a Parcel without providing such detailed development information subject to the specific "Parcel Sales" provisions of the Section 6.14.

5. **Zoning and Vested Rights.**

5.1. **Current Zoning.** The Project is currently zoned as specified in the Zoning Map.

5.2. **Vested Rights Granted by Approval of this MDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the City and Master Developer intend that this MDA grants Master Developer all rights to develop the Project in fulfillment of this MDA and the Approved PUD without modification or interference by the City except as specifically provided herein. The Parties intend that the rights granted to Master Developer under this MDA and the Approved PUD are contractual and also those rights that exist under statute, common law and at equity. The parties specifically intend that this MDA and the Approved PUD grants to Master Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann. §10-9a-509 (2008).

5.2.1. Invalidity. Developer covenants not to bring suit to have any of the City’s Vested Laws declared to be unlawful, unconstitutional or otherwise unenforceable. If any of the City’s Vested Laws are declared to be unlawful, unconstitutional or otherwise unenforceable then Developer will, nonetheless comply with the terms of this MDA. Developer shall also in that event cooperate with the City in adopting and agreeing to comply with a new enactment by the City which is



materially similar to any such stricken provisions and which implements the intent of the parties in that regard as manifested by this MDA.

5.2.2. Exceptions. The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 5.2 are subject to only the following exceptions:

5.2.2.1. *Master Developer Agreement.* City's Future Laws that Master Developer agrees in writing to the application thereof to the Project;

5.2.2.2. *Compliance with State and Federal Laws.* City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

5.2.2.3. *Safety Code Updates.* City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized

construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

5.2.2.4. *Taxes.* Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.

5.2.2.5. *Fees.* Changes to the amounts of fees (but not changes to the times provided in the City's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

5.2.2.6. *Countervailing, Compelling Public Interest.* Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. §10-9a-509(1)(a)(i) (2008).

5.2.2.7. *Impact Fees.* Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

**5.3. Term of Agreement.** The term of this MDA shall be until December 31,

2039. This MDA shall also terminate automatically at Buildout.

6. **Approval Processes for Development Applications.**

6.1. **Phasing.** The City acknowledges that Master Developer, assignees of Master Developer, and/or Subdevelopers who have purchased Parcels of the South Hills Property may submit multiple applications from time-to-time to develop and/or construct portions of the General Plan for the Project in phases.

6.2. **Processing Under City's Vested Laws.** Approval processes for Development Applications shall be as provided in the City's Vested Laws except as otherwise provided in this MDA. Development Applications shall be approved by the City if they comply with the City's Vested Laws and conform to this MDA and the Approved PUD.

6.3. **City's Cooperation in Processing Development Applications.** The City shall cooperate reasonably in promptly and fairly processing Development Applications.

6.4. **Outsourcing of Processing of Development Applications.** Within fifteen (15) business days after receipt of a Development Application upon the request of either party the parties will confer and determine whether the City and/or the Master Developer or a Subdeveloper wishes the City to Outsource the review of any aspect of the Development Application to insure that it is processed on a timely basis. If either party determines that Outsourcing is

appropriate then the City shall promptly estimate the reasonably anticipated differential cost of Outsourcing in the manner selected by the City in good faith consultation with the Master Developer (either overtime to City employees or the hiring of a City Consultant). If the Master Developer or a Subdeveloper notifies the City that it desires to proceed with the Outsourcing based on the City's estimate of costs then the Master Developer or Subdeveloper shall deposit in advance with the City the estimated differential cost and the City shall then promptly precede with the Outsourced work. Upon completion of the Outsourcing services and the provision by the City of an invoice (with such reasonable supporting documentation as may be requested by Master Developer) for the actual differential cost (whether by way of paying a City Consultant or paying overtime to City employees) of Outsourcing, Master Developer or the Subdeveloper shall, within ten (10) business days pay or receive credit (as the case may be) for any difference between the estimated differential cost deposited for the Outsourcing and the actual cost differential.

6.5. **Non-City Agency Reviews.** If any aspect or a portion of a Development Application is governed exclusively by a Non-City Agency an approval for these aspects does not need to be submitted by Applicant for review by any body or agency of the City. The Applicant shall timely notify

the City of any such submittals and promptly provide the City with a copy of the requested submissions. The City may only grant final approval for any Development Application subject to compliance by Applicant with any conditions required for such Non-City Agency's approval.

**6.6. Acceptance of Certifications Required for Development Applications.** Any Development Application requiring the signature, endorsement, or certification and/or stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified or stamped signifying that the contents of the Development Application comply with the applicable regulatory standards of the City. The Development Application shall thus generally be deemed to meet the specific standards which are the subject of the opinion or certification without further objection or required review by the City or any other agency of the City. It is not the intent of this Section to preclude the normal process of the City's "redlining", commenting on or suggesting alternatives to the proposed designs or specifications in the Development Application. Generally, the City should endeavor to make all of its redlines, comments or suggestions at the time of the first review of the Development Application unless and changes to the Development Application raise new issues that need to be addressed.

**6.7. Expert Review of Certifications Required for Development Applications.** If the City, notwithstanding such a certification by Applicant's experts, subjects the Development Application to a review by City Consultants, the City shall bear the costs of such review if the City Consultants determine that the Applicant's expert certification was materially correct and that the City's requiring a review of the certification in the Development Application was unreasonable and not made in good faith. If the City Consultants determine that the City's requirement of a review was reasonable and made in good faith then payment of the reasonable and actual costs of the City Consultants' review shall be the responsibility of Applicant.

**6.7.1. Selection of City Consultants for Review of Certifications Required for Development Applications.** The City Consultant undertaking any review by the City required or permitted by this MDA or the Ordinance shall be selected from a list generated by the City for each such City review pursuant to a "request for proposal" process or as otherwise allowed by City ordinances or regulations. Applicant may, in its sole discretion, strike from the list of qualified proposers any of such proposed consultants so long as at least three (3) qualified proposers remain for selection. The anticipated cost and timeliness of such review may be a factor in choosing the expert.

**6.8. Independent Technical Analyses for Development Applications.** If the City needs technical expertise beyond the City's internal resources to determine impacts of a Development Application such as for structures, bridges, water tanks, "threatened and endangered species" and other similar matters which are not required by the City's Vested Laws to be certified by such experts as part of a Development Application, the City may engage such experts as City Consultants under the processes specified in Section 6.7.1 with the actual and reasonable costs being the responsibility of Applicant. If the City needs any other technical expertise other than as specified above, under extraordinary circumstances specified in writing by the City, the City may engage such experts as City Consultants under the processes in Section 6.7.1 with the actual and reasonable costs being the responsibility of Applicant.

**6.9. City Denial of a Development Application.** If the City denies a Development Application the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Development Application is not consistent with this MDA, the Approved PUD and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

**6.10. Meet and Confer regarding Development Application Denials.** The City and Applicant shall meet within fifteen (15) business days of any Denial

to resolve the issues specified in the Denial of a Development Application.

**6.11. City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's denial of a Development Application is based on the denial of the Development Application by a Non-City Agency, Master Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

**6.12. Mediation of Development Application Denials.**

**6.12.1. Issues Subject to Mediation.** Issues resulting from the City's Denial of a Development Application that are not subject to arbitration provided in Section 6.13 shall be mediated.

**6.12.2. Mediation Process.** If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to



mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

**6.13. Arbitration of Development Application Objections.**

6.13.1. Issues Subject to Arbitration. Issues regarding the City's Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration. The failure of a Development Application to comply with an applicable Federal, State or City Vested Law (or, if applicable, a City Future Law) is not an issue subject to arbitration.

6.13.2. Mediation Required Before Arbitration. Prior to any arbitration the parties shall first attempt mediation as specified in Section 6.12.

6.13.3. Arbitration Process. If the City and Applicant are unable to resolve an issue through mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within

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ten (10) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Applicant shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator may order the City to pay the arbitrator's fees.

6.14. **Parcel Sales.** Master Developer may obtain approval of a Subdivision that does not create any individually developable lots in the Parcel without being subject to any requirement in the City's Vested Laws to complete or provide security for any On-Site Infrastructure or Off-Site Infrastructure at the time of such subdivision. The responsibility for completing and providing security for completion of any On-Site Infrastructure or Off-Site Infrastructure in the Parcel shall be that of the Developer or a Subdeveloper upon a

subsequent re-Subdivision of the Parcel that creates individually developable lots.

7. **Exclusion from Moratoriums.** The Project shall be excluded from any moratorium adopted pursuant to Utah Code Ann. §10-9a-504 (2008) unless such a moratorium is found on the record by the Council to be necessary to avoid jeopardizing a compelling, countervailing public interest.

8. **Application Under City's Future Laws.** Without waiving any rights granted by this MDA, Master Developer may at any time, choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application. The election by Master Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Master Developer from relying for other Development Applications on the City's Vested Laws.

9. **Open Space and Trails Requirements.** The Development Application approval for each separate Parcel shall provide that the Applicant shall construct or designate for dedication the land required for Open Space and/or Trails as provided in the General Plan, the Approved PUD and/or the Technical Guidelines. Any such designation shall include adequate assurances to the City that the land so designated can and will be used for

the dedication and/or construction of the planned Open Space and/or Trails. The classification of a Parcel or a portion of a Subdivision or Commercial Site Plan as Open Space shall be irrespective of whether the land is owned by a private entity or by a Homeowners Association. To be counted as Open Space the land must be accessible and usable by the public except that large, private areas of land used for private golf courses, private recreational facilities or other similar uses shall be considered as Open Space even if not available to be used by the public so long as adequate assurances are made to the City, such as deed restrictions, that this type of open space shall remain with the intended uses in the future. The donation of a portion of land by Master Developer or a Subdeveloper for a church shall not be counted for Open Space required by the Approved PUD except that if any substantial fields, parks or similar green spaces are created with the church those areas may be counted as Open Space. The Open Space, Local Parks and/or Trails may be owned by a Homeowners Association or may be dedicated to the City or a third-party as specified in the General Plan and/or the Approved PUD.

9.1. **Regional Parks.** City and Master Developer anticipate that Regional Parks will need to be constructed on portions of the Annexed Property. Master Developer shall cooperate with the City in the planning, design and financing of the Regional Parks. Master Developer and the City shall negotiate in good faith for the acquisition of such property, including, but not limited to, the

creation of an Assessment Area, Impact fees or dedication of the necessary property to the City in exchange for credits against Impact Fees.

9.2. **Creation of Open Space, Local Parks and/or Trails.** Open Space, Local Parks and/or Trails shall generally be created and/or dedicated by means of a Subdivision or a Commercial Site Plan to which the Open Space, Local Parks and/or Trails are either internal or contiguous. The parties intend that the creation of Open Space, Local Parks and/or Trails will generally maintain a pro rata relationship between the amount of land being developed with a Development Application and the total acreage designated for Open Space, Local Parks and/or Trails as established in the Approved PUD. The City acknowledges, however, that it may not be in the interest of either the City, Master Developer, assignees of Master Developer or Subdevelopers to always dedicate Open Space and/or Trails on such a contiguous basis which may result in constructing and/or designating incremental, small, unusable parcels of land. Therefore, each Development Application approval shall provide for the designation for dedication and/or construction of Open Space, Local Parks and/or Trails in such amounts as are determined to be appropriate considering the factors specified below. Any Denial by the City based on the amount of Open Space, Local Parks and/or Trails to be constructed and/or designated for

dedication shall be subject to the mediation and arbitration provisions of Sections 6.12 and 6.13. The factors to be evaluated are:

9.2.1. Amounts and Types Previously Developed. The amounts and types of Open Space, Local Parks and/or Trails provided on the portions of the Project previously developed;

9.2.2. Amounts and Types Remaining to be Developed. The amounts and types of Open Space, Local Parks and/or Trails remaining to be designated and/or constructed pursuant to the General Plan, and the Approved PUD; and

9.2.3. Nature of Proposed Uses. The amount and nature of the land and the types land uses proposed by the Development Application.

9.3. **Notice to the City.** Upon the initial filing of any Development Application in which Open Space, Local Parks and/or Trails are located, Master Developer shall provide Notice to the City of its intent to dedicate the proposed parcels of Open Space, Local Parks and/or Trails as a part of the final recorded instrument approving the Development Application. Within sixty (60) days of receipt of the Notice, the City shall make an initial determination whether the City intends to accept dedication of the Open Space, Local Parks or Trails. If the City does not intend to accept dedication of the Open Space, Local Parks or Trails the City shall notify Applicant of its

decision. The City's notification that it does not intend to accept dedication of the Open Space, Local Parks and/or Trails shall constitute a waiver of its right to receive an outright conveyance of fee title to that parcel. If the City does not exercise this option for any reason, such Open Space, Local Parks and/or Trails shall be offered to Salt Lake County, a conservation organization, a Homeowners Association or another similar designated entity reasonably acceptable to the City.

9.4. **Dedication of Open Space, Local Parks or Trails.** Dedication of the Open Space, Local Parks and/or Trails to the City shall be by plat recordation or by dedication by deed from Master Developer or a Subdeveloper which shall be without any financial encumbrance or other encumbrance (including easements) which unreasonably interferes with the use of the property for Open Space, Local Parks and/or Trails.

9.5. **Relationship Between Development and Construction of Open Space, Local Parks and Trails.** Unless otherwise agreed to in writing, construction of any Local Park which is part of or contiguous to any Subdivision or Commercial Site Plan shall be substantially completed prior to issuance of one-half of the Building Permits for the Subdivision or completion of one-half of the improvements for the Commercial Site. This requirement for substantial completion shall not apply to any elements of the Local Park



and/or Trails the completion of which are weather dependent (e.g., landscaping that cannot be installed in winter). These weather dependent items shall be installed and substantially completed as soon as practicable in the next appropriate season. If they are not so completed then no further building permits shall be issued until they are substantially completed.

9.6. **Maintenance of Open Space, Local Parks and Trails.** Upon acceptance by the City of the proffered Open Space, Local Parks and/or Trails and after formal possession, the City shall be responsible for maintaining the Open Space, Local Parks and/or Trails after final inspection and acceptance of the improvements to the Open Space, Local Parks and/or Trails, if any. If the Open Space, Local Parks and/or Trails are dedicated to an entity other than the City then the dedication shall provide for the maintaining the Open Space Local Parks and/or Trails in a manner to be reasonably acceptable to the City.

9.7. **Out-of-Sequence Dedication of Open Space, Local Parks and/or Trails.** As a part of the consideration of any Development Application the City may request a dedication and/or a conservation easement of Open Space, Local Parks and/or Trails designated in the General Plan and the Approved PUD not associated with that Development Application. Master Developer or a Subdeveloper shall grant the request if the requested Open Space, Local Parks and/or Trails requested for out-of-phase dedication do not create

significant costs or undue financial expense to Master Developer or Subdeveloper that would not normally be incurred with the Development Application.

**9.8. Donation or Sale for Public/Quasi-Public Purposes.** If Master Developer donates Open Space, Local Parks, Trails, Regional Parks or any property not developed by Master Developer to the City to be used by the public or for a quasi-public use to include but not limited to such uses as parks, recreational facilities, libraries or schools or donates any property for any church, Master Developer shall not lose any Residential Units from the Maximum Residential Units. Instead, the Residential Units that were planned to be developed on the donated property may be used in any other portion of the Project but shall not alter the maximum number of units to be allowed under the Approved PUD in any individual Subdivision. If Master Developer sells or conveys such property for financial gain (other than for tax benefits), the Maximum Residential Units shall be reduced by a number calculated by multiplying the acreage of the property sold or conveyed for financial remuneration (other than for tax benefits) times the Average Density.

**9.9. Special Provisions Regarding the Mountain View Corridor.**

**9.9.1. Preferred Alignment.** The City and Master Developer acknowledge that there is a proposal by the Wasatch Front Regional

Council and the State of Utah and other public agencies for the development of a major highway currently known as the Mountain View Corridor in the western part of Salt Lake County passing through the South Hills Property. The parties acknowledge that the proposed alignment has not yet been finalized. The City and Master Developer both currently prefer the alignment of the Mountain View Corridor shown in Exhibit "C" and shall each use their reasonable efforts to cause this alignment to be adopted. The parties acknowledge that the South Hills Property set aside for the Mountain View Corridor in Exhibit "C" is Zoned the same as the land adjacent to the Mountain View Corridor.

9.9.2. Current Plan. The parties acknowledge that Master Developer is currently working on a plan with the Utah Department of Transportation ("UDOT") regarding the Mountain View Corridor. That plan involves Master Developer selling the land needed for the Mountain View Corridor to UDOT with a provision that if UDOT constructs the Mountain View Corridor within a certain period of time then Master Developer will repay UDOT the amount that Master Developer was paid for the land for the Mountain View Corridor. If that plan is implemented then, during any period for which Master

Developer has not repaid UDOT as provided above then Master Developer shall lose from the Maximum Residential Units a number of Residential Dwelling Units equal to the acres sold to UDOT multiplied by the Average Density. If, pursuant to the plan, Master Developer ultimately donates part or all of the land for the Mountain View Corridor to UDOT by repaying part or all of the monies paid in advance by UDOT then Master Developer shall recover the lost Residential Dwelling Units on a pro rata basis upon the repayment to UDOT (e.g., if Master Developer repays 50% of the monies paid by UDOT then Master Developer shall be entitled to a return of 50% of the lost Residential Dwelling Units).

9.9.3. Other Dedication or Sale. If the currently contemplated plan is not effectuated then if Master Developer donates part or all of the land for the Mountain View Corridor then Master Developer shall not lose any portion of the Maximum Residential Units for any acre dedicated. If Master Developer sells part or all of the land for the Mountain View Corridor then the Maximum Residential Units shall be reduced by a number calculated by multiplying the acreage of the property sold or conveyed for financial remuneration (other than for tax benefits) times the Average Density.

9.10. **Tax Benefits.** The City acknowledges that Master Developer intends to seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring Open Space and/or Trails to the City or to a charitable organization. Master Developer shall have the sole responsibility to claim and qualify for any tax benefits sought by Master Developer by reason of the foregoing. The City shall reasonably cooperate with Master Developer to the maximum extent allowable under law to allow Master Developer to take advantage of any such tax benefits.

10. **Public Improvements.**

10.1. **Utilities and On-Site Infrastructure.** Master Developer shall have the right and the obligation to construct or cause to be constructed and installed all portions of the On-Site Infrastructure and all Off-Site Infrastructure which are required by the Infrastructure Plan as a condition of approval of the Development Application. If any On-Site Infrastructure or Off-Site Infrastructure required by the Infrastructure Plan as a condition of approval of the Development Application is constructed by the City then the City shall comply with the statutory processes for such work.

10.2. **Variations between Infrastructure Plans and City's Future Capital Facilities Plan.** The parties acknowledge that the City is in the process of adopting a new Capital Facilities Plan supported by a new comprehensive plan

and an Impact Fee ordinance as required by State Law for the collection of Impact Fees to pay for the construction of parts or all of the Backbone Infrastructure. This Capital Facilities Plan and any future Capital Facilities Plan may differ from the Infrastructure Plans. As a part of the approval of a Development Application the City may require the Master Developer or a Subdeveloper to build portions of the Backbone Infrastructure as shown on the Capital Facilities Plan (after it is adopted) instead of as shown on the Infrastructure Plans. However, the Master Developer or a Subdeveloper shall not be required to build any such Backbone Infrastructure pursuant to the Capital Facilities Plans that exceeds the facilities shown on the Infrastructure Plans unless the City and the Master Developer or a Subdeveloper have executed an agreement providing for the reimbursement of the pro rata costs and the time-value-of-money (which may be included in the pricing of the improvement in the Impact Fees) for the construction of any level of Backbone Infrastructure in excess of that needed to serve the development proposed by the Development Application. If the parties cannot reach agreement on the terms of a reimbursement agreement then the terms of such a reimbursement agreement shall be subject to the mediation and arbitration provisions of Sections 6.12 and 6.13.

10.2.1.Errors in Infrastructure Plans or Variations caused by Master Developer or Subdeveloper. If any variation in the level of required Backbone Infrastructure is necessitated by an erroneous sizing by Master Developer in the creation of the Infrastructure Plans or by changes to the demand needs caused by a material change by Master Developer or a Subdeveloper in the intensity of a proposed development then the provisions of Section 10.2 above regarding the requirement for a reimbursement agreement shall not be applicable to the differences caused by Master Developer and/or a Subdeveloper.

**10.3. No Additional Off-Site Infrastructure Requirements.** The City shall not, directly or indirectly, charge the Master Developer, its affiliates or successors, Subdevelopers or the South Hills Property any development fees, impact fees, water hookup fees, or any similar fees, charges, assessments or exactions for Off-Site Infrastructure for the development of the Project except as may be otherwise allowed by law.

**10.4. Financing of Backbone Infrastructure.** The parties acknowledge that the methodology for financing the construction of the Backbone Infrastructure has not yet been determined. The parties covenant to work promptly and cooperatively to determine such financing which may include, but is not limited to Impact Fees, Assessment Areas, developer financing with

reimbursements or credits or some combination of these or other methods. Prior to the approval of any Development Application requiring the construction of Backbone Infrastructure (whether such Backbone Infrastructure is On-Site Infrastructure or Off-Site Infrastructure) if the City and Master Developer agree on the required elements of Backbone Infrastructure Required for the Development Application then the City and Master Developer shall execute an agreement providing for a mutually acceptable manner of financing such Backbone Improvements. If the City and Master Developer cannot agree within twenty (20) business days of the submittal of a Development Application on which elements of Backbone Infrastructure are required for the Development Application then the City and Master Developer shall mediate and/or arbitrate such a dispute as provided in Sections 6.12 and 6.13. If the City's position determining which elements of Backbone Infrastructure are required for a Development Application is determined to be correct then Master Developer shall find a methodology acceptable to the City to either construct such Backbone Infrastructure or an alternative as a condition of the approval of the Development Application.

**10.5. Provisions Regarding South Hills Boulevard.**

10.5.1. General Statement. The Infrastructure Plan contemplates the construction of a road known as South Hills Boulevard running from



approximately 4300 West and 14600 intersecting with Redwood Road at approximately 16200 South. The intent of the parties is that South Hills Boulevard will generally keep traffic created by the Project and other development within the Annexed Property from materially and adversely impacting residential streets in the City and in surrounding cities as well as providing connectivity for the provision of municipal services to developments in certain portions of the Annexed Property. The parties also acknowledge that these functions will also be served by the Mountain View Corridor when that is completed. Finally, the parties also acknowledge that the construction of South Hills Boulevard is a costly endeavor and will require the cooperation of the parties to this MDA and the participation of the other owners of the Annexed Property and others.

10.5.2. Cooperation on Financing. The City intends to promptly begin the process of adopting and collecting an Impact Fee to provide for, among other items of infrastructure, the fair share cost allocation of South Hills Boulevard, among other items of infrastructure, by all of the persons who will contribute to the need for South Hills Boulevard and/or the other items of infrastructure. The City will also promptly

consider creating a Special Assessment Area or Areas to finance the construction of South Hills Boulevard.

10.5.3. General Timing of the Need for South Hills Boulevard. The need for South Hills Boulevard will be determined by analyzing the impact of any development proposed by a Development Application on the roads in the City and in surrounding municipalities and on the delivery of public services to the proposed development. Generally a proposed development should not be permitted to materially and adversely impact the traffic on residential streets in the City or in surrounding municipalities or materially and adversely impact the costs to the City or the convenience to the City in the delivery of public services to the proposed development due to the nature of the connection of the development to existing areas of service within the City. The burden of establishing the impact or lack thereof of any proposed development that is subject to this section 10.5 shall be on the Master Developer or Subdeveloper.

10.5.4. Preemption by Other Connections.

10.5.4.1. *Mountain View Corridor.* If the need for South Hills Boulevard as a condition of the approval of a Development Application, as specified in Section 10.5.3, is determined to occur

within three (3) years of the date that the section of the Mountain View Corridor in the City that would mitigate the need for South Hills Boulevard is reasonable projected by UDOT to be open for traffic (based on factors including, but not limited to, construction schedules and the assurance of adequate funding) then the parties acknowledge that South Hills Boulevard will not be required to be constructed as a part of the approval of that Development Application. The burden of establishing that the construction of the Mountain View Corridor will meet the provisions of this subsection shall be on the Master Developer.

10.5.4.1.1. *Mediation and Arbitration of Determination.* Any dispute about whether the timing of the completion of the Mountain View Corridor satisfies the need for South Hills Boulevard shall be subject to the mediation and arbitration provisions of Sections 6.12 and 6.13.

10.5.4.2. *Preemption by Actual Connections to Other Major Arterials.* If the need for South Hills Boulevard, as contemplated in Section 10.5.3, is substantially mitigated by the actual physical connection of a development proposed by a Development Application to a major arterial road such as 3600 West, 4000 West, Redwood

Road, Rose Crest Road, Juniper Crest Road, 14400 South, 4400 West or any other similar connection in the future that is reasonably acceptable to the City then South Hills Boulevard will not be required to be constructed as a part of the approval of a Development Application.

10.5.4.2.1. Determination Provision. The parties acknowledge that at some level of development the City may determine that the preemption connections provided in Section 10.5.4.2 may be insufficient. At that point the parties shall determine an additional major arterial connection to mitigate any harmful effects that Section 10.5 addresses. Any dispute between the parties regarding such additional major arterial connections shall be subject to the mediation and arbitration provisions of Sections 6.12 and 6.13.

10.5.5. Satisfaction of Need by Secured Financing of Connection. If there is determined to be a need for South Hills Boulevard, as provided in Section 10.5.3, or if an alternative major arterial is determined to be sufficient pursuant to Section 10.5.4.2 then the provision of security acceptable to the City to ensure the financing and construction of such a road (in a manner, amount and with a form and timing of completion

reasonably acceptable to the City) then the actual physical construction of South Hills Boulevard will not be required as a condition of the approval of a Development Application.

10.5.6. Estimation of the Impacts. The parties acknowledge that the amount of development which will cause such adverse impacts is difficult to estimate at the time of the execution of this MDA because of the uncertainty of future development patterns and other infrastructure timing and options.

10.5.6.1. *Mediation and Arbitration of Determination.* A determination by the City that a Development Application generates sufficient adverse impacts to justify making the construction of South Hills Boulevard a condition of the approval of the Development Application is subject to the mediation and arbitration provisions of Sections 6.12 and 6.13.

10.5.7. Two-lane Initial Configuration. The parties acknowledge that even if a need for South Hills Boulevard is determined to be created by the approval of a Development Application then a two-lane constructed configuration of South Hills Boulevard (on an ultimately full-sized right-of-way) should be sufficient to meet that need unless the

Mountain View Corridor is delayed substantially beyond that timing which is currently contemplated.

10.6. **Construction Prior to Completion of Infrastructure.** Anything in the Zoning Ordinance notwithstanding, Master Developer may obtain building permits and/or temporary Certificates of Occupancy for model homes, homes shows, sales offices, construction trailers or similar temporary uses prior to the installation of all On-Site Infrastructure or Off-Site Infrastructure required to be eventually completed so long as such installation is secured pursuant to the City's Vested Laws.

10.6.1. Restrictions on Certificates of Occupancy. No permanent Certificate of Occupancy shall be issued by the City and no residential occupancy shall be permitted unless all On-Site Infrastructure and Off-Site Infrastructure (except for landscaping which shall be considered pursuant to Section 14.1) required pursuant to an approved Development Application are installed and Substantially Complete.

10.7. **Modifications of Infrastructure Locations.** The City acknowledges that the Zoning of certain portions of the South Hills Property is influenced by the location of certain elements of the Infrastructure Plan. Changes in the precise locations of elements of the Infrastructure Plan may render the Zoning of certain portions of the South Hills Property impractical (e.g. a proposed

road is moved so that it leaves a portion of property with a Zoning that is no longer economically or developmentally practical). If any such changes are caused by the request of the City then the City shall initiate, at the City's cost, the process to change the Zoning of the affected property to more logically conform to the intent of the General Plan.

11. **Cable TV/Fiber Optic Service.** Subject to all applicable Federal and State laws, Master Developer may install or cause to be installed underground all conduits and cable service/fiber optic lines within the Project at no expense to the City. The conduits, cable, lines, connections and lateral connections shall remain the sole and exclusive property of Master Developer or cable/fiber optic provider even though the roadways in which the cable/fiber optic lines conduits, connections and laterals are installed may be dedicated to the City. Master Developer may contract with any cable TV/fiber optic provider of its own choice and grant an exclusive access and/or easement to such provider to furnish cable TV/fiber optic services for those dwelling units or other uses on the Project, so long as the property is private and not dedicated to the public. The City may charge and collect all taxes and/or fees with respect to such cable service and fiber optic lines as allowed under State Law.

12. **CC&R's.** The Homeowners Association(s) will be responsible for the implementation and enforcement of the CC&R's and the Technical Guidelines. The CC&R's may be amended by the processes specified in the CC&R's without any requirement of

approval of such amendments by the City. Prior to the issuance of any building permits for residential, business, commercial or recreational use but excluding infrastructure the architectural control subcommittee established by the CC&R's shall certify to the City that the proposed permit complies with the Technical Guidelines and the CC&R's.

13. **Payment of Fees.**

13.1 **General Requirement of Payment of Fees.** Master Developer and/or a Subdeveloper shall pay to the City all fees in amounts specified in the City's Future Laws (but, the timing of the imposition and collection of such fees shall be governed by the City's Vested Laws).

13.2 **Infrastructure Built by Master Developer.** Master Developer or Subdevelopers may, from time-to-time, install and construct portions of the infrastructure specified in the Infrastructure Plan which are System Improvements. The City shall ensure that Master Developer is either not charged Impact Fees for such System Improvements or that Developer otherwise receives credits, adjustments or reimbursements for such System Improvements as required by State law.

13.3 **Reimbursement for "Upsizing".** The City shall not require Master Developer to "upsized" any public improvements other than the Backbone Infrastructure (i.e., to construct the improvements to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to



Master Developer are made to compensate Master Developer for the *pro rata* costs of such upsizing. Compensation to Master Developer for any “upsizing” of the Backbone Improvements shall be agreed to by Master Developer and the City as a part of the plan for financing the construction of such Backbone Improvements as specified in Section 10.4.

14. **Construction Standards and Requirements.**

14.1. **Separate Security for Landscaping.** Security for the completion of those items of landscaping that are weather dependent may be, at the option of Master Developer, by a security instrument acceptable to the City separate from the security instrument used for the other portion of the public improvements.

14.2. **Building Permits.** No buildings or other structures shall be constructed within the Project without Master Developer and/or a Subdeveloper first obtaining building permits. Master Developer and/or a Subdeveloper may apply for and obtain a grading permit following conceptual approval by the Planning Commission of a Commercial Site Plan or a Subdivision Site Plan if Master Developer and/or a Subdeveloper has submitted and received approval of a site grading plan from the City Engineer. Any grading performed by Master Developer and/or a Subdeveloper pursuant to only a grading permit prior to the establishment of finished grades by a final approval shall be at the

risk of Master Developer or the Subdeveloper meaning that if there are any changes between the grade elevations created by the grading permit activities and the final, approved elevations then such changes must be made at the sole cost and expense of Master Developer or the Subdeveloper that created the discrepancy.

14.3. **City and Other Governmental Agency Permits.** Before commencement of construction or development of any buildings, structures or other work or improvements upon any portion of the Project, Master Developer or a Subdeveloper shall, at its expense, secure, or cause to be secured, any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. The City shall reasonably cooperate with the Master Developer or a Subdeveloper in seeking to secure such permits from other governmental entities.

15. **On-Site Processing of Natural Materials.** Master Developer may use the natural materials located on the Project such as sand, gravel and rock, and may process such natural materials into construction materials such as aggregate or topsoil for use in the construction of infrastructure, homes or other buildings or improvements located in the Project and other locations outside the Project. Master Developer shall make an application for all such uses pursuant to the processes for a conditional use as provided in the City's Vested Laws. Master Developer may also make an application for the production of concrete

and asphalt pursuant to the processes as if it were a conditional use as provided in the City's Vested Laws. Conditional uses for all uses contemplated in this section shall terminate at Buildout or at the termination or expiration of this MDA.

16. **Provision of Municipal Services.** The City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including, but not limited to, culinary water, police, fire and other emergency services. Such services shall be provided to the Project at the same levels of services, on the same terms and at the same rates as provided to other residents and properties in the City.

17. **Future Property Which May be Included in this MDA.**

17.1. **Future Property within the Annexed Property.** If Master Developer acquires any additional property in the Annexed Property then such future property shall be automatically included within this MDA at the option of Master Developer and this MDA shall be recorded in the chain of title of such property. Any such future property acquired by Master Developer within the Annexed Property shall be developed pursuant to the General Plan and the Maximum Residential Units shall automatically be increased by multiplying the number of acres thereby added to this MDA times the Average Density.

17.2. **Future Property not within the Annexed Property.** If Master Developer acquires any additional property that is not within the Annexed Property then such future property may be added to this MDA if the City

determines that the addition of such future property is appropriate in light of its proximity to the Project and the appropriateness of such a development pattern.

18. **Default.**

18.1. **Notice.** If Master Developer or a Subdeveloper or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a Subdeveloper then the City shall also provide a courtesy copy of the Notice to Master Developer.

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

18.2.1. **Claim of Default.** Specify the claimed event of Default;

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

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

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

18.3. **Meet and Confer, Mediation, Arbitration.** Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 6.10 and 6.12. If the claimed Default is subject to Arbitration as provided in Section 6.13 then the parties shall follow such processes.

18.4. **Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, and if the Default is not subject to Arbitration then the parties may have the following remedies:

18.4.1. Legal Remedies. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

18.4.2. Enforcement of Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

18.4.3. Withholding Further Development Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until the Default has been cured.

18.5. **Public Meeting.** Before any remedy in Section 18.4.3 may be imposed by the City the party allegedly in Default shall be afforded the right to attend a public meeting before the Council and address the Council regarding the claimed Default.

18.6. **Emergency Defaults.** Anything in this MDA notwithstanding, if the Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City then the City may impose the remedies of Section 18.4.3 without the requirements of Sections 18.3. The City shall give Notice to the Developer and/or any applicable Subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable Subdeveloper shall be allowed to address the Council at that meeting regarding the claimed emergency Default

18.7. **Extended Cure Period.** If any Default cannot be reasonably cured within sixty (60) days then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

18.8. **Cumulative Rights.** The rights and remedies set forth herein shall be cumulative.

19. **Notices.** All notices required or permitted under this Amended Development

Agreement shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

**To the Master Developer:**

Wasatch South Hills Development Co., L.L.C.  
Attn: David Millheim  
5983 Quail Creek Lane  
Highland, Utah 84003

Bruce R. Baird, P.C.  
2150 South 1300 East, 5<sup>th</sup> Floor  
Salt Lake City, UT 84106

**To the City:**

City of Herriman  
Attn: Mayor  
13011 South Pioneer Street  
Herriman, Utah 84096

John N. Brems, Esq.  
Parsons, Davies, Kinghorn & Peters  
185 South State Street #700  
Salt Lake City, Utah 84111

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

19.1.1. Physical Delivery. Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of

the Notice).

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

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

20. **Administrative Amendments.**

20.1. **Allowable Administrative Applications:** The following modifications to this MDA may be considered and approved by the Administrator.

20.1.1. Infrastructure. Modification of the location and/or sizing of the infrastructure for the Project that does not materially change the functionality of the infrastructure.

20.1.2. Technical Guidelines. Modifications of the Technical Guidelines as permitted by the Approved PUD.



20.2. **Application to Administrator.** Applications for Administrative Amendments shall be filed with the Administrator

20.2.1. Referral by Administrator. If the Administrator determines for any reason that it would be inappropriate for the Administrator to determine any the Administrative Amendment the Administrator may require the Administrative Amendment to be processed as a Modification Application.

20.2.2. Administrator's Review of Administrative Amendment. The Administrator shall consider and decide upon the Administrative Amendment within a reasonable time.

20.2.3. Notification Regarding Administrator's Approval. If the Administrator approves any Administrative Amendment the Administrator shall notify the Council in writing of the proposed approval. Unless the Administrator receives a notice pursuant to Section 20.2.4 requiring that the proposed Administrative Amendment be considered by the City Council as a Modification Application then approval of the Administrative Amendment by the Administrator shall be conclusively deemed binding on the City.

20.2.4. City Council Requirement of Modification Application Processing. Any member of the Council may, within ten (10) business

days after notification by the Administrator, notify the Administrator that the Administrative Amendment must be processed as a Modification Application.

20.2.5. Appeal of Administrator's Denial of Administrative Amendment. If the Administrator denies any proposed Administrative Amendment the Applicant may process the proposed Administrative Amendment as a Modification Application.

21. **Amendment.** Except for Administrative Amendments, any future amendments to this MDA shall be considered as Modification Applications subject to the following processes.

21.1. **Who may Submit Modification Applications.** Only the City and Master Developer or an assignee that succeeds to all of the rights and obligations of Master Developer under this MDA (and not including a Subdeveloper) may submit a Modification Application.

21.2. **Modification Application Contents.** Modification Applications shall:

21.2.1. Identification of Property. Identify the property or properties affected by the Modification Application.

21.2.2. Description of Effect. Describe the effect of the Modification Application on the affected portions of the Project.

21.2.3. Identification of Non-City Agencies. Identify any Non-City agencies potentially having jurisdiction over the Modification Application.

21.2.4. Map. Provide a map of any affected property and all property within three hundred feet (300') showing the present or Intended Use and Density of all such properties.

21.2.5. Fee. Modification Applications shall be accompanied by a fee in an amount reasonably estimated by the City to cover the costs of processing the Modification Application.

21.3. **City Cooperation in Processing Modification Applications.** The City shall cooperate reasonably in promptly and fairly processing Modification Applications.

21.4. **Planning Commission Review of Modification Applications.**

21.4.1. Review. All aspects of a Modification Application required by law to be reviewed by the Planning Commission shall be considered by the Planning Commission as soon as reasonably possible in light of the nature and/or complexity of the Modification Application.

21.4.2. Recommendation. The Planning Commission's vote on the Modification Application shall be only a recommendation and shall not

have any binding or evidentiary effect on the consideration of the Modification Application by the Council.

21.5. **Council Review of Modification Application.** After the Planning Commission, if required by law, has made or been deemed to have made its recommendation of the Modification Application the Council shall consider the Modification Application.

21.6. **Council's Objections to Modification Applications.** If the Council objects to the Modification Application, the Council shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Modification Application is not consistent with the intent of this MDA, the Approved PUD and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

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

21.8. **Mediation of Council's Objections to Modification Applications.** If the Council and Master Developer are unable to resolve a dispute regarding a Modification Application, the parties shall attempt within seven (7) days to appoint a mutually acceptable expert in land planning or such other discipline

as may be appropriate. If the parties are unable to agree on a single acceptable mediator they shall each, within seven (7) days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single mediator. Master Developer shall pay the fees of the chosen mediator. The chosen mediator shall within fourteen (14) days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

22. **Estoppel Certificate.** Upon twenty (20) days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this Agreement.

23. **Attorneys Fees.** In addition to any other relief, the prevailing party in any action, whether at law, in equity or by arbitration, to enforce any provision of this MDA shall be entitled to its costs of action including a reasonable attorneys' fee.

24. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

25. **Headings.** The captions used in this MDA are for convenience only and a not

intended to be substantive provisions or evidences of intent.

26. **No Third Party Rights/No Joint Venture.** This MDA does not create a joint venture relationship, partnership or agency relationship between the City and Master Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The parties acknowledge that this MDA refers to a private development and that the City has no interest in, responsibility for or duty to any third parties concerning any improvements to the South Hills Property unless the City has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the City's.

27. **Assignability.** The rights and responsibilities of Master Developer under this MDA may be assigned in whole or in part by Master Developer with the consent of the City as provided herein.

27.1. **Certain Sales not an Assignment.** Master Developer's selling or conveying lots in any approved Subdivision or Parcels to builders, users, or Subdevelopers, shall not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer.

27.2. **Related Party Transfer.** Master Developer's transfer of all or any part of the South Hills Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service), Master Developer's

entry into a joint venture for the development of the Project or Master Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer. Master Developer shall give the City Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

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

27.4. **Deemed Approved.** Unless the City objects in writing within twenty (20) business days the City shall be deemed to have approved of and consented to the assignment.

27.5. **Partial Assignment.** If any proposed assignment is for less than all of Master Developer's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial

assignment, Master Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

27.6. **Grounds for Denying Assignment.** The City may only withhold its consent if the City is not reasonably satisfied of the assignees financial ability to perform the obligations of Master Developer proposed to be assigned. Any refusal of the City to accept an assignment shall be subject to the “Meet and Confer” and “Mediation” processes specified in Sections 6.10 and 6.12. If the refusal is subject to Arbitration as provided in Section 6.13 then the parties shall follow such processes.

27.7. **Assignee Bound by this MDA.** Any assignee shall consent in writing to be bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment.

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

29. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall



exercise at some future date any such right or any other right it may have.

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

31. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

32. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.

33. **Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this MDA, the City and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and the Master Developer. The initial representative for the City shall be the

**RECORDED AS RECEIVED  
CO. RECORDER.**

... deemed a waiver of any such right and shall not affect the right of such party to

Mayor and the initial representative for Master Developer shall be David Millheim. The parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this MDA and the development of the Project.

34. **Mutual Drafting.** Each party has participated in negotiating and drafting this MDA and therefore no provision of this MDA shall be construed for or against either party based on which party drafted any particular portion of this MDA.

35. **Applicable Law.** This MDA is entered into in the City in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

36. **Venue.** Any action to enforce this MDA shall be brought only in the Third District Court for the State of Utah, Salt Lake County.

37. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project. This MDA shall be deemed to run with the land. The data disk of the City's Vested Laws, Exhibit "D", shall not be recorded in the chain of title. A secure copy of Exhibit "D" shall be filed with the City Recorder and each party shall also have an identical copy.

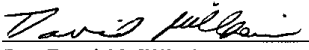
38. **Authority.** The parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the City, the signature of the Mayor of the City is affixed to this MDA lawfully binding the City pursuant to Ordinance

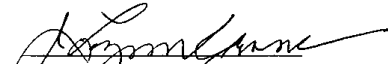
No. 09-\_\_ adopted by the City on March \_\_, 2009. This MDA is approved as to form and is further certified as having been lawfully adopted by the City by the signature of the City Attorney.

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

MASTER DEVELOPER  
Wasatch South Hills  
Development Co. L.L.C.

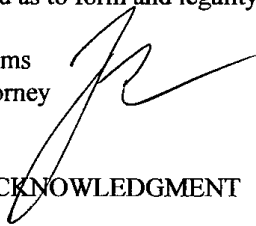
CITY  
City of Herriman

  
By: David Millheim  
Its: MANAGER

  
By: J. Lynne Crane,  
Its: Mayor

Approved as to form and legality:

John Brems  
City Attorney



Attest:  
  
Kristie Peterson  
City Recorder



CITY ACKNOWLEDGMENT

STATE OF UTAH                    )  
  :SS.  
COUNTY OF SALT LAKE        )

On the \_\_\_\_ day of March, 2009, personally appeared before me J. Lynne Crane who being by me duly sworn, did say that he is the Mayor of City of Herriman, a Utah municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the City executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:            Residing at:

\_\_\_\_\_

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH            )  
  :SS.  
COUNTY OF SALT LAKE    )

On the \_\_\_\_\_ day of March, 2009, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the Manager of Wasatch South Hills Development Co., L.L.C. , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:            Residing at:

\_\_\_\_\_

**TABLE OF EXHIBITS**

Exhibit "A"	Legal Description of the South Hills Property
Exhibit "B":	General Plan
Exhibit "C":	Approved PUD
Exhibit "D":	City's Vested Laws
Exhibit "E":	Infrastructure Plan
Exhibit "F":	Technical Guidelines
Exhibit "G":	Zoning Map

Commitment Number: 43062

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

Commencing at the Quarter corner common with Sections 7 and 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian and running thence South 00°27'50" West, along the Section Line common with Sections 7 and 8, to the Northwest corner of Government Lot 2, Section 8, a distance of 1343.35 feet; thence North 89°38'44" East along the North line of said Government Lot, a distance of 1316.08 feet, to the Point of Beginning for this description; thence North 89°35'44" East, to a point lying on the North-South Quarter Section Line, a distance of 1316.08 feet; thence North 89°38'00" East, along the North line of Government Lot 4, Section 8 to the Northeast corner of said Government Lot, further herein after referred to as Point A, a distance of 1316.89 feet; thence South 00°36'41" West, along the East line of said Government Lot, to a point lying on the Section Line common with Sections 8 and 17, a distance of 1329.78 feet; thence, South 00°36'05" West, along the East line of Government Lot 1, Section 17, and along the line common with Government Lots 6 and 7, Section 17, to a point lying on the East-West Quarter Section Line of Section 17 further herein after referred to as Point B, said point also being the corner common with Government Lots 6 and 7 of Section 17, a distance of 2658.66 feet; thence, South 88°45'17" West, along said line, a distance of 656.17 feet; thence, North 00°33'48" East, a distance of 1995.11 feet; thence, North 89°07'38" East, a distance of 328.66 feet; thence North 00°34'54" East, to a point lying on the line common with Sections 8 and 17, a distance of 669.53 feet; thence, South 89°25'56" West, along said Section Line to the Quarter Corner common with Sections 8 and 17, a distance of 986.69 feet; thence, South 89°26'58" West, continuing along the line common with Sections 8 and 17 to a point further herein after referred to as Point C, said point also being the corner common with Government Lots 2 and 3, Section 8, a distance of 1315.12 feet; thence, North 00°30'28" East, along the line common with Government Lots 2 and 3 of Section 8, a distance of 1338.86 feet, to the Point of Beginning.

ALSO, Beginning at Point B herein above described and running thence, North 00°36'05" East, along the line common with Government Lots 6 and 7, Section 17, a distance of 60.03 feet; thence, North 88°45'17" East, to the line common with Sections 16 and 17, a distance of 1312.41 feet; thence, South 00°40'51" West, along said line to the Quarter Corner common with Sections 16 and 17, a distance of 60.03 feet; thence, South 00°38'37" West, along the line common with Sections 16 and 17, a distance of 700.00 feet; thence, North 89°25'24" West, a distance of 600.00 feet; thence South 00°38'36" West, a distance of 450.00 feet; thence, South 89°21'24" East, a distance of 300.00 feet; thence, North 00°38'36" East, a distance of 150.00 feet; thence, South 89°21'24" East, to a point lying on the line common with Sections 16 and 17, a distance of 300.00 feet; thence, North 00°38'37" East, along said line a distance of 9.55 feet; thence, South 89°21'23" East, to the easterly right-of-way of 3200 West, a distance of 50.00 feet; thence, North 00°38'37" East, along said right-of-way, a distance of 817.05 feet; thence, South 56°17'21" East; a distance of 1107.49 feet; thence, South 00°38'37" West, to a point lying on the East-West Sixteenth Line of the Southwest Quarter of Section 16, a distance of 532.17 feet; thence North 89°23'34" West; along said line, a distance of 316.87 feet; thence South 00°38'13" West, a distance of 517.34 feet; thence, along the arc of a curve to the right, having a radius of 400.00 feet, the center of which bears North 04°51'32" East, through a central angle of 52°30'26", a distance of 366.57 feet; thence South 61°43'40" West, a distance of 1907.23 feet; thence, North 47°46'30" West, a distance of 92.37 feet; thence, along the arc of a curve to the left, having a radius of 500 feet, through a central angle of 37°47'00", a distance of 329.72 feet; thence North 85°22'21" West, a distance of 409.27 feet; thence, along the arc of a curve to the right, having a radius of 300 feet, through a central angle of 31°30'10", a distance of 164.95 feet; thence, South 36°07'53" West, a distance of 286.80 feet; thence, along the arc of a curve to the right, having a radius of 500 feet, through a central angle of 44°06'27", a distance of 384.91 feet; thence, along the arc of a curve to the left, having a radius of 200 feet, through a central angle of 09°37'01" to a point lying on the line common with Sections 17 and 20, a distance of 33.57 feet; thence, South 89°28'20" West, along the line common with Sections 17 and 20 to the Section Corner common with Sections 17, 18, 19, and 20, a distance of 2476.92 feet; thence, North 01°40'37"

ALTA Commitment  
Exhibit "A"

(43062.PFD/43062/7)

Commitment Number: 43062

**EXHIBIT "A"**  
(Continued)

East, along the line common with Sections 17 and 18, a distance of 2403.75 feet; thence, North 88°45'17" East, to a point lying on the North-South Quarter Section Line of Section 17, a distance of 2569.51 feet; thence, South 00°31'23" West, along said North-South Line to the South Sixteenth Corner of Section 17, a distance of 1107.22 feet; thence, North 89°06'29" East, along the East-West Sixteenth Line of the Southeast Quarter of Section 17 to the Southeast Sixteenth Corner of Section 17, a distance of 1310.69 feet; thence, North 00°35'03" East, along the North-South Line of Southeast Quarter of Section 17, a distance of 1335.46 feet, to the Point of Beginning referenced earlier as Point B.

ALSO, Beginning at Point C herein above described and running thence, South 00°29'33" East, a distance of 1750.08 feet; thence, South 89°07'35" West, a distance of 974.46 feet; thence, South 00°52'25" East, a distance of 662.00 feet; thence, South 89°07'35" West, to a point lying on the line common with Sections 17 and 18, a distance of 329.00 feet; thence, North 00°52'25" West, along said line to the corner common with Sections 8 and 17, a distance of 2419.45 feet; thence, North 89°26'58" East, along the line common with Sections 8 and 17, a distance of 1315.12 feet, to the Point of Beginning referenced earlier as Point C.

ALSO, Commencing at corner common to Sections 15, 16, 21 and 22, Township 4 South, Range 1 West, Salt Lake Base and Meridian, and running thence, North 89°41'28" West, along the line common with Sections 16 and 21, a distance of 1470.20 feet to the Point of Beginning for this description; thence, North 89°41'28" West, along said line to the Quarter Corner common with Sections 16 and 21, a distance of 1216.82; thence, North 89°08'29" West, continuing along said line, a distance of 1653.50 feet; thence North 00°38'01" East, a distance of 1324.66 feet; thence South 89°23'34" East, a distance of 330.62 feet; thence, South 00°37'49" West, to the Southwest Sixteenth Quarter of Section 16, a distance of 9.16 feet; thence, South 89°23'34" East along the East-West Sixteenth Line of the Southwest Quarter of Section 16, a distance of 330.62 feet; thence, South 00°37'37" West, a distance of 659.20 feet; thence, South 89°16'01" East, to a point lying on the North-South Quarter Line of Section 16, a distance of 991.98 feet; thence, North 00°37'02" East, along said North-South Line, a distance of 168.48 feet; thence, along the arc of a curve to the left, having a radius of 11,314.71 feet, the center of which bears North 27°35'17" East, through a central angle of 06°42'58", a distance of 1326.27 feet; thence, South 00°10'16" West, a distance of 292.38 feet to the Point of Beginning.

Together with the rights, privileges and easements as more particularly defined in that certain Cross-Easement Agreement dated December 11, 2007 by and between Wasatch SouthHills Development Co., LLC, a Utah Limited Liability Company and Key Bank NA, as Trustee of the Irrevocable Jack W. Kunkler Trust A, Share B, and recorded December 12, 2007 as Entry No. 10298125 in Book 9547 at page 4454 of Official Records.

Less and Excepting from the property first described above the following described parcel known as the right-of-way for the Welby Jacob Canal:

Commencing at Point A herein above described and running thence, South 00°36'41" West, along the East line of Government Lot 4, Section 8, to a point on the Northeasterly right-of-way of the Welby Jacob Canal, a distance of 260.80 feet, to the Point of Beginning for this description; thence, South 00°36'41" West, along said Government Line, to a point on the Southwesterly right-of-way of the Welby Jacob Canal, a distance of 106.65 feet; thence, North 27°02'30" West, along said Southwesterly right-of-way to a point lying on the North Line of Government Lot 4, a distance of 411.16 feet; thence, North 89°38'00" East, along said line to a point lying on the Northeasterly right-of-way of the Welby Jacob Canal, a distance of 55.40 feet; thence, South 27°02'30" East, along said Northeasterly right-of-way to the Point of Beginning.



Commitment Number: 43062

**EXHIBIT "A"**  
(Continued)

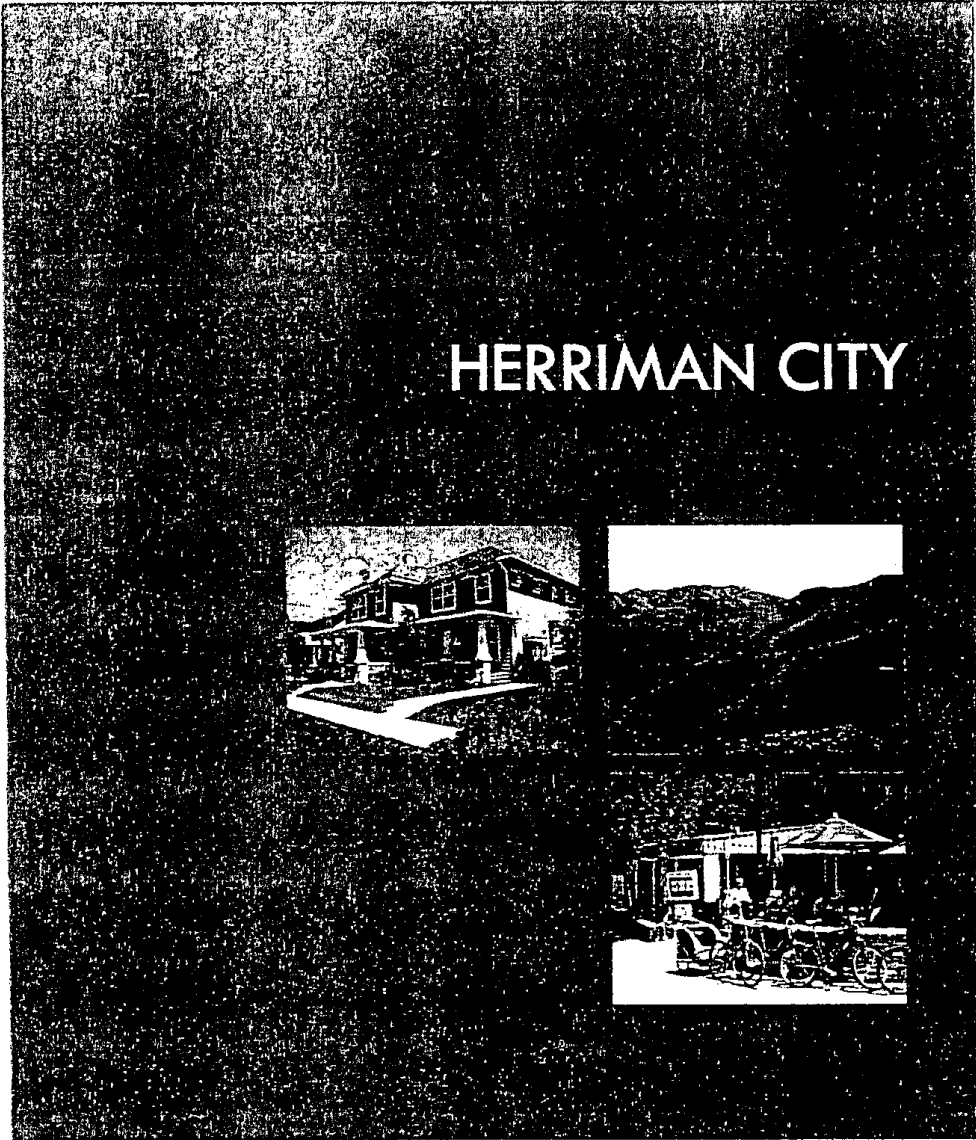
Reserving and excepting unto the FEDERAL LAND BANK OF BERKELEY, an undivided one-half interest in and to all oil, gas, petroleum, naphtha, other hydrocarbon substances and minerals of whatsoever kind and nature in, upon or beneath that portion of the above described property more particularly identified as Parcel Identification Numbers 33-17-200-017 and 33-17-400-006, together with the right of entry and all other rights, including all right of way and easements, which may be necessary for the development, production and removal of all such substances and minerals and full enjoyment, dated January 23, 1941 and recorded April 1, 1941 as Entry No. 900972 in Book 266 at Page 107 of the Official Records.

EXCEPTING FROM that portion of the above described property more particularly identified as Parcel Identification Number 33-17-100-017 all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds whether in solid, liquid or gaseous form and all steam and other forms of thermal energy on, in or under subject property without surface entry excepted by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, a Utah Corporation Sole, in that certain Special Warranty Deed recorded October 4, 1989 as Entry No. 4831142 in Book 6164 at Page 2807 of Official Records.

EXCEPTING FROM that portion of the above described property more particularly identified as Parcel Identification Numbers 33-16-300-017, 33-16-300-023 and 33-16-300-032 all oil, gas, minerals, and ores situated in, upon, or under the above described tract of land.

Parcel Identification Numbers: 33-08-300-007, 33-08-400-023, 33-08-400-027-4001, 33-08-400-027-4002, 33-17-200-011, 33-17-200-017, 33-16-300-030, 33-16-300-031, 33-16-300-012, 33-16-300-016, 33-16-300-017, 33-17-300-001, 33-17-300-003, 33-17-400-006, 33-17-400-011, 33-17-400-012, 33-17-100-017, 33-17-100-019, 33-16-300-019, 33-16-300-023, 33-16-300-032 and 33-16-400-014.

Exhibit B



-POOR COPY -  
CO. RECORDER

Approved  
April 3, 2008

EAST AREA MASTER PLAN

# HERRIMAN CITY EAST AREA MASTER PLAN

Adopted April 3, 2008



- POOR COPY -  
CO. RECORDER

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PART 3 – Future land use

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4. Institutions
5. Public Services & Transportation
6. Economic
7. Military Activities

PART 4 – Implementation

## **PART 1 – Background**

### **1.1 Plan purpose**

The Herriman East Area Master Plan is a special area plan that is an amendment to Herriman City's General Plan (adopted June 2, 2001). This plan is intended to provide a broad, comprehensive vision for the development and preservation of land, water and other resources within the planning area. For the purposes of this document this plan is referred to as the "East Area Master Plan" and the area is referred to as the "East Plan Area."

As part of Herriman's General Plan, The East Area Master Plan is a guiding document

*"to help guide zoning, budgeting, capital improvement decisions, and public policy making. The objectives in the plan are intended as direction towards establishing a flexible guide for achieving balanced growth and preserving the unique character of the City." (Herriman City's General Plan, June 2, 2001)*

The fundamental purposes of the General Plan and special area master plans include *(adapted from the 2001 General Plan)*:

- o Continue the established Community Identity
- o Manage Density
- o Minimize Impacts of Growth
- o Improve the Physical Environment
- o Promote Public Interest
- o Facilitate the Implementation of Public Policy
- o Encourage Long Range Objectives vs. Short Range Actions

This plan encourages community development and growth that is functional and efficient, as well as prosperous and visually aesthetic promoting inclusionary development where applicable. Its primary topics are environment, land use, transportation, economy, and utilities and public services.

As the 2001 Herriman General Plan does not address this area and is not updated to reflect the current conditions of rapid growth and urbanization in Herriman, it is recommended that the General Plan be updated, as needed, to reflect the East Area Master Plan.

### **1.2 Planning Area**

The East Plan encompasses a largely undeveloped area, approximately 4,958 acres (7.7 square miles), to the south and east of Herriman, adjacent to Bluffdale City, Riverton City and Camp Williams *(see Map 1: Herriman City Boundaries and Annexation Area)*. Most of this area was once incorporated into Bluffdale City while others were once in unincorporated Salt Lake County. A small portion was already within city limits. The newly annexed portions of the East Plan Area were approved by the City Council for annexation into Herriman in October 2007 and went into effect in January 2008.

This area can be characterized primarily as a foothill area, encompassing parts of the west spur of Traverse Mountain and the gently sloping lands that lead up to it. The former use of most of this land is dry land farming, grazed pasture and natural open space. The primary constraint to growth is steep slopes in some portions of the area, but the majority of the land has few constraints or hazards. Proposals for developing this area have been made for over a decade, but until Herriman's annexation of the area, were unrealized.

The proposed land uses include a mix of residential, commercial, and institutional (schools; churches) to serve this area. It includes several public facilities that will continue to operate under existing ownership and arrangements, including the Jordan Valley Water Treatment Plant and Rocky Mountain Power substation. A critical change in this area is the proposed addition of a major freeway, the Mountain View Corridor, and potential major transit line,

likely Bus Rapid Transit. The addition of these two transportation routes provides new access and impetus for a significantly different land use pattern.

The primary opportunity Herriman City seeks in the East Plan Area is additional retail, commercial and office space. The City wishes to build a balanced community, diversify its revenues and offer employment to residents. It also plans to optimize its opportunity for transit-oriented development. The East Plan Area is a prime location and opportunity for such development.

### 1.3 Population Growth

Herriman City is experiencing unprecedented growth. In the 2000 Census, Herriman City was one of the fastest growing cities in Utah. Between the years 2002-2003, Herriman grew 34.7%. This pace of growth has been maintained through the ensuing years. Despite a slowdown in new residential construction across Utah, demand for new homes in Herriman has remained strong. Home prices in the 84065 zip code (Riverton + Herriman)<sup>1</sup> rose 26% in 2006 and 20% in 2007 (Source: Wasatch Front Regional Multiple Listing Service). The number of building permits and the value of the homes constructed has also been on the rise and the number of permits issued has also risen dramatically since 2000, as shown in Table 1: Single Family Dwelling Permits Issued, below. Currently, the southwest corner of Salt Lake Valley is arguably the hottest spot for real estate and likely will remain so for the coming decade as this is one of the last areas of the valley with new homes being built and it has become one of the most desirable locations as well.

Year	\$200,000 or less	\$200,001 to \$300,000	\$300,001 to \$400,000	\$400,001 to \$500,000	over \$500,000	Total
1999	166	1	0	0	0	167
2000	324	10	0	0	0	334
2001	399	8	0	0	1	408
2002	450	19	1	0	0	470
2003	634	74	3	0	1	712
2004	587	139	2	0	0	728
2005	523	346	17	3	1	890
2006	195	252	34	2	0	483

Source: Herriman City Building Department, Nov. 2007

The 2005 base population for Herriman was calculated at 12,414 residents. (Source: Herriman City Transportation Master Plan – Appendix B). At that time and with its current boundaries, Herriman was predicted to grow to 25,000 residents. Today, the buildout estimate with new annexation areas is closer to 100,000 residents. With the addition of the East Plan Area, Herriman is currently projected to be the fastest growing city in Salt Lake County. For this plan, the 2007 Herriman City population is estimated at 17,500.

Predicting population growth by year is somewhat speculative. Estimating overall population at city build-out, regardless of timeframe, can be more tangible. The Wasatch Front Regional Council estimated Herriman's buildout population at 37,000 to 42,000 people, based on 2005 city boundaries. The Herriman Transportation Master Plan estimated buildout population of 45,000 within 2005 city boundaries at current proposed land uses. The

<sup>1</sup> <http://www.wasatchfront.com>

*Transportation Master Plan* also estimated that annexation of the lands west of 7200 West could add another 20,000 residents, but did not consider the East Parcel Area.

For the purposes of this General Plan, a simple population calculation was conducted by multiplying approximate population for each proposed land use by the area of each. (See *Table 2: Proposed Land Use and Population*) This calculation shows that the addition of the East Plan Area could add approximately 17,000 to 48,000 residents. Thus, the estimated buildout population of Herriman with the East Plan Area may be 73,000 to 113,000 residents.

This calculation shows the East Parcel Area (7.7 square miles) has a potential average population density of 3,328 (low) to 9,176 (high) people per square mile, or 5.2 (low) to 14.3 (high) people per acre. The potential average housing density is 2.76 units per acre over the entire East Plan Area and 2.66 units per acre for residential areas only (excluding mixed use). In summary, the land area of the East Plan Area and proposed additional population is large, but proposed overall population densities are still quite low compared to the Salt Lake Valley average. The current average density in Herriman is approximately 2.0 units per acre.

Land Use	Acres (approx.)	du/acre (low)	du/acre (high)	persons per unit (avg) <sup>1</sup>	Est. population (low)	Est. population (high)
Hillside Residential	1,438	0.5	1.5	2.5	1,792	5,391
Low Density Residential	982	1.5	2.5	3.49	5,139	8,564
Medium Density Residential	778	2.5	8	2.5	4,863	15,560
High Density Residential	120	8	20	2.5	2,400	6,000
Mixed Use <sup>2</sup>	460	9	30	1.7	3,050	12,043
Commercial	202	0	0	0	0	0
Business and Industrial Park	101	0	0	0	0	0
Infrastructure and Utilities <sup>3</sup>	475	0	0	0	0	0
Military Operations	317	0	0	0	0	0
Institutional <sup>4</sup>	86	0	0	0	0	0
Parks and Open Space <sup>5</sup>	(1,368)	0	0	0	0	0
<b>Total<sup>6</sup></b>	<b>4,958</b>				<b>17,248</b>	<b>47,558</b>
Average per acre <sup>7</sup>		1.91	6.12	2.54	5.20	14.34

Notes:

1. Persons per unit based on averages used in *Herriman City Transportation Master Plan, 2007*.
2. No maximum adopted, estimate of likely maximum is given. Minimum is based on 13 du/acres for 30% of site. Maximum is based on 22 du/acres for 70% of land in residential use.
3. Includes roads (Mtn. View Corridor), public utilities (water district).
4. Schools, churches, libraries, public safety. Includes only currently designated sites, but likely will have 200 additional acres.
5. Not included in total calculation. Will be created from land zoned for other uses, but reserved as open space.
6. Acreages are estimates only, and do not exactly add up to overall area.
7. Includes residential uses only, excluding mixed use.

#### 1.4 Planning Process

In August 2007, Herriman City reviewed a Request for Annexation Application initiated by several major landowners in the East Plan area. Herriman City viewed this proposal as an opportunity to continue to improve and diversify the city as a whole, for the benefit of all residents. The major landowners had prepared conceptual land use plans for a majority of this land. The City worked closely with these landowners to review proposed land uses for compatibility with Herriman City and adjust them as needed to ensure they met the intent of Herriman's existing General Plan and ordinances. On October 30, 2007, the Herriman City Council voted to annex the East Plan area into the city, effective January 1, 2008.

In anticipation of this annexation, Herriman City began preparing the East Area Master Plan. The plan drew its vision and guiding principles from the General Plan (2001) and the Herriman North Land Use Plan (April 5, 2007). The land use map was based on the conceptual plans prepared by the major land owners, as well as current proposals for the Mountain View corridor, transit lines, and other known future projects. For lands without a specific proposed land use, Herriman City proposed uses most compatible with the adjacent proposals and the underlying natural features. One additional area from within the existing Herriman City boundaries (known as the Laguna-Malibu parcel) is included in the East Plan area as it is not included in previous city land use plans.

### **1.5 Regulating Land Use**

The East Area Master Plan consists of a land use map and a document supporting the configuration of these land uses. Together, these two documents create a focused direction for the development of the community. These documents operate concurrently with the following adopted city plans:

- Herriman City General Plan (2001),
- North Area Master Plan (2007),
- Herriman City Transportation Master Plan (2007),
- Zoning Ordinance and Zoning Map, and
- City Design Guidelines.

An amendment to the City Zoning map is occurring concurrently with this Master Plan to make the two documents consistent with each other. The third level of regulation, building permits, will be required in conformance with the zoning map. The city anticipates that several landowners will use development agreements with the city to clarify and solidify development rights and expectations.

## **PART 2 – Vision**

Herriman has grown tremendously in the last 10 years. The community is no longer dominated by large lots, equestrian properties and agricultural operations. It has grown into a bedroom community with significant, and growing, demands. The housing market has diversified, numerous schools, churches and parks have been constructed, and there is demand for commercial and office space beyond what is currently provided. There are still strong expectations to protect the environment and be economically responsible.

Herriman City wishes to grow into a healthy, diverse, livable community with a unique sense of place. Herriman City's intent in the East Plan Area is to encourage a diversity of land uses and economic balance. The existing landscape should be respected and remain highly functional while providing a beautiful backdrop to the city. New land uses should maintain the quality of life Herriman is known for and shall include a range of housing options, commercial offerings, and lifestyle amenities. Transportation should connect residents to the region with a variety of modes (roads, transit, pedestrian and cyclists). All development should contribute to a balanced economy and fiscal sustainability of the city.

All new development shall be supported at the appropriate level of public infrastructure and services.

The vision for the East Plan Area is outlined here in four major topics:

1. Environment
2. Land Use
3. Transportation
4. Economy



## 2.1 Environmental Vision

### Vision:

The existing landscape should be respected and remain highly functional while providing a beautiful backdrop to the city.

### Guiding Principles:

- Protect environmentally sensitive areas:
  - Drainage corridors
  - Wetlands
  - Natural vegetation
  - Wildlife habitat
  - Steep slopes
  - Viewsheds
- Development should make the most of topography and be sensitive to the unique conditions.
- Respect and preserve natural open spaces with the most critical resources, including a diversity of plants and wildlife.
- Provide buffers between development and critical natural resources.

### Strategies:

- Identify sensitive landscapes and avoid or mitigate for development in these areas.
- Use density bonuses to encourage preserving sensitive lands.
- Explore partnerships and funding techniques to protect important open spaces.



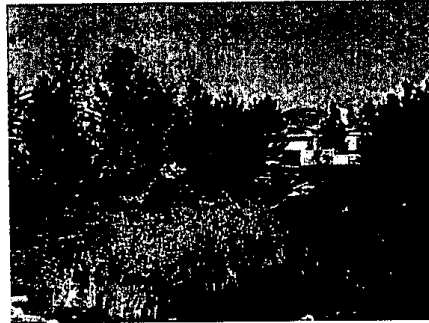
*Protect important native vegetation and wildlife areas.*



*Incorporate natural open space corridors into development*



*Minimize the impact of development.*



*Protect natural drainage corridors and use natural drainage methods.*

- POOR COPY -  
CO. RECORDER

## 2.2 Land Use Vision

### Vision:

New land uses should maintain the quality of life Herriman is known for and shall include a range of housing options, commercial offerings, and lifestyle amenities.

### Guiding Principles:

- Create a sense of place that is unique to Herriman.
- Provide a balance of land uses – commercial, residential, institutional, and public spaces.
- Support a range of housing types for different life stages and incomes, including single- and multi-family options.
- Cluster residential development to protect important open space and natural resources.
- Encourage commercial development to meet local needs and provide some regional draws to provide jobs, services and a diverse tax base.
- Provide a variety of mixed-use community centers that include retail, commercial, housing, and community services.
- Promote walkable development and efficient infrastructure.
- Support future transit with uses and housing densities needed for transit-oriented development.
- Provide recreation close to home that serves a diversity of age groups and interests.
- Support the desires of adjacent landowners to maintain small agricultural practices.
- Protect important views and community assets by directing the location of development and the character of structures built.

### Strategies:

- Use design guidelines to create a unified community character.
- Identify and protect commercial locations, including neighborhood, village and regional centers.
- Provide recreation for all residents to be within 1/4 mile of a public park or open space and within 1/4 mile of a trail.
- Establish the City's moderate income housing standards.
- Adopt a Hillside overlay zone to protect important views and natural assets.



*Follow design guidelines to create a quality community.*



*Use front porches and small setbacks to create a welcoming street.*

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## 2.3 Transportation Vision

**Vision:**

Transportation should connect residents to the region with a variety of modes, including vehicles, transit, pedestrian and cyclists.

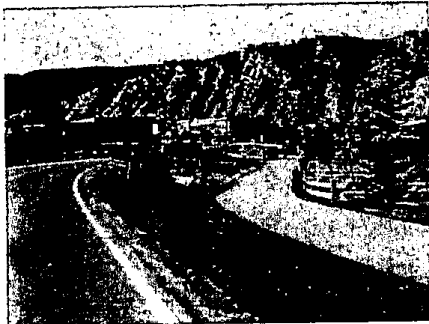
**Guiding Principles:**

(adapted from the *Herriman City Transportation Master Plan, 2007*)

- Provide safe and efficient mobility to protect and enhance Herriman's quality of life.
- Maximize transportation connectivity.
- Use access management tools to maximize roadway efficiency.
- Follow Herriman City standard roadway designs to integrate with the existing network.
- Encourage transportation alternatives that reduce the impact on the environment.
- Incorporate bicycle routes and trails into new street designs or into segregated facilities.
- Integrate with regional plans for public transportation.
- Design for full accessibility in all street, sidewalk and trail designs.
- Partner with local, state and federal funding sources.

**Strategies:**

- Follow the recommendations of the *Herriman City Transportation Master Plan, 2007*.



*Street and trail networks should be developed simultaneously.*



*Local streets should be safe and comfortable.*



*Arterials should be safe and manage access to help traffic flow.*



*Major traffic routes should use walls and landscape buffering.*

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## 2.4 Economic Vision

### Vision:

All development should contribute to a balanced economy and fiscal sustainability of the city.

### Guiding Principles:

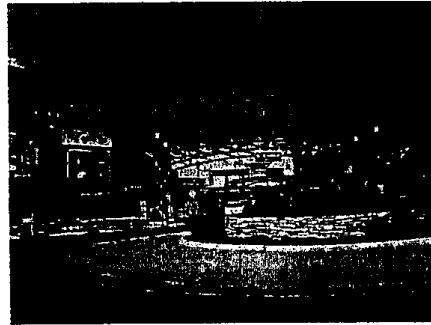
- Increase Herriman's retail, restaurant, and entertainment options to enhance the Herriman lifestyle
- Develop a base for tax revenues with income generating uses, such as employment, office and commercial
- Increase employment opportunities to provide jobs close to home
- Utilize existing and proposed infrastructure to maximize economic opportunities
- Balance the cost of new development and associated public infrastructure between new and existing city residents who will benefit from it. New development should pay for itself, but will bring new businesses to the city to balance the costs.
- Ensure adequate provision of services by timing development as needed.

### Strategies:

- Develop commercial centers to provide local goods, services and jobs.
- Develop an economic development strategy to attract business that will add to the sales, property, and business tax base.
- Follow city design guidelines for centers (commercial, transit-oriented) to ensure they are walkable, comfortable and designed to integrate with the community around them.



*Community mixed-use commercial centers provide local services.*



*Herriman's entertainment and restaurant options need expanding.*



*A regional commercial center can balance Herriman's economy.*



*Employment centers can provide tax revenue and jobs close to home.*

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## PART 3 – Future Land Use

### 3.1 Environmental Element

The environmental element is the basis of Herriman City's planning for the East Plan Area. The City is interested in protecting public health, safety and welfare by protecting important natural resources and avoiding hazardous areas that could threaten human life and property. This plan has been developed to respect the natural environment to the greatest extent possible while developing these lands.

Herriman City requires studies and exhibits of certain environmental hazards to be conducted as a condition for certain development approvals. As needed, Herriman City may request additional studies and third-party reviews of such results to further analyze environmentally sensitive areas.

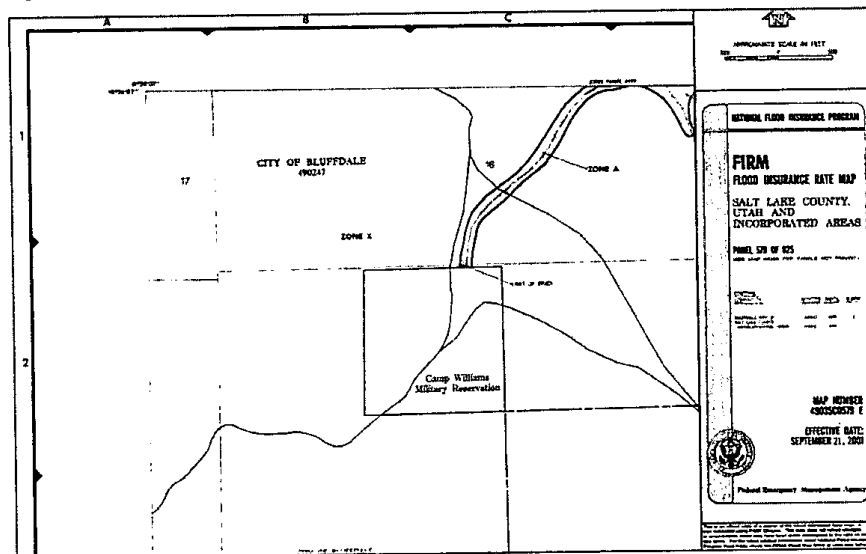
#### 3.1.1 Geologic Hazards

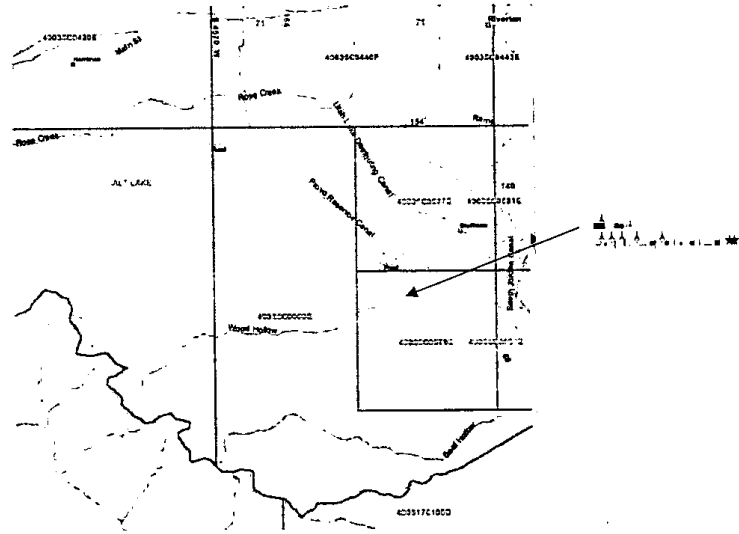
The Wasatch Front has numerous geologic hazards that are found occasionally in Herriman, including fault line hazards, liquefaction areas, and landslide prone areas. No known geologic hazard areas exist in the East Plan Area, but the City may request a natural hazards report, as per city ordinance (19.29), if hazards are suspected or special conditions merit such study.

#### 3.1.2 Floodplain hazards

The majority of the drainages in the East Plan Area are ephemeral (dry) creeks with minor flooding activity. Only one known FEMA-identified special flood hazard areas exists within the East Plan Area. This hazard area lies along the lower reaches of Wood Hollow, as shown on the Flood Insurance Rate Map 49035C0579E (Figure 1: Flood Insurance Rate map of lower Wood Hollow Drainage and Key Map). As per city ordinance (19.32), all FEMA-identified special flood hazard areas are adopted by reference and are subject to special regulation.

Figure 1: Flood Insurance Rate Map of lower Wood Hollow Drainage





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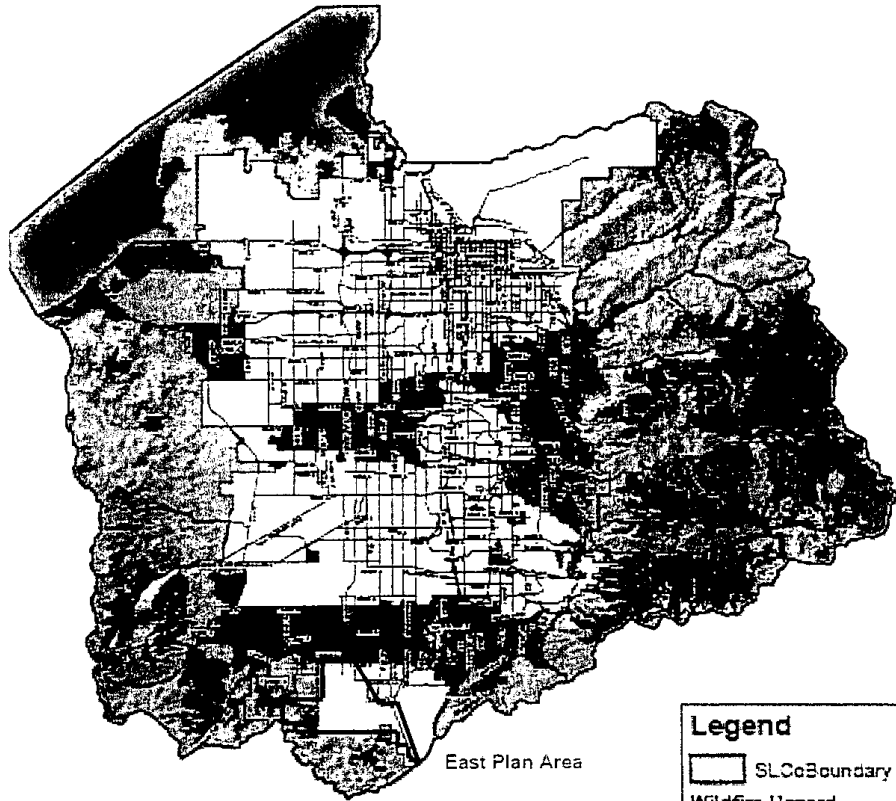
### 3.1.3 Wildfire hazards

Wildfire is a serious concern in this corner of Herriman City. The dry hillsides in the East Plan Area frequently burn due to both naturally occurring and human-caused fires. Camp Williams to the south frequently is a source of wildfires as artillery and other military operations are prone to creating sparks and fires. Protecting property from damage and humans from harm in this area is a serious concern of Herriman City and Salt Lake County Unified Fire Authority, which provides firefighting services here. The risk of fire and potential damage from fire in this area should be mitigated through special design measures, landscape treatment, and an appropriate relationship between buildings and open spaces to facilitate firefighting operations and slow down the spread of fire.

Salt Lake County Unified Fire Authority (UFA) has mapped the fire risk of unincorporated areas adjacent to Herriman City and the East Plan Area (see *Figure 2: Wildfire Hazard* on the next page). Herriman City is planning to adopt the *Utah Wildland-Urban Interface Code (2006)* into the city building code in 2008. This code requires categorizing new developments into different risk levels, then requiring special fire safety measures for higher risk areas. Such measures include fire resistant materials, sprinklers, landscape mitigation, and structure spacing. Herriman City will require all properties adjacent to Camp Williams or adjacent to known high or extreme fire hazard (as identified by the *Salt Lake County Unified Fire Authority Wildfire Hazard Study* or other fire hazard studies) to conduct and provide to the City and UFA a similar assessment of their fire risk. Areas found to have high or extreme fire hazard ratings will be subject to the special design requirements of the *Utah Wildland-Urban Interface Code*. Proposed Utah State legislation would require counties (and potentially cities) to adopt a wildland fire ordinance in order to be eligible for financial and supervisory assistance from the state for fire suppression.

Herriman City is also coordinating with Camp Williams to create a firebreak between their property and new development adjacent to their property. The preferred location for this firebreak is along the Bonneville Shoreline trail. Camp Williams has produced maps of their fire patterns and risk levels, included in *Section 3.8 Military Activities*.

**Figure 2: Wildfire Hazard**



East Plan Area



Source: Unified Fire Authority

Legend	
	SL Co Boundary
<b>Wildfire Hazard</b>	
	Low
	Moderate
	High
	Extreme

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### 3.1.4 Watershed protection

The foothills of the East Plan play an important watershed role in collecting and protecting runoff water that eventually reaches major water bodies and underground aquifers. This area is not part a designated Salt Lake County Watershed District, but the health of this foothill landscape still effects water quality. Parts of Rose Creek and Jordan River watersheds lie in the East Plan area. At 11.2 miles long, Rose Creek is one of the longest streams in the valley. The Jordan River is on the 303d list for Phosphorous and TDS and may be considered an "impacted water" as it exceeds their Total Maximum Daily Load for pollutants. A study is currently determining this and ways to improve its water quality. Any changes that increase erosion or pollutants reaching either waterbody must be mitigated.

Herriman City plans to adopt a *Stormwater Protection Plan* ordinance in 2009 to help limit the impacts to these streams through construction and other disturbances. This ordinance requires development projects to submit a plan for reducing impacts.

### 3.1.5 Erosion Hazard

Erosion of existing soils is a threat to water quality and can undermine the overall stability of an entire developed area. Hillside areas are particularly vulnerable to long-term serious erosion impacts that can undermine buildings and roads, causing permanent damage and costly repairs. Erosion is a particular concern in combination with fire. As fire hazard in the foothills is moderate to severe at times of the year, Herriman City is cautious about erodible soils that could become a hazard after fire, rain or extreme grading.

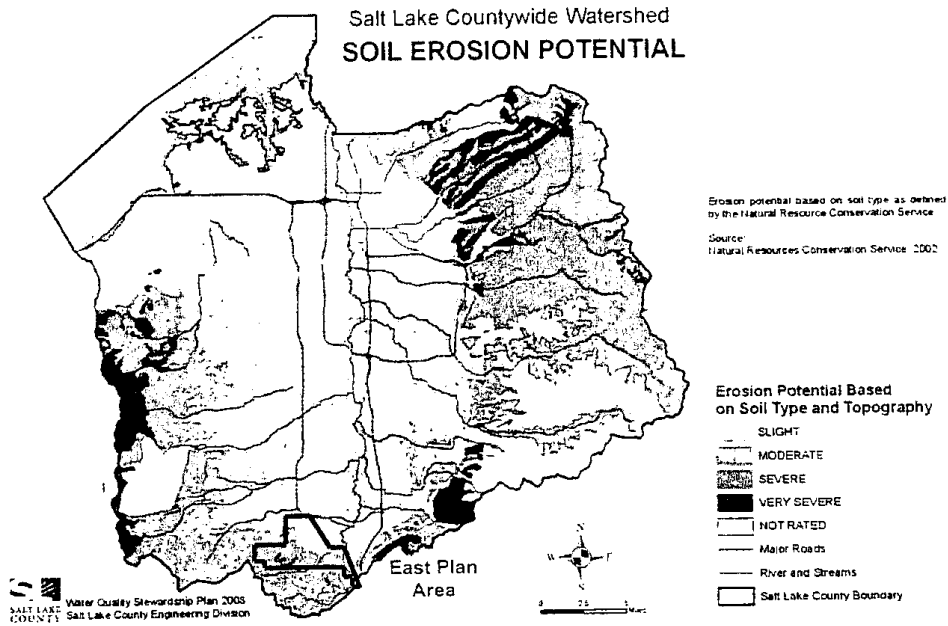
The hillsides in the East Plan area generally have moderate to severe soil erosion potential with a few small spots with very severe potential, as shown in *Figure 3: Soil Erosion Potential*. The Natural Resources Conservation Service (NRCS) mapped the soils in Salt Lake County and developed an erosion hazard rating for each soil type (NRCS, 1974 and 2002). The rating presented in this section is the "hazard of off-road or off-trail erosion" as described in the National Forestry Handbook (NRCS, 2004). The erosion hazard rating is based on the slope and soil erodibility K-factor of a surface that has 50 to 75 percent of its area exposed by logging, grazing, mining, or other kinds of disturbance. The hazard categories are:

- Slight: Erosion is unlikely under ordinary climatic conditions.
- Moderate: Some erosion is likely and erosion-control measures may be needed.
- Severe: Erosion is very likely and erosion-control measures, including revegetation of bare areas, are advised.
- Very Severe: Significant erosion is expected, loss of soil productivity and offsite damage are likely, and erosion-control measures are costly and generally impractical.

Herriman City intends to prevent serious erosion problems by enforcing restrictions on steep slope development and applying necessary guidelines for grading and earthwork in moderate, severe and very severe erosion areas.



Figure 3: Soil Erosion Potential



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### 3.1.5 Steep slopes and hillside protection

Herriman City restricts building on steep slopes to prevent dangerous erosion, excessive grading, impacts to the city's viewshed and excessive infrastructure and maintenance costs. The city wishes to preserve the original landforms and natural appearance of these foothills to the greatest extent possible. Development should rest lightly and blend in with the existing hills and drainages. Mass grading, large cuts and fills, and development that significantly changes or hides the natural contours of these hillsides are not acceptable.

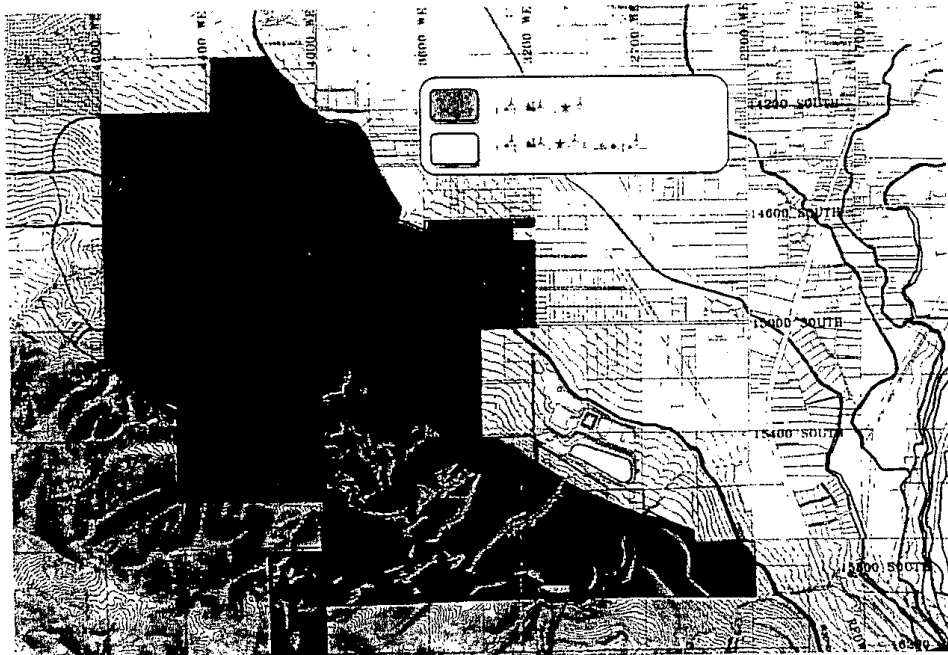
The slopes of most of the East Plan Area have been mapped in a Rosecrest/South Hills study (see *Figure 4: Steep Slopes*). This slope map will be updated by Herriman City when aerial imagery and topography is acquired in 2008. A slope map and other grading illustrations may be requested for all development within the East Plan Area to help the city understand the character of the development and its impacts on the natural topography.

Herriman City plans to adopt a Hillside Overlay Zone ordinance in 2009. This zone will apply to the East Plan area and will include hillside regulations found in the *Forestry Recreation* and *Resort Community* zones, as well as some additional standards. The Hillside Overlay Zone will include:

- Steep slopes – Prohibiting development on slopes greater than 30% and roads crossing grades greater than 30%. Requiring special site plan review by the Planning Commission for any construction on slopes between 20% and 30%.
- Grading and Drainage – Minimizing grading, preserving natural landforms and drainage and using native plants for revegetation.

- Limits of Disturbance – Establishing a maximum area within which all construction activity, including grading, must occur.
- Ridgeline Preservation – Preserving the natural appearance of key ridgelines when viewed from significant vantage points.
- Clustering, lot coverage and open space – Site development to encourage large stretches of open space and public access to it.
- Site plan approval – Special review and approval of site designs before issuing a building permit.

Figure 4: Steep Slopes



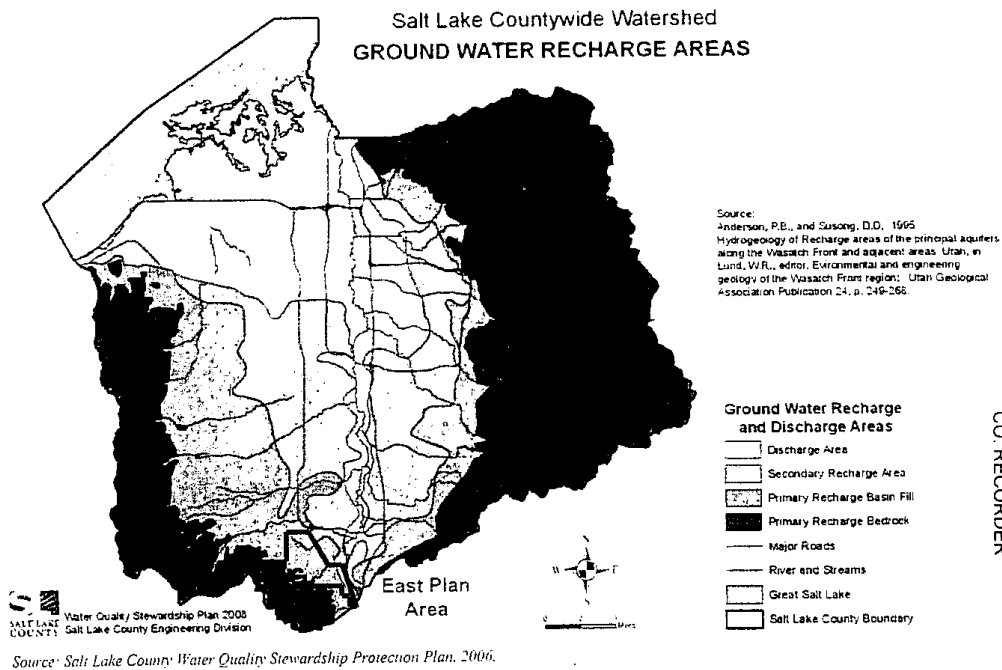
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Source: Sorenson Development / Development Associates

### 3.1.6 Ground Water recharge protection

Ground water protection is important to Herriman City and Salt Lake County as ground water is an important source of culinary water. The East Plan Area falls within primary recharge areas (bedrock and basin fill), according to *Figure 5: Ground Water Recharge Areas (on the next page)*. Herriman City plans to adopt a groundwater protection ordinance in 2009 to ensure land uses in primary ground water recharge areas have a minimal impact on ground water. A similar ordinance is being adopted by Salt Lake County.

Figure 5: Ground Water Recharge Areas



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### 3.2 Land Use Element

The East Plan Area runs from the foothills of Traverse Mountain West north and east onto the valley floor as it descends toward the Jordan River. It is the furthest southeast corner of Herriman City, bordered primarily by Bluffdale City and Camp Williams. The southern part of the East Parcel is perched on the foothills, graced by views of the Salt Lake Valley and both the Wasatch and Oquirrh Mountains. This area has immediate access to the open spaces of Traverse Mountain and is bordered to the south by unbuilt land used for military operations at Camp Williams. Several existing uses may be considered undesirable and require special buffering, including a water treatment plant and a large power substation on Redwood Road, as well as combat training areas at Camp Williams.

Currently, this area is quiet with little development. In the future, however, this area will be a bustling center of activity as Mountain View Corridor extends through this corner of the valley on its way to Utah County. As it passes through Herriman's East Plan Area, the city expects and supports two interchanges. The first is the Rosecrest Interchange at approximately 14500 South and the second is the Redwood Road interchange at approximately 16800 South). These areas can become regional commercial centers and gateways into the city.

Redwood Road and Bangerter Highway are the primary accesses and the only through streets today. Several new neighborhoods are planned, branching off from existing residential areas and roads. Rosecrest Road and Juniper Crest Road are existing roads to the west that are currently the primary connections to the East Plan Area. Redwood Road is planned to be the primary access to South Hills, and South Hills Blvd. will be the first connection to Redwood Road.

A mix of uses is proposed for these neighborhoods in order to create a well-rounded, self-sustaining community. Uses include single family residential, multi-family residential, commercial, mixed-use centers, parks and open space, schools and churches and public facilities/infrastructure. Herriman City considers each of these land uses important and critical to its future in building a balanced community. These land uses are described in more detail below and are laid out on *Map 2: Land Use* and in *Table 3: Proposed Land Use*.

Land Use	Acres (approx.)	% of total area	Max. dwelling units / acre	Max. dwelling units	% of total dwelling units
Hillside Residential	1,438	29.0%	1.5	2,156	10.6%
Low Density Residential	982	19.8%	2.5	2,454	12.1%
Medium Density Residential	778	15.7%	8	6,224	30.6%
High Density Residential	120	2.4%	20	2,393	11.8%
Mixed Use <sup>1</sup>	460	9.3%	15.4	7,088	34.9%
Commercial	202	4.1%	0	0	0
Business and Industrial Park	101	2.0%	0	0	0
Infrastructure and Utilities <sup>2</sup>	475	9.6%	0	0	0
Military Operations	317	6.4%	0	0	0
Institutional <sup>3</sup>	86	1.7%	0	0	0
Parks and Open Space <sup>4</sup>	(1,368)	(27.6%)	0	0	0
<b>Total<sup>5</sup></b>	<b>4,958</b>	<b>100%</b>		<b>20,400</b>	<b>100.0%</b>

**Notes:**

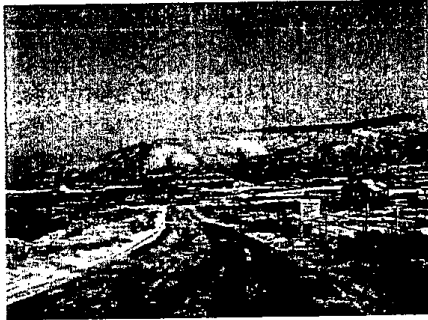
1. No maximum adopted, estimate of likely maximum is given. Minimum is based on 13 du/acres for 30% of site. Maximum is based on 22 du/acres for 70% of land in residential use. Includes roads (Mtn. View Corridor), public utilities (Water district).
2. Schools, churches, libraries, public safety. Includes only currently designated sites, but likely will have 200 additional acres.
3. Not included in total calculation. Parks and open space will be created from land zoned for other uses, but reserved as such.
4. Acreages are estimates only, and do not exactly add up to overall area.

**3.2.1 Hillside Residential (0.5 to 1.5 du/acre)**  
**Supply:** approximately 1,354 acres, 27% of East Plan Area

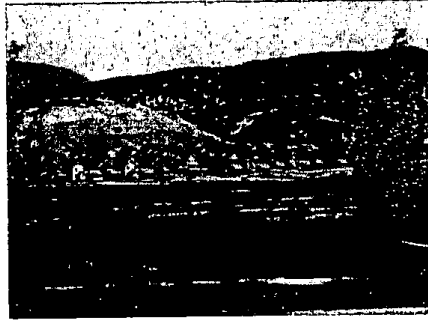
Use: Large-lot residential with open space. May be located on hillsides, in environmentally sensitive areas, for resort/recreational areas and on buffer or fringe areas.

Goals:

- Cluster development onto part of site to protect sensitive resources, minimize footprint of construction, and buffer sensitive areas.
- Protect slopes over 30% by clustering homes onto more moderate slopes.
- Provide common or public access to open space or recreation resources.
- Linked open spaces to community wide open space and trail corridors.



*Protect Herriman's assets, including its hillside viewsheds.*



*Protect hillsides by clustering development off sensitive slopes.*



*Example of hillside residential and golf course.*

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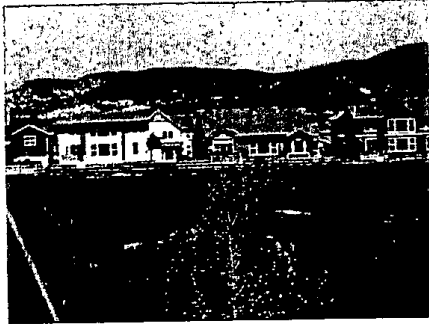
**3.2.2 Low Density Residential (1.5 to 2.5 du/acre)**

**Supply:** Approximately 1,066 acres. 22% of East Plan Area

**Use:** Large-lot residential. May be adjacent to environmentally sensitive areas.

**Goals:**

- Protect sensitive resources.
- Buffer other areas of low density.
- Encourage estate home development.
- Preserve minimum 20% of site as open space.
- Parks and open spaces linked to community wide open space and trail corridors.



*Use cluster development to create community open spaces.*

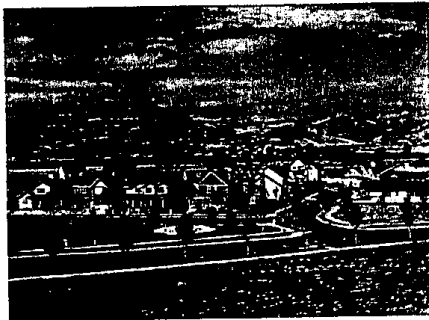
**3.2.3 Medium Density Residential (2.5 to 8 du/acre)**

**Supply:** Approximately 778 acres. 16% of East Plan Area

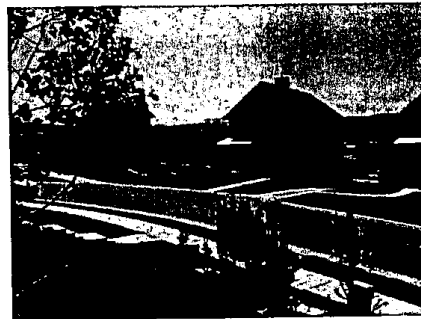
**Use:** Single family detached or attached residential.

**Goals:**

- Housing diversity and affordability.
- Provide land for supporting uses such as parks and recreation, schools, and churches.
- PUDs and HOAs are encouraged where appropriate.
- Preserve minimum 20% of site as open space.
- Parks and open spaces linked to community wide open space and trail corridors.



*With ample open space, higher density development is attractive.*



*Unique architecture improves the quality of more dense development.*

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3.2.4 **High Density Residential** (8 to 20 du/acre)

**Supply:** Approximately 120 acres, 2.4% of East Plan Area

**Use:** Single family detached or attached residential and multi-family residential. May be adjacent to commercial, along high capacity traffic corridors.

**Goals:**

- Housing diversity and affordability.
- Attract residents of different life stages.
- Support active adult communities and other higher density lifestyle communities.
- PUDs and HOAs are encouraged where appropriate.
- Preserve minimum 20% of site as open space.
- Parks and open spaces linked to community wide open space and trail corridors.



*Encourage single family townhomes to diversify the housing mix*



*Single family and multi-family housing can share the same street.*



*Multifamily housing should be attractive and complementary.*



*Multi-family housing can be designed to appear as a single residence.*

3.2.6 **Mixed Use** (minimum 8 du/acre, no maximum)

**Supply:** Approximately 460 acres, 9% of East Plan Area

**Use:** Balanced combination of residential and commercial. Locate at areas with high accessibility and diversity of uses supported.

**Goals:**

- Higher density to support town center character and amenities.
- Higher density residential (9-30 du/acre) or office as transition areas in high impact areas and as buffer to commercial and highways.
- No more than 70% of area in residential to reserve land for commercial use.
- Multi-story buildings that may include ground floor retail and residential above.

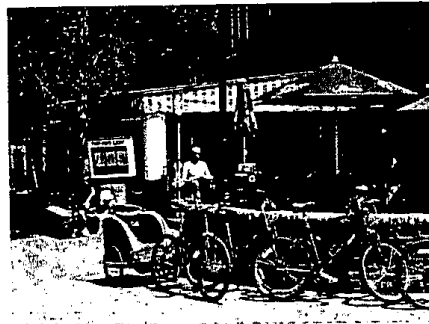
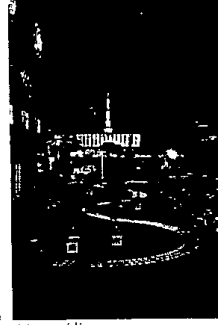
- Provide public space such as plazas, parks, and entertainment centers.
- Support shared parking to increase walkability.
- Include enhanced streetscape, wide sidewalks, bike lanes and trails for a walkable community
- Potential transit center and transit-oriented development.
- Provide a variety of mixed-use community centers that include retail, commercial, housing, and community services.
- Promote walkable development and efficient infrastructure.
- Support future transit with uses and housing densities needed for transit-oriented development.



*Combine commercial and residential in mixed-use projects*



*Create community centers with exciting public spaces.*



*Design mixed-use centers for walkability, bikeability and transit use.*



*Herriman plans to take advantage of transit investments to spur economic development.*

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### 3.2.7 Retail and Commercial Office

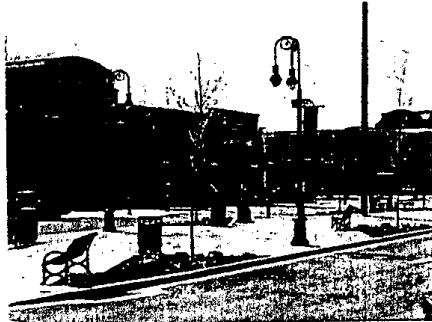
**Supply:** Approximately 202 acres, 4% of East Plan Area

**Use:** Local and regional-serving retail, entertainment, professional offices, and public facilities. Located at significant traffic corridors/intersections; with ideal transportation access.

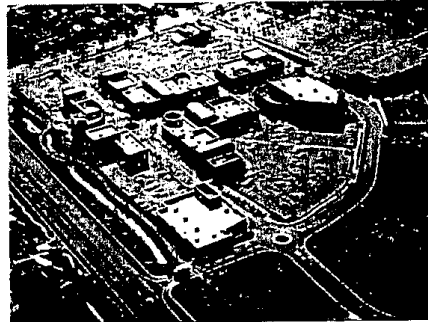
**Goals:**

- Commercial centers at a range of sizes – local-serving to regional attractions.
- Consumer goods and services.
- Entertainment offerings such as restaurants, theatres, and fun centers.
- Employment centers such as office parks, corporate buildings.
- Balance of jobs in the office, retail and service sectors.
- Higher intensity and multi-story development.
- Densities and designs to support future transit and transit-oriented development.
- Allow complementary signage that respects Herriman's character and viewsheds.





*local, city-wide, and regional commercial centers*



*A regional commercial center can balance Herriman's economy.*

*Support*

**3.2.8 Business and Industrial Park**

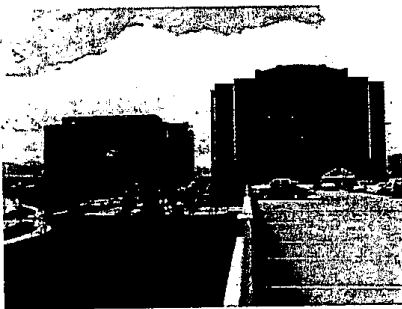
**Supply:** Approximately 101 acres, 2% of East Plan Area

**Use:** Light industrial uses, incubator businesses, warehousing and distribution. Located at significant traffic corridors/intersections; with appropriate transportation access.

**Goals:**

- Provide support services to commercial areas.
- Employment center for assembly, distribution and logistics jobs to balance retail and service jobs.
- Provide location for businesses that support and complement Camp Williams military operations.
- Balance the city's economic base.
- Lower intensity development with infrastructure to support industry and distribution.
- Permit complementary that respects Herriman's character and viewsheds.

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*Employment centers can provide tax revenue and jobs close to home.*



*Industrial parks provide a good tax base and employment.*

**3.2.9 Infrastructure and Utilities**

**Supply:** Approximately 475 acres, 10% of East Plan Area

**Use:** Utilities, roads, canals

**Goals:**

- Provide city services in a safe, efficient manner.
- Protect and buffer use to allow ongoing operations and future expansion as needed.
- Provide employment.



*Public utility corridor*

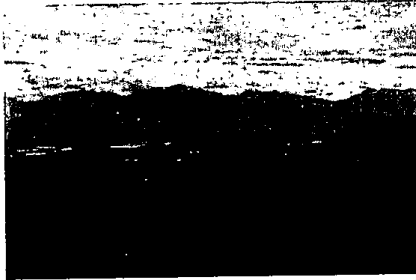
### 3.2.10 Military Activities

**Supply:** Approximately 317 acres, 7% of East Plan Area

**Use:** Military operations as determined by the US Department of Defense

**Goals:**

- Preserve the viability of military operations.
- Provide a buffer around Camp Williams.
- Protect humans from potential hazards that exist at Camp Williams.
- Protect natural areas from fire, erosion and other threats.



*Some areas of open space character are in fact part of Camp Williams and have restricted access due to potential military hazards.*

### 3.2.11 Institutions

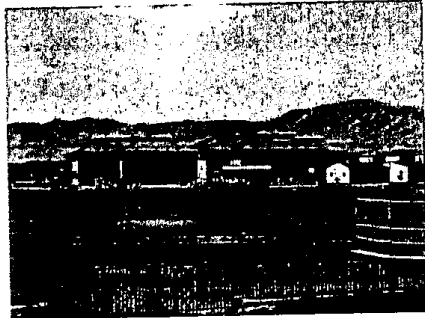
**Supply:** Approximately 86 acres, 2% of East Plan Area. An additional 200 acres likely to be dedicated to this use as sites are provided within development areas.

**Use:** Schools, libraries, churches, police and fire stations as anchors of neighborhood life and activity

**Goals:**

- Provide community support services.
- Encourage civic activism.
- Architecture and site design that highlights the importance and public nature of these buildings and that is compatible with other civic buildings.
- High degree of accessibility to the community by central location, multi-modal transportation connections, and multipurpose facilities.
- Shared management and access to recreation between school district and city

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*Public schools may have a shared use agreement for Herriman residents to use their facilities outside of school hours.*

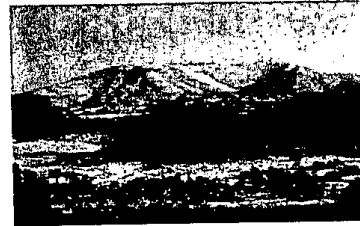
### 3.2.12 Parks and Open Space

**Supply:** Approximately 1,368 acres, 28% of East Plan Area (overlaid on other land use designations)

**Use:** Parks, recreation centers, natural and active open space, trails and resource protection areas.

**Goals:**

- Community recreation facilities, such as parks, recreation centers and trail corridors.
- Protection of environmentally sensitive areas.
- Permanently protected open space for both natural purposes and active recreation uses.
- Greenway corridors for preserving natural features and allowing trails connections.
- Permanent protection, public ownership and public access.
- Areas which may be developed in the future shall be zoned otherwise to be forthright about their potential future use.



*Herriman parks serve a variety of users and interests and provide a public space for people to relax together. Herriman open spaces contribute to the character of the city and additional recreation.*

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### 3.3 Parks, Open Space and Trails Element

Recreation is a critical part of the healthy, active lifestyle Herriman wants to be known for. Quality recreation includes convenient locations, active and passive recreation, social interaction, family time, lifestyle, and healthy, active living. Herriman's goal is to develop a greenway system of parks, open space and trails that connect to the existing city system and to the regional network. Herriman City plans to create a recreation network so that all residents live within 1/4 mile of a public park or open space and live within 1/4 mile of a trail.

Herriman City currently does not have an adopted, city-wide Parks, Recreation Open Space and Trails Master Plan, but has a draft being prepared for adoption in 2008-2009, which should be followed as a guideline. To date, the City has negotiated the acquisition and construction of parks primarily through site plan approvals or development agreements with major property developers and through partnerships with Salt Lake County.

Herriman City also participated in the *Salt Lake County Southwest Regional Parks and Trails Master Plan (October 2007)* and will be reviewing this for official city adoption as well. This plan is heavily focused on implementing regional trails and major regional parks. For the East Plan area, it recommends constructing the Juniper Canyon Trail, Bonneville Shoreline Trail, Mountain View Corridor Trail and Welby Jacob Trail, and proposes a new large regional park in the southeast corner of the East Plan Area.

Herriman City has set a high standard for recreation and expects to continue this into the future. The City has adopted recreation standards for the East Plan Area as detailed in this chapter and summarized in *Table 4: Herriman City Standards Applied to East Plan Area*. The size of a park depends on its use and Herriman City wishes to maximize use of park land for active recreation purposes. Herriman City wishes to have as many large, multiple-use parks as possible to support its active, sports-oriented population, and to minimize maintenance on unused areas.

Type of Facility	Service area	Recommended standard	Recom. Number	Recommended Size	Recom. Total size
Community Park	1 mile radius	6 acres per 1,000 people	3 to 5	over 20 acres	180 acres
Neighborhood Park	½ mile radius	4 acres per 1,000 people	10 to 20	2 to 20 acres	120 acres
Local Park	¼ mile radius	as needed	as needed	up to 2 acres	as needed
Open Space	¼ mile radius (if no park nearby) otherwise, 1 mile	10 acres per 1,000 people	as needed	as needed	300 acres
Urban Trails	¼ to ½ mile radius	0.5 miles per 1,000 people	as needed	n/a	15 miles
Primitive Trails	½ to 1 mile radius	0.5 miles per 1,000 people	as needed	n/a	15 miles
Bike Routes	¼ to ½ mile radius	As needed	as needed	n/a	as needed

Note: Based on population of 30,000. All numbers are approximate and represent minimum recommendations.

#### 3.3.1 Parks

Herriman currently provides 8.1 acres of parks per 1,000 residents. The National Recreation and Parks Association (NRPA) recommends providing 6.25 to 10.5 acres of parks per 1,000 people, and a similar amount of open space. This amount should adjust based on community preferences, lifestyle and demographics. Considering Herriman's young population and desire to promote a healthy, active lifestyle, the city is striving for 10 acres of parks and 10 acres of open space per 1,000 people. Thus for the East Plan Area, with a new population of 20,000 to 50,000 people, Herriman anticipates at least 200 to 500 acres of developed parks and 200 to 500 acres of open space. This amounts to approximately 8% to 20% of the East Plan Area's land in parks and open space. In existing parts of Herriman City, parks and open space (both city and county) make up approximately 11.6% of the land area.

The city encourages constructing sports fields to serve its growing youth sports leagues, but they need to have adequate support facilities. Currently, Herriman provides most facilities up to national recommendations, but is still unable to keep up with demand for baseball and soccer fields, so is setting a higher standard for those facilities. The recommended number of recreation fields, courts and amenities are shown in *Table 5: Recommended Recreation Facilities*.

<b>Table 5: Recommended Recreation Facilities</b>					
	<b>NRPA service radius</b>	<b>NRPA Recommended Standard (1 per population of)</b>	<b>Herriman Desired Standard (1 per population of)</b>	<b>Recommended supply for East Plan Area<sup>1</sup></b>	<b>Total acreage recommended (approximate, including parking and support facilities)</b>
Softball/Baseball	¼ - ½ mile	5,000	2,500	12	36
Soccer/Lacrosse <sup>2</sup>	1-2 miles	5,000	2,500	12	36
Football	15-30 min travel	20,000	10,000	3	10
Indoor Basketball <sup>3</sup>	1-2 miles	5,000	5,000	6	2.5
Basketball	1-2 miles	5,000	5,000	6	2.5
Indoor Tennis <sup>3</sup>	1-2 miles	2,000	2,000	15	5
Tennis	1-2 miles	2,000	2,000	15	5
Indoor Volleyball <sup>3</sup>	1-2 miles	5,000	5,000	6	1.5
Volleyball	1-2 miles	5,000	5,000	6	1.5
Indoor Pools <sup>3</sup>	1-2 miles	20,000	20,000	1.5	3.5
Swimming Pools	20,000	20,000	15-30 min travel	1.5	3.5
Golf	50,000	50,000	30-60 min travel	0.6	100
Skate Park	50,000	50,000	2-3 miles	0.6	1
<b>Total</b>					<b>208</b>

**Notes:**

<sup>1</sup>Based on estimated population of 30,000.

<sup>2</sup> Some soccer fields accommodate football, others are only sized for soccer and lacrosse.

<sup>3</sup>Indoor and outdoor facilities for the same sport should be provided separately to the same standard because seasons of use do not overlap. Most outdoor facilities are not used in the winter months.

Parks that are privately-owned or that require an admission fee purpose are not considered city parks. However, parks, pools and recreation facilities owned by Homeowners Associations and used by members who are Herriman residents are sometimes counted toward city park requirements. Schools, churches and other public facilities that supplement recreation needs are discussed here, but are not considered city parks.

Herriman City prefers to have large, usable park spaces instead of small strips of open space with limited function. Facilities that have dual purposes, such as detention basins, may be counted as parks provided the public has free access to them and recreation is a primary purpose of them. To conserve water, irrigated areas should be designed into large

clusters to allow for grassy play areas, instead of small strips of unusable space. Small strips, fringe areas, and natural buffers should be planted with native and drought-tolerant vegetation to minimize irrigation and maintenance. Parks with sports fields should include at least two sports fields, as well as parking and restrooms to suit in order to reduce traffic impacts and conflicts with neighbors. Where space allows, medium and large playgrounds should be designed with a picnic pavilion adjacent to it.

#### Schools and Churches

Other quasi-public facilities, such as schools and churches also provide a recreation benefit, but are not considered city parks. Through a joint-use agreement, Herriman City and Jordan School District have offered residents limited use of school facilities. The schools that are proposed in the East Plan Area are shown in *Table 6: Quasi-Public Recreation Facilities* in Herriman. Jordan School District owns a 76.84 acre parcel in the East Plan Area planned for some school purpose, but is not included because it has not yet been determined.

According to Jordan School District, approximately 50% of total school site is used for recreation. The District is amenable to working with Herriman City to jointly schedule and maintain school sites to make them more available to the public during non-school hours. The typical school site available to recreation is:

- Elementary School: 6 acres (1-2 fields)
- Middle School: 12 acres (3-4 fields)
- High School: 0 acres (may have over 20 acres in recreation, but for student use only)

<b>Name of Facility</b>	<b>Use</b>	<b>Recreation Acreage (estimate)</b>
South Hills Elementary School	Playground and play fields open to public during non-school hours.	6 acres
Future Elementary Schools (3)	Playground and play fields open to public during non-school hours.	18 acres
Future Middle Schools (1)	Sports field use limited to students. Track open to public use when available.	12 acres
<b>Total</b>		<b>36 acres</b>

### 3.3.2 Open space

Open space serves a variety of public health, safety and welfare goals. Open space is often a byproduct of development as areas that are difficult or not sensible to develop become protected. On the other hand, open space is often designated to proactively protect places in the community that are intrinsically valuable and that the community would be disappointed to lose to development.

Herriman City has defined some of the types of lands that are good candidates for open space protection because they are sensitive environmentally, intrinsically valuable to Herriman residents, or pose hazards to human life if developed, (see draft *Herriman City Parks, Recreation, Open Space and Trails Master Plan*). Environmentally sensitive areas are more fully defined in *Chapter 3.1 Environmental Element*. Open Space areas are discussed in *Chapter 3.2 Land Use Element* and more fully defined here. Herriman City wishes to preserve open space at two distinct levels of protection:

1. natural open space for the primary purpose of protecting natural resources, and
2. active open space to serve multiple use purposes including protection as well as recreation, infrastructure and other city needs.

Herriman City is striving for 10 acres of open space per 1,000 people in addition to its parks. Thus for the East Plan Area, Herriman anticipates at least 200 to 400 acres of open space, which is approximately 6% to 12% of the land in the

East Plan Area. The general framework for the open space system in the East Plan Area is shown on *Map 3: Open Space and Trails*. The Open Space system for the East Plan Area should include:

- Drainages – Juniper Canyon, Wood Hollow, Porter Rockwell Drainage, Beef Hollow, and Un-named Drainage.
- Canals – Welby Jacob Canal
- Infrastructure – Mountain View Corridor buffer, powerline corridor
- Hillside and geologic – 30% slope areas
- Hazards – Camp Williams buffer
- Viewshed area – Slopes above development

Open space may be protected in a number of ways. It may be dedicated to the City through the development process as part of the agreement to permit higher density development elsewhere and protect sensitive lands. It may also be purchased, in fee title, or as a conservation easement to permanently remove the development rights. Several organizations help communities buy and protect open space, including the Salt Lake County Open Space Trust Fund that provides a 50% match for purchasing permanently protected open space. Herriman City is currently identifying properties that may be suitable for an open space purchase for public benefit, both in the East Plan Area and within and adjacent to the rest of the city.

### 3.3.3 Trails

Trails have become a critical part of community recreation and transportation systems. Trails help promote walking and biking as a healthy alternative transportation mode and increase the safety of these modes. Many communities today have a major, interdepartmental focus on trail construction. Communities that are not yet built out have the distinct advantage of locating their trails system before development goes in, rather than struggling to retrofit one. Herriman City plans to make their trail as extensive as possible now to eliminate the need to retrofit later. Existing areas of the city have extensive trails networks, at the neighborhood scale as well as city-wide. Herriman City also plans to protect as wide a corridor as possible to reduce impacts on neighbors and create a pleasant recreation experience. The recommended minimum width for major (regional) trail corridor is 100' wide, while minor (local) trail corridor should be minimum 30' wide.

NRPA recommends 0.5 miles of trails per 1,000 residents. The current ratio of existing trails in Herriman is 0.6 miles per 1,000 residents. Because Herriman is an outdoor-oriented community, this plan recommends 0.5 miles of primitive, unpaved trails in addition to 0.5 miles of urban, paved trails per 1,000 residents. Herriman City plans to provide different types of trails for different users. The different trail types proposed support trail users of different interests, modes of travel and abilities. Thus, the City expects a comprehensive system that includes urban trails, primitive trails and bike routes. The rough locations of trails proposed in the East Plan Area are shown on *Map 3: Open Space and Trails*, but are subject to change based on development approvals.

Four major regional trails are present in the East Plan Area— Bonneville Shoreline Trail, Juniper Canyon Trail, Welby Jacob Trail, and East Herriman Trail. Specific alignments of these trails are shown in *Salt Lake County Southwest Regional Parks and Trails Master Plan*. These trails merit special attention as the city intends to make them a major focus of the open space and trail system. Guidelines for the design of these trails are included here.

#### 1. Regional Trail - Bonneville Shoreline Trail (BST)

**Supply and Size:** Approximately 4.0 mile long primitive trail, included in *Primitive Trails*

**Service radius:** Salt Lake region, connected to other segments of the regional trail

**Purpose and Use:**

- Herriman City supports the development of the Bonneville Shoreline Trail in cooperation with Salt Lake County, Camp Williams, the Bonneville Shoreline Trail Coalition and other trail advocates.
- The trail should be publicly owned and permanently protected.
- The trail is a multi-purpose trail for equestrian, hiking, and mountain biking. Motorized use is not permitted.
- The preferred alignment in Herriman should be in a natural corridor, separate from a road or sidewalk and avoids crossing roads.

- The preferred alignment in Herriman should be located at the upper limit of development for a continuous corridor with public access.
- The preferred alignment in Herriman should provide a firebreak and/or fire access between Camp Williams and adjacent development. Minimum 100'; preferably ¼ mile.
- A preferred alignment has been proposed in Herriman after identifying a route on the ground and mapping it with a GPS system.
  - Comply with Salt Lake County BST Development Standards for location, use, design, grading, and slopes, as outlined in the *Bonneville Shoreline Trail Alignment Plan for Salt Lake County* (January 2005). Applicable sections are summarized below:
    - The BST is a pathway on the west slopes of the Wasatch Range and the east slopes of the Oquirrh Range, on or near the shoreline bench of ancient glacial Lake Bonneville (generally 5,200'). It includes a north-south alignment on each side of the valley and an east-west connection to the Provo/Jordan River Parkway, Camp Williams, and Yellow Fork County Park.
    - The BST is the trunk of a branching regional system of trails linking city sidewalks to wilderness mountaintops.
    - The trail should skirt the developed areas of the Wasatch Front, often forming the boundary between urban subdivisions and National Forest (*or other public lands*).
    - The preferred route is for use by the county, municipalities, planners and developers should guide residential and commercial development, avoid unnecessary conflicts with development, and encourage government and volunteer groups to construct a regional trail.
    - Topography and existing land use restrictions, like Watershed and Wilderness, will restrict the use of the trail more than the construction or surface type.
    - The BST will be a pathway separated from streets and paved roads and located within the natural landscape.
    - The preferred route takes advantage of existing trails, mine roads, and animal paths where they fall within the feasible trail route and where they provide the most convenient use of the topography to reduce the environmental impact and make construction easier.
    - Occasionally, the BST will use a low-maintenance, unpaved road, such as water tank access roads, as a means to link primitive trail segments.
    - The BST may capture existing primitive trails for use as its primary route, such as the Rattlesnake Gulch Trail, that will fall outside the BST standard because of steep grades or surfacing material.
    - BST "connectors" are intended to link sections of developed primitive trail.

**Design:**

- Design should follow the guidelines of the *Bonneville Shoreline Trail Alignment Plan for Salt Lake County* (January 2005). Applicable sections are summarized below:
  - The BST standard will be a primitive trail.
  - All of the trail will be open to pedestrian use, and portions of the trail will accommodate mountain bikes and equestrian use where feasible and permitted.
  - The trail should follow land contours, avoiding steep grade changes.
  - The trail corridor should provide a buffer of both lateral distance and elevation between the trail and existing development (where possible). Buffer provides privacy for residences and a natural experience for trail users. The route may be located on smaller benches and ridges between 5,400' and 6,000' to provide this buffer and avoid steep slopes.
  - The BST trail construction standard follows principles developed by the International Mountain Bike Association (IMBA) for multipurpose trails. Such variations for standard construction are necessary, when feasible alternative routing does not exist.
    - Trail tread should average about three feet wide. Horizontal brush clearance should be about four feet from the trail centerline.
    - Vertical clearance should be about ten feet to allow for mounted equestrian users.
    - Gradient should be maintained within zero to ten percent, with short sections allowed to rise to fifteen percent.
    - Long, gradual ramps and climbing turns are preferable to switchbacks.



- Full bench design, which requires the full width of the trail tread to be cut into the hillside. Trail profile and trail grading should prevent erosion (see IMBA guidelines).

**2. Regional Trails –Juniper Canyon Trail, Welby Jacob Trail, and East Herriman Trail**

**Supply and Size:** Approximately 7 miles total

**Service radius:** Southwest Valley, connected to other segments of the regional trail

**Purpose and Use:**

- Major regional connection trails.
- The trails should be publicly owned and permanently protected.
- The trails are multi-purpose trail for equestrian, hiking, and mountain biking. Motorized use is not permitted.
- The trails should be located in natural corridors, separate from a road or sidewalk and avoids crossing roads.

**Design:**

- Paved trail with shoulders, separated from adjacent roads.
- Ramps, mild grades and other features designed for maximum accessibility.
- Minimum trail width 16', minimum corridor width 100'.

### **3.3.5 Recreation Funding**

Herriman City ordinance requires a portion of land in all new planned unit developments (typically 20%) be reserved as open space. The City often requires through development agreements that some park features and amenities be constructed as part of a dedicated open space. The recreation expectations set by this recreation chapter and the draft *Herriman City Parks, Trails and Open Space Master Plan* can be met by the minimum required amount of land dedicated. However, the minimum requirements are often not fulfilled as some open space land that is unsuited for parks and recreation is dedicated to the city. Acquiring park land and building parks is a partnership between the city and new developments. Herriman City will pursue other partnership methods with new developments to fulfill its parks expectations if minimum parks needs are not met by the open space requirements.

For projects that are smaller than 15 acres, Herriman City plans to establish an impact fee in lieu of park and land dedication. This way, the City can achieve its goal of larger parks with more amenities. Herriman City currently has a parks and recreation impact fee that will be revised through a parks impact fee study to be conducted in 2008. This study will also propose the Capital Improvements Plan budget for the next 5 years. The impact fee per dwelling is likely to double from the current amount.

### 3.4 Institutions

#### 3.4.1 Schools

Based on a proposed new population of the East Plan Area and its young demographic makeup, there is demand for several new schools, as shown in *Table 7: New School Demand in East Plan Area*. Some schools boundaries may cross city boundaries and not be located within the East Plan area.

Type	Serves	Number needed	Acres per school site	Total acres
Elementary	2,250 households	5.8	12	69.6
Middle School	9,000 households	1.4	25	35
High School	18,000 households	.72	55	39.6
<b>Total</b>		<b>7.92</b>		<b>144.2</b>

**Notes:** All numbers are based on proposed population of 13,000 households. Numbers are left fractional, but will be rounded up as needed based on facilities provided regionally.

Source: John Taylor, Jordan School District.

Currently, Herriman has 2 elementary schools (Butterfield Canyon and Herriman) and 1 middle school (Ft. Herriman). A new high school will be under construction at 11800 South 6000 West (Pioneer St.), which will serve parts of Herriman and South Jordan. When complete, the proposed middle and high school sites in the East Plan Area will likely serve other parts of Herriman and Bluffdale as well. The 75-acre parcel owned by the school district in the East Plan Area will likely become a middle school site. Herriman City has been proactive in helping the local school district acquire school sites.

#### 3.4.2 Churches

This area of Salt Lake County has a strong membership in the Church of Jesus Christ of Latter Day Saints and the Church has plans for numerous facilities to serve members in the East Plan Area. The LDS Church typically plans one ward chapel per 500 households, and one stake center per 6 to 8 wards. Based on a proposed 30,000 residents in the East Plan Area, there will likely need to be approximately 20 new ward chapels and 2 new stake centers. Typical areas for these facilities are 4 acres for a chapel and 5 acres for a stake center, translating to approximately 90 acres of land devoted to LDS church facilities in the East Plan Area.

Other faiths that have not acquired property East Plan Area, but are likely to do so include the Catholic Diocese.

### 3.5 Transportation Element

An efficient transportation network is the result of an orderly, well-connected system and a variety of modes of travel. Herriman City plans to build its transportation network based not only on roads, but on transit, bicycles and pedestrians as well. Herriman City also plans to integrate its transportation planning with its land use planning so that the transportation truly serves the land use desired, instead of driving land uses that were not anticipated. Thus, the land uses proposed take advantage of major infrastructure proposals for the Mountain View Corridor highway and for future transit leading from the West Jordan spur.

The guiding principles of the *Herriman City Transportation Master Plan, 2007* should be followed when making transportation decisions. This area was not yet annexed when this plan was complete, thus is not specifically considered, but the guiding principles still apply:

- Provide safe and efficient mobility to protect and enhance Herriman's quality of life.
- Maximize transportation connectivity.
- Use access management tools to maximize roadway efficiency.
- Follow Herriman City standard roadway designs to integrate with the existing network.
- Encourage transportation alternatives that reduce the impact on the environment.
- Incorporate bicycle routes and trails into new street designs or into segregated facilities.
- Integrate with regional plans for public transportation.
- Design for full accessibility in all street, sidewalk and trail designs.
- Partner with local, state and federal funding sources.

Herriman City's Transportation Master Plan recommends all residential proposals over 50 units and commercial proposals over 50,000 square feet require a traffic impact study. The full extent of transportation needs of the East Plan Area and its impact on other parts must be addressed comprehensively, in a manner more extensive than a simple traffic impact study. A supplemental study to the *Herriman City Transportation Master Plan, 2007* will be undertaken for the East Plan Area in 2008. This study should include discussions of the following:

- Existing and Proposed Roadway System
- Existing and Proposed Traffic Volumes
- Existing and Proposed Intersection Improvements
- Existing and Proposed LOS Conditions
- Existing and Proposed Transit System
- Existing and Proposed Trails and Bike Paths
- Standard Road cross-sections
- Standard Trail cross-sections

This plan recommends sizing infrastructure for the highest population number anticipated in this plan, to ensure capacity is sufficient for a likely acceleration in future growth. This plan proposes population densities and overall numbers that are higher than the estimates used in the *Herriman City Transportation Master Plan (2007)*. For areas where traffic from the East Plan Area flows into the areas included in the Transportation Master Plan, potential impacts and infrastructure increases shall be considered.

#### 3.5.1 Roadways

Herriman City plans to build a road network to support a diversity of land uses, with road designs tailored to meet the unique needs of each land use. As Herriman City wishes to expand its commercial and industrial base, lands adjacent to major transportation infrastructure should be designed to make the most of these investments. Where Herriman City plans to locate residential housing, roads should serve the multimodal needs of local residents.

Herriman City encourages roads that maximize both transportation efficiency and livability for neighbors, bikes and pedestrians. Traffic calming principles are encouraged, including:

- Sizing of roads to the minimum width needed to accommodate traffic and parking as needed.

- Wide park strips to support healthy street trees and buffer people from the road.
- On-street parking where appropriate to provide an additional buffer.
- Curb bulb-outs as needed to shorten pedestrian crossings and slow cars making turns.
- Planted street medians to shorten pedestrian crossings, create “side friction” and enhance the streetscape.
- On-street bike routes where appropriate to mix modes of travel and slow cars down.
- Sizing of roads must also consider the terrain covered. Steep terrain may require significant road cuts and special consideration.

Access management should be used to increase traffic efficiency. Access management smooths traffic flow by reducing the number of curb cuts and encouraging turns in more limited locations. This also permits more established pedestrian crossings at major turn areas. Access management is suggested for major arterials and should be discussed in detail in the *East Herriman Transportation Master Plan* to be completed in 2008.

Major roadway connections need to be planned in coordination with adjacent cities and with UDOT. For the East Plan Area, major coordination projects mentioned in the *Herriman City Transportation Master Plan (2007)* include:

- a. Mountain View Corridor alignment, frontage road, crossings and interchanges.
- b. Alternate Mountain View Corridor alignment through the East Plan Area, proposed by Herriman City and currently undergoing UDOT engineering review.
- c. Continue 14600 South St. and 4800 West St. to the Mountain View Corridor interchange at about 15000 South to facilitate south-travelling traffic into Herriman.
- d. Preserve intersections on Bangerter heading through Bluffdale for better access.
- e. Establish a new intersection at 5100 West 14300 South

### 3.5.2 Transit

Herriman City is currently served by one Utah Transit Authority (UTA) bus route, which travels west from I-15 at 10400 South to Herriman along 13400 and into Rosecrest. Another nearby route serves Riverton from Redwood Rd. Herriman City, Riverton City and Bluffdale City recently discontinued a van shuttle service to the Sandy TRAX station due to low ridership.

As the city grows, Herriman expects transit service to expand and is promoting land use densities in several key locations where transit is likely to locate to encourage increased transit service and ridership. Herriman City is also proposing transit centers and Park-and-Rides to accompany stops and wishes to establish a major transit station and transit-oriented development to take advantage of the Mid-Jordan Light Rail Transit Line. Herriman city proposes establishing an express bus service here until Herriman has the population densities to justify Light Rail Transit.

### 3.5.3 Bicycles and pedestrians

Bicycling and walking are alternative modes of travel that Herriman City promotes. Streets, trails and sidewalks should be designed for full ADA accessibility and to fully integrate with other modes of travel in the city. Sidewalks should be designed to be comfortable for two people walking side-by-side (minimum 5').

Major trails planned for Herriman City and the East Plan Area are described in Chapter 3.3.3 Trails, in the draft *Herriman City Parks, Recreation, Open Space and Trails Master Plan* and in further detail in the *Far Southwest County Trails and Parks Master Plan* (Salt Lake County, October 2007). These trails should be designed to the standards described in the *Far Southwest Plan*. Herriman City needs to develop a bike route master plan to encourage commuter cyclists who are not inclined to travel on the trail system.

### 3.5.4 Streetscape

As roads make up a large percentage of the public realm in any community, Herriman City wants them to meet the same high standards as the rest of their public spaces. Herriman has a standard fixture and spacing for street lighting, benches, street trees and sidewalks that should be met on all public streets that are outlined in the City's *Commercial, High Density and Medium Density Design Guidelines* and in city ordinances. Streetscape in the East Plan Area should reflect the unique surrounding landscape in areas where reflecting and enhancing the natural environment are desired.

### 3.6 Public Services

The public services provided to residents and businesses in the East Plan area are referenced and summarized here. More detailed summaries and maps of each public service are included in the appendix. The full reports for each service are available from Herriman City.

#### 3.6.1 Water supply and Secondary Water

Culinary and Secondary irrigation water will be provided to this area by Herriman City and their water supply. The details of these systems are outlined in the following plans:

*Culinary Water Master Plan – October 17, 2007 & Revised December 17, 2007*  
*Secondary Water Master Plan – December 17, 2007*

Herriman City encourages water conservation. Herriman City's landscape ordinance has provisions to encourage xeriscape and efficient irrigation. Herriman City's building code requires low flow plumbing. Secondary water is provided to the majority of the East Plan area to use for outdoor irrigation to conserve treated water for culinary purposes. New development in the East Plan area will be required to include the necessary infrastructure to support secondary water delivery and use.

#### 3.6.2 Storm Drainage

Storm drainage for the East Plan area will be connected to the Herriman City's stormwater system. The design, cost and funding for this system will be outlined in an *East Herriman Storm Drainage Study* to be completed in 2008.

Herriman City encourages retaining stormwater as close as possible to its source to allow it to percolate into the ground, rather than running off into stormwater sewers. This is achieved through stormwater detention basins, and directing runoff into bioretention swales, and existing drainage corridors.

Herriman City plans to adopt a *Stormwater Protection Plan Ordinance* in 2009 to help limit construction impacts on the quality of water runoff entering public waters. This ordinance will apply to the East Plan Area.

#### 3.6.3 Sewer

South Valley Sewer District currently operates a major power sewer treatment plant in the East Plan Area. Sewer treatment in the East Plan Area will be provided by South Valley Sewer District and the existing plant is expected to expand to accommodate the additional demand of development. The design, cost and funding for this system will be outlined in an *East Herriman Sewer Study* to be completed in 2008.

#### 3.6.4 Electricity and Natural Gas

In the East Plan Area, electrical power will be provided by Rocky Mountain Power and natural gas will be provided by Questar. The design, cost and funding for these systems will be outlined in an *East Herriman Utility Study* to be completed in 2008.

Rocky Mountain Power currently operates a major power substation in the East Plan Area. They have plans to build a major power transmission line through Herriman. Two alternative alignments for this transmission line include either paralleling Mountain View Corridor on its east side or along Welby Jacob Canal. Development in the East Plan Area must adapt to the proposed utility corridor.

Kern River gas has a major underground gas line passing through the East Plan Area. Development in the East Plan Area must respect this utility corridor.

This part of the valley also has potential to generate wind power. Camp Williams has a wind turbine generator on its property near the Jordan River narrows. The potential for additional wind turbine generators has not been studied in

Herriman, but is a possibility for the Traverse Mountain ridge in the East Plan Area. Herriman City could eventually become a power provider to its residents and plans to study this possibility in the future.

**3.6.5 Solid waste**

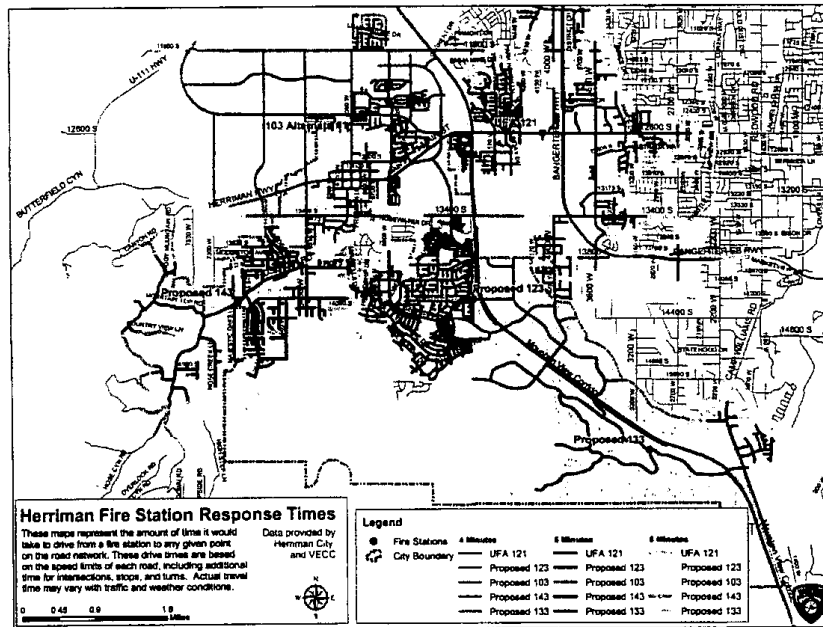
Trash and recycling pickup will be provided in this area by Salt Lake County Waste Management.

**3.6.6 Fire and Police**

Fire and police service will expand to ensure the safety of residents and businesses in this area. In addition, the city needs to deal with brush fires and the urban-wildland interface. Fire protection and emergency medical services (paramedics) are provided to Herriman City by Unified Fire Authority and will expand to cover the East Plan Area. Typically, the land for new stations is provided by the city (or developer) and the station is built by the fire department. Future stations will be paid for through bonds undertaken by the Unified Fire Authority.

The locations of fire and police stations will be determined by special study before final approval will be given to new development in the East Plan Area. Fire stations serve a response-time radius of approximately 2 miles. A new station will open in the East Plan Area near the intersection of Rosecrest Road and Mt. Ogden Peak Rd. in 2008. Two additional stations are anticipated for the East Plan Area – one at the southeast corner of the area and one on the Laguna/Malibu ridgetop. Provisions are being made to accommodate wildland firefighting within one new station in Herriman and a higher-level training, rescue or hazardous materials center. Police and fire station coverage is shown in Figure 6: Police and fire station service areas.

Figure 6: Police and fire station service areas.



Source: Herriman City and United Fire Authority

Police service will be provided by Salt Lake County Sheriff, as it is for the rest of Herriman City. According to a standard of 0.88 deputy per one 1,000 population, it is expected that the East Plan Area will need at least 26 additional officers. Herriman's main police station will be located at the new city building in the North Plan area. Additional police

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facilities will likely be substations located within fire stations. Herriman City may develop its own police force in the future.

### 3.7 Economic Element

Herriman City is planning to develop its first *Economic Development Master Plan* in 2008. Development proposals for the East Plan Area should help Herriman City achieve its economic goals for the long term. The *Economic Development Master Plan* should address the following areas:

1. Moderate Income Housing Element
2. Employment Goals
  - a. Types of jobs desired
  - b. Possible business clusters
  - c. Jobs to Households Goal
    - i. A common suburban goal of and 1 job per 2 households would yield approximately 5,000 jobs for an eventual population of 10,000 households,
3. Industrial Use Goals
  - a. Types of industries desired
  - b. City revenue goal generated from this land use
  - c. Square footage goal for this land use to generate desired city revenues
  - d. Infrastructure needed to support this use
4. Commercial Use Goals
  - a. Commercial leakage study for retail spending outside of Herriman City
  - b. Types of commercial desired
  - c. City revenue goal generated from this land use
  - d. Square footage goal for this land use to generate desired city revenues
  - e. Infrastructure needed to support this use
  - f. Timing and phasing of associated housing and infrastructure
  - g. Relationship to transit



### 3.8 Military Activities

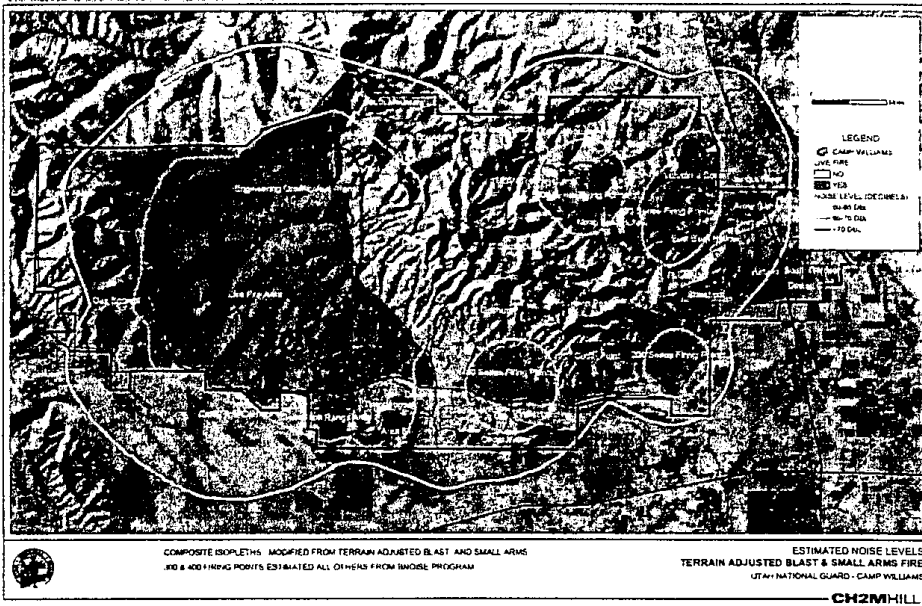
Herriman City borders Camp Williams, a military facility owned and managed by the United States Department of Defense and currently operated by the Utah Army National Guard. Herriman City supports ongoing operations of this important military base. Herriman City intends to cooperate with Camp Williams in managing their border and supporting compatible uses along this border. Herriman City also intends to protect the safety and welfare of residents and the general public by supporting an appropriate buffer and safety measures for lands within this zone.

Activities here may include, but are not limited to: training of military personnel in combat, emergency response and other military operations; weapons deployment; helicopter, tank and large machinery operation; and other activities as determined by the Department of Defense. Activities may have adverse impacts including, but not limited to: excess noise, light, and dust.

Camp Williams has special circumstances that should be addressed through a specific zone and design guidelines. Federal regulations supercede local ordinances and regulations. Thus, this land use designation has been established to identify this area, not to impose local regulations upon it. Herriman City plans to draft and adopt a zoning designation for this area. This designation should include:

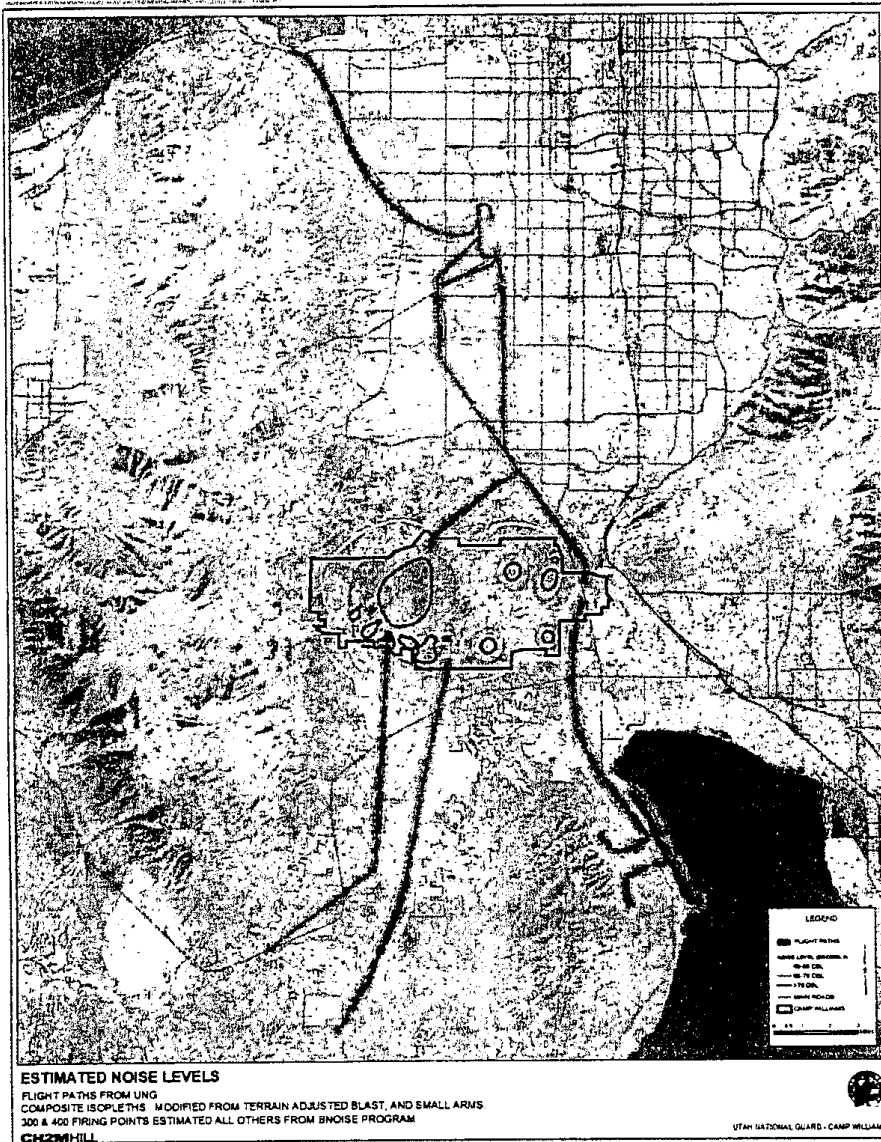
- a. The planning context – unique issues that need to be known
- b. Federal regulations that apply to Camp Williams that could impact this zone
- c. Open Space setback or buffer, preferably 1320 feet (1/4 mile) as fire break and safety zone, as per Camp Williams recommendations.
- d. FireWise 2000 vegetation designs, as per Camp Williams recommendations.
- e. Fencing, as per Camp Williams recommendations.
- f. Notice placed on plat maps indicating proximity to training, impact or weapons ranges, as per Camp Williams recommendations.
- g. Other considerations:
  - i. goat breaks,
  - ii. emergency egress roads (not Standard Operating Procedure)
  - iii. noise impacts, (as shown in Figures 6 and 7 that follow)
  - iv. aviation corridors and associated zoning
  - v. fire threat and fire history
  - vi. habitat, wildlife, vegetation and proposed wildlife crossing locations
  - vii. cultural sites
  - viii. trails
  - ix. well location
  - x. windmill locations

Figure 7: Estimated Noise Levels from Artillery impacts at Camp Williams



- POOR COPY -  
CO. RECORDER

Figure 8: Estimated Noise Levels from Aircraft and Artillery at Camp Williams



- POOR COPY -  
 CO. RECORDER

## **PART 4 - Implementation**

### **4.1 Recommended Plan and Ordinance Changes**

In order to bring the East Area Master Plan in line with the current Herriman City General Plan and other applicable city, county and regional agency plans, the following steps are recommended:

1. Adopt the *Utah Wildland Interface Code (2006)* and *Unified Fire Authority Wildland Interface Graphic Representation Guide*.
2. Adopt the draft *Herriman City Parks, Recreation, Trails and Open Space Master Plan* and the *Southwest County Parks and Trails Master Plan*.
3. Adopt a groundwater protection ordinance.
4. Adopt a Hillside Overlay Zone ordinance for this area.
5. Update the economic element of the General Plan.
6. Update moderate income housing element of the General Plan.
7. Adopt a Military Activities Zone pertaining to Camp Williams land.

### **4.2 Design guidelines for East Plan Area**

In order to ensure compatible design of buildings, site features and landscapes, design can be used to provide an additional level of oversight and continuity. These guidelines are recommended:

1. Use existing city design guidelines for:
  - a. *Medium Density Residential Design Guidelines (May 2007)*
  - b. *High Density Residential Design Guidelines (May 2007)*
  - c. *Commercial Design Guidelines (May 2007)*
2. Add guidelines that address the specific needs of the East Plan Area for:
  - a. Site Design
    - i. Site development standards
    - ii. Grading – applies to Laguna/Malibu
    - iii. Ridgeline – what points can be viewed from where
    - iv. Landscape standards (*Herriman City recommended trees and shrubs list*)
    - v. Preservation of existing trees and vegetation
    - vi. Park strip landscape
    - vii. Lighting, pathway lighting
    - viii. Wildfire
    - ix. Signage
    - x. Stormwater pollution protection
    - xi. Limits of disturbance
    - xii. Noise mitigation
    - xiii. Street tree requirement / ordinance
    - xiv. Sidewalks and pathways
    - xv. Parcel lot size (commercial)
    - xvi. Trails
    - xvii. Fence, walls and retaining
    - xviii. crosswalks
  - b. Structures
    - i. Porches, decks and overhangs
    - ii. Architectural standards
    - iii. open space – Passive and active
    - iv. Loading areas and accessory equipment
    - v. Garages and accessory buildings
    - vi. Storage
    - vii. Exterior materials
    - viii. Elevations
    - ix. Roofs

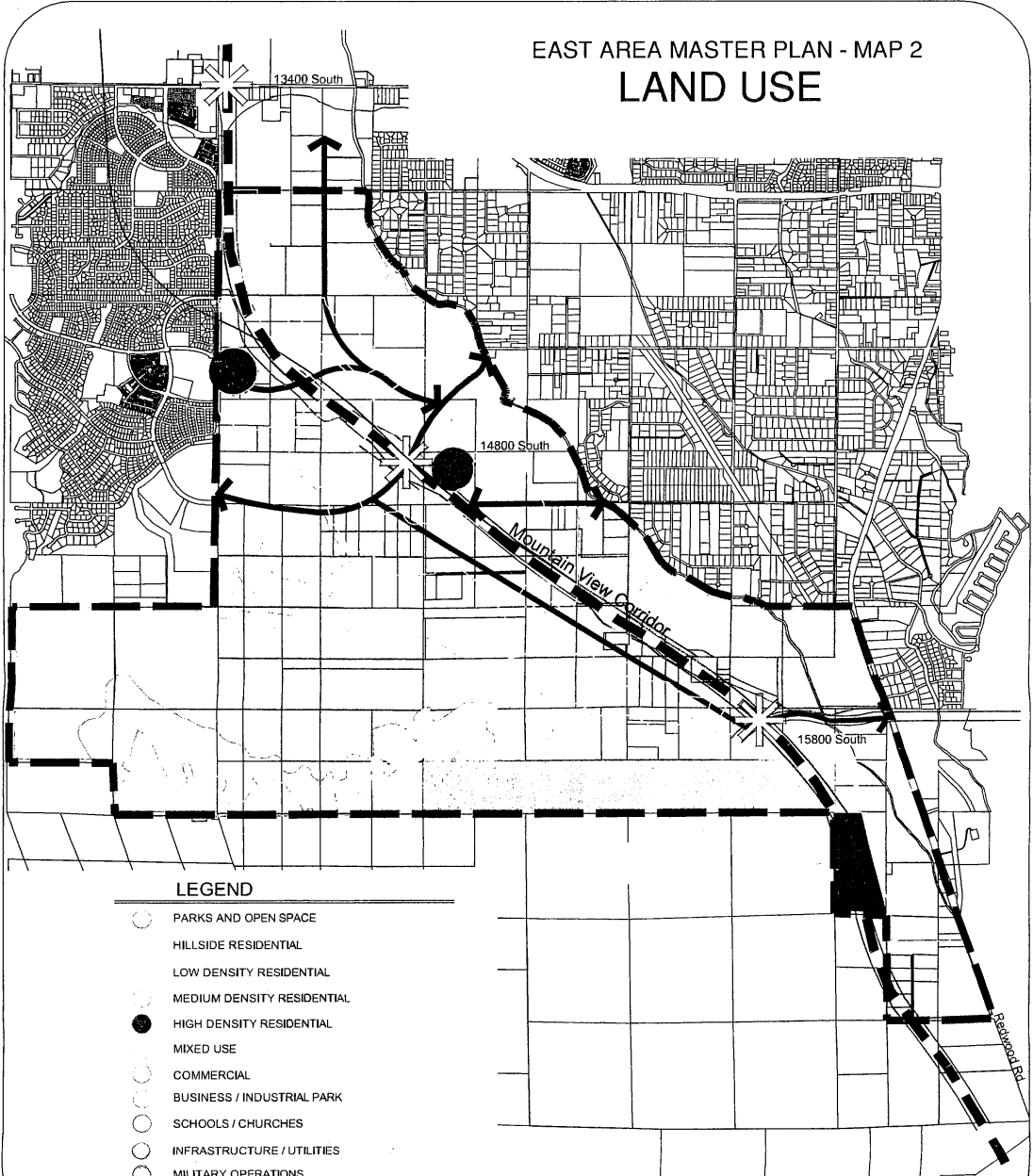
- x. Style and character

#### 4.3 Recommended Actions

In order to achieve many of the goals of the East Area Master Plan, Herriman City should initiate several special projects, including:

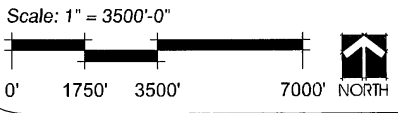
1. Formulate a deed notice or restriction to warn residents adjacent to Camp Williams of the special circumstances there.
2. Establish a preferred City alignment for the Bonneville Shoreline Trail.
3. Acquire land around the Bonneville Shoreline Trail serve as a buffer to Camp Williams.
4. Identify and acquire other priority open spaces in the City.
  - a. The Salt Lake County Open Space Fund can provide matching funds (up to 50% of the cost) for projects preserving important open spaces (typically defined by significant wildlife, recreation or watershed importance, also includes public safety/welfare concerns , such as watershed). Herriman City could apply for funds for the Bonneville Shoreline Trail and cultural sites near it. Application details can be found at <http://www.openspace.slco.org/html/mission.html>
    - i. Landowners could do a “bargain sale” of the part of their land we wish to acquire to make up the 50% match. Bargain sale is selling to the County for less than the market value and taking a tax write-off for the difference.
    - ii. The County would own the land and a third party (like Utah Open Lands, or maybe even US DOD) would own the easement prohibiting development in perpetuity
5. Consider applying for federal funding to develop planning strategies to protect the future of Camp Williams, including:
  - a. ACUB application – Army Compatible Use Boundaries
  - b. JLUS application – Joint Land Use Strategies

EAST AREA MASTER PLAN - MAP 2  
**LAND USE**



**LEGEND**

- PARKS AND OPEN SPACE
- HILLSIDE RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- MIXED USE
- COMMERCIAL
- BUSINESS / INDUSTRIAL PARK
- SCHOOLS / CHURCHES
- INFRASTRUCTURE / UTILITIES
- MILITARY OPERATIONS
- EAST PLAN AREA
- HIGHWAY INTERCHANGES



Founded 1851

**Herriman**

Map produced by MGB+A  
 February 2008

# EXHIBIT C SOUTH HILLS DEVELOPMENT APPROVED P.U.D.

(APPROVAL DATE: 01-15-2009)

**DA**  
DEVELOPMENT ASSOCIATES, INC.  
1060 SOUTH JORDAN PARKWAY  
SOUTH JORDAN, UTAH 84095  
801-488-3414

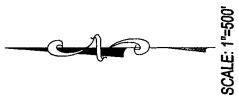
NO.	REVISION	BY	DATE
1	REVISED AS APPROVED P.U.D.		2-27-09

PROJECT NO.	1816
DATE	08/27/08
DRAWN BY	SM
SCALE (VERT.)	N/A
SCALE (HORIZ.)	1"=500'

**SYNERGY CONSULTANTS**  
1111 East Draper Parkway  
Suite 103  
Draper, Utah 84020  
Tel: 801-748-1190  
Fax: 801-748-1119

**SOUTH HILLS DEVELOPMENT  
LAND USE MASTER PLAN**  
HERRIMAN, UTAH

SHEET  
EX1

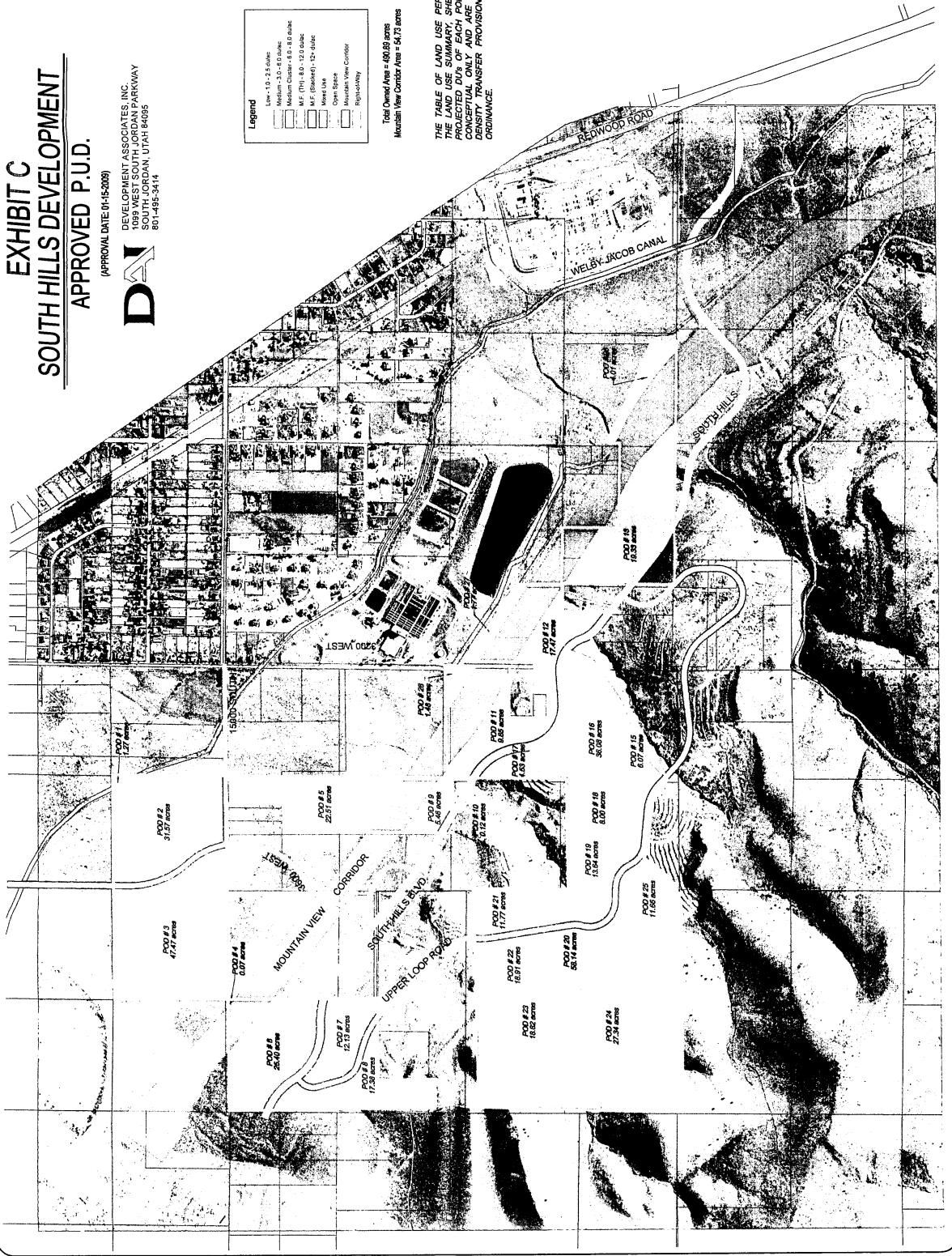


**Legend**

[Symbol]	Low - 12-25 Units
[Symbol]	Medium - 25-45 Units
[Symbol]	High - 45-60 Units
[Symbol]	M.T. (Town) - 60-120 Units
[Symbol]	M.T. (Suburban) - 12-40 Units
[Symbol]	Open Space
[Symbol]	Mountain View Corridor
[Symbol]	Right-of-Way

Total Owned Area = 600.89 acres  
Mountain View Corridor Area = 54.73 acres

THE TABLE OF LAND USE PER POD SHOWN ON THE LAND USE SUMMARY, SHEET E02, AND THE DENSITY OF EACH POD OF THE SOUTH HILLS DEVELOPMENT SHALL BE SUBJECT TO THE DENSITY TRANSFER PROVISIONS OF THE P.U.D. ORDINANCE.



# SOUTH HILLS DEVELOPMENT LAND USE SUMMARY

**DA**  
DEVELOPMENT ASSOCIATES, INC.  
1069 WEST SOUTH JORDAN PARKWAY  
SOUTH JORDAN, UTAH 84095  
801-495-3414

Land Use Calc's			
Pod	Land Use	Acres	Projected DUs
1	Open Space	1.27	0
2	Medium	31.57	178
3	Medium Cluster	47.47	437
4	Mixed Use	22.51	240
5	Medium Cluster	22.51	240
6	Mixed Use	25.40	200
7	M.F. (TH)	12.13	84
8	M.F. (TH)	17.38	103
9	Medium Cluster	5.46	72
10	Open Space	0.12	0
11	Open Space	9.85	0
12	Mixed Use	17.47	88
13	Mixed Use	19.33	212
15	Open Space	6.07	0
16	Low	36.08	61
17	Open Space	4.53	0
18	Open Space	8.00	0
19	M.F. (MH)	13.64	136
20	Open Space	58.14	0
21	M.F. (MH)	11.77	80
22	M.F. (TH)	18.91	134
23	Low	18.82	23
24	Low	27.34	35
25	M.F. (TH)	11.66	78
26	Mixed Use	4.01	0
27	Mixed Use	1.77	0
28	M.F. (TH)	1.48	0
MVC		54.73	
<b>Total</b>		<b>490.89</b>	<b>2209</b>

Land Use	Acres	%
Low	77.23	15.7%
Medium	31.57	6.4%
Medium Cluster	75.44	15.4%
M.F. (TH)	105.63	21.5%
M.F. (MH)	24.24	4.9%
Mixed Use (Res)	24.24	4.9%
Mixed Use (Com)	9.00	1.8%
Open Space*	87.98	17.9%
Mountain View	54.73	11.2%
Rights-of-Way	21.19	4.4%
<b>Total</b>	<b>490.89</b>	<b>100%</b>

\*Area only includes pods that are open space and does not include parks and open spaces contained within a development pod. See Summary table below for overall open space totals.

Open Space		
Pod	Area (acres)	Type
1	1.27	Active
10	0.12	Passive
11	9.85	Passive
15	6.07	Passive
17	4.53	Active
18	8.00	Active
20	58.14	Active
<b>Total</b>	<b>87.98</b>	

Legend	
Low - 1.0 - 2.5 du/ac	
Medium - 3.0 - 6.0 du/ac	
Medium Cluster - 6.0 - 8.0 du/ac	
M.F. (TH) - 8.0 - 12.0 du/ac	
M.F. (Stacked) - 12+ du/ac	
Mixed Use	
Open Space	
Mountain View Corridor	
Right-of-Way	

Open Space Summary	
Total Site Area	490.89
Mountain View Corridor	54.73
Major Rights-of-Way	21.19
Net Site Area	414.97
Total Open Space	87.98
	21.2%

Total Landscaped Open Space	17.84
Total Natural Open Space	70.14
Total Multi-family	3.98
Required Open Space (20%)	0.80
Provided Open Space	0.80
	20%

Total Mixed Use	67.98
Required Open Space (15%)	10.20
Provided Open Space	10.20
	15%

NO.	DESCRIPTION	REV.	DATE
1	COMBINED OPEN SPACES IN 24 A'S	MVC	2-17-09

SCALE (GRAPH): N/A
SCALE (TEXT): 1/8" = 1'-0"
DATE: 08/21/08
PROJECT NO.: 1816
DRAWN BY: SPW
CHECKED BY: N/A

**CONSULTANTS**  
1111 East Dreaper Parkway  
Suite 103  
Draper, Utah 84020  
Tel: 801-748-1190  
Fax: 801-748-1119

**SOUTH HILLS & ROSECREST**  
LAND USE SUMMARY  
HERRIMAN, UTAH

SHEET  
EX2

### GENERAL NOTES:

- Development of sites for churches, schools, or other community facilities will not effect the land use calculations shown above.
- Acres shown are based on record information only.
- Density calculation: 2209 (Total Units) / 490.89 (Total Acres) = 4.5 (Overall Density)



# **SOUTH HILLS**

City's Vested Laws

(CD of current laws will be added)

# EXHIBIT E - SHEET 1 OF 8

## SOUTH HILLS DEVELOPMENT PARKS & TRAILS MASTER PLAN



DEVELOPMENT ASSOCIATES, INC.  
1099 WEST SOUTH JORDAN PARKWAY  
SOUTH JORDAN, UTAH 84095  
801-485-3414

THIS PLAN IS GENERAL AND SCHEMATIC IN NATURE, AND  
SUBJECT TO MODIFICATION AND FINAL DESIGN AND APPROVAL  
BY THE CITY AT FINAL SUBDIVISION PLAT DESIGN.

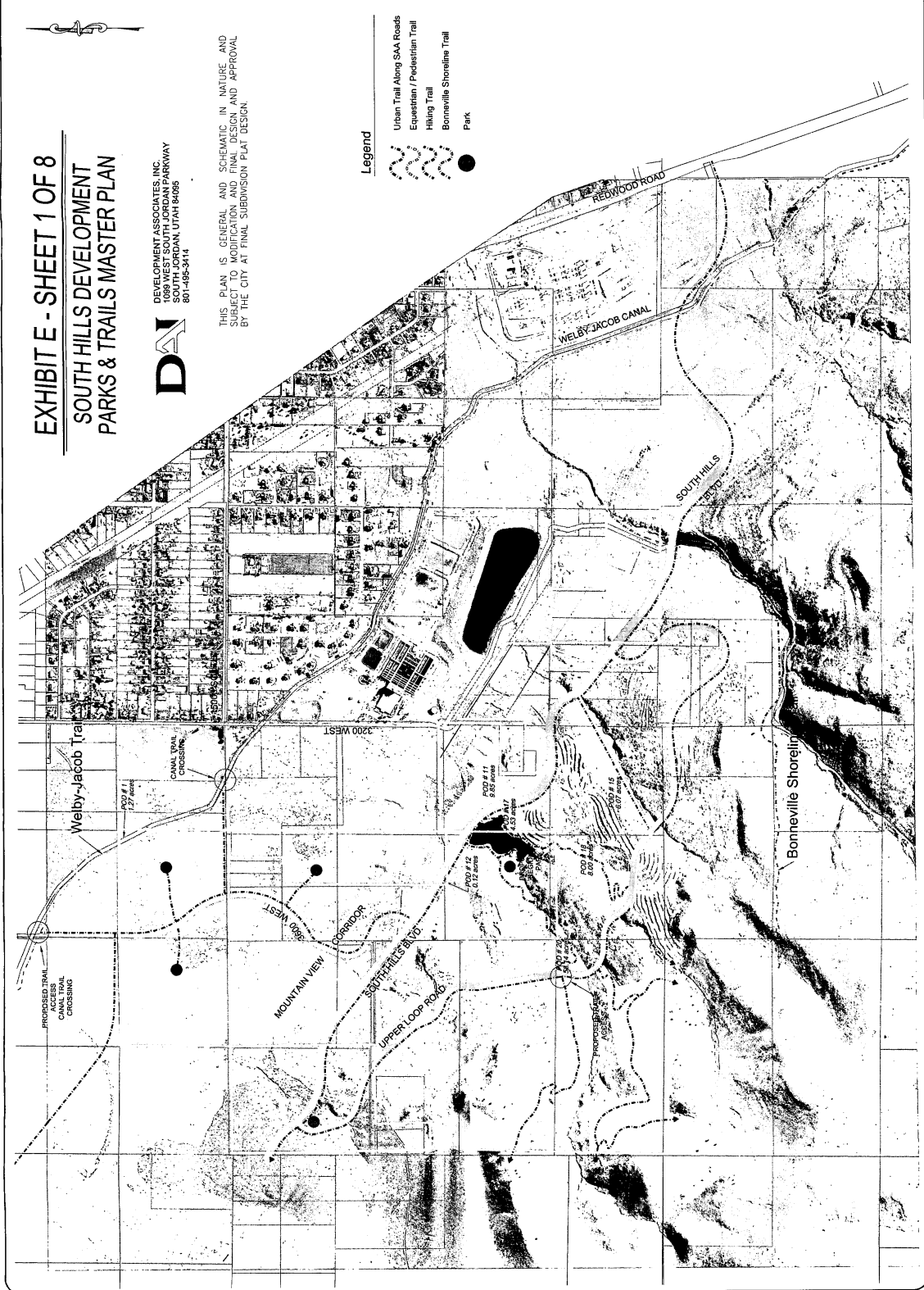
NO.	DESCRIPTION	REV.	DATE

SCALE (HORIZ.): 1" = 500'  
SCALE (VERT.): N/A  
DRAWN BY: JHT  
DATE: 08/26/08  
PROJECT NO: 1915

1111 East Draper Parkway  
Suite 103  
Draper, Utah 84020  
Tel: 801-748-1190  
Fax: 801-748-1119  
SYNERGY CONSULTANTS

SOUTH HILLS DEVELOPMENT  
PARKS & TRAILS MASTER PLAN  
HERRIMAN, UTAH

SHEET  
EX 4





# EXHIBIT E - SHEET 3 OF 8

## SOUTH HILLS DEVELOPMENT CULINARY WATER MASTER PLAN

**DAI**  
DEVELOPMENT ASSOCIATES, INC.  
1088 WEST SOUTH JORDAN PARKWAY  
SOUTH JORDAN, UTAH 84095  
801-485-3414

THIS PLAN IS GENERAL AND SCHEMATIC IN NATURE AND SUBJECT TO MODIFICATION AND FINAL DESIGN AND APPROVAL BY THE CITY AT FINAL SUBDIVISION PLAT DESIGN.

NO.	DESCRIPTION	DATE

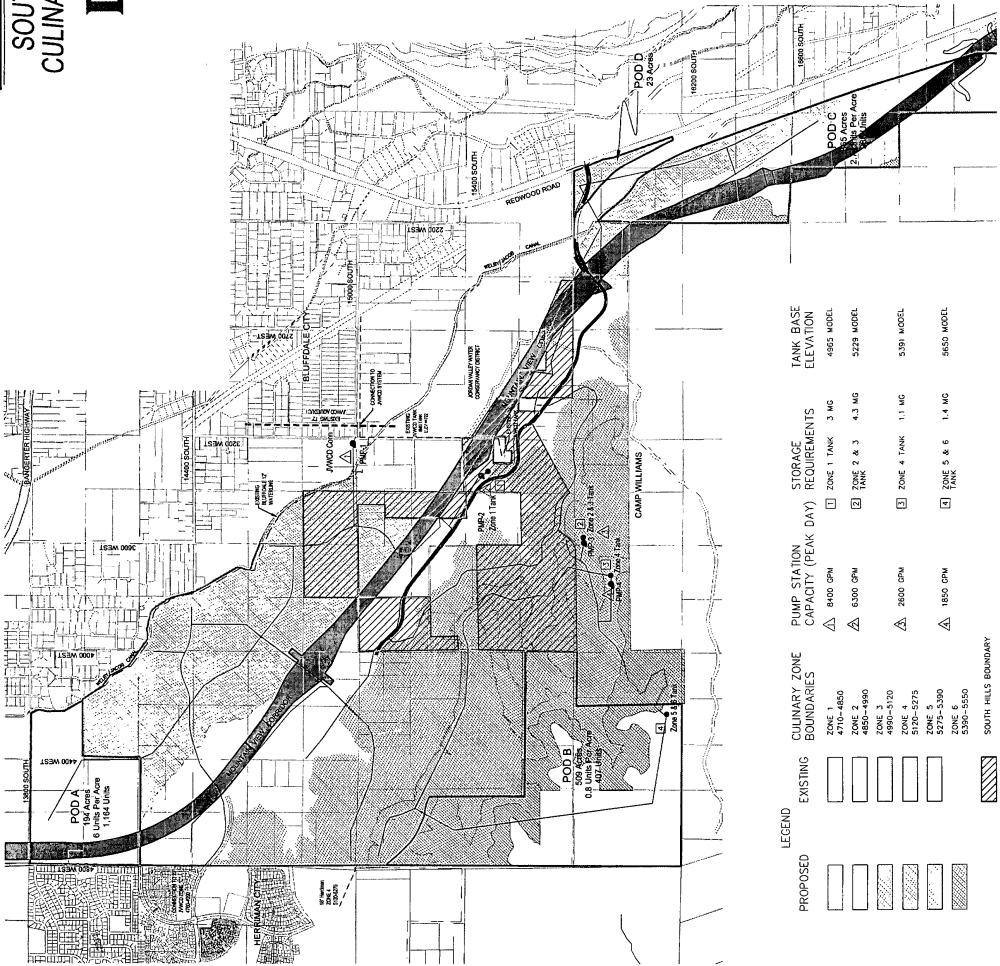
PROJECT No. 1816  
DATE: 07/20/08  
DRAWN BY: JHT  
SCALE (VERT): N/A  
SCALE (HORIZ): N/A

1111 East Draper Parkway  
Suite 103  
Draper, Utah 84020  
Tel: 801-748-1190  
Fax: 801-748-1119



**SOUTH HILLS & ROSECREST  
CULINARY WATER MASTER PLAN**  
HERRIAMAN, UTAH

SHEET  
EX6



COLOR CODING LEGEND  
PIPE DIAMETER (in)

—	≤ 8.0
—	≤ 12.0
—	≤ 14.0
—	≤ 16.0
—	≤ 18.0
—	≤ 20.0
—	≤ 24.0
—	≤ 30.0

NOTE: ALL UTILITY PIPE/TANK SIZING AND LOCATION WILL BE VERIFIED AT FINAL SUBDIVISION PLAT DESIGN  
THE MOUNTAIN VIEW CORRIDOR IS SUBJECT TO CHANGE.

LEGEND

PROPOSED	EXISTING	CULINARY ZONE BOUNDARIES	PUMP STATION CAPACITY (PEAK DAY)	STORAGE REQUIREMENTS	TANK BASE ELEVATION
[Pattern]	[Pattern]	ZONE 1 4710-4800	△ 8400 GPM	☐ ZONE 1 TANK 3 MG	4865 MODEL
[Pattern]	[Pattern]	ZONE 2 2490	△ 6300 GPM	☐ ZONE 2 & 3 TANK 4.3 MG	5229 MODEL
[Pattern]	[Pattern]	ZONE 3 4990-5120	△ 2600 GPM	☐ ZONE 4 TANK 1.1 MG	5391 MODEL
[Pattern]	[Pattern]	ZONE 4 5120-5275	△ 1850 GPM	☐ ZONE 5 & 6 TANK 1.4 MG	5650 MODEL
[Pattern]	[Pattern]	ZONE 5 5275-5300			
[Pattern]	[Pattern]	ZONE 6 5300-5500			
[Pattern]	[Pattern]	SOUTH HILLS BOUNDARY			







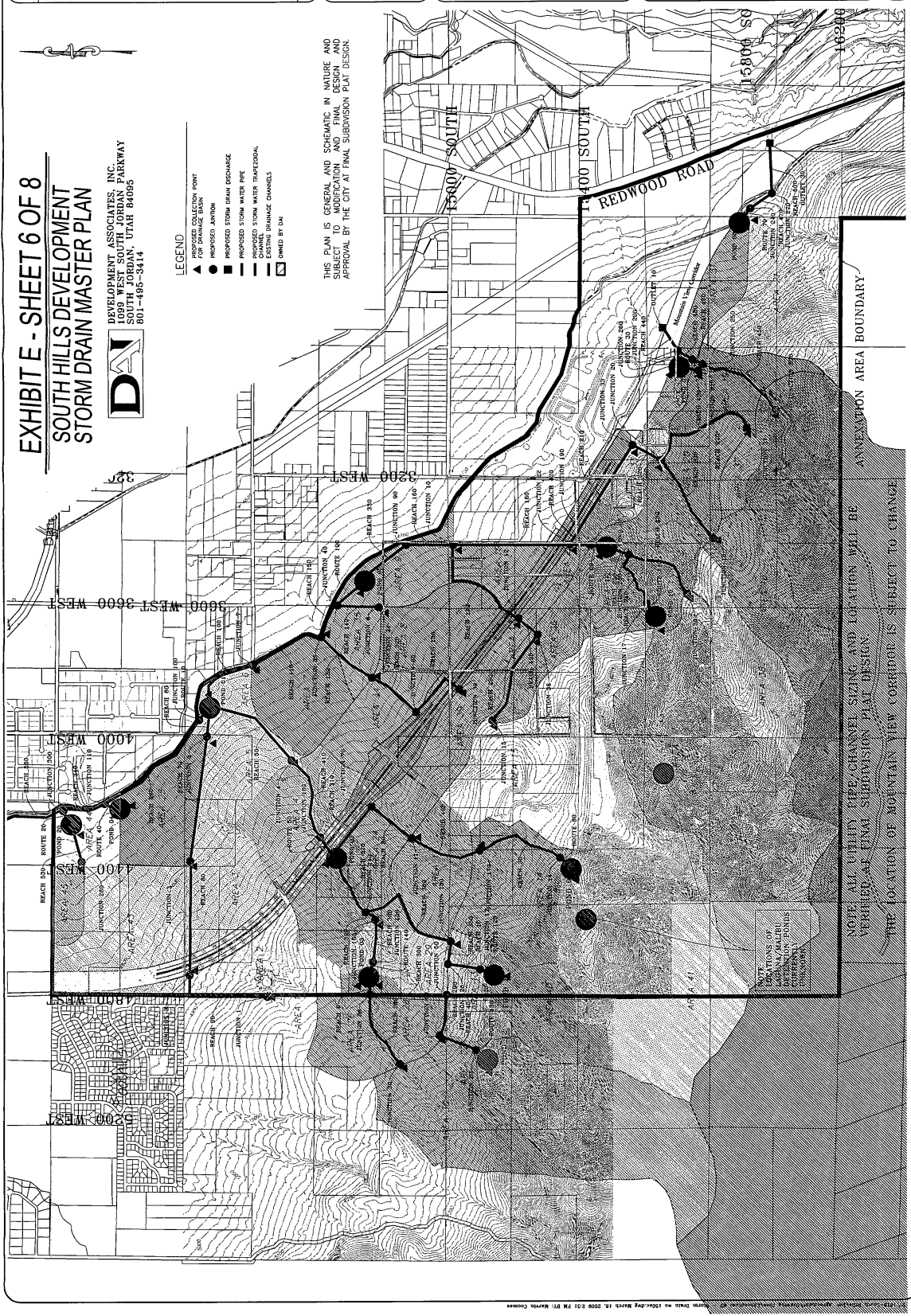
# EXHIBIT E - SHEET 6 OF 8

## SOUTH HILLS DEVELOPMENT STORM DRAIN MASTER PLAN

**DAN** DEVELOPMENT ASSOCIATES, INC.  
1000 WEST 3600 SOUTH, SUITE 400  
SOUTH JORDAN, UTAH 84095  
801-495-3414

- LEGEND**
- ▲ PROPOSED COLLECTION POINT FOR DRAINAGE BASIN
  - PROPOSED ANTIION
  - PROPOSED STORM DRAIN DISCHARGE
  - PROPOSED STORM WATER PIPE
  - - - PROPOSED STORM WATER TRAPEZOIDAL
  - EXISTING DRAINAGE CHANNELS
  - ▨ OWNED BY DAN

THIS PLAN IS GENERAL AND SCHEMATIC IN NATURE AND NOT BE USED FOR CONSTRUCTION AND APPROVAL BY THE CITY AT FINAL SUBDIVISION PLAN DESIGN.



NO.	DESCRIPTION	BY	DATE

SCALE (HORIZ): N/A  
SCALE (VERT): N/A  
DRAWN BY: JHT  
DATE: 07/20/08  
PROJECT NO: 1516

**S Y N E R G Y**  
CONSULTANTS  
1111 East Draper Parkway  
Suite 103  
Draper, Utah 84020  
Tel: 801-748-1190  
Fax: 801-748-1119

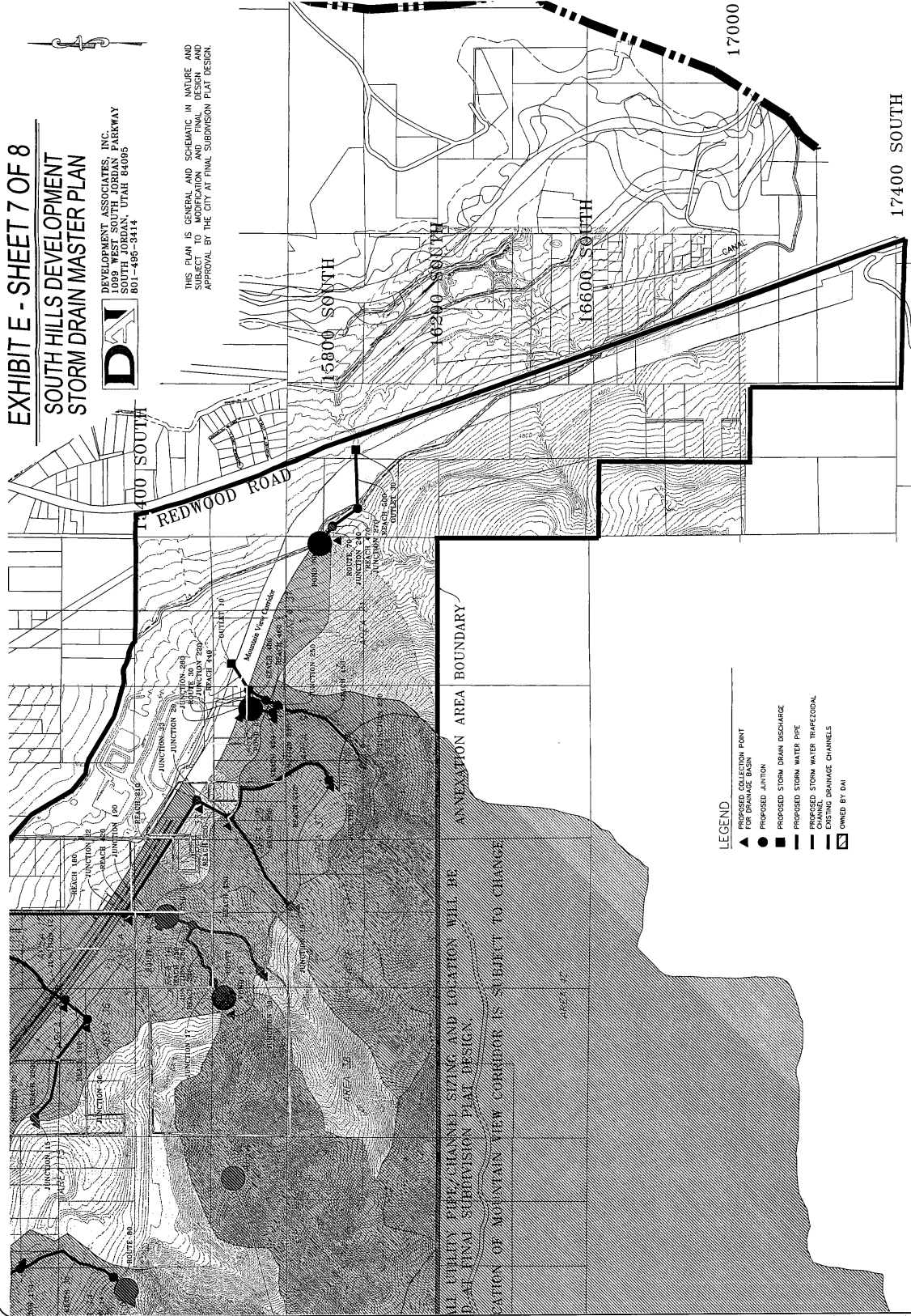
**SOUTH HILLS & ROSECREST  
STORM DRAIN MASTER PLAN**  
HERRIAN, UTAH

SHEET  
EXB-1

**EXHIBIT E - SHEET 7 OF 8**  
**SOUTH HILLS DEVELOPMENT**  
**STORM DRAIN MASTER PLAN**

**DAI**  
 DEVELOPMENT ASSOCIATES, INC.  
 100 SOUTH JORDAN, SUITE 200  
 SOUTH JORDAN, UTAH 84095  
 801-495-3414

THIS PLAN IS GENERAL AND SCHEMATIC IN NATURE AND SUBJECT TO MODIFICATION AND FINAL DESIGN AND APPROVAL BY THE CITY AT FINAL SUBDIVISION PLAT DESIGN.



- LEGEND**
- ▲ PROPOSED COLLECTION POINT FOR DRAINAGE BASIN
  - PROPOSED JUNCTION
  - PROPOSED STORM DRAIN DISCHARGE
  - PROPOSED STORM WATER PIPE
  - - - PROPOSED STORM WATER TRIANGULAR EXISTING DRAINAGE CHANNELS
  - ▭ OWNED BY DAI

ALL UTILITY PIPE CHANNEL SIZING AND LOCATION WILL BE DETERMINED AT FINAL SUBDIVISION PLAT DESIGN. CAUTION OF MOUNTAIN VIEW CORRIDOR IS SUBJECT TO CHANGE.

NO.	DESCRIPTION	DATE

PROJECT No. 1816  
 DATE: 07/20/08  
 DRAWN BY: JHT  
 SCALE (VERT): N/A

SCALE (HORIZ): N/A  
 1111 East Draper Parkway  
 Suite 103  
 Draper, Utah 84020  
 Tel: 801-748-1190  
 Fax: 801-748-1119



**SOUTH HILLS & ROSECREST**  
 STORM DRAIN MASTER PLAN  
 HERRIMAN, UTAH

SHEET  
 EX-2

7/1/08 South Hills/ Rosecrest Agreement/ Drawing Title/ Original MR - Storm Drain - No Issue/ Rev 13, 2008 2:31 PM 07/27/08/ Merrett/ Checked



**EXHIBIT E - SHEET 8 OF 8**  
**SOUTH HILLS DEVELOPMENT**  
**TRANSPORTATION MASTER PLAN**

**DAI**  
 DEVELOPMENT ASSOCIATES, INC.  
 1089 WEST SOUTH JORDAN PARKWAY  
 SOUTH JORDAN, UTAH 84095  
 801-495-3414

THIS PLAN IS GENERAL AND SCHEMATIC IN NATURE AND SUBJECT TO MODIFICATION AND FINAL DESIGN AND APPROVAL BY THE CITY AT FINAL SUBDIVISION PLAT DESIGN.




**LEGEND**

- 60' RIGHT OF WAY
- 66' RIGHT OF WAY
- 90' RIGHT OF WAY
- 116' RIGHT OF WAY
- MOUNTAIN VIEW CORRIDOR
- MOUNTAIN VIEW BOUNDARY

NO.	DESCRIPTION	DATE

PROJECT NO. 1816  
 DATE: 07/26/08  
 DRAWN BY: JHF  
 SCALE (VERT): N/A  
 SCALE (HORIZ): 1" = 500'

**SYNERGY CONSULTANTS**  
  
 1111 East Draper Parkway  
 Suite 103  
 Ogden, Utah 84020  
 Tel: 801-748-1190  
 Fax: 801-748-1119

**SOUTH HILLS DEVELOPMENT**  
 TRANSPORTATION MASTER PLAN  
 HERMAN, UTAH

SHEET  
**EX9**

THE MOUNTAIN VIEW CORRIDOR IS SUBJECT TO CHANGE.

**SOUTH HILLS**  
*A Master-Planned Community*

Exhibit F

- **Low Density Residential (LDR)**
- **Medium Density Residential (MDR)**
- **Medium Density Cluster (MDC)**
- **High Density Residential (HDR)**
- **Mixed Use (MU2)**

**TECHNICAL GUIDELINES**  
**Final**

March 18, 2009

## **1.0 Executive Summary**

These Guidelines are to act as an intermediary link between the main body of the Master Development Agreement and the Master CC&Rs for the overall South Hills Development. Contained herein are the basic standards for development of master planned improvements, pods, lots, structures, landscaping, and other site improvements such as lighting, signage, and monumentation. Also included in these Guidelines are the processes whereby designs are to be prepared, submitted, reviewed, and approved. Assignment of approval authority is laid out and enforcement mechanisms are discussed. More detail regarding the mechanics or legal processes governing the project's development is included in the Master CC&Rs.

The information in the South Hills Residential Technical Guidelines is for Low, Medium, Medium Cluster, Mixed Use, and High Density development. These guidelines establish patterns of design for the appearance, functionality, and themeing of the South Hills Development (as identified in the Approved PUD). The intent of these guidelines is to allow for ingenuitive and creative design of the project while maintaining continuity of style, theme, and quality.

The standards and guidelines in this document consider the natural environment of the project itself, the surrounding environment of the project, and the future environments or communities that will be created as the project is developed. These Guidelines also consider and plan for the engineering, land planning, landscape architecture, and building architecture that will occur on a phase by phase basis in the future. Visual quality, functionality and safety are all key aspects of these Design Guidelines. Unique and creative design principles are also discussed in these guidelines which will enhance the desirability and long term viability of the communities created within the South Hills development, and within the surrounding affected areas.

The Technical Guidelines are to guide the decisions that are made by the South Hills Design Review Committee (SHDRC) when reviewing applications for development or construction.

Neighborhoods will be characterized by a variety of lot sizes and configurations. Variations in setbacks, both in front and back and from side to side are encouraged. Uniformity in front facades should be avoided in most pods depending on architectural product. Land planning, engineering, landscape architecture, and building architecture should all emphasize and design for the availability of viewscapes, and other natural and manmade amenities.

## **2.0 Design Review Process**

### **2.1 Overview**

Prior to submitting applications to the City all development applications shall follow the intermediary SHDRC process. All development proposals must first be submitted, reviewed, and approved by the SHDRC according to the process outlined in this section.

These Guidelines should be made available to those who purchase lots or units in the South Hills project. Copies of these documents shall be available for review at the offices of South Hills Development during normal business hours. Additional copies may be purchased for a nominal fee that is determined solely by the SHDRC.

## **2.2 Submittals of Subdivisions, Commercial Site Plans**

All aspects of the City submittal are to be prepared and submitted for review to the SHDRC.

## **2.3 Submittals of Individual Lot Improvements/Building Permit Applications**

Three sets of plans detailing any building improvements or changes to a lot, dwelling, building, structure or any other improvement requiring a permit or that is normally governed by a City ordinance shall be submitted to the SHDRC for approval. All plans shall be drawn to scale, on a sheet size of 24" x 36". In addition to meeting the minimum requirements of this document, each application, for approval, must achieve a minimum score of 10-points or more for upgrades as detailed in Attachment A. The plan submittal shall include the following information:

- A. South Hills Design Review Committee Review Application
- B. Site Development Plans that include the following (all plans must be prepared by a qualified engineer, licensed to practice in the State of Utah):
  - Lot boundary with dimensions and bearings
  - certified topographic information (existing grade contours at two foot intervals)
  - Identification of all existing features on the subject lot.
  - All adjacent parcels, right-of-way, or parcels with identification of same
  - Dimensioned building pad and other site improvements such as concrete flatwork,
  - Dimensioned extensions of building (i.e. decks, window wells, stairs, patios, etc.)
  - Locations of all easements, rights-of-way and setbacks
  - Front setback dimensions of adjacent lots
  - Location and size of any other regulated proposed improvements
  - Front, side and rear elevations of any architectural element or improvements
  - Grading and Drainage
  - Any retaining features in excess of four feet in height along with engineer's certification
  - Erosion control measures in compliance with State law.
- C. List of all exterior materials and colors, including samples of any unusual or custom materials
- D. Landscape plans and plant materials (where required)
- E. Any additional information as required by the SHDRC
- F. Rendering or picture of structure or modification proposed
- G. South Hills Scoring Chart (see Attachment A)

## **2.4 Accuracy of Information**

Any Applicant submitting plans to the SHDRC shall be responsible for verifying the accuracy of all components of the submittal package. The SHDRC reserves the right to reject any Development Application that does not accurately reflect existing ground or building conditions, or where any other misrepresentations may be included. Approval of an application by the SHDRC does not constitute actual or implied warranty with regard to site or building conditions.

## **2.5 Review Fees (All Fees are Privately Assessed)**

A reasonable fee will be charged for the review process. Any request for construction deemed unusual by the SHDRC may require the review of an expert in the field or a consultant. Fees for

such review will be charged to the Applicant. All review fees must be paid at the time of submittal or upon notification that a consultant will be used to complete the review.

An Applicant that proposes to construct the same house plan more than once may request an adjusted fee schedule for reviews by the SHDRC.

Applications, plans and fees shall be submitted to:

South Hills Design Review Committee  
Attention: Mr. Bob Peavley  
5983 Quail Creek Lane  
Highland, Utah 84003

### **2.6 Compliance with Guidelines**

Infrastructure and buildings construction shall conform to these guidelines. This includes new construction, modifications or additions to existing infrastructure or structures that may or may not require the issuance of a city permit. Landscaping, grading and site development work within the boundary of an individual lot is also covered by the requirements of this document.

### **2.7 Changes After Final Review**

There may be occasions when an Applicant desires to make a change that affects the design of the building or the site after construction documents are reviewed and approved. When an Applicant wishes to make a change, which deviates from the plans as approved by the SHDRC, including but not limited to floor plan, structural aspects, materials choices, colors, elevations changes, window location and size, porches, garage configuration and size, roof design, plot plan layout, grading, retaining, drainage, or erosion control, the applicant must submit a written request to the SHDRC along with a set of plans that clearly delineates the proposed change. No changes will be allowed unless approved by the SHDRC. The SHDRC reserves the right to charge an additional fee for this review process.

### **2.8 SHDRC Decisions**

The SHDRC shall review all submitted applications and shall furnish a written decision to the applicant setting forth the reasons for its decision, including the nature of any objections it has to the request. The SHDRC shall determine whether an application is complete and in compliance with these Guidelines. Incomplete applications will be returned to the applicant for re-submittal. In addition, the SHDRC may disapprove any application if the SHDRC, in its discretion, believes the applicant has not provided sufficient or accurate information or has not complied with the intent of these Technical Guidelines.

All decisions of the SHDRC shall be reported to the Herriman Planning/ Building Department. Two sets of approved plans shall be returned to the applicant and one set shall be retained by the SHDRC until construction of the proposed improvements is completed. At that time the SHDRC may dispose of the retained drawing and submittal package. In addition to the submittals required to obtain a building permit, the Applicant will be required to submit one SHDRC approved set of drawings to the Herriman Building Department with the building permit application.

### **2.9 No Liability for Approval of Plans**

Any approval of plans, specifications or proposed construction given by the SHDRC, or its designees, shall be only for the purpose of permitting construction of the proposed improvements within the South Hills Development as they relate to these Guidelines. Such approval shall not constitute compliance with any applicable City, County, State or Federal laws or regulations. Such approval shall not constitute an approval or endorsement of the quality of architectural and engineering soundness of the proposed improvements. The SHDRC shall have any liability in connection with or related to approved plans, specifications or improvements.

### **2.10 Exceptions**

Notwithstanding any language contained in other Development Agreement documents, exceptions to these Guidelines are to be made where said exception does not result in significant harm to any party involved. Exceptions are to be granted upon a finding that strict conformance to the Technical Guidelines requirements would:

1. Not create an unreasonable hardship or burden on Developer or Applicant,
2. Not have a substantially adverse effect on the owners or occupants of neighboring parcels
3. Be based on the site specific circumstances and constraints unique to the site or situation,
4. Constitute a balance of health, safety, general welfare objectives, and especially the original intent of the Development Guidelines and the overall Development Agreement of which they are a part.
5. In the case where the exception is technical in nature, a professional trained, licensed, and qualified in the appropriate field of expertise renders a certified opinion to justify the exception.

Exceptions which conform to the above criterion are to be reviewed and processed for permitting by the SHDRC and Herriman City.

### **2.11 Public Hearings**

Herriman City shall endeavor to notify the SHDRC of any and all public hearings involving properties within the South Hills project. Prior to placing a South Hills application on any public meeting agenda Herriman City staff shall endeavor to obtain a written review of any plan submittal which not only gives comment relative to the completeness and conformity of the proposal with these Guidelines, but also recommending the proposed application be reviewed by the City and then placed on an agenda.

### **2.12 Final Plat Mylars**

The City shall reasonably endeavor to assure that SHDRC is a signer on every final plat mylar. This is to provide assurance of conformity to these Guidelines.

## **3.0 Master Plan Standards**

“Backbone” infrastructure for the project has been engineered for: culinary water, secondary water, transportation (streets), wastewater, storm drainage, parks and trails and open space. These “backbone” facilities are generally not those specific to any given development pod. They are to be finally engineered or designed using the master plans provided in Exhibit E.

Design Guidelines for the master planned “backbone” facilities is to generally follow those for pod development.

#### **4.0 Pod Planning and Engineering**

##### **4.1 Streets-Geometric Design**

4.1.1 Accesses to a proposed pod or neighborhood should have connectivity with existing and future street patterns. The location and size of Collector and Arterial Streets shall generally follow the Master Transportation Plan located in Exhibit E of the Master Development Agreement, or the City’s Master Transportation Plan for East Herriman planning area. Individual houses, or multi-family building units, are anticipated to be accessed from public or private local streets; however, a private street standard or shared private driveway may be used.

4.1.2 The use of single access streets shall be allowed to promote efficient land planning and to minimize grading. Single access streets length shall not exceed 1,200 lineal feet.

4.1.3 Any all weather surfaces of sufficient width, grade, and configuration such as provided by grass pavers, shall be considered an ingress/egress access when classifying a neighborhood or pod as having dual access. Any all weather surface, as contemplated in this sub-section, can be used as the all weather surface for the second access to pods having 50 units or less. Gated accesses are to be permitted to any neighborhood or pod so long as adequate emergency response measures are taken relative to width and height of entrance, and gate opening controls.

4.1.4 Various street cross sections can be employed within any one given pod. As will be defined on a final plat, some streets can be public, while others may be private. The type of street access provided is dependent on the road classification, the need for pedestrian ways, side treatment considerations, land planning, landscaping requirements, topography, and product type and number.

4.1.5 Private roads may be gated at the option of the Developer. Public roads are not to be gated.

##### **4.2 Sidewalks, Trails, and Pathways**

The South Hills Development will include a wide variety of common area walkways, paths, and trails. The type of construction, size, and detailed location of these trails will be proposed by Developer and approved by the SHDRC, and the location will be approved by City during the design of each phase of construction. The eventual use and development need will be evaluated when determining the level of facility to be built. Standard sections for these improvements, and general alignments, are included in Attachment C and I, the Open Space and Trails Map and Trail Cross- Sections. Trails should be designed to loop, or to take people to destinations. They should not permanently dead end where possible.

##### **4.3 Crosswalks**

Use of crosswalks will be incorporated within the project, at intersections, within parking lots, or other needed pedestrian connections. Crosswalks will be configured to be a design feature of the development, i.e. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian design may be used to shorten walking distances

across open pavement. Medians may be used in appropriate areas to encourage walking, and to act as a “refuge” for crossing pedestrians.

**4.4 Parcel Lot Size**

Proposed lots are to meet the following size and configuration standards:

Map Designation	Average Allowable Lot Size	Minimum Lot Frontage	Minimum Cul-de-Sac Frontage (Arc Length at Setback)
Low	8,500 sf	65'	40'
Medium	4,000 sf	50'	30'
Medium Cluster	N/A	0' - See Setback requirements	0' - See Setback requirements
High	N/A	0' - See Setback requirements	0' - See Setback requirements

Notwithstanding the above, flag lots are permitted where topography and layout constraints limit conventional lot frontage configurations. As many as four (4) flag lots are permitted on a private access drive. Flag lots shall be at least 21,780 square feet in size.

**4.5 Building Same House Plan Multiple Times**

A streetscape is enhanced by architectural variety. An Applicant that proposes to build the same house more than one time must provide the requested information for each house. All variations of elevations for the house must be approved by the SHDRC. Additionally, the Applicant must submit all required site plan information to the SHDRC for review each time the floor plan is to be placed upon an individual lot within the development. The same house plan can only be constructed when the Applicant is in compliance with the applicable rules within these guidelines, which require the following:

The same house plan may be constructed every third house. This applies to both sides of the street. There must be at least (2) houses of differing floor plans between duplicative or the same house plan. To modify a duplicative house plan so that it is not considered exactly the same, the Applicant must incorporate at least three of the following architectural design changes:

- Altering 50% of the rooflines measured by viewing the front elevation
- Significantly changing color schemes
- Significantly altering siding textures or materials
- Moving or reconfiguring garages
- Increasing the number of windows or altering window configurations
- Increasing or altering covered porches
- Any changes subject to approval by SHDRC and City



#### **4.6 Grading Plans**

Development of each pod should be designed to cluster development product, minimize grading for the proposed pod, and reduce the need for cutting/filling and retaining as shown on the Approved PUD (see Exhibit C).

Each pod, or any other improvement area such as a park, should be graded for integrated use of roads, trails, yards, open spaces, building spaces, or other improvements. Grading design should also consider aesthetics, safety, and proper drainage. Grading plans may indicate cuts and fills and/or retaining as necessary to accomplish the above, and to provide buildable pads sufficient in number to meet project density objectives. Private lots should not drain onto other private lots unless appropriate swale or pipe conveyance is provided in the grading and drainage plan design. All such cross drainage (from one lot to another) should take place in an appropriate easement.

Retaining walls may be employed where necessary. Gradual long shallow cut or fill slopes may be used where area is sufficient. Retaining walls should be integrated with landscaping features to provide screening where possible. Appropriate structural and/or geotechnical engineering calculations and drawings are to be provided for each retaining wall scenario in a given pod development.

#### **4.7 Storm Drainage**

All drainage facilities required by a Development Application shall be designed for the 10-year 24-hour storm event with a discharge rate of .2 cfs/acre, and provide routing for the 100 year storm event per City ordinance. All detention systems are to release storm drain flows at pre-developed historic rates. The drainage system should be designed to use the regional detention facilities as outlined on the Storm Drain Master Plan (see Exhibit E). The use of neighborhood detention basins is allowed if the drainage cannot be reasonably taken to one of the regional facilities. The use of temporary detention or retention facilities may be approved in the event that regional detention facilities, or regional transmission facilities, are not completed according to the need of an individual pod. Adequate assurances are to be given that any temporary storm drainage facilities will be connected to permanent regional storm drainage facilities as development allows. The maintenance of any temporary facilities is the developer's responsibility.

Infiltration of storm drain water is an effective way to reduce storm water detention volumes and run-off volumes. The effects of ground infiltration can be included in the sizing of storm drainage detention facilities. Maintenance plans shall be provided showing the means by which infiltration systems can be cleaned to operate at original design infiltration rates. A financial mechanism shall be put in place to assure the City that any mediation of reduced infiltration will be corrected. Ground water infiltration rate testing, or any other method of properly identifying infiltration rates, will provide a method for effectively down- sizing a given detention facility. Data gathered for purposes of determining infiltration characteristics of detention basin soils will be submitting, along with all appropriate calculations and/or detail drawings to display the method of introducing storm drain water back into the ground.

#### **4.8 Sanitary Sewer**

All units developed in the South Hills development must be provided with a means of connecting to the master planned sewer collection system for the overall project (See Attachment E). The

City does not operate a sewer utility. It is the responsibility of The South Valley Sewer Improvement District to review and approve all sewer design issues.

#### **4.9 Culinary Water**

The Culinary Water Master Plan (See Exhibit E) is to be generally followed to provide culinary water service to the overall project. The sequencing of the overall build out of the system will be determined on a pod by pod basis. Adjustments to the Culinary Water Master Plan will need to be made as pods develop to account for density reallocations; water source development issues; property acquisition issues for off-site facilities such as wells, tanks, or waterlines; actual vs. theoretical pressures discovery; etc. Culinary water reservoirs will generally be located as shown on the Culinary Water Master Plan. Access roads will be gated, and are intended for service vehicle use only.

#### **4.10 Secondary Water**

The Secondary Water Master Plan (See Exhibit E) is to be generally followed to provide secondary water service to the overall project. The sequencing of the overall build out of the system will be determined on a pod by pod basis. Adjustments to the Secondary Water Master Plan will need to be made as pods develop to account for water use reallocations due to irrigation areas changing; water source development issues; property acquisition issues for off-site facilities such as wells, ponds, or waterlines; actual vs. theoretical pressures discovery; etc.

Secondary water reservoirs or ponds will generally be located as shown on the Secondary Water Master Plan. Proper drainage and slope stabilization measures will be taken where necessary in the access road design. Access roads will be gated, and are intended for service vehicle use only. In higher elevation areas of the South Hills project, or in small isolated pressure zone areas where secondary water service is impractical, irrigation will be provided by the culinary system per the master planning of the two water systems (see Master Development Agreement Exhibit E).

#### **5.0 Individual Lot Development Standards**

Proposed construction of improvements of individual lots and building sites for Residential houses, multifamily structures, or buildings shall be reviewed and approved according to compliance with the following standards.

##### **5.1 Setbacks**

Residential building setbacks within South Hills shall vary according to lot size and land use. Required setbacks are listed in the following chart. Additional setback modifications may be required along certain collector roadways as designated by the SHDRC and Herriman City. Easements for utilities and drainage may exist along individual lot lines, and thereby control the building limits of that particular lot.

In low and medium density pods front setback distances must be varied on both sides of streets. Low density pods are to stagger the front setback of all houses by at least five (5) feet from the house on at least one side and preferable on both sides. In medium density pods the front setback is to stagger at least three (3) feet from the adjoining house on one side and preferably on both sides. All front setback variations are to be reviewed and approved by the SHDRC and Herriman City.

**Primary Structures – (Measured to the Public Right-of-Way)**

<b>Map Designation</b>	<b>Lot Size</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Corner Yard</b>	<b>Side Turned Garage Side Yard</b>	<b>Accessory Building Size</b>
Low	8,500-17,999 s.f.	28'	28'	8' min./16' Total	20'	N/A	1,200 s.f.
Low	18000+ s.f.	30'	30'	10' min./24' Total	20'	8' min./ 24' Total	1,200 s.f.
Low	43,560 s.f. (Transition)	32'	30'	12' min.	20'	N/A	1,200 s.f.
Medium	4,000-8,000 s.f.	10' (20' to Garage)	15'	5' min./10' Total	18'	N/A	1,200 s.f.
Medium	8,001-10,000 s.f.	20'	20'	5' min./12' Total	18'	N/A	1,200 s.f.
Medium	10,001-12,000 s.f.	25'	25'	6' min./15' Total	20'	N/A	1,200 s.f.
Medium	12,001+ s.f.	28'	28'	8' min./18' Total	20'	6' min./ 18' Total	1,200 s.f.
Medium Cluster	N/A	15' w/ Front Driveway/ 5' w/ Alley or Lane	10' from adjacent building unless attached	10' from adjacent building unless attached	10'	N/A	N/A
High	Public Right-of-Way	15' (5' to Garage)	15'	10'	10'	N/A	N/A
High	Private (Measured from TBC)	5' to Garage	15'	10'	10'	N/A	N/A
High	Public Open Space	8'	12'	6'	N/A	N/A	N/A
All Densities	Accessory Building	6' from main structure	10'	5'	N/A	N/A	N/A
All Densities	Front Porches	Less 4' of Setback (not in MDC)	N/A	N/A	N/A	N/A	N/A
All Densities	Rear Decks (2' Above Grade)	N/A	15'	6'	N/A	N/A	N/A
All Densities	Rear Decks (2' Above Grade) Adjacent to Open Space	N/A	5'	6'	N/A	N/A	N/A

All Densities	Patios, Decks, & Walks at Grade	N/A	4'	4'	N/A	N/A	N/A
All Densities	Public Utility Easement	10'	10'	5'	10'	N/A	N/A

**5.2 Fencing, Walls and Retaining**

Fencing and walls around residential lots is permitted where they comply with the following standards. All fencing within the South Hills community must be constructed of an approved fencing product as stated in the CC&R's. No chain link fencing shall be permitted with the exception of sport court fencing and small dog runs within individual rear lots. Such fencing shall be screened from public view. All fences on sloping lots must comply with these standards while stepping with the grade, with the exception that open, three rail fences may follow the contour of the site. The top rail of stepped fences must be constructed in a level plane. On stepped fences the height shall be measured at a point that is midway between the posts. Fences must step in four or eight-foot lengths as determined between posts.

The following fence standards shall govern for areas along development of front, rear, & side yards where the developer has not installed fencing previously.

**Parks and Open Spaces** – A six (6) foot privacy fence along all areas adjacent to open space, or a three rail fence with 100% finished rear or side yard landscaping is required. Three (3) foot rail fence is allowed in parks and trails to delineate open spaces.

**Front Yard** - Fencing shall not exceed three (3) feet in height in the front yard setback area of the lot. Accent posts or columns may be used that exceed three (3) feet provided they do not exceed ten (10) percent of the lot frontage width. Front yard fencing, walls and screening shall be constructed of the approved fencing products and color. Fences on driveway entrances and at corner lots shall not intrude on visual clear zones for traffic safety intersections according to City standards.

**Rear and Side Yard** - Approved fencing product and color, six (6) feet in height in the rear or side yard setback area of the lot is acceptable. Accent posts or columns may be used that exceed six (6) feet provided they do not exceed ten (10) percent of the rear lot boundary distance. The maximum height of any rear yard, non-habitable, or landscape structure (gazebos, playground equipment, etc.) that is not considered an accessory structure may not exceed twelve (12) feet. Side yard fencing on corner lots shall be treated as a front yard fence and must not intrude on visual clear zones for traffic safety at intersections.

**Driveways** - driveways shall be a minimum depth of 16 feet from the back of sidewalk in Low and Medium Density areas, and may have a slope of up to a maximum of 15%. Driveways which have negative slope must show a detail on how the drainage is being routed away from the building and into the drainage system. Shared driveways or private lanes are allowed in Medium Cluster areas.

**Retaining** - The use of retaining walls is allowed so long as the wall follows general architectural, engineering standards and city ordinances. Retaining walls should be shown on the plot plan for the lot or parcel as well as a note to identify the type of material(s) to be used for the wall. Walls must be located entirely within the boundary of the lot or parcel of which they are a part, unless appropriate easements are acquired and recorded. The developer may also use retaining walls to enhance landscaping, provide safe transitions from Open Spaces to developed spaces. Retaining walls are also to be used to provide good land planning and drainage throughout the development.

**6.0 Architectural Standards**

The architectural styles within the South Hills Development will include a variety of themes. The developer of each pod is encouraged to determine the general style or architectural theme of the buildings in that pod. Different combinations of materials including, but not limited to: stucco, cement fiber siding, masonry, roofing materials, brick and stone, and wood are encouraged to be used to complement each other, and work together to produce a harmonious style. The SHDRC may reject any design proposal which materially conflicts with the intent or overall philosophy of these Technical Guidelines.

**6.1 Style and Character**

The general style and character of each residence shall be appropriate to the size of the lot, the location within the development and topography. Homes on sloping lots that result in large retaining walls due to the poor integration of the home and topography may be denied by the SHDRC. The incorporation of dormers, porches, wide roof overhangs, iron elements, shutters, accent shingles, and a high percentage of glass and windows are encouraged. Architectural patterns or styles are included in Attachment F of this document. These patterns are to be used as a guideline in designing homes for the South Hills development. The SHDRC may approve additional building styles based on location and merit.

**6.2 Minimum Structure Sizes**

The minimum building size for the South Hills development will be regulated based on lot size and land use according to the following chart. Minimum square footage requirements for the primary structure on a lot is based on above grade livable space. Garage square footage and finished space in accessory buildings is not to be included in the total square footage.

<b>Minimum Building Size (in Square Feet)</b>				
<b>Map Designation</b>	<b>Type</b>	<b>Main Floor (sf)</b>	<b>Finished (sf)</b>	<b>Min. Garage Size</b>
Low	Rambler	1,800	1,800	2-Car
Low	Multi-Story	1,500	2,250	2-Car
Medium	Rambler	1,500	1,500	2-Car
Medium	Multi-Story	1,300	2,000	2-Car
Medium	Multi-	650	1,200	1-Car

Cluster	Story			
Medium Cluster	Rambler	1,000	1,000	1-Car
High, Mixed Use	Multi-Family	650	650	N/A

### 6.3 Building Heights

Special Building Height Controls: Uses and buildings shall conform to the following special height regulations:

6.3.1 Building height shall be measured as per City standards.

6.3.2 In LDR and MDR areas, the maximum building height shall be thirty five feet (35'), except that the front and rear vertical building walls shall not exceed thirty one feet (31'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to the height of thirty five feet (35').

6.3.3 In MDC, HDR, and MU2 areas, the maximum building height shall be forty five (45'), except that the front and rear vertical building walls shall not exceed forty two (42'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to a height of forty five (45').

Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve (12').

6.3.4 Building Height Special Exception: The SHDRC, as a special exception to these Technical Guidelines, and according to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the SHDRC should find the proposed plan:

- a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and
- b. Satisfies the following criteria:
  - i. The topography of the lot presents difficulties for construction when the height limitations are applied,
  - ii. The structure has been designed for the topographic conditions existing on the particular lot, and
  - iii. The impact of additional height on neighboring properties has been identified and reasonably mitigated.
- c. In making these considerations the SHDRC can consider the size of the lot upon which the structure is proposed.

- d. The burden of proof is upon the applicant to submit sufficient data to persuade the SHDRC that the criteria have been satisfied.
- e. Special exceptions pursuant to this section must be approved by Herriman City.
- f. The SHDRC may deny an application for a height special exception if:
  - i. The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;
  - ii. The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;

#### **6.4 Garages and Accessory Buildings**

The following guidelines are for Low Density Residential (LDR) and Medium Density Residential (MDR):

The use of recessed and side-entry garages is encouraged. Garages may be attached or detached from the primary residence. Front-loading garage doors may protrude in front of the main building façade. See Attachment E for examples of encouraged garage configurations. Front porches and building entries may protrude in front of the garage as allowed by the lot setback. Detached garages or sheds are encouraged to be similar in style and color to that of the primary structure. A detached garage must be placed within the rear yard area of the lot and must be clearly shown on the site plan that is submitted for review. Accessory Buildings shall be of a permanent nature and should be of similar construction, materials and color as the primary structure.

For Medium Density Cluster (MDC), High Density Residential (HDR), and in Mixed Use (MU), or in any other residential area, product type will drive garage configuration. Each case will be reviewed by the SHDRC for compliance with the following design principles:

- A. Garage doors should be screened from angled views by landscaping.
- B. Garage doors can be configured in alleyways or courtyards.
- C. Garage doors can be beautified by the use of natural materials, carriage house windows, color variations, lighting, material texture, and material patterns or imprints.
- D. Garage doors can be off-set from each other relative to distance from the street.
- E. Single bay doors can be used in lieu of the more standard double bay doors.
- F. Garage doors can be placed on the side of the units instead of the front.
- G. Garages can be eliminated by the use of underground parking.
- H. Garages can be eliminated by providing covered parking.

#### **6.5 Elevations**

The following architectural standards apply to all Low Density Residential and Medium Density Residential lots or development. The Owner or Applicant for SHDRC approval is required to implement these standards. Architectural standards in the MDC and HDR areas are to conform to the standards listed below where applicable. The architecture in the MDC and HDR areas

should be designed to complement the surrounding neighborhoods. MDC and HDR pods should generally have CCRs and be self governed by a Home Owners Association.

The exterior of each home should meet or exceed the following minimum standards for finish and materials. All windows and doors should be trimmed or set apart from the plane of the facade by accent colors. The exterior of any building or structure should blend with the natural materials and predominant colors and hues of the surrounding foothills. Colors permitted include grays, browns, greens, tans and other native earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.

Non reflective glass is to be used for windows. Windows and other glass surfaces shall have an outdoor visible light reflective value no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.

The use of shutters or similar exterior trim elements is encouraged.

It is encouraged that the massing of front, rear, and side is broken-up by at least a 3foot relief. This is especially important on elevations that significantly affect the view shed.

**Front Building Elevation** - Brick, rock or stone is to be used for the finish system on the front building façade and must make up a minimum of 30% of the total area of the front facade. If the home incorporates a front porch across the entire front façade of the house the brick, rock, or stone can be reduced to 10%. Brick or stone shall be used on the front elevation to show significant masonry architectural detail in the form of vertical accents. However, other architectural details may be used in lieu of brick/stone if approved by the SHDRC. Manufactured materials may be substituted for real stone products. The remainder of the front elevation may be finished with a combination of stucco, fiber cement material, or brick products. The use of vinyl and aluminum siding is prohibited. The trim should be applied consistently with the architectural style of the home. Trim should be applied so that it adds dimension to the front façade. The use of more than three finish materials (excluding window frames and glass) in the front elevation is discouraged. All finish materials used, and their placement on the façade, must be indicated on the elevation rendering when submitted for review to the SHDRC. Where living space is added above the garage, the front façade must include windows and other treatments to avoid a large blank wall space above the garage doors.

**Side Building Elevation** – The side of the building shall have the same primary material treatment as the front (facades as described in the Exterior Materials and Color Section 6.3) Each side elevation must include at least two windows per floor, unless the home contains a wainscot that covers the entire length of the side elevation, in which case, only one window per floor is required. The windows should make up 5% of the side façade for a non-corner lot. For corner lots the windows should make up 10% of the façade and must have similar window treatments as the front façade windows, i.e. trim and/or shutters.

**Rear Elevation** – Any house or building where the rear of the building is facing a street or active open space must have the same architectural elements for the rear elevation as for the front elevation, i.e. trim, shutters, rock, stone, masonry base. Landscaping can also be used to help break-up the back wall, but cannot be used exclusively to satisfy this requirement.



### **6.6 Roof Materials, Fascia, Soffits**

Roof planes for lots on a street without a cul-de-sac shall have a minimum pitch of 6:12 (vertical to horizontal). Lesser pitches may be utilized on small areas of the roof plane such as shed dormers and patio or porch roofs. The design of the roof should appear as an integrated architectural element. Generally, continuous long roof lines are discouraged. Thirty-year architectural grade roofing material is the minimum allowable quality allowed for roofs in the South Hills Development. Other shingle materials that meet or exceed the minimum requirement may be approved by the RDRC.

A minimum fascia height of 4 inches shall be required for all homes. These elements shall be finished to match the finish and color or the trim of accent color of the home. Exposed rafters and open soffits shall only be allowed by the SHDRC when they relate to the style of the architecture. In such cases, the soffit and rafters must be painted to match the building. Soffit and fascia finish materials must be approved by the SHDRC.

### **6.7 Porches and Decks**

The use of covered porches and decks to extend the living area outdoors is encouraged. Front porches may extend into the front setback area as allowed in Section 5.1, "Setbacks". The use of railings on porches is encouraged. When a covered porch is added to mitigate garage protrusion it must be at least ten (10) feet deep and at least 100 square feet in size. Covered porches, decks and overhangs are encouraged to provide variety to the building facades of each residence while maintaining architectural integrity and unity within the structure. The appearance of 'add-on' elements should be avoided.

Rear decks shall be integrated into the design of the structure. The appearance of a deck supported by 'spindly legs' should be avoided with minimum size support posts of 6"x 6". The SHDRC may require the use of structural elements beyond that required by building code to achieve visual balance between the deck and the support structure.

### **6.8 Contemporary and Technological Conveniences**

New products and technological conveniences such as satellite dishes may be evaluated and regulated as to location and use by the SHDRC. Satellite dishes larger than 24 inches in diameter, and radio and TV antennas taller than eight (8) feet are not to be permitted except by special permission from the SHDRC and the City. Location, visibility from adjacent properties, color and screening will be considered in granting permission for such devices. Approval of such devices shall be considered provisional, and may be withdrawn by the SHDRC. As such, the permit may be withdrawn by the SHDRC and the City upon violation of any conditions that were imposed at the time of the approval. In such cases, the device must be removed within 30 days of cancellation of the permit.

### **6.9 Home Based Business**

Home Based Businesses are permitted in the South Hills Development provided they meet all requirements as specified in the Herriman City Code and a business license has been issued by the City. The SHDRC must be notified by the applicant of the request for a business license located within the subdivision. Additional restrictions may be requested by the SHDRC at the time the license is issued. The use of business signage is prohibited.

### **6.10 Modification of Architectural Standards**

The architectural requirements for structures in these Guidelines may be modified upon approval of the SHDRC. The text of such modifications is to be made available for review at the offices of South Hills Development. Requested changes to the architectural guidelines will be reviewed by the SHDRC in their next meeting following the submittal of the requested modifications. The entity or person requesting the modification may be requested to attend the SHDRC meeting in which the modification request will be discussed to explain the request or answer questions by the SHDRC. Approval of the modification request can be postponed by the SHDRC until such time as all information regarding the request has been submitted, and the SHDRC has had sufficient opportunity to review the modification request. The modifications shall become effective upon approval of the SHDRC.

Proposed modifications of the architectural standards shall be filed with the Administrator after being approved by the SHDRC. If the Administrator determines for any reason that it would be inappropriate for the Administrator to determine the acceptability of the proposed modification then the Administrator may require the proposed modifications to be processed as a Modification Application pursuant to the MDA. The Administrator shall consider and decide upon the proposed modifications within a reasonable time. If the Administrator approves any proposed modifications then the Administrator shall notify the Planning Commission in writing of the proposed approval. Unless the Administrator receives a notice specified below that the proposed modification be considered by the Planning Commission as a Modification Application then approval of the proposed modification by the Administrator shall be conclusively deemed binding on the City. Any member of the Planning Commission may, within ten (10) business days after notification by the Administrator, notify the Administrator that the proposed modification must be processed as a Modification Application. If the Administrator denies any proposed modification then the Applicant may process the proposed modification as a Modification Application pursuant to the MDA.

## **7.0 LANDSCAPING STANDARDS**

The following landscape standards shall apply to all residential development. The Applicant for SHDRC approval shall be required to implement these standards as well as a landscaping deposit. Failure by the Applicant to complete the required landscaping as outlined in this section will result in loss of the associated escrowed deposit. The escrow requirement may be changed or waived by South Hills at its sole discretion. Escrow amounts are to be calculated by the Applicant for each pod, and approved by the SHDRC, and are to represent the cost of the landscaping in that pod. A landscape plan must be submitted and approved by the SHDRC prior to Herriman City issuing a building permit. The SHDRC has the right to reject any design proposal which materially conflicts with the intent or overall philosophy of these Technical Guidelines.

### **7.1 Landscape Planting**

Each lot or residential parcel shall meet or exceed the following landscape standards:

#### **7.1.1 Front Yard Landscaping**

The front yard area (including park strips) of each lot or parcel must be landscaped by the Applicant prior to final inspection by the City, except when final inspection occurs during fall or winter months (defined as November 1 to March 31). In this case the Applicant shall be required to install front yard landscaping by April 30<sup>th</sup> of the following spring. After installation of front

and side yard landscaping is complete, 50% (the other 50% is for the rear yard, see section 7.1.3) of the escrowed amount will be released upon written request by the Applicant.

The minimum requirements for front yard landscaping (based on square footage of front yard area) are as follows. The type and size of all street trees (those planted in park strips) must be according to the City's approved street tree list. All other front yard plantings shall be according to Attachment "G":

- A. 2 trees (2" caliper min.) located between the walk and home
- B. 3 shrubs (5 gallon) per 600 sf
- C. 1 evergreen shrub (5 gallon) per 600 sf
- D. Minimum 2 Street Trees (2" caliper min.) located in the park strip or 1 Street Tree (2" caliper min.) per 25' of frontage (i.e. 75' frontage requires 3 trees), whichever is greater.
- E. Sod

#### **7.1.2 Park Strip Landscaping**

All park strip areas adjacent to the front, rear and side yard areas of each lot are to be landscaped by the Applicant and maintained by the homeowner. No materials other than the approved trees or grass may be installed in park strip areas. Rocks, gravel, bark, or other types of xera-scaping are not accepted landscape materials for park strip areas. Street trees shall be located within the park strip between the side walk and curb. Clear zones for visibility and safety must be considered when locating street trees on corner lots. The side park strips on corner lots must follow the rule of one tree every 25 feet. Any tree that is placed in the park strip that is contrary to the 'Street Tree List' may be removed and replaced with an appropriate tree by the SHDRC at the lot Applicant's expense.

Park Strip landscaping is to be coordinated with the 'Street Tree Master Plan'. The lot owner is responsible to maintain the park strip.

#### **7.1.3 Rear Yard Landscaping**

The rear yard area of each lot or parcel must be landscaped by the Applicant within 90 days of the issuance of the final inspection. When the final inspection occurs during fall or winter months (defined as November 1 to March 31), the Applicant shall be required to install rear yard landscaping by April 30<sup>th</sup> of the following spring. After installation of the rear yard landscaping is complete, 50% (the other 50% is for front yard landscaping, see section 7.1.1) of the escrowed amount may be released upon written request by the Applicant.

The minimum requirements for rear yard landscaping are as follows:

- A. 3 Trees (2" cal. min.)
- B. Sod or hydro seeded grass.

The balance of the rear yard shall be landscaped with sod, ground cover, planting beds, or a vegetable garden.

**7.1.4 Side Yard Landscaping** - The minimum requirements for side yard landscaping shall be the installation of sod or hydro seed, ground cover or planting beds. On corner lots, or triple

fronting lots, the side yard(s) facing the street(s) shall be treated as a front yard and landscaped accordingly by the Applicant.

All landscaping is required to be installed with an automatic irrigation system. Irrigation systems must provide coverage within the front and/or side yard park strips. The use of a water conserving drip irrigation systems is encouraged.

Landscaping in the MCD, HDR, and MU areas shall conform to the above listed standards where applicable, and shall also provide a landscape plan as part of the site plan submittal to the SHDRC and to the City. The Landscaping in the MDC, HDR, and MU areas should be designed to help soften the density and generally should be maintained under a Home Owners Association. Individual units may be allowed to have a small area of private landscaping, but in general this area should be screened from public view.

#### **7.2 Erosion Control Planting or Measures**

All graded areas of any lot will be required to install temporary erosion control plantings or similar erosion control measures in advance of the final landscape installation. All final landscape plans must address erosion control issues for the house, the lot and any drainage easements that may exist along the lot boundaries. Homeowners may not alter or remove any existing permanent erosion control, drainage system improvements, or any other permanent infrastructure without prior approval from the SHDRC. Erosion control plans shall be submitted to the SHDRC for review and approval.

All erosion control measures, as shown in the SWPPP and installed by the Developer, must be maintained by the Developer until one of the following occurs:

1. A lot has been sold and a building permit has been issued for said lot.
2. A lot has been sold and the Developer's warrantee for the erosion control measures has been fulfilled.

In either of the two cases listed above the lot owner becomes responsible for the maintenance of all SWPPP measures for his lot. A copy of the SWPPP is available upon written request from the South Hills Development office.

#### **7.3 Plantings Adjacent to Development Open Space**

Privately owned landscaping adjacent to open spaces should be planned to provide for screening and privacy where desired by the homeowner. A hard, mowable edge or a planting bed with a spun fabric weed barrier is recommended along the boundary. As maintenance within the common areas may vary and planting may be limited to native vegetation will help to minimize weed intrusion into the residential landscape. Placement of private landscaping within the common area is not permitted. Any such plantings may be removed by future development without notice or compensation to the homeowner. Maintenance to control weeds and fire hazards within the common areas by the owner of an adjacent property may be permitted upon approval of the SHDRC.

#### **7.4 Required Plant Materials**

Plantings within the South Hills Development, except those within common areas which are maintained by the City or in public park strips, shall be selected from the approved list in Attachment G 'Recommended Plant Materials' and the City's approved plant list. Lot owners should use this list for individual landscape planting plans within the development. Plants listed as 'Prohibited' are not allowed within the South Hills development.

#### **7.5 Maintenance**

Each owner, at the Owner's sole cost shall be responsible for the maintenance and repair of all landscaping on the Owner's lot or parcel. This includes parkstrip areas, on either side of sidewalks. All landscaping shall be maintained in good condition including but not limited to irrigation, mowing, fertilization, pruning, pest and disease control, trash removal, fencing, or any other improvement within the landscaped area. Dead, damaged or dying plant materials and damaged or deteriorating structural elements shall be removed or replaced as soon as possible when an unsightly or potentially hazardous condition becomes apparent.

#### **7.6 Weed Control**

Each owner shall be responsible to control weed growth on their lot or parcel. Weeds may not be permitted to exceed six (6) inches in height with the exception of common area parcels that are planted in native vegetation. Any vegetative growth that is deemed, in writing, to be a fire hazard by municipal authorities is to be removed within five (5) business days of the date of written notice, at the lot/pad/unit owner's expense. This requirement applies to both developed and undeveloped properties.

#### **8.0 Lighting and Miscellaneous Site Features**

The intent of this section is to provide security and safety for sidewalks, pathways, and streets while preserving the nighttime sky.

#### **8.1 Site Lighting**

The provision of adequate lighting, while maintaining the rural nature of the surrounding areas, is an important design goal for the South Hills Development. Street lights will be installed along major arterial and collector roads. Public Local Streets shall be lit according to City standards. Lighting within the development shall be coordinated according to the following guidelines, and fixtures shall be approved by the SHDRC.

**Pathway Lighting** - Major pathways within the core areas of the development should be illuminated by Applicant. These light fixtures shall be of city standard. Illumination levels shall be chosen by Developer based on the intended use of the pathway.

**House Lighting** - All exterior light fixtures on residences, except those adjacent to front entries and garages, shall be of a type that has a light source shielded from view from the street or neighboring properties, such that sidewalks are illuminated. These lights are to be installed with timers that automatically turn on the lights at a programmed time in the evening, and then automatically turn off at a programmed time in the morning. This type of lighting program satisfies the need for lighting on local streets, and still preserves the night sky from urban style conventional street lighting. Security lighting installed on a residence shall be concealed from the street view by locating it under eaves or in niches built into the architecture and painted to match the structure. No lighting shall be allowed that shines on another residence or lot. The

use of any light source with a color other than white or pale yellow shall be prohibited except for holiday lighting.

**Landscape Lighting** - Landscape lighting is permitted within each lot as long as it meets the intent of the 'House Lighting' section outlined above. All landscape lighting should be low voltage. Landscape lighting shall be used for accent lighting and not for general illumination of the residential lot.

**Holiday Lighting and Decorations** - Holiday lighting and decorations shall not become a nuisance to neighbors. Holiday lighting and decorations may be displayed for a period of (45) days prior to and (30) days after the holiday it is intended for.

## **9.0 Signage**

### **9.1 Sign Program**

Signage continuity and themeing is important to the long-term values within South Hills. The formulation of a development identity will be governed by the SHDRC. All Applicants shall be required to submit a Sign Program to the SHDRC for approval prior to installation of any sign within the South Hills Development. The Sign Program will delineate the type, size, location, height, and duration of use, responsible person with all contact information, and content or design of all signs. All signage must also be approved by the city.

### **9.2 Temporary Signage**

Real estate, construction and similar temporary signage shall be governed by the SHDRC. Those signs that are not approved as part of the Signs Program are subject to removal without notice. All approved signs must be maintained in a clean and safe manner. Any damaged sign must be repaired or removed within five (5) business days of written notice.

### **9.3 Flags and Flagpoles**

All flags and flagpoles, whether permanent or temporary, must be approved by the SHDRC. An exception to this requirement shall be the placement of no more than two (2) poles not exceeding five feet each in length on a structure. Flags on these poles may not exceed fifteen (15) square feet each.

### **9.4 Entry Monumentation**

Each pod or neighborhood will determine a name for the platted neighborhood (pod) that ties it to the overall master planned project. An entry monument design is to be submitted to the SHDRC for review and approval. The design should comingle man made aspects with landscaping resulting in a manicured formal appearance. The entry feature should be proportional in size and grandeur to the size and product type of the product in the pod.

## **10.0 General Conditions and Maintenance**

### **10.1 Construction Operations**

Construction operations must proceed in an orderly manner within the development. The Contractor and or Owner are responsible for the safety conditions of their property as well as any

required liability and disability insurance coverage. It is the responsibility of the Contractor and or Owner to see that all subcontractors and material suppliers adhere to the rules and regulations as outlined in these regulations.

Due to the site conditions, blasting utilities and foundation may be required. The contractor shall be permitted to blast as long as he is using a state certified blasting company and he has also obtained all state and local permits.

Site grading, site preparation, top soil processing, soil processing and crushing can be permitted at the risk of the developer as part of the land development operations. The contractor or owner must have the appropriate permits, licenses and insurance to perform such work. It should also follow the policies of the City, State Department of Water resources with the appropriate UPDES permit, as well as the Department of Air Quality and the appropriate dust control permits. Any fines the developer incurs as a result of the negligence of a lot owner, group of lot owners or builders will be summarily transferred to said lot owner or owners.

#### **10.2 Access to Building Sites and Lots**

Owners and contractors may only access building sites by legal points of access such as dedicated streets, rights-of-way, or construction easements. The crossing of adjacent properties, parcels, or lots is prohibited except by written permission of the owner of the adjacent parcel. The use of dirt ramps as a means of accessing lots from the street is strictly prohibited. Steel plate, plastic, or other type of ramps may be used so long as all concrete improvements are protected while gutter flow is uninhibited. Fines will be issued to lot owners and builders where dirt ramps are found, regardless of who placed the dirt ramp on the lot. These funds will be withheld from damage deposits to pay for storm drain cleanup. No homeowner or contractor may utilize any public or Development open space for access to the rear of the lot for any purpose without prior written permission from the SHDRC or other appropriate governmental agency. Permission may be granted for temporary uses or construction purposes only.

Permission will not be granted for the purpose of storing vehicles, campers, motor homes, boats or other equipment.

#### **10.3 Dust and Erosion Control**

Each Applicant shall be required to control all dust during construction. An erosion control plan must be included with the SHDRC submittal which follows the SWPPP guidelines as shown in Attachment H. This plan is to be implemented for all phases of construction. Failure to adequately control dust and erosion may result in the levying of penalties or fines by the SHDRC. The Applicant must also follow the requirements as outlined by the State Department of Water Quality.

#### **10.4 Cleanup of Building Sites**

Building sites should be cleaned on a regular basis. Materials should be secured on the site to prevent the blowing of debris and garbage. Commercial dumpsters must be located on the building site or in the right-of-way in front of the site. A location on an adjacent site under the control of the contractor is also permitted. The contractor shall leave the site in a clean condition upon completion of construction.

#### **10.5 Disposal of Construction Debris**

All construction debris must be removed from the property and disposed of in a legally approved manner. The burning or burial on site of debris and garbage is not permitted.

#### **10.6 Concrete Washout Areas**

Each Applicant shall be required to designate and maintain a concrete washout area on the subject lot. All concrete washouts as a result of construction must be removed from the lot and properly disposed of upon completion of construction.

### **11.0 Violations and Enforcement**

#### **11.1 Fines**

Violations of section 10 of the Technical Guidelines shall be punishable by fines, penalties and charges for replacement of any damaged improvements. A current list of charges may be obtained from the SHDRC office.

#### **11.2 Liens**

Any violations of these Guidelines shall be subject to fines as established and authorized in these Guidelines by and payable to the SHDRC. The payment of any fines shall be the responsibility of the lot/parcel owner. Any fine that is not paid in the time limit specified may be filed as a lien against the subject lot/parcel. Any violation that is not corrected within 30 days may be corrected by the SHDRC, at its discretion, and subsequently billed to the lot/parcel owner, or filed as a lien against the property.



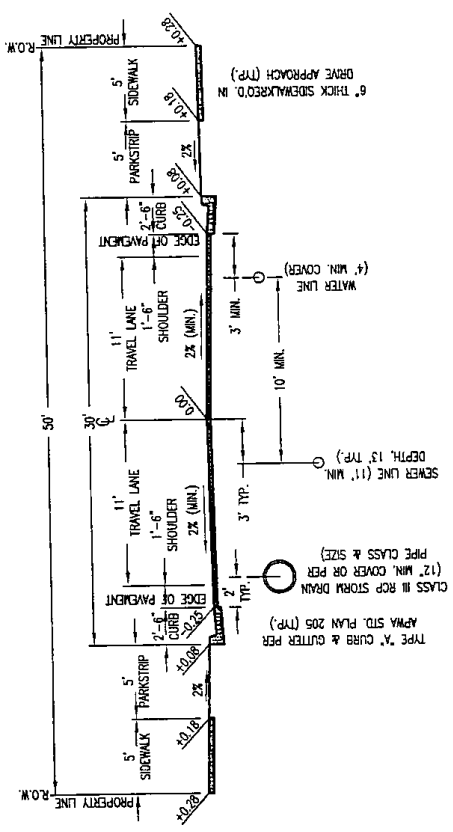
## Attachment A “Scoring”

**South Hills Technical Guidelines – Aesthetic Improvement Checklist**

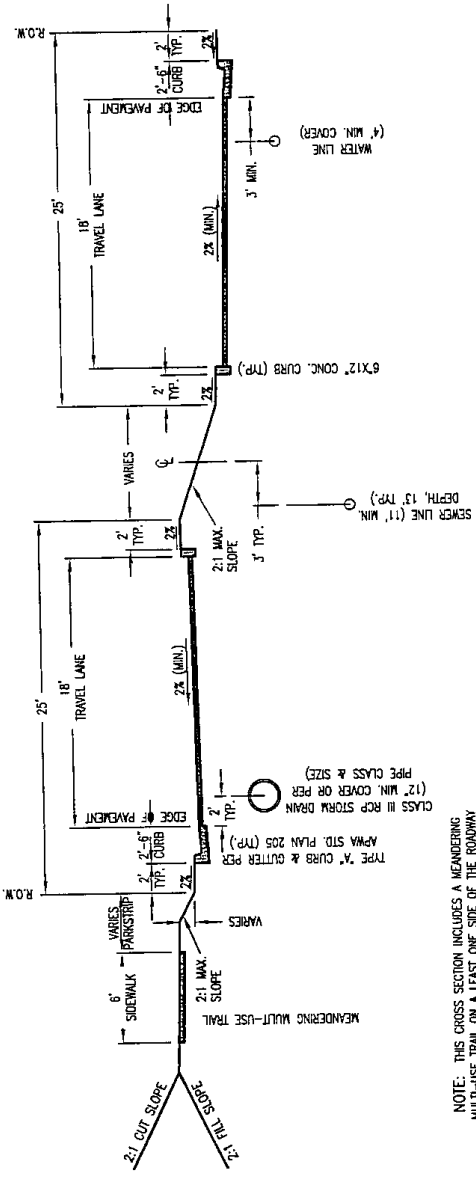
Improvement	Points Possible	Total
Square Footage 1800 sq. ft. or Higher	2	
Roof Pitch 8/12 or Steeper	2	
Hip Roof	1	
3 Gables	1	
Window Treatments (See Description)	3	
Dormers and pop out/bay windows	1	
Glass 25% or more	2	
75%+ front masonry	2	
35%+ side masonry	2	
Garage is detached or set back from façade	3	
Side Turn Garage	3	
Double Doors	2	
Alternate Garage Configurations	3	
Covered Front Porch (See Description)	2	
Wrap Around Front Porch	2	
Rear Deck	1	
Covered Rear Deck/Patio	2	
Built in Front, Rear, or Side Second Story Balcony	2	
Decorative Iron Railings	1	
2 or More Large Yard Trees	1	
Significant Rock Work (See Description)	1	
Water Feature	2	
Planting Beds & Shrubs	1	
Decorative Support Beams	2	
New Plan Introduction	2	
Discretionary Points	3	
<b>GRAND TOTAL</b>	<b>Min. 10</b>	<b>=</b>

# Attachment B Sheet 1 of 5 "Roadway Cross-Sections"

UTILITY LOCATIONS ARE FOR REFERENCE ONLY AND  
NOT REQUIRED TO BE LOCATED AS SHOWN



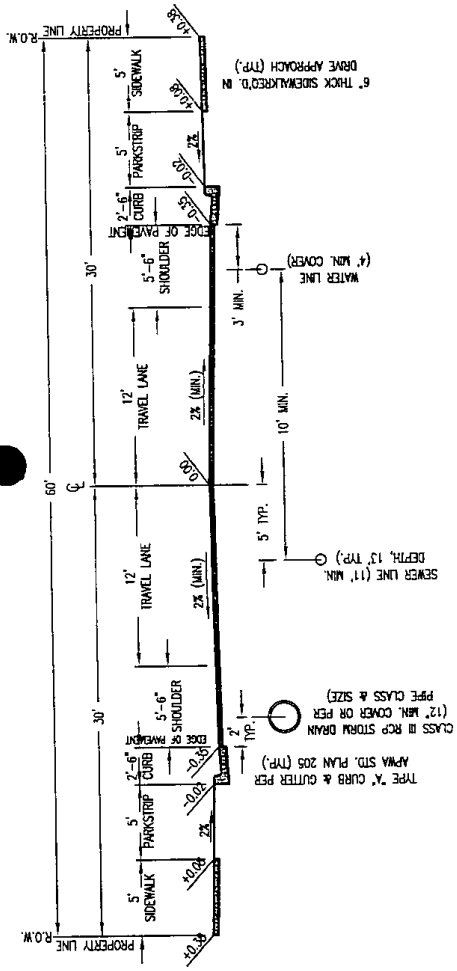
**A** 50' R.O.W. CROSS-SECTION  
NOT TO SCALE



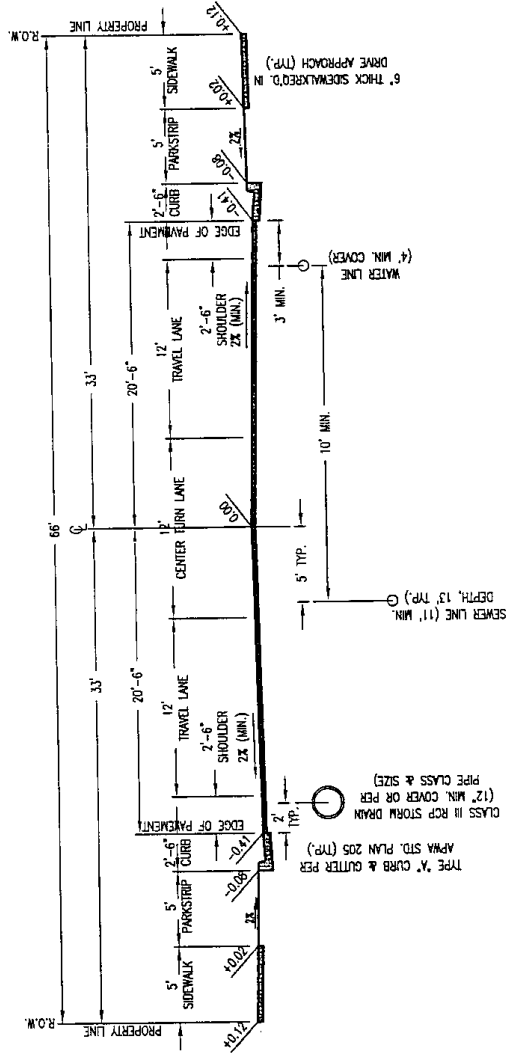
**B** GRADE SEPARATED R.O.W. CROSS-SECTION  
NOT TO SCALE

NOTE: THIS CROSS SECTION INCLUDES A MEANDERING MULTI-USE TRAIL ON AT LEAST ONE SIDE OF THE ROADWAY THAT IS NOT PART OF THE PUBLIC RIGHT OF WAY.

Attachment B  
 Sheet 2 of 5  
 "Roadway Cross-Sections"  
 UTILITY LOCATIONS ARE FOR REFERENCE ONLY AND  
 NOT REQUIRED TO BE LOCATED AS SHOWN

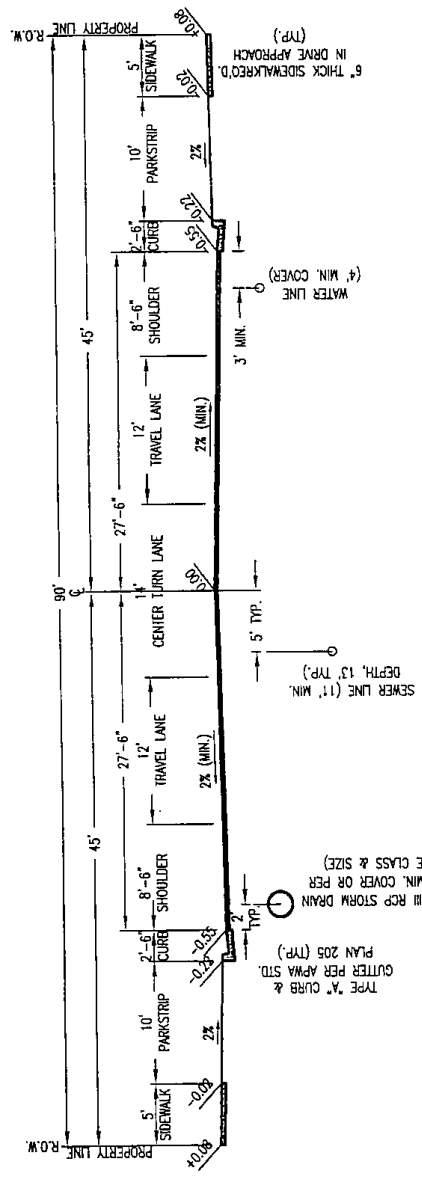


**C** 60' R.O.W. CROSS-SECTION  
 NOT TO SCALE

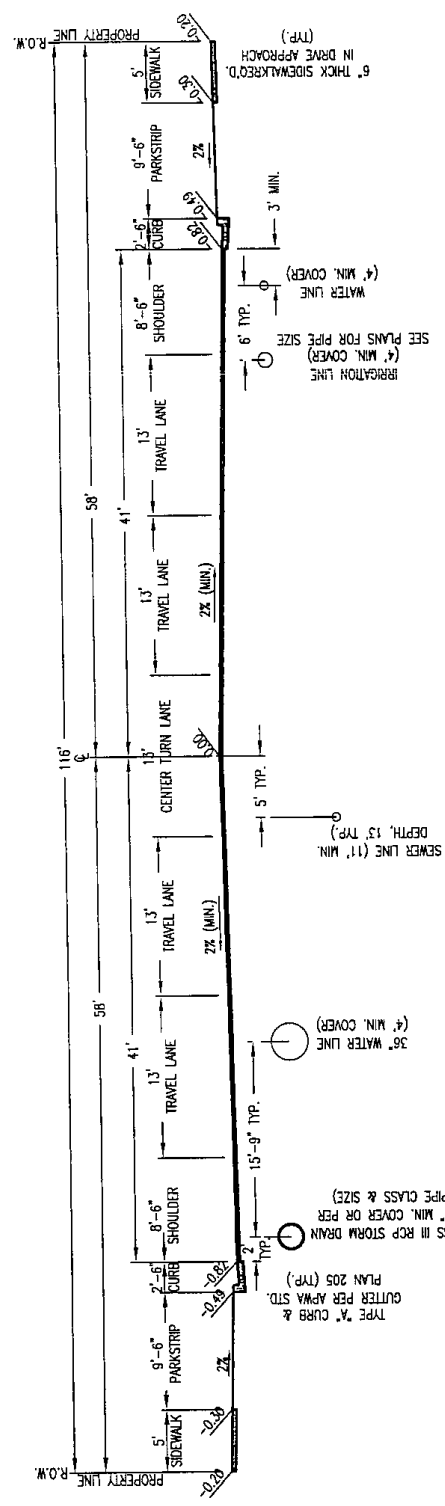


**D** 66' R.O.W. CROSS-SECTION  
 NOT TO SCALE

Attachment B  
 Sheet 3 of 5  
**"Roadway Cross-Sections"**  
 UTILITY LOCATIONS ARE FOR REFERENCE ONLY AND  
 NOT REQUIRED TO BE LOCATED AS SHOWN



**E 90' R.O.W. CROSS-SECTION**  
 NOT TO SCALE



**F 116' R.O.W. CROSS-SECTION**  
 NOT TO SCALE

Standard Cross-Sections

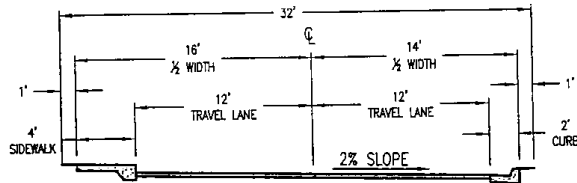
BK 9706 PG 6221

Attachment B

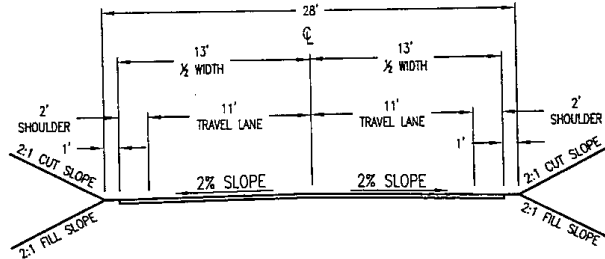
Sheet 4 of 5

"Roadway Cross-Sections"

UTILITY LOCATIONS ARE FOR REFERENCE ONLY AND NOT REQUIRED TO BE LOCATED AS SHOWN



**G** 32' PRIVATE R.O.W. CROSS-SECTION  
NOT TO SCALE

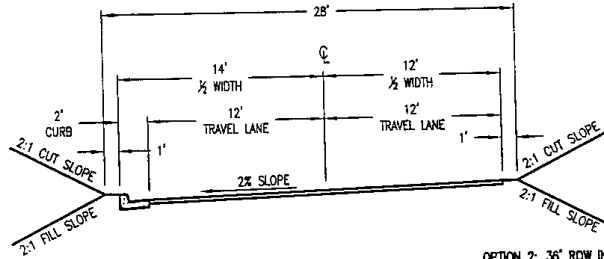


OPTION 2: 36' ROW INCLUDES AN ADDITIONAL 8' CRUSHED ROCK PATH ON ONE SIDE.

**H** 28' PRIVATE R.O.W. CROSS-SECTION  
NOT TO SCALE

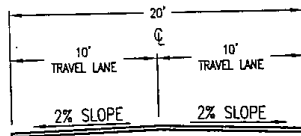
Attachment B  
 Sheet 5 of 5  
 "Roadway Cross-Sections"

UTILITY LOCATIONS ARE FOR REFERENCE ONLY AND  
 NOT REQUIRED TO BE LOCATED AS SHOWN

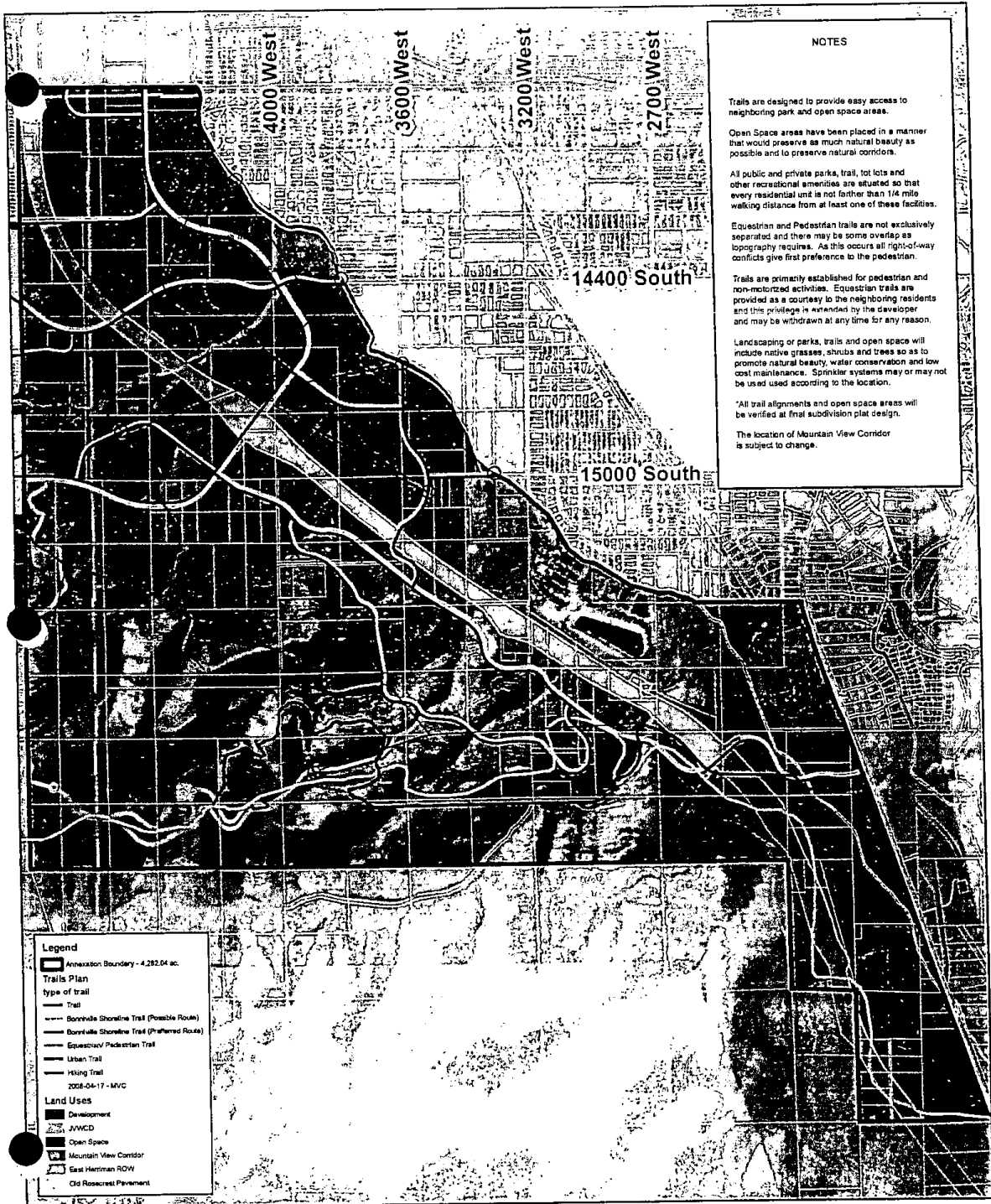


OPTION 2: 36' ROW INCLUDES AN ADDITIONAL  
 8' CRUSHED ROCK PATH ON ONE SIDE.

**I** 28' PRIVATE R.O.W. CROSS-SECTION  
 NOT TO SCALE



**J** 20' PRIVATE R.O.W. CROSS-SECTION  
 NOT TO SCALE



**NOTES**

Trails are designed to provide easy access to neighboring park and open space areas.

Open Space areas have been placed in a manner that would preserve as much natural beauty as possible and to preserve natural corridors.

All public and private parks, trail, lot lots and other recreational amenities are situated so that every residential unit is not farther than 1/4 mile walking distance from at least one of these facilities.

Equestrian and Pedestrian trails are not exclusively separated and there may be some overlap as topography requires. As this occurs all right-of-way conflicts give first preference to the pedestrian.

Trails are primarily established for pedestrian and non-motorized activities. Equestrian trails are provided as a courtesy to the neighboring residents and this privilege is extended by the developer and may be withdrawn at any time for any reason.

Landscaping of parks, trails and open space will include native grasses, shrubs and trees so as to promote natural beauty, water conservation and low cost maintenance. Sprinkler systems may or may not be used according to the location.

\*All trail alignments and open space areas will be verified at final subdivision plat design.

The location of Mountain View Corridor is subject to change.

- Legend**
- Annexation Boundary - 4,282.04 ac.
  - Trails Plan**
  - type of trail
  - Trail
  - Bonville Shoreline Trail (Possible Route)
  - Bonville Shoreline Trail (Preferred Route)
  - Equestrian/ Pedestrian Trail
  - Urban Trail
  - Hiking Trail
  - 2008-04-17 - MVC
  - Land Uses**
  - Development
  - J/V/WCD
  - Open Space
  - Mountain View Corridor
  - East Herriman ROW
  - Old Rosecrest Pavement

- POOR COPY -  
CO. RECORDER

Attachment C "Open Space & Trails Map"

0 0.05 0.10 0.20 0.30 0.40 0.5 Miles

BK 9706 PG 6224

# Attachment D

## “Setbacks”

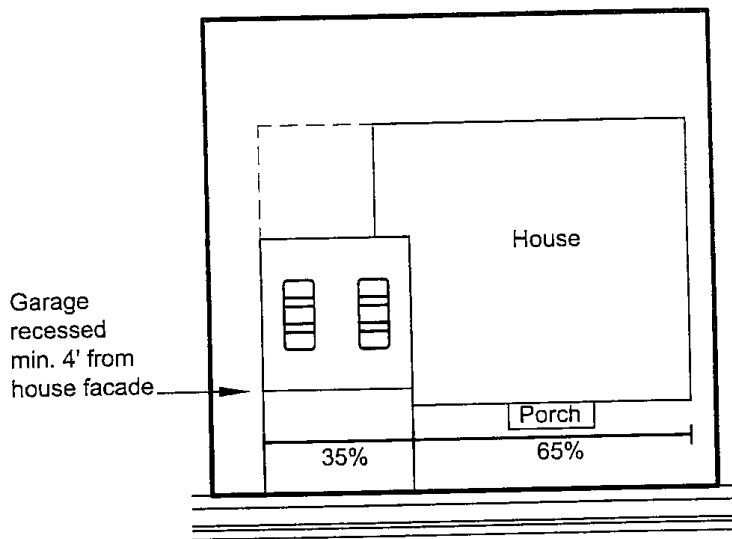
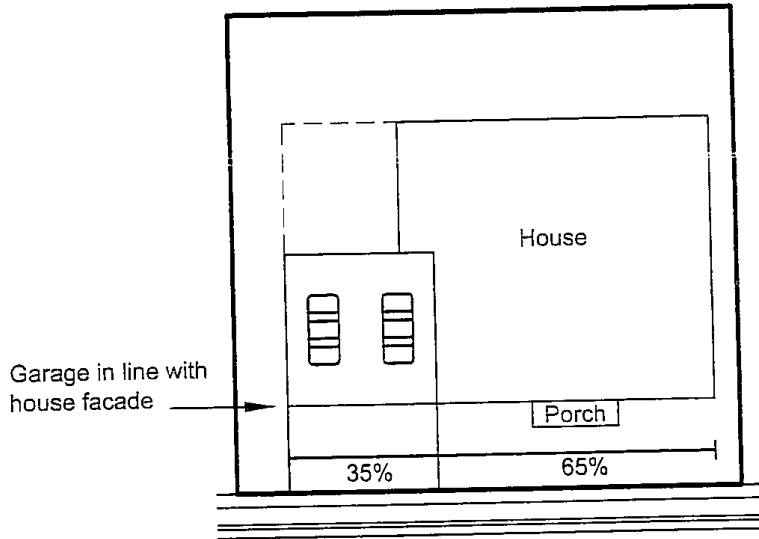
### Primary Structures – (Measured to the Public Right-of-Way)

Map Designation	Lot Size	Front Yard	Rear Yard	Side Yard	Corner Yard	Side Turned Garage Side Yard	Accessory Building Size
Low	8,500-17,999 s.f.	28'	28'	8' min./ 16' Total	20'	N/A	1,200 s.f.
Low	18000+ s.f.	30'	30'	10' min./ 24' Total	20'	8' min./ 24' Total	1,200 s.f.
Low	43,560 s.f. (Transition)	32'	30'	12' min.	20'	N/A	1,200 s.f.
Medium	4,000-8,000 s.f.	10' (20' to Garage)	15'	5' min./ 10' Total	18'	N/A	1,200 s.f.
Medium	8,001-10,000 s.f.	20'	20'	5' min./ 12' Total	18'	N/A	1,200 s.f.
Medium	10,001-12,000 s.f.	25'	25'	6' min./ 15' Total	20'	N/A	1,200 s.f.
Medium	12,001+ s.f.	28'	28'	8' min./ 18' Total	20'	6' min./ 18' Total	1,200 s.f.
Medium Cluster	N/A	18' w/ Front Driveway/ 15' w/ Alley or Lane	15' from adjacent building unless attached	15' from adjacent building unless attached	20'	N/A	N/A
High	Public Right-of-Way	15' (20' to Garage)	15'	15'	18'	N/A	N/A
High	Private (Measured from TBC)	8' to Garage	15'	10'	18'	N/A	N/A
High	Public Open Space	8'	12'	6'	N/A	N/A	N/A
All Densities	Accessory Building	6' from main structure	10'	5'	N/A	N/A	N/A
All Densities	Front Porches	Less 4' of Setback (not in MDC)	N/A	N/A	N/A	N/A	N/A
All Densities	Rear Decks (2' Above Grade)	N/A	15'	6'	N/A	N/A	N/A
All Densities	Rear Decks (2' Above Grade) Adjacent to Open Space	N/A	5'	6'	N/A	N/A	N/A
All Densities	Patios, Decks, & Walks at Grade	N/A	4'	4'	N/A	N/A	N/A
All Densities	Public Utility Easement	10'	10'	5'	10'	N/A	N/A



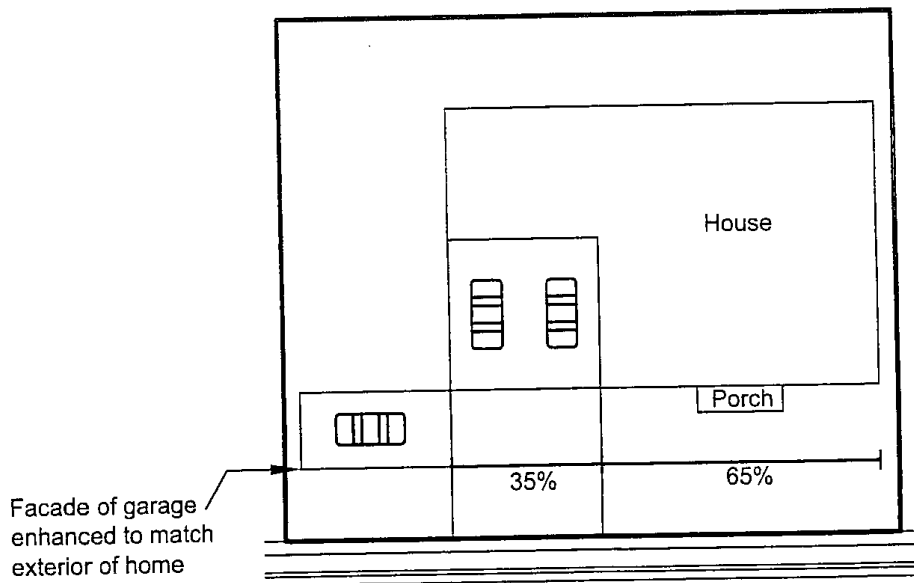
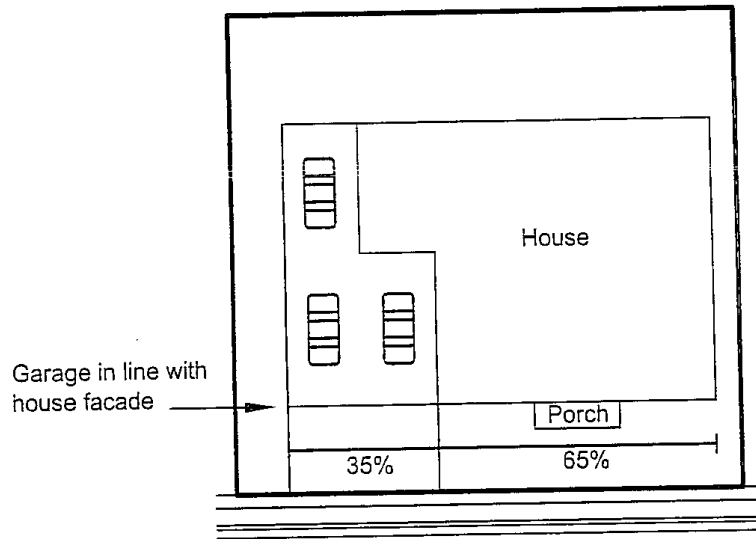
# EXHIBIT E

## FRONT LOAD 2 CAR "GARAGE EXAMPLES"



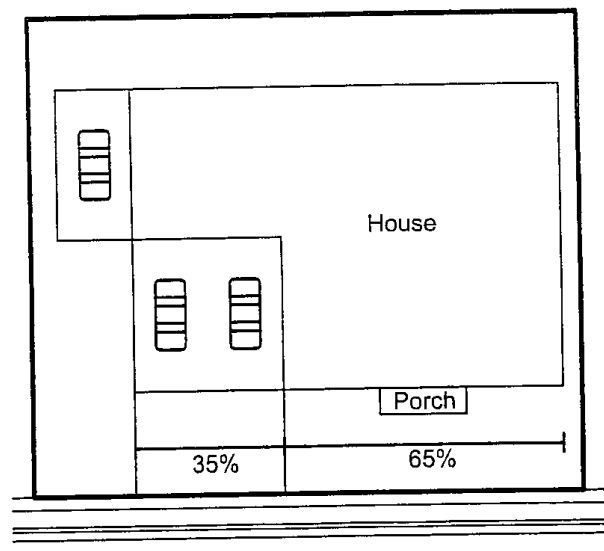
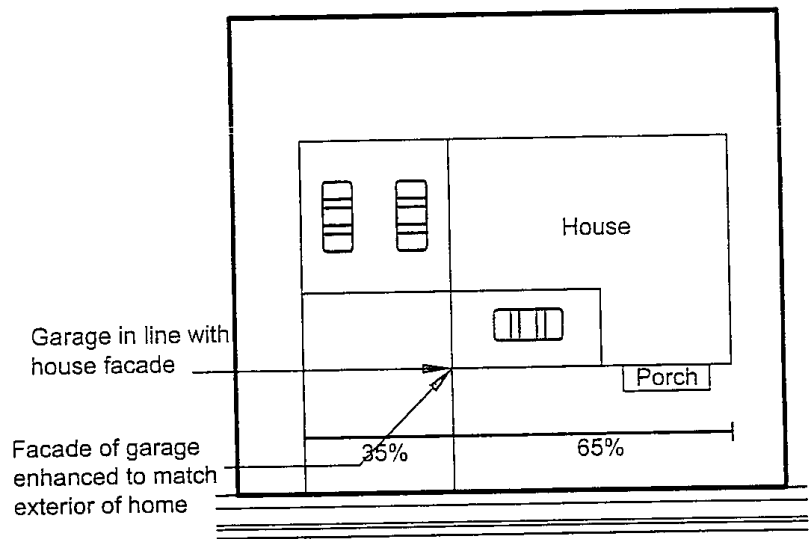
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## FRONT LOAD 3 CAR "GARAGE EXAMPLES"



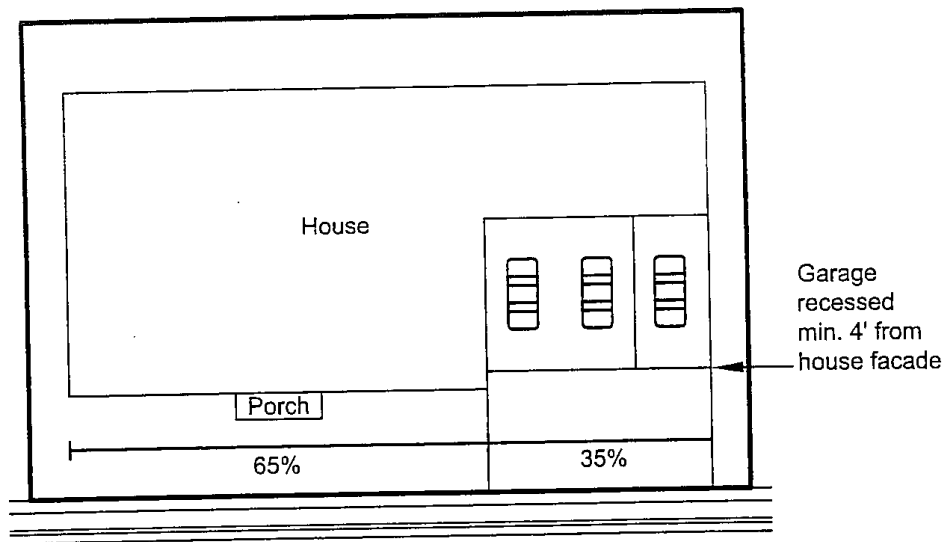
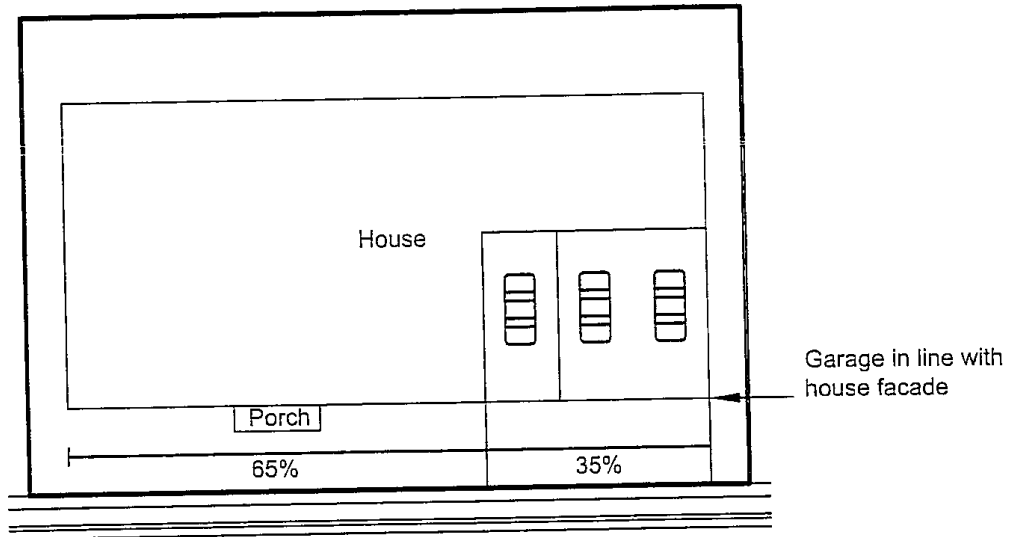
# EXHIBIT E

## FRONT LOAD 3 CAR "GARAGE EXAMPLES"



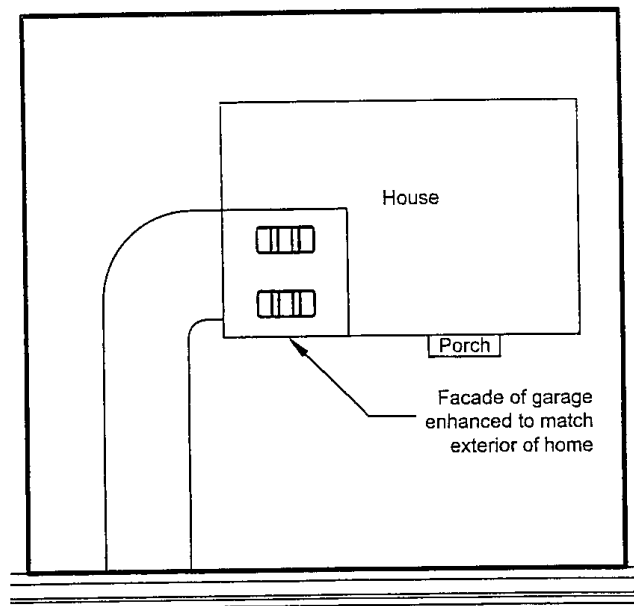
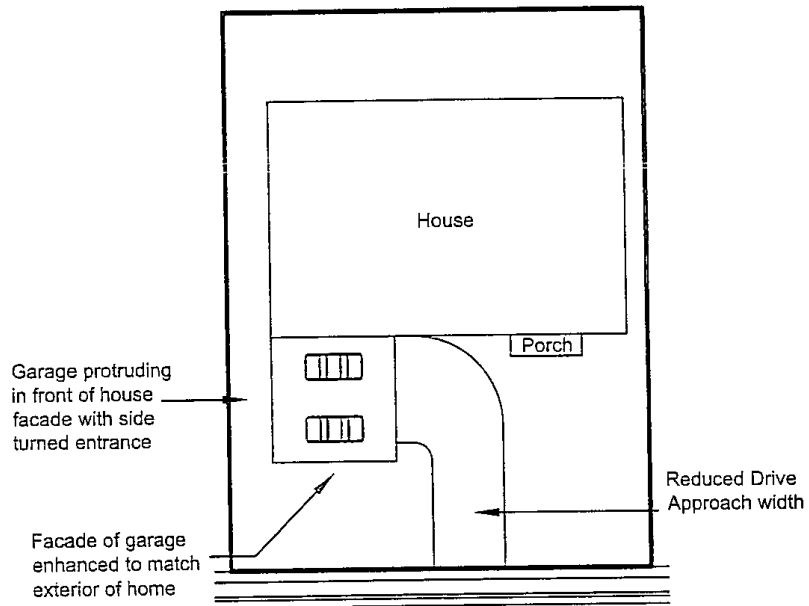
# EXHIBIT E

## FRONT LOAD 3 CAR "GARAGE EXAMPLES"

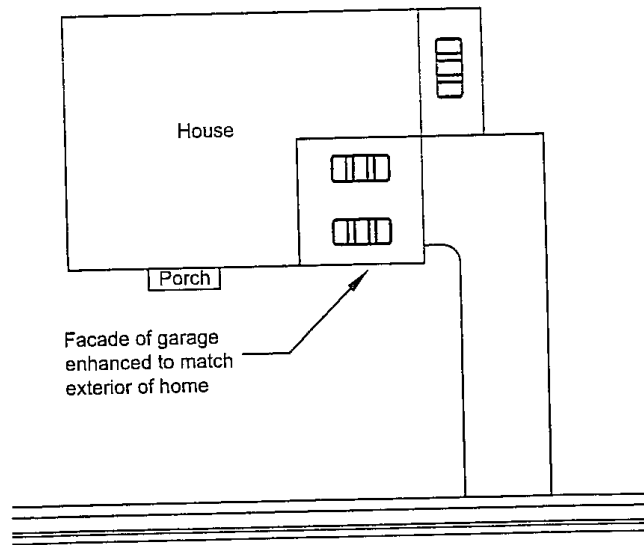
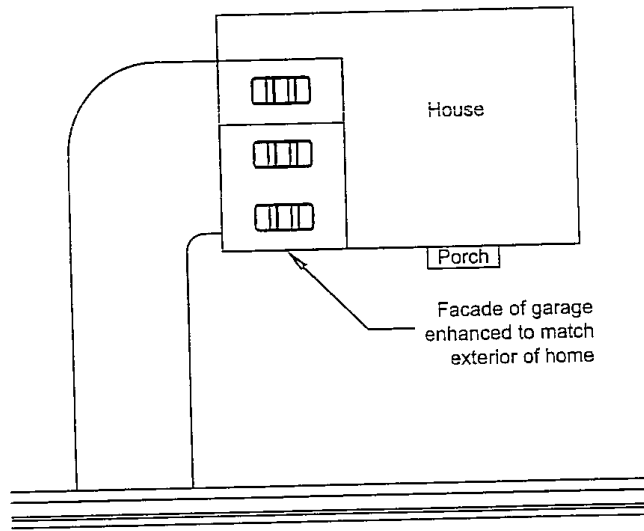


# EXHIBIT E

## TWO CAR SIDE TURNED "GARAGE EXAMPLES"

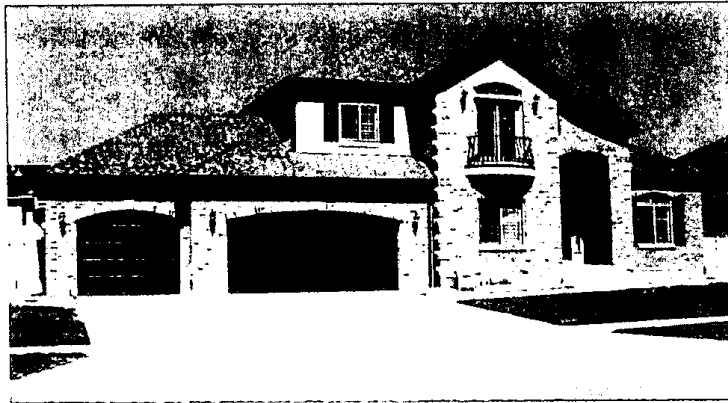
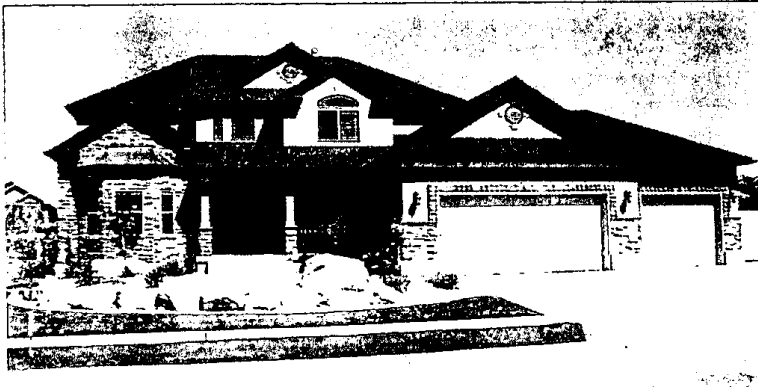


**EXHIBIT E**  
**THREE CAR SIDE TURNED "GARAGE EXAMPLES"**



# Attachment F

## Architectural Examples



- POOR COPY -  
CO. RECORDER

## Attachment G Recommended Street Trees

### COLLECTOR STREET TREES

SPACING • MINIMUM - 45' O.C. / MAXIMUM - 65' O.C.

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ACER P. 'EMERALD QUEEN'	NORWAY MAPLE
ACER PSEUDOPLATANUS	SYCAMORE MAPLE
AESCULUS x C. 'FT. McNAIR'	HORSECHESTNUT
CELTIS OCCIDENTALIS	HACKBERRY
FAGUS SYLVATICA	EUROPEAN BEECH
FRAXINUS P.L. 'CIMMZAM'	CIMMERON GREEN ASH
GLEDITSIA T. 'SKYLINE'	SKYLINE HONEYLOCUST
QUERCUS MACROCARPA	BURR OAK
QUERCUS RUBRA	RED OAK
TILIA C. 'GREENSPIRE'	GREENSPIRE LINDEN

### LOCAL AND NEIGHBORHOOD STREET TREES

SPACING • MINIMUM - 30' O.C. / MAXIMUM - 50' O.C.

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ACER CAMPESTRE	HEDGE MAPLE
ACER PLATANOIDES	NORWAY MAPLE
AESCULUS x CARNEA	HORSECHESTNUT
CARPINUS BETULUS 'FASTIGIATA'	PYRAMIDAL HORNBEAM
CELTIS OCCIDENTALIS	HACKBERRY
CRATAEGUS OXYCANTHA	ENGLISH HAWTHORN
CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN
FRAXINUS AMERICANA	WHITE ASH
FRAXINUS PENNSYLVANICA	GREEN ASH
GINKGO B. 'FAIRMONT'	MAIDENHAIR TREE
GLEDITSIA T. 'IMPERIAL'	IMPERIAL HONEYLOCUST
MALUS 'HOPA'	HOPA CRAB
PYRUS CALLERYANA 'BRADFORD'	BRADFORD FLOWERING PEAR
QUERCUS MACROCARPA	BURR OAK
TILIA A. 'REDMOND'	REDMOND LINDEN
TILIA C. 'GREENSPIRE'	GREENSPIRE LINDEN

Evergreen Trees are not permitted to be placed within the park strips or any other area that lies between a walkway and the curb.



## RECOMMENDED PLANTING LIST

### EVERGREEN TREES

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ABIES CONCOLOR	CONCOLOR (WHITE) FIR
ABIES LASIOCARPA	SUB-ALPINE FIR
PICEA PUNGENS	COLORADO GREEN SPRUCE
PICEA PUNGENS 'GLAUCA'	COLORADO BLUE
PINUS MUGO 'PUMILIO'	DWARF MUGO PINE
PINUS NIGRA	AUSTRIAN PINE
PINUS SYLVESTRA	SCOTCH PINE

### DECIDUOUS TREES

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ACER CAMPESTRE	HEDGE MAPLE
ACER GLABRUM	ROCKY MOUNTAIN MAPLE
ACER GRANDIDENTATUM	BIGTOOTH MAPLE
ACER PALMATUM	JAPANESE MAPLE
ACER PLATANOIDES *	NORWAY MAPLE
AESCULUS x CARNEA *	HORSECHESTNUT
BETULA OCCIDENTALIS	WATER BIRCH
CARPINUS BETULUS 'FASTIGIATA'	PYRAMIDAL HORNBEAM
CELTIS OCCIDENTALIS	HACKBERRY
CRATAEGUS OXYCANTHA	ENGLISH HAWTHORN
CRATAEGUS PHAENOPYRUM *	WASHINGTON HAWTHORN
FAGUS SYLVATICA *	EUROPEAN BEECH
FRAXINUS AMERICANA *	WHITE ASH
FRAXINUS PENNSYLVANICA *	GREEN ASH
GLEDITSIA TRICANTHOS *	THORNLESS HONEYLOCUST
MALUS 'HOPA'	HOPA CRAB
PLATANUS x ACERIFOLIA *	LONDON PLANE TREE
POPULUS ALBA 'PYRIMIDALIS'	BOLLEANA POPLAR
POPULUS DELTOIDS 'SOUIXLAND'	COTTONLESS COTTONWOOD
POPULUS TREMULOIDES	QUAKING ASPEN
PRUNUS CERA. 'THUNDERCLOUD'	THUNDERCLOUD PLUM
PRUNUS CISTENA	CISTENA PLUM
PRUNUS SUBHIRTELLA *	FLOWERING CHERRY
PYRUS CALLERYANA 'BRADFORD' *	BRADFORD FLOWERING PEAR
QUERCUS GAMBELII	GAMBEL (SCRUB) OAK
QUERCUS MACOCARPA *	BURR OAK
SALIX M. 'UMBRAECULIFERA'	GLOBE WILLOW
TILIA CORDATA *	LITTLELEAF LINDEN

\* DENOTES POTENTIAL STREET TREE VARIETY

**EVERGREEN SHRUBS**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ILEX AQUIFOLIUM 'SAN GABRIEL'	GREEN ENGLISH HOLLY
JUNIPERUS S. 'TAMARISCIFOLIA'	TAM JUNIPER
JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUNIPER
JUNIPERUS SCOPULORUM	ROCKY MOUNTAIN JUNIPER
MAHONIA A. 'COMPACTA'	COMPACT OREGON GRAPE
PHOTINIA FRASERI	FRASER PHOTINIA
PRUNUS LAUROCERASUS	ENGLISH LAUREL
TAXUS MEDIA 'HECKSII'	HICKS YEW

**DECIDUOUS SHRUBS**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
AMELANCHIER UTAHENSIS	UTAH SERVICEBERRY
ARONIA ARBUTIFOLIA	RED CHOKEBERRY
CORNUS STOLONIFERA	RED TWIG DOGWOOD
COTONEASTER APICULATA	CRANBERRY COTONEASTER
BUDDLEIA DAVIDII	BUTTERFLY BUSH
EUONYMUS ALATUS COMPACTA	DWARF WINGED EUONYMUS
FORSYTHIA I. 'LYNWOOD GOLD'	LYNWOOD GOLD FORSYTHIA
POTENTILLA FRUTICOSA SP.	SHRUBBY CINQUEFOIL
PRUNUS VIRGINIANA	CHOKECHERRY
RHUS TRILOBATA 'WASATCH'	WASATCH OAKBRUSH SUMAC
RHUS TYPHINA	STAGHORN SUMAC
ROSA RUGOSA	RUGOSA ROSE
SPIRAEA B. 'ANTHONY WATERER'	ANTHONY WATERER SPIRAEA
SPIRAEA VANHOUTTEI	BRIDAL WREATH SPIRAEA
SYRINGA VULGARIS	COMMON PURPLE LILAC
VIBURNUM SPECIES	VIBURNUM
YUCCA FILAMENTOSA	YUCCA

**GROUND COVERS**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
EUONYMUS FORTUNEI 'COLORATUS'	WINTER CREEPER
HEDERA HELIX	ENGLISH IVY
LYSIMACHIA NUMMULARIA	CREEPING JENNY
MAHONIA REPENS	CREEPING MAHONIA
POTENTILLA VERNA	CINQUEFOIL
SEDUM UTAH	UTAH GREEN SEDUM
VINCA MINOR	DWARF PERIWINKLE

**PERENNIAL FLOWERS**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ACHILLEA F. 'CORONATION GOLD'	GOLD YARROW
ACHILLEA MILLEFOLIUM 'CHERRY'	CHERRY YARROW
ALCEA ROSEA 'CHATERS MIXED'	HOLLYHOCK

AQUILEGIA 'BIEDERMEIER'  
 AQUILEGIA 'McKANA GIANT'  
 ARABIS CAUCASICA 'SNOW CAP'  
 ASTER BONNEY BLUE  
 ASTILBE 'BRIDAL VEIL'  
 ASTILBE 'FANAL'  
 AURINIA SAXATILE 'COMPACTA'  
 CAMPANULA ROTUNDIFOLIA 'OLYMPICA'  
 CENTAUREA MONTANA 'BLUE'  
 CHRYSANTHEMUM MAXIMUM 'ALASKA'  
 COREOPSIS GRANDIFLORA 'SUNRAY'  
 COREOPSIS VERTICILLATA 'MOONBEAM'  
 DELPHINIUM PACIFIC GIANT  
 DIANTHUS DELTOIDES 'BRILLIANT'  
 DIANTHUS PLUMARIUS 'ZING ROSE'  
 ECHINACEA PURPUREA  
 ECHINACEA PUPUREA 'ALBA'  
 GAILLARDIA GRANDIFLORA 'GOBLIN'  
 HEMEOCALLIS  
 HOSTA 'ROYAL STANDARD'  
 IMPERATA CYLINDRICA 'RED BARON'  
 LAVANDULA A. 'HIDCOTE BLUE'  
 LUPINUS 'RUSSELL HYBRIDS'  
 PAPAVER ORIENTALE  
 PENSTEMON 'PRAIRIE FIRE'  
 POLYSTICHUM SETIFERUM ANGULARE  
 RUDBECKIA FULGIDA 'GOLDSTUM'  
 VERONICA SPICATA 'RED FOX'  
 VERONICA TEUCRIUM 'BLUE SPIRES'

COLUMBINE  
 COLUMBINE  
 WHITE ROCK CRESS  
 MICHAELMAS DAISY  
 GOAT'S BEARD  
 GOAT'S BEARD  
 BASKET OF GOLD ALLYSSUM  
 BLUE BELLS OF SCOTLAND  
 BACHELOR BUTTON  
 SHASTA DAISY  
 TICKSEED  
 TICKSEED  
 LARKSPUR  
 MAIDEN PINKS  
 ZING ROSE COTAGE PINK  
 PURPLE CONEFLOWER  
 CONEFLOWER  
 BLANKET FLOWER  
 DAYLILY  
 PLANTAIN LILY  
 JAPANESE BLOOD GRASS  
 ENGLISH LAVENDER  
 LUPINE  
 ORIENTAL POPPY  
 PENSTEMON  
 ALASKAN FERN  
 BLACK EYED SUSAN  
 SPIKE SPEEDWELL  
 HUNGARIAN SPEEDWELL

**PROHIBITED PLANTS**

SCIENTIFIC NAME

ACER NEGUNDO  
 ELEAGNUS ANGUSTIFOLIA  
 POPULUS SPECIES  
  
 GINKGO - FEMALE CULTIVARS

COMMON NAME

BOX ELDER  
 RUSSIAN OLIVE  
 COTTON FORMING  
 COTTONWOOD  
 FRUITING FEMALE GINKGO

\* ANY PLANT OR SPECIES LISTED BY THE STATE OF UTAH AS A 'NOXIOUS WEED'.

## **Attachment H**

### **South Hills Home Builder's Soil Erosion Control Guidelines**

All builders shall be required to file a UPDES permit with the State of Utah as required by State Law. Each Builder must have a Storm Water Prevention Plan which must incorporate the items as outlined in this exhibit. *The UPDES permit can be done online at the following URL:*

*[http://www.waterquality.utah.gov/updes/Updes\\_f.htm](http://www.waterquality.utah.gov/updes/Updes_f.htm)*

*Builders are required to prevent soil erosion from the lots that they have purchased. Builders shall implement measures to prevent soil erosion during construction. Activities that will be managed, depending on the slope and nature of the lot, during construction include, but are not limited to the following:*

1. Grade lot so that drainage will follow the drainage easements between lots as specified on the grading and drainage sheets of the Construction Drawings for the Platted development. Each lot shall be graded so that drainage will follow the direction of the drainage arrows shown on the grading and drainage sheets.
2. Direct downspouts from gutters so that water runs away from bare soil on your lot. Flexible plastic pipe shall be utilized to direct the water away from bare soil towards the street.
3. Install and maintain a temporary silt fence barrier, sand bags, fiber filter rolls or Filtrex Filtersoxs around your lot. These products control sediment from eroding onto other lots and into the street. The chosen product shall be placed on the sides of the lot that front a street(s) and along property boundaries that slope onto other lots. The erosion control measure shall be placed next to the back of curb where the lot fronts a street. Figure 1 shows a typical lot on a hillside and the location of where these erosion control products shall be placed.
  - a. A silt fence is a black, woven plastic material with wooden stakes. The fence shall be trenched 6 inches into the ground and extend approximately 18 inches above ground. The fence is stabilized with wood stakes that are placed a maximum of 6 feet apart. Figure 2 shows how a typical silt fence is installed.
  - b. Sand bags are burlap or plastic bags filled with sand. The bags when filled are approximately 10 to 12 inches wide and 18 inches long. The bags are placed next to each other end on end two bags high and extend along the property boundary. Figure 3 shows how sand bags are placed to prevent sediment from leaving a lot.

- c. Fiber filter rolls are typically 8-9 inches in diameter and 25 feet long. They are placed in a small trench, 3 to 4 inches deep and staked with 18 or 24 inch wood stakes at four foot on center. The ends of adjacent fiber filter rolls are abutted to each other snugly. Figure 4 shows how a fiber filter roll is installed.
- d. Filtrexx SiltSoxx™ are sediment-trapping devices using Filtrexx FilterMedia™ applied with a pneumatic blower device or equivalent. The SiltSoxx™ are typically 8 or 12 inches in diameter and staked with 18 or 24 inch wood stakes at ten foot on center. Figure 5 is an example of Filtrexx SiltSoxx™.

The chosen sediment control measure shall be installed per the manufacturer's specifications. If the erosion control product is removed during the daily construction process it must be reinstalled at the end of each work day.

4. Maintain a single construction access to lot for vehicle entrance. The access shall be maintained to prevent sediment from entering the street. Sand bags shall be placed approximately 10 feet downstream from the construction access and as described in Figure 1.

South Hills will work with each builder to ensure that soil erosion is controlled within each lot that is under construction. Erosion control measures will be checked and monitored by Rosecrest and Herriman City.

Erosion Control is the responsibility of the builder during construction, and then transfers to the homeowner during occupancy. If a builder or homeowner fails to comply with these guidelines fines can be assessed and the builder or homeowner will be responsible for damage due to uncontrolled run-off. Remember the best way to control run-off is by landscaping. The deadlines on landscaping can be found in the design guidelines, which is a part of the CCR's for each plat.



- POOR COPY -  
CO. RECORDER

FIGURE 3 - SAND BAGS



- POOR COPY -  
CO. RECORDER

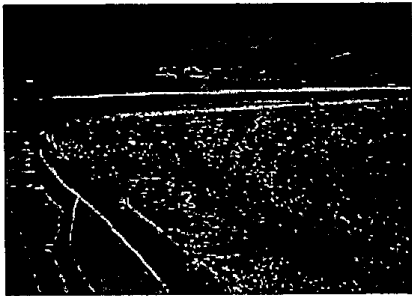


FIGURE 4 - FILTER FIBER ROLL

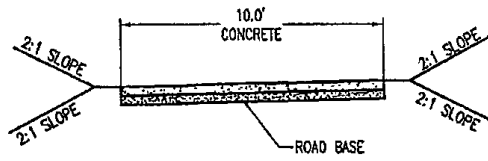


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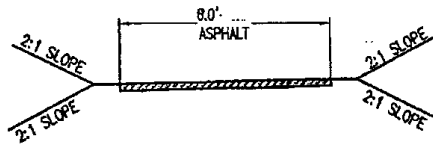
FIGURE 5 - Filtrex SiltSoxx™



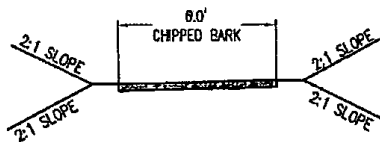
Attachment I  
"Trail Cross-Sections"



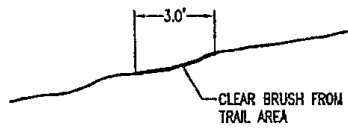
MULTI-USE URBAN - MEANDERING  
NOT TO SCALE



MULTI-USE URBAN - STANDARD  
NOT TO SCALE



SOFT SURFACE - RURAL  
NOT TO SCALE



SINGLE TRACK MTN. TRAIL  
NOT TO SCALE

Trail Cross-Sections

# EXHIBIT G

## SOUTH HILLS DEVELOPMENT ZONING PLAN

**DAI**  
 DEVELOPMENT ASSOCIATES, INC.  
 100 WEST 900 SOUTH, SUITE 200  
 SOUTH JORDAN, UTAH 84095  
 801-485-3414

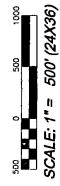
NO.	REVISION	DATE
1	REVISED PLOD FOR R-2-10	8/21/08
	DRYMAN BR. SPM	MJC
		BR
		DATE

PROJECT No. 1815  
 DATE: 8/21/08  
 DRAWN BY: SPM  
 SCALE (VERT):  
 SCALE (HORZ): 1"=500'

**SYNERGY CONSULTANTS**  
 1323 North Highway 89  
 Suite 204  
 Farmington, Utah 84025  
 Tel: 801-451-0431  
 Fax: 801-451-0438

SOUTH HILLS DEVELOPMENT  
 HERMAN, UTAH  
 ZONING PLAN

SHEET C1



**Legend**

- South Hills Development Boundary
- Annexation Boundary
- South Hills Development Zoning

**Zoning**

- A-1
- MU-2
- R-2-10
- R-2-15
- R-2-10
- RM
- Neighborhood Center
- Regional Artery

Total Open Area = 490.86 acres  
 Mountain View Center Area = 64.73 acres

